

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

Absent: Kelly (Absent at roll call, arrived at 7:55 p.m.)

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 Peddie, to approve the agenda as published.

Motion passed.

### **COMMUNITY ANNOUNCEMENTS**

None

### **SPECIAL ORDER OF BUSINESS**

Mooney expressed his honor to speak on behalf of members of this Council, and members of former Councils reaching back to 1992, to say goodbye and give praise to Bob Wiszowaty. He has been the Finance Director for the Village of Beverly Hills since 1992, and has now retired. Bob is having some health issues that everyone hopes he overcomes. This Council, the Administration, our Legal Counsel, the members of Public Safety, all staff, and residents all owe a great debt of gratitude to Bob Wiszowaty for everything he has done through the very hardest of times to the present to make certain this community has gone forward. He leaves Beverly Hills in an outstanding financial condition. A Proclamation was read by Mooney. The Proclamation along with an engraved plaque will be presented to Bob Wiszowaty for his dedicated service to the Village of Beverly Hills from November 2, 1992 to June 15, 2015. The Proclamation was unanimously adopted by the Village President and Council. Finance Director Wiszowaty received a standing ovation from everyone present.

### **PROCLAMATION**

**Whereas,** Robert Wiszowaty has faithfully served as Finance Director for the Village of Beverly Hills from November 2, 1992 to June 15, 2015; and

**Whereas,** as the Finance Director, Robert Wiszowaty dedicated his time and energy to attending to the many details and intricacies of Beverly Hills' finances, including such complex matters as investments and refinancing bonds; and

**Whereas,** Robert Wiszowaty utilized his many years of experience and expertise to serve the Village of Beverly Hills by using his skills and knowledge to assist the Village

Council and Administration in achieving balanced budgets and successful audits;  
and

**Whereas,** Robert Wiszowaty provided invaluable assistance in guiding the Village of Beverly Hills through difficult economic times; and

**Whereas,** while serving as the Beverly Hills Finance Director, Robert Wiszowaty brought a high level of excellence in loyalty, work ethic and dedication to the Finance Department with the ultimate goal of delivering the highest level of service to the Village of Beverly Hills; and

**Whereas,** this proclamation recognizes Robert Wiszowaty's outstanding contribution to Beverly Hills by consistently presenting himself with the utmost professionalism.

**Now, Therefore, Be It Proclaimed,** that Robert Wiszowaty be extended a heartfelt thank you from each Village Council member, all staff members and the residents of Beverly Hills for his many contributions to the Village for the past 23 years.

**Be It Further Proclaimed,** that the Village Council wishes Robert well in his retirement and extends its best wishes to his wife Betty, their sons Chris and Mitchell, their daughters-in-law Courtney and Miranda, and grandchildren Lexi, Kelsey, Kalin, Liam, Austin and Autumn in all their future endeavors.

#### **PUBLIC COMMENTS ON ITEMS NOT ON THE PUBLISHED AGENDA**

None

#### **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 June 2, 2015.
2. Review and file bills recapped as of Monday, June 15, 2015.

Motion passed.

#### **BUSINESS AGENDA**

##### **APPOINT VARIOUS MEMBERS TO BOARDS/COMMISSION**

Council subcommittees met starting at 6:45 p.m. this evening to review applications for Village Boards and Commission. A number of Board members' terms will expire on June 30, 2015. It is Council's policy to make these vacancies open to the public as well as the currently seated members.

At 6:45 p.m. the Parks and Recreation Board subcommittee, chaired by Mueller with members Peddie and Abboud, met to consider filling three vacancies on the Parks and Recreation Board. The subcommittee recommended the reappointment of William Kondak, Janice Hausman, and Jennifer Ruprich to the Board. There were two new applicants.

Motion by Mueller, second by Peddie, to reappoint William Kondak, Janice Hausman and Jennifer Ruprich to the Parks and Recreation Board, to fill the three vacancies with terms to expire on June 30, 2018.

Motion passed (6 – 0).

Thanks were expressed to Mr. Kondak, Ms. Hausman, and Ms. Ruprich for their past and future service to the Parks and Recreation Board.

The Planning Commission subcommittee, chaired by Abboud in the absence of Kelly, along with members Delaney and Mooney, met at 6:45 p.m. to consider filling three vacancies on the Planning Commission. The subcommittee recommended the reappointment of George Ostrowski, Andrew Drummond and Robert Ruprich. There were no new applicants.

Motion by Abboud, second by Oen, to reappoint George Ostrowski, Andrew Drummond and Robert Ruprich to the Planning Commission for terms to expire on June 30, 2018.

Motion passed (6 – 0).

Thanks were expressed to Mr. Ostrowski, Mr. Drummond, and Mr. Ruprich for their past and future service to the Planning Commission.

The Retirement Board subcommittee, chaired by Mooney with members Mueller and Oen, met at 7:00 p.m. to review one applicant for a vacancy on the Retirement Board. The subcommittee recommended the reappointment of Richard Maxwell. There were no new applicants.

Motion by Mooney, second by Mueller, to reappoint Richard Maxwell to the Retirement Board for a term to expire on June 30, 2018.

Motion passed (6 – 0).

The Zoning Board subcommittee, chaired by Abboud with members Peddie and Delaney, met at 7:00 p.m. to consider filling three full-member vacancies on the Zoning Board of Appeals. The subcommittee recommended the reappointment of Chris Crossen and Mary Ann Verdi-Hus along with alternates Karen Mitchell and Ashley Lepidi, and a new alternate Christopher Gessner. Mooney clarified that the recommendation is to appoint Karen Mitchell to the full-member vacant seat of Sharon Fox who is not seeking reappointment, and to reappoint Ashley Lepidi as an alternate-member along with the appointment of Christopher Gessner, a new applicant, to the second alternate-member vacancy. Abboud confirmed the recommendation as stated by Mooney.

Motion by Abboud, second by Oen, to reappoint Chris Crossen and Mary Ann Verdi-Hus as full-members of the Zoning Board of Appeals; appoint Karen Mitchell to fill the full-member vacancy; reappoint Ashley Lepidi as an alternate member; and appoint Christopher Gessner as a new alternate member, with all terms to expire on June 30, 2018.

Motion passed (6 – 0).

**REVIEW AND CONSIDER REQUEST FROM THE MICHIGAN BEER GROWLER TO AMEND HOURS OF OPERATION**

Janae Condit, 32035 Crossbow, representing Michigan Beer Growler Company, requested a change in hours of operation for the business for the summer only. The current hours of operation are Tuesday through Thursday 11:00 a.m. to 8:00 p.m.; Friday and Saturday 11:00 a.m. to 9:00 p.m.; and 12:00 p.m. to 6:00 p.m. on Sunday. She requested to change this to Monday through Thursday 11:00 a.m. to 9:00 p.m.; Friday and Saturday 11:00 a.m. to 10:00 p.m.; and Sunday 12:00 p.m. to 6:00 p.m. (no change). These summer hours would be through October. She has requested outdoor seating that was approved by the Village of Beverly Hills. She has had several customers ask if the business could stay open later in the summer.

Mooney stated the Village entered into an agreement with Michigan Beer Growler (MBG) on February 4, 2014.

Delaney asked whether Administration can approve outside seating. Village Manager Wilson stated that the ordinance was changed in the last two years to give Administration the authority to approve outdoor seating. MBG did apply for outdoor seating.

Delaney expressed concern about the lack of space at the site of MBG between the storefront and where the parking begins.

Peddie stated initial meetings with the Planning Commission indicated MBG would be more of a retail establishment where people come in and sample different beers then purchase beer to take home with them. She expressed concern that the business is turning into something different than what was initially presented. Ms. Condit stated people do come and taste the beer and purchase growlers to take home. They do not spend all day there drinking.

Oen stated that one of his concerns is the business turning into more of a bar, and he doesn't want it to head in that direction. He understands there is an agreement with Brady's Tavern where people can order food and bring it to MBG. He asked how often this happens. Ms. Condit stated approximately three times in a weekend. Some people bring in pizza from Papa John's. There have been no incidents of intoxication. It is a very local crowd. It does not have the feel of a late-night establishment. The request for outdoor seating and later hours is coming from the customers.

Public Safety Director Torongeau confirmed that he is not aware of any trouble at the subject location.

Mooney stated that the initial representation of MBG was that it was going to be a retail establishment. He voted against putting another bar next to Brady's, and if a motion is presented, he would vote against it.

Condit stated it has not turned into a late-night establishment, and they have had no incidents of any people being intoxicated. It is a very local crowd, and she has received positive comments that people are glad this is in Beverly Hills.

Mooney again noted it was represented to Council that this was a going to be a retail establishment and seating was not going to be expanded. If no action is taken by Council, the original agreement remains in place.

Brian Condit, 32035 Crossbow, inquired about data regarding customer activity. Mooney stated that is not the issue before Council. The issue is whether or not to change the agreement at the request of the Petitioner.

Mooney stated the request initially came to Council as to what the business would be, how business would be conducted, and why there would be restrictions on the hours. That representation is different than what the Petitioner wants to do now. The initial representation resulted in Council approval.

Council Member Kelly arrived at 7:55 p.m.

Kelly commented that she voted in favor of the store, but had many questions. She was concerned about food being served and alcohol consumption. At that time, she was informed that she was misunderstanding the nature of the operation. It was a store that allowed taste testing. People would not be there to eat. She was surprised to see outdoor seating and a request for an extension of the hours. This is not meant to be a restaurant or bar. She does not support the change.

Mooney stated since no motion has been put forth on the request from the Michigan Beer Growler to amend hours of operation, the request is denied. The original agreement remains in place.

**SET SPECIAL MEETING DATE OF JUNE 29, 2015, 7:00 P.M., FOR 2014/15 FISCAL YEAR BUDGET AMENDMENTS**

Motion by Peddie, second by Delaney, to set a special meeting date on Monday, June 29, 2015, 7:00 p.m., at the Village municipal building, for 2014/15 Fiscal Year budget amendments.

Motion passed (7 – 0).

**SET PUBLIC HEARING DATE OF JULY 21, 2015 ON A REQUEST FROM TIMOTHY PATRICK HOMES FOR SITE PLAN APPROVAL AT 19600 W. 13 MILE ROAD/TREMONT LANE**

Motion by Abboud, second by Oen, to set a public hearing date of July 21, 2015 on a request from Timothy Patrick Homes for Site Plan approval at 19600 W. 13 Mile Road/Tremont Lane.

Motion passed (7 – 0).

**REVIEW AND CONSIDER RESOLUTION ADOPTING AN EMERGENCY OPERATIONS SUPPORT PLAN**

Delaney stated all jurisdictions with more than 10,000 population are required to have an Emergency Operations Support Plan filed with Oakland County. We have not had one since 1997. By passing the recommended resolution, we will be compliant with Oakland County

Emergency Management and the State of Michigan Emergency Management. A plan of action is required in order to collect Federal and State monies in case of a disaster.

Public Safety Director Torongeau discussed requirements for the Emergency Operations Support Plan in order to collect Federal and State funding.

Motion by Delaney, second by Kelly, to adopt the following resolution:

VILLAGE OF BEVERLY HILLS  
OAKLAND COUNTY, MICHIGAN

A RESOLUTION OF THE BEVERLY HILLS COUNCIL TO ADOPT THE VILLAGE OF  
BEVERLY HILLS EMERGENCY OPERATIONS SUPPORT PLAN

At a meeting of the Village Council of the Village of Beverly Hills, Oakland County, Michigan, held on the 16<sup>th</sup> day of June, 2015, at the Village Municipal Building, located at 18500 W. 13 Mile Rd., Beverly Hills, Michigan

The following resolution was offered by Councilmember Delaney and seconded by Councilmember Kelly

**WHEREAS**, the Village of Beverly Hills elected to be incorporated into the Oakland County Emergency Management Program and that by becoming part of the Oakland County Emergency Management Program, the Village of Beverly Hills and Oakland County have certain responsibilities to each other.

**WHEREAS**, this Emergency Operations Support Plan has been developed to identify the responsibilities between the Village of Beverly Hills and Oakland County in regard to emergency management activities.

**WHEREAS**, the plan provides a framework for the Village to use in performing emergency functions before, during, and after a natural disaster, hostile attack, technological incident or other emergency.

**WHEREAS**, this support plan is to be used in concurrence with Oakland County's Emergency Operations Plan as it is a supporting document.

**WHEREAS**, the support plan will be maintained in accordance with the current standards of the Oakland County Emergency Operations Plan. Review of this plan shall be accomplished every four years.

**NOW, THEREFORE**, the Village of Beverly Hills Council hereby adopts this Emergency Operations Support Plan, in support of the Oakland County Emergency Operations Plan.

Roll Call Vote:

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

Nays: None

Motion passed (7–0).

**REVIEW AND CONSIDER ADOPTING FREEDOM OF INFORMATION ACT POLICIES AND PROCEDURES**

Village Attorney Tom Ryan presented the Freedom of Information Act Procedures and Guidelines for the Village of Beverly Hills. Changes are required by the Freedom of Information Act Amendments, Public Act 563 of 2014. This action is necessary for the Village to remain in compliance with Michigan State Law. Adoption is required by July 1, 2015. There must be a written public summary of the specific procedures and guidelines along with a standardized fee itemization form detailing itemization of any fee in response to a written request. The revisions to FOIA make sure all municipalities uniformly use the same guidelines to determine costs and make information more accessible. A copy of Procedures and Guidelines must be provided free of charge to the public upon request at the Village Office or be included on the Village Website with a link to the documents. The Procedures and Guidelines also discern how a public body must timely respond to a request and the determination of when a request is received. They also cover the fact that if documents are available on the Village website, then the public body may not charge for such records. The Procedures also provide formulas for calculating fees concerning labor costs, redacting of records and non-paper physical media. As required by statute, there is a section on fee waivers and the methodology used to grant such waivers, deposits for a FOIA request, appeals for denials of records, appeals for excessive fees, and procedure for challenging alleged excessive fees as well as the appropriate forms to be utilized.

Motion by Delaney, second by Kelly, be it resolved that the Village of Beverly Hills adopts the Freedom of Information Act Procedures and Guidelines for and on behalf of the Village of Beverly Hills regarding the necessary changes required by the Freedom of Information Act Amendments, Public Act 563 of 2014. Adoption of this resolution is effective July 1, 2015.

Ryan suggested the policy be placed on the website along with the summary and made available at the counter upon request. The forms will be available at the Village. They could be placed on the website.

Roll Call Vote:

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

Nays: None

Motion passed (7–0).

**REVIEW AND CONSIDER AMENDMENTS TO VILLAGE POLICY AND PROCEDURES MANUAL**

Wilson presented two proposed amendments to the Village Personnel Manual. The amendments are recommended to better align non-union employment benefits with those provided to union personnel. The language is identical to language included in the most recent Public Safety contracts. Inclusion of this language would have the impact of closing the existing Defined Benefit Plan and enrolling employees hired after July 1, 2015 in a Defined Compensation Plan

administered by MERS. Employees will contribute 5% of their base wage and the Village will make a 10% contribution. The second change recommends adding language eliminating the provision of health care for eligible retirees and establishing a Retiree Health Savings Plan for new hires. Employees would contribute 3% of their base wage, and the Village will contribute 3%. The Village changed the Personnel Manual in 2007 eliminating retiree health care for non-union employees. Employees hired between July 1, 2006 and July 1, 2015 could participate. It would not be mandatory, but it would be mandatory for the other employees. The goal is to equalize benefits for union and non-union employees going forward.

Motion by Peddie, second by Oen, be it resolved that Section 11.75 of the Village Policy and Procedures Manual be amended to include the following language:

*Employees hired after July 1, 2015 will participate in a Defined Compensation Plan administered by the Municipal Employees Retirement System (MERS) in lieu of participation and eligibility in the Village Defined Benefit Pension Plan. Employees will make a contribution equal to 5% of their base pay into their Defined Contribution pension account with MERS. The VILLAGE will make a contribution equal to 10% of an employee's base pay into their Defined Compensation account. Employee payments will be deducted from their paychecks and submitted to their account by the VILLAGE. Employee and VILLAGE payments shall be made following each payroll period. Employees will have the responsibility to manage and control funds in their accounts subject to the provisions and regulations of MERS.*

Further, be it resolved that Section 11.40 of the Village Policy and Procedures Manual be amended to include the following language:

*Employees hired after July 1, 2015 will not receive retiree health care upon retirement or separation from the VILLAGE and will not be required to make any contribution to the Retiree Health Insurance Fund while employed by the VILLAGE. Employees hired after July 1, 2015 will be eligible for and shall participate in a Health Care Savings Account (HSA) program to be administered by the Municipal Employee Retirement System (MERS). Employees shall contribute three percent (3%) of their base wages to their HSA account through automatic payroll deduction. The VILLAGE will make a contribution equal to three percent (3%) of an employee's base wage to employee's HSA account. Employee and VILLAGE payments shall be made following each payroll period. Employees hired between July 1, 2006 and July 1, 2015 will be eligible for this program and may participate at their discretion.*

Kelly stated she supports the change in closing out the Defined Benefit pension plan and going to a Defined Contribution pension account. She does not agree with the change regarding retiree healthcare. She does not see the necessity of equalizing union and non-union contracts. They can be different. In 2006, retiree healthcare was eliminated for non-union employees. She does not think this is something that should be reinstated.

Wilson stated if the changes are approved, there will be some additional documents coming from MERS.

Roll Call Vote:

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

Nays: Kelly

Motion passed (6–1).

**REVIEW AND CONSIDER RESOLUTION AMENDING THE 2015 VILLAGE MILLAGE RATE**

Oen presented a resolution to correct an error in the millage rate that was approved as part of the budget process. The Charter approved maximum of 2.1 mils has now been reduced by Headlee to 2.0522. The proposed General Fund levy for FY 2015-16 was 1.8100 mils, still below the Headlee reduced maximum. The Charter approved maximum for Public Safety was 9.9 mils. Council approved a levy of 9.7500 mils. However, the maximum levy for Public Safety has been reduced to 9.6746 mils. For the Library millage the result is similar with Council approving a levy of 0.9095 and the maximum allowable millage being reduced by Headlee to .8975. Therefore, the total levy for FY 2015/16 will be 12.3821 instead of 12.4965 which is still under the maximum allowable limit of 12.6243.

Motion by Oen, second by Peddie, to adopt the following resolution:

**RESOLUTION**

**TO ADOPT THE 2015 VILLAGE OF BEVERLY HILLS BASE TAX RATE**

The Village Council on May 5, 2015 adopted the 2015/2016 Village Budget, and

The Village Council must adopt a millage rate to be spread on the Village tax roll for 2015, and

Public Act 5 of 1982 does not apply to levying for Debt Service, and

The proposed 12.3821 mils for operating purposes for the General Fund, Public Safety Fund and Library Fund do not exceed the 12.9184 mils maximum approved by the voters at the November 2, 2010 election.

THEREFORE, BE IT RESOLVED THAT the Village Council does hereby approve the total 2015 millage rate for the Village at 12.3821 mils and the 12.3821 millage rate is to be spread as follows:

General Fund.....	1.8100 mils
Public Safety Fund.....	9.6746 mils
Library Fund .....	0.8975 mils
Total Millage Rate .....	12.3821 mils

Roll Call Vote:

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

Nays: None

Motion passed (7–0).

**REVIEW AND CONSIDER AWARDING CONTRACT FOR PAINTING PAVILION AND RESTROOMS AT BEVERLY PARK**

Mueller reviewed bid recommendations received on June 11, 2015 for the painting of the pavilion and restrooms at Beverly Park. Five bids were submitted for the work ranging from \$4,814 to \$14,850. The significant range in bids was noted, however, the low bidder's proposal for the work was very thorough, and they have positive reviews from their references.

Motion by Mueller, second by Abboud, that the Village Council accepts the low bid from The Paint Smith for painting the pavilion and restrooms at Beverly Park in the amount of \$4,814. Funds for this work are in account #101-900-982.

Roll Call Vote:

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

Nays: None

Motion passed (7-0).

**PUBLIC COMMENTS**

Kathleen Berwick, 31381 Kennoway Ct., expressed concern regarding the condition of the Eryty Dam and the possibility of tree loss if the dam fails. She lost a tree during the last two weeks and hopes that the Village will repair the Eryty Dam to retain the pond and river.

**MANAGER'S REPORT**

**Eryty Dam Update** – Wilson discussed problems at the Eryty Dam and reviewed his report to Council dated June 12, 2015. They are in daily contact with the Michigan Department of Environmental Quality, and Hubbell, Roth & Clark is working on this project on a daily basis. We are getting elevations of the right and left spillways and evaluating options. The primary objective is the protection of Evergreen Road. Necessary steps will be taken in the short term to stop the flow to the right spillway and analyze Evergreen Road. Going forward, maintaining the impoundment will be discussed. There will be more updates this week and next week. Considerable time has been spent on this pressing issue.

Kelly asked if there is any imminent danger from the Eryty Dam to Evergreen Road. Wilson stated there is no imminent danger, but we don't want to let it go too much further. We are working with the DEQ on the permitting process.

Delaney asked if the DEQ has to issue us a permit for the Eryty Dam work.

Wilson stated anything that is done to alter the impoundment level has to be permitted by the DEQ.

**Village of Beverly Hills rated 3<sup>rd</sup> best suburb by MSHDA to raise a family** – Rankings placed Birmingham first, followed by East Grand Rapids and Village of Beverly Hills third.

**Fireworks** – Birmingham has provided notice that fireworks will be July 3, 2015 with a rain date, if necessary, of July 5, 2015.

**COUNCIL COMMENTS**

Abboud stated the Planning Commission is working on updating the Village Master Plan. They are also working on the Southfield Corridor Marketing Study. There was no ZBA meeting in June, but there will be an upcoming meeting July 13<sup>th</sup>. He will also be attending the SEMCOG General Assembly meeting.

Abboud noted he has resided in the Village of Beverly Hills since 1974 and is proud to acknowledge the attainment of Beverly Hills as one of the top ten safest midsize cities in Michigan and one of the top ten places to raise a family. That is an attribute to Public Safety and the residents.

Abboud complimented the Parks and Recreation Board for initiating park improvements. He also thanked the residents for supporting the improvements and utilizing the pavilion for family events.

Abboud announced the opening of new businesses in the Village. Thriveworks Counseling will hold a ribbon cutting on June 18<sup>th</sup>, at 4:00 p.m. Also Better Health Foods located on 13 Mile Road in Southfield Township will hold a ribbon cutting on June 24<sup>th</sup>.

Oen thanked Public Safety for actively reaffirming motor carrier enforcement. The number of trucks on the roads has significantly diminished.

Mooney thanked the Administration for handling the workload during this time when the Village is short staffed. He welcomed Sandra Gadd who is serving tonight as a temporary recording secretary.

Mooney thanked Mr. Abboud, Mr. Oen, and Mr. Mueller for their rehabilitation work on the Village building to make it more efficient and useable for residents. Mr. Mueller also worked on repairing the gazebo.

Mooney stated the Village of Beverly Hills is in outstanding shape both financially and in terms of being safe and secure. It is a tribute to our Public Safety Department, Chief Torongeau, and to our residents. As mentioned earlier, MSHDA has conducted a survey, and the Village of Beverly Hills is rated in the top three places to raise children.

Mooney announced a joint meeting of the Village Council and the Parks and Recreation Board will be held on Thursday, June 18, 2015, at 7:30 p.m., in Beverly Park.

Motion by Delaney, second by Peddie, to adjourn the meeting at 8:38 p.m.

Motion passed.

**John Mooney**  
**Council President**

**Ellen E. Marshall**  
**Village Clerk**

**Sandra Gadd**  
**Recording Secretary**