

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
Director of Public Safety, Torongeau
Village Attorney, Ryan

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. The Pledge of Allegiance was recited by those in attendance.

ADDITIONS TO AGENDA/APPROVE AGENDA

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

Motion passed.

COMMUNITY ANNOUNCEMENTS

Southfield Township Treasurer Janet Mooney informed residents that, since September 14 is a Saturday, tax payments will be accepted through Monday, September 16. She reminded everyone that both Beverly Hills taxes and Southfield Township taxes are paid at the Township offices.

CONSENT AGENDA

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

- a. Consider approval of minutes of a regular Council meeting held August 20, 2013.
- b. Review and file bills recapped as of Monday, August 26, 2013.
- c. Review and consider 2014 Council meeting dates.

Motion passed.

BUSINESS AGENDA

REVIEW AND CONSIDER 2013 HALLOWEEN HOOT FUNDING

Manager Wilson stated that Council allocated \$4,500 in the 2013-14 budget for the Halloween Hoot. The Village contributes towards this annual event and handles related accounting functions. There is a balance of \$2,800 generated from donations to the Hoot, which goes back into the General Fund. Donations and revenue fluctuate from year to year. The Village allocates an expenditure to help cover costs associated with this popular community event. Council liaison to the Parks and Recreation Board John Mooney indicated his support of this expenditure.

Patricia Greening related that the 18th Annual Halloween Hoot will be held on Sunday, October 20, 2013. She outlined the activities that occur from morning until night in Beverly Park on the day of the Hoot involving residents of all ages. Janet Mooney added that kiosks used for trick or treating are set up along the path in the park by neighborhood associations, public safety officers, area business owners, community organizations and individual groups. People interested in donating to

this event or volunteering their time should call the Village offices at 248/646-6404 and ask for Ellen Marshall. Greening and Mooney thanked Council for its donations towards this event.

Motion by Mooney, second by Burry, that the Village of Beverly Hills Council approve an expenditure not to exceed \$4,500 for the 18th Annual Halloween Hoot that will take place in Beverly Park on Sunday, October 20, 2013. Funds for this expenditure are available in account #101-747-896, Community Action: Halloween Hoot Expenses.

Roll Call Vote:

Motion passed (7 – 0).

REVIEW AND CONSIDER SUBCOMMITTEE RECOMMENDATION TO FILL A VACANCY ON THE BIRMINGHAM AREA CABLE BOARD

A committee made up of Burry as chair, LaFerriere and Mercer met prior to the Council meeting to review applications to fill a vacant Beverly Hills position on the Birmingham Area Cable Board. There was one candidate for this appointment. The committee voted unanimously to recommend the appointment of Patricia Ann Schneider of 17116 Dunblaine to the Birmingham Area Cable Board.

Motion by Burry, second by Mercer, to appoint Patricia Ann Schneider as a Beverly Hills representative to the Birmingham Area Cable Board for a term to expire on June 30, 2016.

Motion passed.

ANNOUNCEMENT OF COMMUNICATIONS COMMITTEE VACANCY

Briggs announced a vacancy on the Communications Committee. This committee meets on the second Thursday of each month at 7:30 pm in the Council chamber. The term of the vacancy expires on June 30, 2016.

PUBLIC HEARING, SECOND READING AND POSSIBLE ADOPTION OF ORDINANCE #346 AMENDING CHAPTER 42, SECTION 42.17 OFFENSES AGAINST PUBLIC SAFETY, FIREWORKS

President Mercer declared the public hearing open on this proposed ordinance amendment at 7:46 pm. No one wished to be heard; therefore, the public hearing was closed at 7:46 pm.

Village Attorney Ryan presented the second reading of an Ordinance to Amend Chapter 42, Offenses, Section 42.17 Offenses Against Public Safety, Fireworks, in order to incorporate changes to State Law regarding fireworks and to confirm that ignition and discharge of fireworks is not permitted except on certain days and restricted to certain hours. The Ordinance Amendment indicates that consumer fireworks may be discharged only on the day before, the day of, and the day after a national holiday. The ignition, discharge or use of consumer fireworks is prohibited on the day before, the day of and the day after national holidays between the hours of 12:00 midnight and 8:00 a.m. except on New Year's Day when ignition, discharge or use of consumer fireworks is prohibited between the hours of 1:00 a.m. and 8:00 a.m.

Questions and comments from Council regarding the Ordinance were addressed by Ryan.

Motion by Mooney, second by Briggs, that the Village of Beverly Hills Council adopt Ordinance No. 346, an Ordinance to Amend Chapter 42, Offenses, Section 42.17 Offenses Against Public Safety, Fireworks, in order to incorporate changes to State Law regarding fireworks and to confirm that ignition and discharge of fireworks is not permitted except on certain days and restricted to certain hours.

Roll Call Vote:

Motion passed (7 – 0).

PUBLIC HEARING, SECOND READING AND POSSIBLE ADOPTION OF ORDINANCE #347 AMENDING CHAPTER 22, SECTION 22.08.220 TEMPORARY AND PORTABLE BUILDINGS, USES AND STRUCTURES

The Planning Commission recommended Council approval of an ordinance amending the Beverly Hills Ordinance Section 22.08.220 Temporary and Portable Buildings, Uses and Structures establishing regulations for the use of portable moving and storage containers. The amendment included an exception to the existing regulations for the use of portable moving and storage containers or dumpsters if four conditions are met.

At their first reading of this ordinance on August 20, Council expressed concern that the ordinance language may not be equitable for all residents in terms of a requirement to place the pod on a paved surface in a side yard or rear yard in order to use it for 14 days. Council preferred that paved driveway surfaces be treated the same whether they are in the front yard or side yard. The Planning Commission considered these comments at its August 28 meeting and was agreeable to language changes that would allow for placement of such structures in paved driveways for up to 14 days or on an unpaved surface for up to 48 hours. Wilson indicated that those changes have been incorporated into the language for the second reading of this ordinance.

President Mercer declared the public hearing open at 7:55 pm on the proposed Ordinance #347. No one wished to be heard; therefore, the public hearing was closed at 7:55 pm.

Attorney Tom Ryan presented the second reading of an Ordinance to Amend the Village Municipal Code, Chapter 22, Zoning Ordinance, Temporary and Portable Buildings, Uses and Structures. Section 1.01 contains the current language and additional language. The current language states that the Zoning Board of Appeals may permit temporary buildings, structures, and uses for a period not to exceed six months provided that all requirements and conditions relative to the type of structure and use, and timing and arrangement for termination and removal are met. The proposed new language reads as follows:

Temporary and portable structures are permitted without Zoning Board of Appeals approval when all of the following conditions are met:

- 1. No more than one (1) such container may be used per property at any given time.*
- 2. Such containers must be placed on a paved driveway surface of an occupied lot and shall not be located in an easement or right-of-way.*

3. The maximum duration for use of such containers shall be fourteen (14) days within any six (6) consecutive months. A property owner may seek a longer duration in accordance with the provisions above whereby Zoning Board of Appeals approval is required.

4. A container may be located on an unpaved surface for a period of no more than forty-eight (48) hours within the fourteen (14) days allowed in paragraph 3 above.

Motion by Mooney, second by Oen, that the Village of Beverly Hills Council adopt Ordinance No. 347, An Ordinance to Amend the Village Municipal Code, Chapter 22, Section 22.08.220 Zoning Ordinance, Temporary and Portable Buildings, Uses and Structures for the Village of Beverly Hills.

In response to an inquiry, Wilson indicated how the ordinance change will be communicated to residents who have storage pods existing on their property. The provisions of the new ordinance will be in effect 20 days following its publication in The Eccentric newspaper.

Roll Call Vote:

Motion passed (7 – 0).

REVIEW AND CONSIDER RESOLUTION ADOPTING MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM (MERS) DEFINED CONTRIBUTION PLAN

Upon the completion of contracts with the Public Safety Officers Union and Command Union the Village was able to implement a Defined Contribution Plan for all Public Safety Officers hired after July 1, 2013. The Village has been working with MERS to complete the necessary resolutions and paperwork for the adoption of a Defined Contribution for the Village per the terms of the new Union Contracts.

Council is in receipt of a copy of a resolution adopting the Michigan Employees' Retirement System (MERS) Defined Contribution Plan along with a copy of Defined Contribution Plan Adoption Agreement. The Adoption Agreement has been reviewed by MERS and Village Administration and is compliant with the Village's most recent agreements with the PSO Union and Command Union. Wilson highlighted provisions of the MERS Adoption Agreement. He recommended Council approval of the Resolution and Agreement so that the plan can be established through MERS.

Motion by Briggs, second by Oen, that the Village of Beverly Hills Council approve the Resolution Adopting the MERS Defined Contribution Plan as submitted and authorize the Village Manager to execute the MERS Defined Contribution Plan Adoption Agreement as submitted.

Questions from Council were addressed by Wilson. Copies of the Resolution and Agreement are available for public review at the Village offices.

Roll Call Vote:

Motion passed (7 – 0).

REVIEW AND CONSIDER RESOLUTION ADOPTING MERS HEALTH CARE SAVINGS PROGRAM AND AUTHORIZING VILLAGE MANAGER TO EXECUTE THE MERS HEALTH CARE SAVINGS PROGRAM PARTICIPATION AGREEMENT

Upon approval of new contracts with the Public Safety Officers Union and Command Union, the Village was able to implement a Health Care Savings Program for all Public Safety employees hired after July 1, 2013. The Health Care Savings Program would provide resources for employees and their beneficiaries to meet their health care needs in retirement in lieu of Village provided retiree health care. Wilson discussed some details included in the Health Care Savings Program Participation Agreement related to eligible employees, employee and employer contributions, vesting cycle, etc.

The Municipal Employees' Retirement System has been working with Village Administration on the drafting of a Resolution and Participation Agreement to implement a Health Care Savings Program for all Public Safety new hires. Council is in receipt of a Resolution and Health Care Savings Program Participation Agreement. The Resolution and Participation Agreement have been reviewed by MERS and Village Administration and are compliant with the newly completed union contracts. The documents have been reviewed and approved by Village Attorney Ryan and Labor Attorney Dennis Dubay.

Motion by Briggs, second by Mooney, that the Village of Beverly Hills Council approve the MERS Health Care Savings Program Uniform Resolution and authorize the Village Manager to execute the MERS Health Care Savings Program Participation Agreement as submitted.

Questions and comments from Council on this program were addressed by Wilson. Copies of the Resolution and Participation Agreement are available for public review at the Village offices.

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

REVIEW AND APPROVE HUBBELL, ROTH & CLARK INVOICE FOR PAYMENT

Motion by Mooney, second by Briggs, to allow Council member Kelly to abstain from voting on the invoice received from Hubbell, Roth & Clark based on her business relationship with the vendor.

Motion passed.

Motion by Mooney, second by Oen, that the Village of Beverly Hills Council approve the invoice submitted by Hubbell, Roth & Clark Inc. for professional services in the amount of \$8,034.85.

It was noted that a portion of this engineering work involved a survey along Evergreen Road related to the Eryty Dam. At the inquiry of Council, Wilson elaborated on the survey and provided some history on recent Eryty Dam issues. When Village Administration has completed its review of the survey, notification will be sent to affiliated groups and members of the public who have an interest in this matter.

Ayes: Briggs, Burry, LaFerriere, Mercer, Mooney and Oen
Abstain: Kelly
Nays: None

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

PUBLIC COMMENTS

Leslie Sheets of 15589 Buckingham reported that her basement flooded last Friday night after a heavy rainstorm. Water was gushing in through one of the drains in her basement. Some of her neighbors also experienced water in their basements. Sheets commended the Village staff for their professionalism in handling her phone call and for coming out to check her drain. Oakland County personnel came to her home today and visited other residences where flooding was reported. They examined manhole covers on their street. Sheets expressed concern with her property values and requested action from the Village to resolve whatever issue is causing the flooding.

Wilson remarked that it is not surprising to experience sporadic flooding incidents when there is a rain of that magnitude. Reports indicated that there was a cluster of flooding around the Buckingham and Greenfield Road area. Village DPW employees went out to investigate the area, and Oakland County Water Resources Commission office was contacted immediately upon hearing of the flooding situation.

The problem could be blockage of a storm sewer when there is more than one house affected in an area. At this point, a blockage has not been found; crews will continue to investigate to determine whether the system is functioning properly. Wilson said that it may have been an unfortunate situation of heavy rain that exceeded sewer capacity. There was some indication from Oakland County that there were a number of houses in the area that did not experience water backups. Those homes may have had backflow preventers that kept water from coming into their basements.

REPORTS – MANAGER

Rainwater in basements - Wilson said that there were sporadic cases of rainwater in basements following last Friday's heavy rain. In some cases, water comes through the basement walls. The Village is continuing to investigate water coming from the drain. There will be a determination made as to whether this was a heavy rain event or whether the Village has legitimate capacity concerns in a particular area of the Village. If there are indications of a limited capacity problem, administration will be coming back to Council for a solution to address that area.

Beverly Paving – Paving is now complete on Beverly Road and the parking lot at Beverly Park. Beverly Road has been striped. The parking lot at Beverly Park had to be closed for the day on Monday for construction. The Village appreciates the patience and understanding of all Village residents. There are still a few sections of sidewalk that the contractor will need to replace. Village Administration is monitoring the restoration work.

Audit – Plante Moran completed its field work on site at Village Hall last week. Work on the annual audit will continue off site in the coming weeks. Plante Moran has requested a tentative date of October 15 for the audit presentation to Council.

Sewer Blockage – The Village has been made aware of a sewer backup on Beechwood. Upon investigation, the Village found a blockage of a portion of the sewer on Beechwood west of

Sheridan, which should be cleared as soon as possible to avoid a collapsed sewer. Through Oakland County, the Village has received two bids for the repair of this section of sewer. The low bid for this work was \$24,524.67. The work would involve the televising, cleaning, grouting and lining of this section (284 feet) of sewer. Due to the emergency nature of the situation, the Public Services Director and Village Manager authorized the work to proceed with funding from the Water and Sewer Fund. Currently, there is approximately \$1.2 million in cash reserves in this fund.

With the number of backup incidents reported in recent months, the Village had requested a more aggressive sewer inspection and cleaning schedule by Oakland County. During this process, the Village has located another area of blockage along Riverside and Faircrest. This blockage has not yet caused a backup. Oakland County was unable to completely clean the line and remove the blockage and has expressed concerns about the structural integrity of the line. Unfortunately, this line is located in a rear yard easement. Village Administration is working with Oakland County and adjacent property owners to address the situation.

With school back in session, Wilson reminded people to be aware of children walking and riding bikes to school. Please stop when school busses are loading and unloading. Wilson stated that the Thirteen Mile Road closure is ongoing. The Bingham Farms bridge replacement project is scheduled to continue through mid-October.

Wilson addressed questions from Council on the topics of basement flooding, sewer backups, parking lot striping, upcoming presentation of first year dispatch statistics by Chief Studt, and financing of an additional public safety officer. Residents were advised to assume that there is a sanitary component to flood water even if the water looks clear. DPW staff can make a determination upon their visit.

REPORTS – COUNCIL

Mooney reported that the Movie Night in the Park held on August 19 was a successful community event with a large attendance including residents of all ages. People enjoyed the movie and had a great time. Mooney thanked Council for its support of the Halloween Hoot.

Mercer observed that there was still restoration work to be done on Beverly Road following the paving project. Wilson responded that cement work will be done on a couple of driveways, at the Beverly School crosswalk, and at the west entrance of Beverly Park. Mercer remarked that he has received positive comments regarding the Beverly Road paving work. He received a request for additional police patrols due to the possibility of increased speeds related to the new asphalt paving.

Motion by Mooney, second by Oen, to adjourn the meeting at 8:55 pm.

Motion passed.

Tim Mercer
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary