

Present: President Mooney; President Pro-Tem Peddie; Members: Abboud, Delaney, Kelly, Mueller and Oen

Absent: None

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

Council President Mooney 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. Those present recited the Pledge of Allegiance.

AMENDMENTS TO AGENDA/APPROVE AGENDA

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

Motion passed.

COMMUNITY ANNOUNCEMENTS

Janice Hausman, Vice-Chair of the Parks and Recreation Board, reported that the 34th Annual Memorial Day Parade and Carnival held on Monday, May 25 was a great success. The weather was questionable, but many families participated in the festivities. Hausman summarized the parade and carnival entertainment, games, and activities as well as the food truck offerings this year. A complete financial report is not yet available; however, it is anticipated that parade and carnival expenses will be covered by the generous donations from sponsors with a modest surplus remaining for park improvements. Hausman named the sponsors, noting that they were listed on a banner displayed in the park. She asked that residents give their support to those businesses.

Hausman thanked Village residents Kim and Mike Eberhardt for doing a tremendous job of organizing the parade again this year. She recognized Ron Berndt for organizing the Memorial Day Commemoration, noting the participation of President Pro-Tem Lee Peddie, Parks & Recreation Board Chairperson Bill Kondak, Grand Marshal Jim O'Reilly and Reverend Daniel Grams. Congressman Sander Levin attended and yielded the microphone to two veterans. The memorial wreath was provided by Irene Davis and Pat Greening in memory of their husbands Robert Davis and Donald Greening. Hausman thanked all the volunteers for their efforts before, during, and after the event. On behalf of the Parks and Recreation Board, she extended a sincere thanks to all who assisted with the community event.

Bill Kondak, Parks and Recreation Board chairperson, recognized Janice Hausman for taking on the responsibility of organizing the Memorial Day activities this year. She was very active behind the scenes in coordinating this successful day.

Greg Burry on Pierce commended the parade organizers and sponsors for a job well done. This was the first year that the Next senior organization participated in the parade. Everyone who rode or walked in the parade enjoyed themselves and were appreciative of the support from people along the route. Burry reported on the Next annual golf outing and dinner, which was a success.

He reported that the Next Board approved the 2015-16 budget, which will enable the organization to be able to continue to provide increased services and hours.

Next has elected its new Executive Board. Ed Pugh is the new president of Next; Greg Burry is vice-president; Kathy Jones Cutler is the secretary; Paul Buckles is the new treasurer. Burry named three new Board members. He thanked Bob Borgon for leading the organization through its transition from BASCC to Next and advocating the move towards increased activities and programming as well as expanded hours.

Burry stated that he has been contacted by Birmingham Youth Assistance requesting representation from Beverly Hills on their Board. He asked Council to give this some consideration, noting that he would be available if the Village needs someone to represent Beverly Hills.

PUBLIC COMMENTS ON ITEMS NOT ON THE PUBLISHED AGENDA

Matthew Curis, who lives at the corner of Fairfax and Amherst, questioned the decision to repave Fairfax and mentioned the lack of notice to residents. Mooney responded that Fairfax is in need of improvement according to engineering studies. Administration will contact Mr. Curis regarding how and why these decisions are made.

CONSENT AGENDA

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

1. Consider approval of minutes of a regular Council meeting held May 19, 2015.
2. Review and file bills recapped as of Monday, June 1, 2015.
3. Review and consider appointment of Village representative and alternate to the Southeastern Oakland County Resource Recovery Authority Board.
4. Review and consider appointment of Village representative and alternate to the Southeastern Oakland County Water Authority Board.

Kelly referred to the Council meeting minutes of May 19, 2015, page 3, last paragraph. She questioned the reference made to any liability associated with the County mobile recreation facilities. Wilson clarified that the event in question will be covered by the Village's liability policy; in addition, Beverly Hills will receive a certificate from Oakland County adding the Village as an additional insured on their policy for that day.

Motion passed.

BUSINESS AGENDA

REVIEW AND CONSIDER REQUEST FROM KAREN MCEWEN TO HOLD A CHARITY WALK FOR THE PRIMARY CILIARY DYSKENISIA (PCD) FOUNDATION ON SUNDAY, OCTOBER 4, 2015 AT BEVERLY PARK

Motion by Mueller, second by Oen, that the Village of Beverly Hills Council authorize Karen McEwen to use Beverly Park and Village streets and sidewalks for a charity walk benefitting the Primary Ciliary Dyskenisia Foundation on Sunday, October 4, 2015 from 1:00 p.m. until 4:00 p.m., subject to providing the appropriate insurance policy. Pavilion rental fees will be waived for this event.

Karen McEwen from Bloomfield Hills outlined her proposal to hold the second annual fundraiser, “A Spooktacular Walk for PCD” to benefit the Primary Ciliary Dyskenisia Foundation. McEwen stated that her 11-year-old daughter has this rare, incurable disease. McEwen requested to hold the walk on Sunday, October 4, 2015 beginning at 1:00 p.m. at Beverly Park. She outlined the route and said that the participants will return to the park where a number of adults will hand out candy along the park trail to the young people, who will be wearing Halloween costumes. This will be a family event that will end about 4 p.m.

The Parks and Recreation Board voted unanimously to support this event.

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

REVIEW AND CONSIDER SEVERANCE AGREEMENT WITH BOB WISZOWATY

Council is in receipt of a memorandum from Manager Wilson regarding Finance Director Bob Wiszowaty’s official request for retirement and Severance Agreement. Bob Wiszowaty has been out of the office for a number of weeks due to a serious medical situation.

Mooney affirmed that Mr. Wiszowaty has been the Finance Director for the Village for 23 years. Due to his medical condition, he is having difficulty coming back to work. Bob is eligible for a regular retirement from MERS based on his age and years of service. He has used his accrued sick time during his recent time off. Bob has sufficient accruals of sick time, personal leave time, and vacation time to be off for some time. During his absence, the Village has contracted for outside financial services to perform his work. Some of the duties have fallen on existing Village staff, a function that is not sustainable. When it became clear that Mr. Wiszowaty’s absence was going to be extensive, administration contacted Plante Moran for temporary assistance with Village accounting and finance activities.

The Village hoped for a full return of Mr. Wiszowaty as soon as possible. Mr. Wiszowaty has submitted a letter dated May 11, 2015 officially requesting his retirement as of June 15, 2015. A full retirement with a severance agreement and release of all claims would allow Bob to continue his recovery and would allow the Village to move forward with hiring a new Finance Director.

A severance agreement and release of all claims has been drafted by the Village Labor Attorney Dennis DuBay and provided to Council and Attorney Tom Ryan for review. Ryan stated that the long term service of Mr. Wiszowaty and the financial implications of continuing to have him on the payroll are unique situations that factor into this retirement and severance agreement. The Village is losing a good employee, but this action will allow the Village to move forward. Upon review and agreement of the document by all parties, Bob Wiszowaty’s retirement will be effective June 15, 2015.

Motion by Delaney, second by Oen. Be it resolved that the Village of Beverly Hills Council accept the resignation letter of Robert Wiszowaty from his position of Finance Director of the Village of Beverly Hills. Be it further resolved that the Council approves and authorizes the Village Manager to execute the Severance Agreement with Robert Wiszowaty for his retirement effective June 15, 2015 and release all claims against the Village and provide compensation of \$20,000 upon expiration of the revocation period pursuant to the terms of the agreement and a payment of \$5,000 upon the revocation

period for a release of all claims pursuant to the Older Workers Benefit Protection Act, all payments to be made less all deductions required by law.

Council expressed their deep appreciation for Bob Wiszowaty's 23 years of excellent service to the Village of Beverly Hills and wished him well. Members voiced their acceptance of the proposed retirement and severance agreement as being in the best interest of the Village.

Kelly recognized the value of Mr. Wiszowaty as an employee and realized that this is not how Council wanted to see him part with the Village. Kelly questioned the costs savings of the proposed severance agreement to the Village and the use of assets.

Roll call vote:

Ayes: Abboud, Delaney, Mooney, Mueller, Oen and Peddie

Nays: Kelly

Motion passed (6 – 1)

SECOND ANNOUNCEMENT OF VARIOUS BOARD/COMMISSION VACANCIES

The second announcement was made for a number of vacancies on various boards and commissions as terms of office expire on June 30, 2014. There are five seats on the Zoning Board, three seats on the Parks and Recreation Board; three seats on the Planning Commission; and one seat on the Retirement Board.

All terms are for three years. It is the policy of Council to make these positions open to the public as well as the currently seated members. The deadline for submitting applications is Friday, June 5, 2016. Appointments are scheduled to take place at the June 16 Council meeting.

Zoning Board

Chris Crossen
Vacancy (Sharon Fox)
Mary Ann Verdi-Hus
Karen Mitchell
Ashley Lepidi

Planning Commission

George Ostrowski
Andrew Drummond
Robert Ruprich

Parks & Recreation

William Kondak
Janice Hausman
Jennifer Ruprich

Retirement Board

Richard Maxwell

REVIEW AND CONSIDER AWARDING CONTRACT FOR WOOD CHIP REPLACEMENT AT BEVERLY PARK PLAYGROUND

Bids were opened on May 20, 2015 for the delivery and installation of wood chips at the Beverly Park playground. Two bids were received. Superior Groundcover was the lowest bidder; this vendor supplied and installed wood chips at the park two years ago and did an excellent job.

Motion by Mueller, second by Abboud, to award the bid to Superior Groundcover for the delivery and installation of 300 cubic yards of playground woodchips at Beverly Park for the amount of \$7,500. Funds for this project are available in account #101-440-778.03.

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

REVIEW AND CONSIDER APPROVAL OF HUBBELL, ROTH & CLARK INVOICES

Motion by Oen, second by Peddie, to allow Council member Kelly to abstain from voting on the invoices received from Hubbell, Roth & Clark based on the financial relationship of her employer with the vendor.

Motion passed.

Motion by Oen, second by Peddie, that the Village of Beverly Hills Council approve the invoice submitted by Hubbell, Roth & Clark Inc. for professional services in the amount of \$7,055.41 for the period ending May 11, 2015.

Roll Call Vote:
Ayes: Abboud, Delaney, Mooney, Mueller, Oen, Peddie
Nays: None
Abstain: Kelly
Motion passed (6 yes – 0 no – 1 abstention).

PUBLIC COMMENTS

Sharon Tischler, 21415 Virmar Ct., complimented the Beverly Hills Public Safety Department for its outstanding honor guard ceremony at former Public Safety Director John Knotts' funeral last week.

MANAGER'S REPORT

Paving Update – Wilson agreed with comments made by Mr. Curis this evening regarding the lack of notification to residents with respect to adding Fairfax and Madoline to the repaving program. He apologized for the lack of notice. Wilson discussed the deteriorating condition of Fairfax and the decision to add Fairfax and Madoline to the paving projects.

Wilson reported that the paving of Beverly is complete as is the paving of Riverside with the exception of a few intersections. Fairfax, Sheridan and Madoline have been milled and will be paved next week. The Lahser Road project will be coming up.

Accounting Services – During the absence of Finance Director Bob Wiszowaty, the Village found it necessary to utilize outside services for some of its accounting functions. The Village is in need of assistance with various accounting and finance duties. Wilson reported that Plante Moran will be able to assign a staff member to the Village beginning tomorrow, June 3, to assist the Village with pressing financial matters. Every effort will be made to prepare budget amendments for consideration at the last Council meeting of the fiscal year on June 16, 2015. It is possible that a special meeting may need to be held later this month if Plante Moran is unable to complete the necessary work to have budget amendments ready by June 16.

Joint Parks and Recreation Committee Meeting – There will be a joint meeting of the Council with the Parks and Recreation Board on at 7:30 p.m. on Thursday, June 18 at the Beverly Park pavilion.

Tremont Lane – The Planning Commission reviewed the final site plan for a cluster housing development option at 19600 W. 13 Mile Road, known as Tremont Lane. In terms of cluster option requirements, ordinance standards were met for the most part. The applicant must obtain all necessary approvals from outside agencies as applicable. The Planning Commission tabled its recommendation for site plan approval to allow for modifications to the plan in terms of providing screening for the property to the north before going to Council for consideration. It is anticipated that the Planning Commission will review the revised site plan at its June 24 meeting; the site plan will come before Council in the near future.

Eryty Dam – Wilson related that there was a significant failure of the right spillway at the Eryty Dam on Sunday, May 31. The north wall of the right spillway became extremely compromised. There was loss of trees and erosion around the bank. Trees obstructing Evergreen Road had to be removed. Wilson and Public Services Director Meszler assessed the situation on Monday morning; they contacted the Department of Environmental Quality based on their concerns about the condition of the spillway and what it might mean for the entire Eryty Dam.

Wilson clarified that Eryty Dam consists of two spillways. The right spillway is off Evergreen Road; the left spillway is a dam structure between the ends of Old Pond Court and Rosevear. The left spillway appears to be in good shape. Wilson and Meszler met with DEQ representatives today; the DEQ will advise the Village later this week on how to proceed. It is possible the DEQ could issue an order for a draw down. The concern is that, if water continues to flow over the right spillway under Evergreen Road, it will eventually cause a significant release downstream in the Rouge River and also undermine the safety and viability of Evergreen Road and the box culverts under the bridge.

Wilson has an email list of residents who have had an interest in Eryty Dam for some time. He has attempted to include these individuals in his communications. Wilson also informed the local newspaper to keep them apprised of what is occurring. He will continue to provide updates.

COUNCIL COMMENTS

Council members thanked the Parks and Recreation Board and the many volunteers who helped with the 34th Annual Memorial Day Parade and Carnival.

Phil Mueller reported that repairs have been made to the floor of the gazebo at Beverly Park.

Abboud reported items discussed at the May 27 Planning Commission meeting. The Commission reviewed amendments to the sign ordinance, which will be referred to Council for consideration. Abboud outlined the Planning Commission review of the site plan for Tremont Lane at 19600 W. 13 Mile Road. The Planning Commission is in the process of updating the Village Master Plan, and they are working on a marketing plan for the Village Center.

Abboud will attend a SEMCOG meeting in late June to be held at the Detroit Zoo. He reported on his attendance at the Mayor's meeting with President Pro-Tem Peddie. Abboud pointed out that there will be more seniors in Oakland County this year than school age children. The Next organization is asking for tax deductible donations as part of its 2015 fund raising campaign to help support the services they provide including transportation, tax preparation, nutritional support, legal counseling, and a number of fitness and educational programs.

Mooney thank Ms. Peddie for serving as co-president with him and representing the Village on the Council's behalf. He thanked Robert Borgon for serving as president of the Next Board. Mooney and Oen commented on the passing of former Beverly Hills Public Safety Director John Knotts and thanked the Public Safety Department for their fine representation at his funeral service.

Motion by Oen, second by Abboud, to adjourn the meeting at 8:36 pm.

Motion passed.

John Mooney
Council President

Ellen E. Marshall
Village Clerk