

Present: President Mercer; President Pro-Tem Briggs; Members: Burry, Kelly, LaFerriere, Mooney and Oen

Absent: None

Also Present: Village Manager, Wilson
Assistant Manager/Clerk, Marshall
Village Attorney, Ryan
Public Safety Director, Torongeau

President Mercer called the regular Council meeting to order at 7:30 p.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road. Boy Scout Christian Zietvogel from Troop 1699 led those in attendance in reciting the Pledge of Allegiance.

ADDITIONS TO AGENDA/APPROVE AGENDA

Motion by Oen, second by Mooney, to approve the agenda as published.

Motion passed.

COMMUNITY ANNOUNCEMENTS

Parks and Recreation Board member Bill Kondak provided a recap of this year's Memorial Day Parade and Carnival held on May 27. He said that the huge success of the event was owed to the efforts and contributions of many community members. Kondak thanked Paul Kleppert and Ron Berndt for following through with the idea of placing a monument in Beverly Park to honor veterans and all military who are still serving the country. Paul Kleppert led the fund raising efforts to design, purchase and install the monument; Ron Berndt organized a fitting memorial day commemoration. Kondak recognized those who participated in the ceremony including members of Council, Ron Mexicott and the Honor Guard, Grand Marshal Judge Bill Richards, Marine Corp Veteran Lt. David Noyes, and Congressman Sander Levin. Kondak thanked the Groves High School marching band under the direction of Jeff Krum, and he thanked Irene Davis and Pat Greening for providing the memorial wreath.

Kondak thanked Pat Westerlund for a fantastic job of organizing the Memorial Day Parade with the help of the Devonshire Men's Club. Kondak named some of the 50 individuals, groups, and vehicles that participated in the parade this year. He talked about the featured rides, games, entertainment, and food available at the carnival.

Kondak thanked all the volunteers for their efforts before, during, and after the event. He named a number of people who helped out including Jim O'Reilly, Sue Kondak, Loma Schmitt, Tricia Sloan, Janet Mooney, Rosanne Koss, Lisa and John Ross, Boy Scout Troop 1024, Scout Master Jim Mocerri, and volunteers from Groves and Seaholm high schools. The support and assistance from the Public Safety Department and Village Administration was greatly appreciated, with particular thanks to Ellen Marshall. Kondak listed the sponsors who provided monetary support for the parade and carnival. Finally, Kondak named the Parks and Recreation Board members and thanked them for the effort they put forth to make the Memorial Day festivities a success.

On behalf of Council, Mooney thanked Bill Kondak for his work as chairperson of this year's Memorial Day event.

CONSENT AGENDA

Motion by Oen, second by Mooney, to approve the consent agenda as published.

- a. Consider approval of minutes of a special Council meeting held May 30, 2013.
- b. Consider approval of minutes of a regular Council meeting held June 4, 2013.
- c. Review and file bills recapped as of Monday, June 17, 2013.
- d. Review and confirm revised 2012 Assessment Rolls for dust control and other miscellaneous assessments.

Motion passed.

BUSINESS AGENDA

APPOINT VARIOUS MEMBERS TO BOARDS/COMMITTEE

Council subcommittees met starting at 6:45 pm this evening to review applications for Village Boards and Committees. A number of Board members' terms will expire on June 30, 2013. It is Council's policy to make these vacancies open to the public as well as the currently seated members.

A subcommittee chaired by Burry met at 6:45 pm to review applications to fill two vacancies on the Birmingham Area Cable Board. The subcommittee recommended the reappointment of Ken McFadden to fill a vacancy expiring June 30, 2016. It was decided to delay the selection of a candidate to fill the second vacancy until next month pending further consideration.

Motion by Burry, second by Mooney, to reappoint Ken McFadden to fill a vacancy on the Birmingham Area Cable Board for a term expiring June 30, 2016.

Motion passed (7 – 0).

Mercer announced that there was a vacancy on the Birmingham Area Cable Board. A second announcement will be made at the next Council meeting. The deadline for receiving applications will be Friday, July 5, 2013. An appointment is anticipated to take place at the July 16, 2013 Council meeting.

The subcommittee chaired by Briggs met at 6:45 pm to consider recommending an appointment to fill a vacancy on the Communications Committee. There are three vacancies and only one applicant. The subcommittee recommended the reappointment of Edna Freier to the Communications Committee.

Motion by Briggs, second by Oen, to reappoint Edna Freier to the Communications Committee for a term to expire on June 30, 2016.

Motion passed (7 – 0).

Briggs announced that there are two vacancies on the Communications Committee.

At 7:00 pm the Parks and Recreation Board subcommittee chaired by Mooney met to consider filling one vacancy on the Parks and Recreation Board. The subcommittee recommended the reappointment of Irene Davis to the Board.

Motion by Mooney, second by Oen, to reappoint Irene Davis to the Parks and Recreation Board for a term to expire on June 30, 2016.

Motion passed (7 – 0).

The Planning Commission subcommittee chaired by Oen met at 7:00 pm to consider filling three vacancies on the Planning Commission. The subcommittee recommended the reappointment of Lee Peddie, Robert Stempien, and Patrick Westerlund. There were no new applications.

Motion by Oen, second by Briggs, to reappoint Lee Peddie, Robert Stempien, and Patrick Westerlund to the Planning Commission for terms to expire on June 30, 2016.

Motion passed (7 – 0).

The Zoning Board subcommittee chaired by LaFerriere met at 7:15 pm to review three applications for three member vacancies on the Zoning Board of Appeals. The subcommittee recommended the reappointment of William Donnelly, Phillip Mueller, and Eric Rass.

Motion by LaFerriere, second by Mooney, to reappoint William Donnelly, Phillip Mueller, and Eric Rass to the Zoning Board of Appeals for terms to expire on June 30, 2016.

Motion passed (7 – 0).

The subcommittee recommended the appointment of former Council member Antonia Grinnan to fill one alternate member vacancy on the Zoning Board.

Motion by LaFerriere, second by Mooney, to appoint Antonia Grinnan to fill the alternate member vacancy on the Zoning Board of Appeals for a term to expire on June 30, 2015.

Motion passed (7 – 0).

Mercer expressed the appreciation of Council for their service to all of those individuals who did not request to be reappointed to a Board or Committee.

REVIEW AND CONSIDER PROPOSALS TO REPLACE VILLAGE OFFICE PHONE SYSTEM

Manager Wilson stated that the Village office has been experiencing significant problems with its phone system for some time. He referred to the June 12, 2013 memo from Clerk Ellen Marshall indicating that the current phone system was purchased in 1998 for \$21,600 and served the Village well for 15 years. Due to the system's age, the ability to repair the system and find parts for repair is becoming problematic. There is a potential for a complete failure of the entire phone system.

Contact has been made with three local vendors, CTS Companies, Complete Communications, and Grid4 Communications to provide the Village with an analysis and a recommendation on replacement of the system. The Village office currently has a PBX System, a Private Branch Exchange. Because of the changes in technology that have occurred over the last 15 years, it will

be necessary for the Village to purchase a Primary Rate Interface card (PRI card), which is the standard for providing telecommunication services to offices.

The PRI card works with the PBX system and has a greater capacity than our current system, wherein it allows for up to 23 call paths for inbound and outbound calls, which includes voice, data, and fax. Our current phone system is analog; the proposed phone system is a hybrid that will support the new PRI circuit from WOW! and is IP ready.

The Village received two proposals, one from CTS and one from Complete Communications. Grid4 Communications chose not to submit a proposal because they wanted to provide equipment and service; a change of provider would not be in the best interest of the Village at this time.

The proposal from Complete Communications, which included a five year maintenance agreement, came in at a cost of \$24,909.00. The quote from CTS Companies was \$9,361.00 for the same equipment and a 5-year warranty. Staff checked on references. Mark Wollenweber, currently with the City of Grosse Pointe Shores, is familiar with CTS and has worked with them in more than one community; he spoke highly of CTS. In addition, long-time resident Norman Rubin offered his assistance in reviewing the proposals and agreed that, while CTS and Complete Communications both meet the Village's requirements, CTS is the more favorable vendor due to costs. A representative from CTS Companies, Mr. Pat Burdick, was present in the audience to answer questions. Wilson said he was confident that the proposal from CTS would meet the needs of the Village Office. It appears to be the most cost effective and the best way to proceed.

LaFerriere questioned whether an expansion of the public safety phone system might be more economical than installing a second system at the village office. Complete Communications provided phone equipment to the Public Safety Department building last year. He was concerned about having two separate companies running different systems within the village government.

Wilson responded that staff can transfer a call that comes into our office directly to public safety; we will be able to do that with the new phone system as well. It was determined that CTS was the most cost effective vendor considering the price difference and what CTS can provide the Village in terms of coordinating the systems between buildings. Marshall added that she had a conversation with a representative from Complete Communications regarding having one system for the entire campus, and it is not feasible because the cost outweighs the benefit.

Motion by Oen, second by Mooney, that the Beverly Hills Village Council authorize the purchase of a new Toshiba CIX 100 phone system from CTS Companies for the Village Offices for a cost not to exceed \$9,361.00. This includes the maintenance modem, 16 circuit digital station interface, voicemail PRI package, 15 handsets, 4 port CO Line/Station License, 4 port voicemail, labor and extended warranty for parts and labor.

Roll Call Vote:

Mercer	- yes
Mooney	- yes
Oen	- yes
Briggs	- yes

Burry - yes
Kelly - yes
LaFerriere - no

Motion passed (6 – 1).

REVIEW AND CONSIDER 2012/13 FISCAL YEAR BUDGET AMENDMENTS

Council is in receipt of a memorandum dated June 13, 2013 from Finance Director Wiszowaty listing amendments needed to the 2012-13 adopted Village budgets. The proposed budget amendments represent operating transfers or reserves from the General Fund and Major and Local Road Funds to other operating funds. The items are either budgeted or will be adjusted by budget amendments. Manager Wilson provided the rationale for various budget amendments.

Motion by Mooney, second by Briggs, that the Village of Beverly Hills Council authorize Village Administration to transfer or reserve monies in the General Fund, Public Safety and Major Road Funds as reflected in the June 13, 2013 memorandum from Finance Director Wiszowaty to Village Council and Manager Chris Wilson.

Roll Call Vote:
Motion passed (7 – 0).

Motion by Mooney, second by Oen, that the Village of Beverly Hills Council amend the 2012-2013 General Fund, Public Safety Fund, Local Street Fund, Vacation Reserve Fund, Sick Pay Fund, and Retiree Health Care Budgets as indicated in the June 13, 2013 memorandum from Finance Director Wiszowaty to Village Council and Manager Chris Wilson.

Questions and comments on the budget amendments were addressed by Wilson.

Roll Call Vote:
Motion passed (7 – 0).

The 2012/2013 Village Budget Amendment memo is on file at the Village office for public review.

REVIEW AND CONSIDER PROPOSALS TO PURCHASE RADAR UNITS FOR THE DEPARTMENT OF PUBLIC SAFETY

Wilson stated that the Public Safety Department is proposing to replace 12 to 15-year old radar units that are not functioning properly. Radar units and technology have changed significantly in the last decade. Department staff has been making inquiries of other agencies including the State Police. The Stalker Radar Dual SL Radar Unit was highly recommended. Captain Yanosy was able to secure one of these units for the Department to use and evaluate for six months; the unit has performed well.

The cost of the Stalker radar unit from Applied Concepts is \$1,266.23 per unit. The Department looked into similar units and received quotes in the amounts of \$1,835.99 and \$2,175.00 per unit. There is \$4,000 budgeted this year for radar units. Wilson concurred with the recommendation of Captain Yanosy to purchase three radar units (Stalker Dual SL Radar) at \$1,266.23 each for a

total amount of \$3,798.99 from Applied Concepts. This equipment comes with a two year warranty.

Motion by Mooney, second by Oen, that the Village of Beverly Hills Council authorize the Public Safety Department to purchase three Stalker Dual SL Radar Units from Applied Concepts at \$1,266.23 each for a total amount of \$3,798.99. The funds for this purchase are available in account #205-900-950 Capital Purchases Public Safety Equipment.

Questions from Council were addressed by Director Torongeau.

Roll Call Vote:
Motion passed (7 – 0).

REVIEW AND CONSIDER REPLACING SIX SELF CONTAINED BREATHING APPARATUS (SCBA) AIR BOTTLES

Wilson related that the Village received a grant in 2007 in the amount of \$104,000 to replace all SCBA equipment with the exception of spare cylinders. The Department is now 14 cylinders down from its normal inventory and requests to purchase six MSA L-30+ Carbon Wrapped Cylinders. Captain Yanosy has requested and received three bids for replacement cylinders. The low bid was from Apollo Fire Equipment Company at a cost of \$1,100 each.

Motion by Mooney, second by Oen, that the Village of Beverly Hills Council authorize the Public Safety department to purchase 6 MSA L-30+ Carbon Wrapped Cylinders from Apollo Fire Equipment for a total cost of \$6,600.00. Funds are available for this purchase in Account #205-900-980 Capital Purchases Public Safety Equipment.

Roll Call Vote:
Motion passed (7 – 0).

REVIEW AND CONSIDER HUBBELL, ROTH & CLARK INVOICE

Motion by Mooney, second by LaFerriere, to allow Council member Kelly to abstain from voting on the Hubbell, Roth & Clark invoice due to her business connection with this firm.

Motion passed.

Motion by Mooney, second by Oen, to authorize Administration to pay the total invoice of \$8,061.23 for miscellaneous work provided by consulting engineering firm Hubbell, Roth & Clark.

Roll Call Vote:
LaFerriere - yes
Mercer - yes
Mooney - yes
Oen - yes
Briggs - yes
Burry - yes

Kelly - abstain

Motion passed (6 yes – 0 no – 1 abstention).

PUBLIC COMMENTS

Sharon Tischler of 21415 Virmar Court, Southfield Township Clerk, inquired as to whether the Village Fence Ordinance allows a wrought iron fence to have protruding spikes at the top. She brought this to the attention of Council for the reason that there have been instances where deer have attempted to jump a 4 ft. fence of this type and have been impaled. Tischler asked Administration to consider a change to the ordinance.

Mercer responded that, as a former member of the Zoning Board of Appeals, he recalled that property owners must go before the Zoning Board and be granted a variance from the ordinance in order to erect a spiked fence. He added that some of these types of fences may predate the adoption of the Village Zoning Ordinance. Mercer suggested that concerns related to this type of fence should be brought to the attention of the Village Manager and code enforcement officer.

Zoning Board of Appeals chairperson Michelle Tillman thanked Council for their time and for appointing members to the Zoning Board.

REPORTS – MANAGER

Joint Parks and Recreation Meeting – There will be a joint Parks and Recreation Board meeting with the Village Council on Thursday, June 20th at 7:30 pm at the Beverly Park pavilion.

Ladder Truck – The old Public Safety Department ladder truck was sold on eBay for a price of \$3,700. There were 12 bids on the truck. A disclaimer was posted that the vehicle is not drivable and cannot be certified to be driven in the future. The Public Safety Department has done a good job in salvaging all of the equipment off of the old truck that could be of use to the Department in the future.

13 Mile Road Closure – The Village has been notified of the Closure of 13 Mile Road in Bingham Farms at Franklin Creek between Telegraph and Lahser beginning June 17th and running through October 18th. This road closure will allow for the replacement of the bridge on 13 Mile Road. Through westbound traffic on 13 Mile will need to detour south on Lahser to 12 Mile, west to Telegraph and north back to 13 Mile. Eastbound through traffic will detour south on Telegraph to 12 Mile, east to Lahser and back north to 13 Mile.

MERS Transition – Village Administration has been working with MERS staff on the transition of our active and retiree pension administration to MERS. Currently, it looks as if pension payments for retirees will be transferred during the month of August. Finance Director Wiszowaty and Treasurer Linkswiler are working on all the census data for retirees and active employees to facilitate the transition.

Department of Licensing and Regulatory Affairs Letter - Wilson outlined concerns at the last Council meeting regarding a proposed charter school being allowed as a tenant of the building at 31333 Southfield Road and the impact of this use on traffic and other matters. Wilson wrote a letter to the Department of Licensing and Regulatory Affairs expressing concerns and requesting

clarification on how the State allocates jurisdiction for site plan review, building plan review and inspection and fire safety inspection in a multi-tenant structure containing a public charter school.

Wilson received a letter from the State today responding to the 12 points he outlined in his May 29, 2013 letter. The State agency was in agreement with the Village on many items, most importantly that an Impact to Traffic Study will be required for the property. That report is required to be submitted to the State and to the Village. The State will require that a driveway access permit be received from the Village. The tenant will have to comply with Village sign requirements. The State clarified the position that, while it retains site plan and fire code review for the section of that building that is part of the charter school, the remainder of the building will fall under the zoning and fire safety responsibility of the Village of Beverly Hills. Wilson will keep Council posted on this matter.

In response to an inquiry from LaFerriere, Wilson affirmed that the charter school will be limited in what it can do in that space until a Certificate of Occupancy is issued.

Temporary Storage Pods – Burry requested the status of the unregulated use of storage containers on residential property, which has been referred to the Planning Commission. Wilson responded that this will be an agenda item for the next Planning Commission meeting. Pods are not specifically regulated in the Village Zoning Ordinance. Two questions to be addressed are the time limit on pods and where they will be allowed. Wilson's recommendation is that these storage units be allowed on driveways or hard surfaces only. The Village needs to tighten up on a time frame for storage pods. The Planning Commission will be recommending an ordinance amendment for Council approval.

REPORTS – COUNCIL

Burry commented that the recent BASCC (Birmingham Area Seniors Coordinating Council) golf outing at Lincoln Hills was a successful fund raiser. The Joint Senior Services Committee has issued its final recommendation and will be presenting it to member municipalities next month. Burry thanked everyone who participated on this committee with special thanks to the subcommittee members and to Renee Cortright, Executive Director of BASCC.

Burry announced that that the Birmingham Area Cable Board will meet tomorrow morning at 7:45 a.m. in the Council chamber.

LaFerriere congratulated the students at Groves and Seaholm High Schools on their success in the National Merit Scholarship program.

Mooney congratulated Groves High School student Fred Ayres for winning the Tom Carson Memorial Award. Tom Carson, Groves' first basketball coach, died suddenly of a heart attack following a basketball game in 1968. Every year since his death, the Tom Carson Memorial Award has been presented during graduation ceremonies to an outstanding senior male and female student who best personifies the qualities of personal behavior that Mr. Carson taught and believed in. Fred Ayres has been a volunteer in the community for numerous Village events. Mooney wished him great success in the future.

Council will hold its annual joint meeting with the Parks and Recreation Board at 7:30 pm on Thursday, June 20 in Beverly Park. Mooney asked members of Council to meet earlier to take a walking tour of the park at which time he will point out various areas and present his thoughts on what maintenance needs to be done. He proposed meeting at 6:45 pm.

Oen thanked Mr. Rubin for his assistance with reviewing the phone system proposal. Oen mentioned that Officer Tom Danielson was nominated for two awards this year by the MADD organization (Mothers Against Drunk Driving). One nomination is for the Lifesaver Award to eliminate drunk driving and underage drinking; the second nomination is for outstanding officer who made a difference in 2012.

Briggs related that the Baldwin Library Board met last night and reported on the first meeting with the architect who has been hired to prepare a conceptual design and cost estimates for the library expansion program. A new service for library members is available. Zinio is a multi-platform distribution service for digital magazines that can be checked out through the library. Also, Michigan Activity Passes will be available at the library or the library website.

Mercer recognized Groves High School Principal Fred Procter who is retiring this year after many years of service to the Birmingham School District and to the community. He will be missed by everyone in the community, especially Groves High School students.

Mercer welcomed the Birmingham Public School Administrative Offices to the Village of Beverly Hills. They are moving from their downtown Birmingham location to the former Groves High School conference center, which is being retrofitted to meet their purposes.

Mercer thanked resident Mr. Rubin for his assistance in reviewing the new Village phone system. He recognized Scout Christian Zietvogel and wished him good luck on his future endeavors.

Motion by Mooney, second by Briggs, to adjourn the meeting at 9:05 p.m.

Motion passed.

Tim Mercer
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary