

**AGENDA**

Roll Call/Call to order

Pledge of Allegiance

Amendments to Agenda/Approve Agenda

Community Announcements

Public Comments on items not on the published agenda

Consent Agenda

1. Review and consider approval of **minutes** of a regular Council meeting held December 4, 2018.
2. Review and file **bills** recapped as of Monday, December 10, 2018.

Business Agenda

1. Second reading and possible **adoption** of an ordinance amending Chapter 22 Section 22.24 Area, Height, Bulk, and Placement Regulations and Section 22.24.010 Addendum to Section 22.24.
2. Review and consider Traffic Control **Orders** #422-TP-18 and #423-NP-18.
3. OPEB Funding **Projections**

Public comments

Manager's **report**

Council comments

The Village of Beverly Hills will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting, to individuals with disabilities attending the meeting upon three working days' notice to the Village.

Individuals with disabilities requiring auxiliary aids or services should contact the Village by writing or phone, 18500 W. Thirteen Mile Beverly Hills, MI 48025 (248) 646-6404.

Present: President Peddie; President Pro-Tem Abboud; Members: George, Hrydziusko, Mooney, Mueller, and Nunez

Absent: None

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

President Peddie 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.

#### **AMENDMENTS TO AGENDA/APPROVE AGENDA**

Motion by Abboud, second by Mooney, to amend the agenda moving item B3. Public hearing to receive comments on a proposed ordinance amending Chapter 22 Section 22.24 Area, Height, Bulk, and Placement Regulations and Section 22.24.010 Addendum to Section 22.24. to item B2.

Motion passed.

Motion by Abboud, second by Mooney, to approve the agenda as amended.

Motion passed.

#### **COMMUNITY ANNOUNCEMENTS**

None.

#### **PUBLIC COMMENTS**

None.

#### **CONSENT AGENDA**

Motion by Mooney, second by Nunez, be it resolved that the Council for the Village of Beverly Hills approve the consent agenda.

1. Review and consider approval of minutes of a regular Council meeting held November 20, 2018.
2. Review and file bills recapped as of Monday, November 26, 2018.
3. Set Public Hearing date of January 2, 2019 to receive comments on a proposed ordinance amending Chapter 22, Section 22.08.100 Accessory Buildings, Structures, and Uses.

Roll Call Vote:

Motion passed (7-0).

**BUSINESS AGENDA**

**DOUG KOSCHIK, BALDWIN PUBLIC LIBRARY DIRECTOR – ANNUAL UPDATE**

Doug Koschik, Baldwin Library Director, provided the Council with the Annual Library Update. He outlined the variety of services the library offers to residents including Check-out, Interlibrary loan, home delivery, programs for all ages (e.g., summer reading program), and electronic resources (idea lab, databases, e-books, e-audiobooks, e-music, e-videos, etc.). He reported 6,124 Beverly Hills residents are card holders, they checked out over 135,900 items in FY 2017-18, and 539 residents took part in 2018 summer reading program. Residents can help support the library by joining Friends of the Library, donating to a trust, including named endowment funds, or attend the Books & Bites fundraiser.

Koschik provided pictures of the recent renovation the library recently underwent. The project was completed on time and under budget. He explained the building is owned by the City of Birmingham, and funding came from the library's fund balance and a temporary increase in Birmingham's Library millage. The plan is to update the Youth Room in 2019-20.

Sharon Tischler, Virmar Court, thanked the Baldwin Library for their support of the Beverly Hills Lions Club.

Frank Pisano, President of the Library Board, thanked Council for their continued support and valuable partnership.

Council thanked Koschik for his vision, hard work, and dedication to the library.

**PUBLIC HEARING TO RECEIVE COMMENTS ON A PROPOSED ORDINANCE AMENDING CHAPTER 22 SECTION 22.24 AREA, HEIGHT, BULK, AND PLACEMENT REGULATIONS AND SECTION 22.24.010 ADDENDUM TO SECTION 22.24.**

At the direction of Council, the Planning Commission has drafted an amendment to Section 22.24 Schedule of Regulations to add maximum lot coverage percentages for all buildings in the Single Family Residential Zone Districts and to add item q to 22.24.010 Addendum to Section 22.24. A typographical error will be corrected also.

Planning Commission established a subcommittee who worked with Administration and Planning Consultant to evaluate existing conditions to ensure any proposed regulations did not create nonconformity given the developed nature of Beverly Hills. The percentages proposed were also based upon evaluation of existing setback requirements and typical development of a single family lot, i.e. construction of a house and garage. Additionally, language to modify the addendum to 22.24 allowing some flexibility in development without imposing the burden of a variance was included to offset potential limitations for existing property owners. A public hearing was held on Wednesday, October 24, 2018 and the Planning Commission made a recommendation for adoption of the proposed changes at that meeting.

A notice for public hearing notice on this language was published in the Birmingham Observer & Eccentric on Sunday, November 18, 2018. Procedurally, the Village Council must hold a public

hearing, and first and second readings prior to adoption. Upon adoption by Council, the language will take effect 20 days after publication.

Peddie opened the public hearing at 7:58 pm.

Kay Michael, Kirkshire, is pleased with the draft; particularly the inclusion of storm water drainage improvements.

Cynthia Nagle, Kirkshire, supports the suggested parameters set forth related to new construction.

No one else wished to be heard; the public hearing was closed at 8:01 pm.

Mueller thanked the Planning Commission, Council, and Administration for all of their hard work on this issue. He is concerned that there will be cases where the maximum coverage of lot will exceed the setbacks allowed currently in the ordinance. It needs to be made clear that both figures need to be met and the process when a percentage conflicts with the setback, or setbacks conflict with the percentages.

Mueller also expressed concern related to the exceptions. The Building Official can approve an increase of up to 5% if one of two requirements are met; a nearby building is similar, or they provide for more storm water runoff additions. In his opinion, both of these requirements should be met. Separations of buildings on abutting lots should be addressed in the near future.

**FIRST READING OF AN ORDINANCE AMENDING CHAPTER 22 SECTION 22.24 AREA, HEIGHT, BULK, AND PLACEMENT REGULATIONS AND SECTION 22.24.010 ADDENDUM TO SECTION 22.24.**

Ryan explained that there has not previously been a maximum single family residential lot coverage component. This places a maximum number, and the zoning district will control the number. This ordinance will apply to all single family residential zones. There is an addendum which allows for up to 5% increase in lot coverage.

**REVIEW AND FILE 2019 COUNCIL LIAISON ASSIGNMENTS**

Peddie thanked Council for electing her President of the Village Council. As has been the practice in the past, the Liaison and the Alternate will work as a team to ensure Council receives monthly reports on all assigned positions.

Next: Lee Peddie (L), Dan Nunez (A)

Birmingham School District: John George (L), Rock Abboud (A)

Birmingham Youth Assistance: Racheal Hrydziusko (L), Lee Peddie (A)

Baldwin Library: Dan Nunez (L), Racheal Hrydziusko (A)

Cable Board: Lee Peddie (L), John Mooney (A)

Finance: Rock Abboud (L), John George (A)

Public Services: Dan Nunez (M), Lee Peddie (M), Phil Mueller (M)

Parks and Recreation: Phil Mueller (L), Lee Peddie (A)

Planning Commission: Racheal Hrydziusko (L), Rock Abboud (A)

Public Safety: Rock Abboud (L), Phil Mueller (A)

Zoning Board of Appeals: John George (L), Lee Peddie (A)  
Personnel: Lee Peddie (M), Rock Abboud (M), John Mooney (M)

Motion by Mooney, second by Mueller, to receive and file the 2019 Council Liaison assignments.

Motion passed.

**REVIEW AND CONSIDER APPOINTING JAMES DELANEY TO SERVE AS A REPRESENTATIVE OF THE VILLAGE OF BEVERLY HILLS ON THE JOINT SENIOR CITIZENS COMMITTEE.**

Former Councilmember James Delaney has been serving as a representative of the Village on the Joint Senior Services Committee. This body is an ad-hoc committee comprised of the communities of Birmingham, Beverly Hills, Franklin and Bingham Farms, as well as Birmingham Public Schools to study the provision of services to seniors in our area. The question arose as to whether Delaney could continue to serve on this committee. Ryan confirmed that it was allowable and that if Council wished to do so Delaney should be appointed by a vote of the Council. Delaney has indicated a willingness to continue to serve at the pleasure of the Council.

Motion by Mueller, second by Mooney, be it resolved that the Beverly Hills Village Council appoint James Delaney to serve as a representative of the Village on the Ad-Hoc Joint Senior Services Committee.

Motion passed.

**AMEND RESOLUTION FOR PROGRAM YEAR 2019 COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION.**

On November 20, 2018 Village Council held a public hearing and passed a resolution allocating estimated funding for the Program Year 2019 Community Development Block Grant application. The allocation was modified as detailed below to include funding for a third project, Public Services – Yard Services.

Minor Home Repair (NEXT)	\$7419
Yard Services (NEXT)	\$3179
Public Services (HAVEN)	\$4541

However, the resolution must be modified to comply with the federal rules regulating how the money can be allocated. The Village's estimated allocation for Program Year 2019 is \$15,139. Our allocation for all public service activities cannot exceed a maximum of 30% of the total 2019 allocation and we are required to allocate a minimum of \$3,500 for each project.

Administration received requests from HAVEN and from NEXT for consideration for CDBG funding for PY19. HAVEN provides shelter, counseling, advocacy and educational programming to nearly 30,000 people each year who are victims of domestic violence and sexual assault. As a public service project, the requirements for low-moderate income qualification are considered met by the federal government. Additionally, administration of the project is performed by Oakland

County which reduces the burden on Village staff. NEXT has partnered with the Village in administering minor home repair program and yard services program for seniors in Beverly Hills via reimbursement. Currently, NEXT is utilizing PY16 funding for eligible expenses in the minor home repair program and PY17 funding for eligible expenses in the yard services program. The Village is working with NEXT to market both programs to ensure PY16 funding is not recaptured by the federal government. Additionally, Beverly Hills has historically contributed general revenue funds to NEXT for their ongoing operations. In considering this information and the limits on funding allocation, Administration recommended funding HAVEN for the public service allocation in PY19.

Council is being asked to consider allocating funds for minor home repair services for low to moderate income citizens and public services (HAVEN). While we recommend allocating \$10,598 for minor home repair and \$4,541 for HAVEN through the CDBG program, we recognize the desire to maintain funding for the yard services program and recommend Council appropriate funding that will be earmarked for that program from the 19-20FY budget.

The following is a breakdown of the proposed allocation:

Minor Home Repair (NEXT)	\$10,598
Public Services (HAVEN)	<u>\$4,541</u>
TOTAL	\$15,139

Motion by Mooney, second by Hrydziusko, be it resolved that the Village of Beverly Hills Council, in regard to the Community Development Block Grant, rescind the resolution passed at the November 20, 2018 Council meeting.

Roll Call Vote:

Motion passed (7-0).

Motion by Nunez, second by Mooney, that the Village of Beverly Hills Council adopt the following Resolution:

Whereas, Oakland County is preparing an Annual Action Plan to meet application requirements for the Community Development Block Grant (CDBG) program, and other Community Planning and Development (CPD) programs, and;

Whereas, Oakland County has requested CDBG-eligible projects from participating communities for inclusion in the Action Plan, and

Whereas, the Village of Beverly Hills has duly advertised and conducted a public hearing on November 20, 2018, for the purpose of receiving public comments regarding the proposed use of PY 2019 Community Development Block Grant (CDBG) funds in the approximate amount of \$15,139, and

Whereas, the Village of Beverly Hills found that the following projects meet the federal objectives of the CDBG program and are prioritized by the community as high priority need.

Account	Project Name	Amount
172160-731227	Minor Home Repair	\$10,598.00
172160-730137	Public Services – HAVEN	\$4,541.00

Therefore Be It Resolved, that the Village of Beverly Hills' CDBG application is hereby authorized to be submitted to Oakland County for inclusion in Oakland County's Annual Action Plan to the U.S. Department of Housing and Urban Development, and that the Council President is hereby authorized to execute all documents, agreements, or contracts which result from this application to Oakland County.

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

### **PUBLIC COMMENTS**

Sharon Tischler, Virmar Court, asked that the Council liaison assignments be made public record.

### **MANAGER'S REPORT**

**Water Testing** – Phone calls and scheduling are underway, and the first round of water sample bottles will be going out the first week of December. We are currently scheduled to test 173 homes in this round of testing. Administration anticipates having most of the samples collected and submitted for testing during the first two weeks with one more week available to finish the sampling and testing. This is the second round of DEQ mandated follow up testing due to one abnormal test the Village collected last year. The DEQ required collection of sixty (60) samples in two different six-month periods. In the first round of testing 148 separate samples were collected and received negative tests at all tested locations. The current action level limit for lead is 15 parts per billion (ppb). Every site tested in the last round of testing tested lower than the current level of 15 ppb as well as the proposed new standard of 12 ppb. A significant majority of the tests were below 2 ppb. The Village is confident this upcoming round of sampling will produce results similar to the first round. Village Administration would like to thank all of the residents who have participated in both rounds of testing.

**Recreational Marijuana** – With the passage of Proposal 1 in November, recreational marijuana will be legal for persons over the age of 21. The issue facing communities is whether to allow and if so how to regulate commercial facilities. Ryan has investigated this issue and his memo was provided for review. While recreational marijuana will be legal as of Dec. 6th, the licensing and certification of commercial business by the state will not be possible for at least 9-12 months. As opposed to medicinal marijuana, Proposal 1 does require an active opt-out if communities do not wish to allow these facilities to operate within their jurisdiction. Some communities have already begun to pass opt out resolutions, even though the state is likely a year away from commercial operations being permitted. These opt-out resolutions *do not* impact the legality of recreational use marijuana in a community, only the location of commercial operations.

**14 Mile Closure** – Consumers Energy has completed their work in the intersection of 14 Mile and Evergreen but has needed to maintain the closure of westbound 14 Mile for additional repairs. The

Village anticipates that this work will be completed and all lanes open by no later than Friday, December 7.

**Holiday Schedule** – Village offices will be closed on Monday, December 24th and Tuesday, December 25th for Christmas. Trash pickup for Monday the 24th will proceed as scheduled. Trash pickup for Tuesday, Christmas Day, will occur on Wednesday, December 26th.

**Tree Legislation** – There is legislation before the State that would limit the options for local municipalities to regulate plants and tree coverage. The Village does not currently have a tree ordinance.

Ryan explained that there continue to be regulations related to ticketing, possession under 15g is now considered a civil infraction. He and the Public Safety department continue to work on the necessary protocol, and can provide that to Council as it is developed.

### **COUNCIL COMMENTS**

George believes the recreational marijuana should be explored and its fit for the community. He would like to see the entire ordinance updated. He would like consideration given to how the ordinances are enforced consistently.

Hrydziuszko invited members of the community to participate in the resident drive Village Holiday lights tour.

Mueller reported there would be no Parks & Recreation meeting in December.

Nunez believes that Code Enforcement in the Village needs to be further discussed in the upcoming study session.

Mooney thanked Administration for their work on the MDEQ water testing. He asked Administration to follow up with the personnel committee related to the hiring of the new Assistant Manager/Clerk position. He expressed concerns related to the site plan non-compliance at Detroit Country Day.

Abboud updated the Council on funding available for local road rating funding. He also recommended the MML training for newly elected officials.

Peddie thanked Delaney for his continued representation of the Village at the Joint Senior Services meetings.

Motion by Mooney, second by Abboud, to adjourn the meeting at 8:49 p.m.

Motion passed.

**Lee Peddie**  
**Council President**

**Chris Wilson**  
**Village Clerk**

**Elizabeth M. Lyons**  
**Recording Secretary**



TO THE PRESIDENT & MEMBERS OF THE VILLAGE COUNCIL. THE FOLLOWING IS A LIST OF  
EXPENDITURES FOR APPROVAL. ACCOUNTS PAYABLE RUN FROM 11/27/2018 THROUGH 12/10/2018.

ACCOUNT TOTALS:

101	GENERAL FUND	\$54,805.12
202	MAJOR ROAD FUND	\$12,618.46
203	LOCAL STREET FUND	\$9,649.50
205	PUBLIC SAFETY DEPARTMENT FUND	\$15,562.77
592	WATER & SEWER FUND	\$322,742.53
701	TRUST & AGENCY FUND	\$243.22
	TOTAL	<u>\$415,621.60</u>
	MANUAL CHECKS- COMERICA	\$0.00
	MANUAL CHECKS- INDEPENDENT	\$91,704.87
	ACCOUNTS PAYABLE	<u>\$415,621.60</u>
	GRAND TOTAL	<u>\$507,326.47</u>

Check Date	Bank	Check	Vendor	Vendor Name	Invoice Vendor	Amount
Bank COM COMERICA						
12/10/2018	COM	79457	59955	3-C CONSTRUCTION	3-C CONSTRUCTION	1,250.00
12/10/2018	COM	79458	59950	ACS BUILD INC.	ACS BUILD INC.	1,375.00
12/10/2018	COM	79459	58731	ADVANCED SECURITY & FIRE	ADVANCED SECURITY & FIRE	96.00
12/10/2018	COM	79460	59474	ANDREW BORING	ANDREW BORING	25.00
12/10/2018	COM	79461	31164	APOLLO FIRE APPARATUS	APOLLO FIRE APPARATUS	907.93
12/10/2018	COM	79462	51802	ARROW OFFICE SUPPLY CO.	ARROW OFFICE SUPPLY CO.	193.58
12/10/2018	COM	79463	58702	BARNETT ROOFING & SIDING	BARNETT ROOFING & SIDING	300.00
12/10/2018	COM	79464	51409	BEVERLY HILLS ACE	BEVERLY HILLS ACE	124.15
12/10/2018	COM	79465	02400	BEVERLY HILLS WATER DPT	BEVERLY HILLS WATER DPT	1,551.04
12/10/2018	COM	79466	50397	BLOOMFIELD CONSTRUCTION	BLOOMFIELD CONSTRUCTION	500.00
12/10/2018	COM	79467	59947	BROWNING BUILDING LLC	BROWNING BUILDING LLC	500.00
12/10/2018	COM	79468	32933	CHAD TRUSSLER	CHAD TRUSSLER	78.67
12/10/2018	COM	79469	59347	CINTAS CORPORATION #31	CINTAS CORPORATION #31	68.70
12/10/2018	COM	79470	51390	CITI ROOFING	CITI ROOFING	200.00
12/10/2018	COM	79471	51439	COMCAST	COMCAST	82.90
12/10/2018	COM	79472	04500	COMEAU EQUIPMENT CO INC.	COMEAU EQUIPMENT CO INC.	19,740.06
12/10/2018	COM	79473	32507	CONCENTRA MEDICAL CENTER	CONCENTRA MEDICAL CENTER	186.50
12/10/2018	COM	79474	50826	CONSUMERS ENERGY	CONSUMERS ENERGY	1,472.93
12/10/2018	COM	79475	59948	DEPENDABLE ROOFER LLC	DEPENDABLE ROOFER LLC	200.00
12/10/2018	COM	79476	59697	DETROIT ELEVATOR COMPANY	DETROIT ELEVATOR COMPANY	188.00
12/10/2018	COM	79477	51385	DTE ENERGY	DTE ENERGY	2,300.28
12/10/2018	COM	79478	59717	EASY EXIT EGRESS WINDOWS	EASY EXIT EGRESS WINDOWS	200.00
12/10/2018	COM	79479	31830	ENTERPRISE COMPUTER	ENTERPRISE COMPUTER	975.00
12/10/2018	COM	79480	58795	G&M ENTERPRISES, LTD.	G&M ENTERPRISES, LTD.	503.75
12/10/2018	COM	79481	59327	HANSONS WINDOWS	HANSONS WINDOWS	300.00
12/10/2018	COM	79482	31202	HOME DEPOT CREDIT SERVICE	HOME DEPOT CREDIT SERVICE	284.58
12/10/2018	COM	79483	08500	HUBBELL ROTH & CLARK INC	HUBBELL ROTH & CLARK INC	3,743.02
12/10/2018	COM	79484	58950	HYDROCORP	HYDROCORP	284.00
12/10/2018	COM	79485	59952	ICON RESTORATION CONSTRUCTION	ICON RESTORATION CONSTRUCTION	300.00
12/10/2018	COM	79486	39070	J.H. HART URBAN FORESTRY	J.H. HART URBAN FORESTRY	229.50
12/10/2018	COM	79487	59958	JB DONALDSON CO.	JB DONALDSON CO.	700.00
12/10/2018	COM	79488	59324	JCR SUPPLY, INC.	JCR SUPPLY, INC.	98.10
12/10/2018	COM	79489	59946	JOHN CSOKASY	JOHN CSOKASY	300.00
12/10/2018	COM	79490	59842	JOHN ROLAND	JOHN ROLAND	200.00
12/10/2018	COM	79491	52068	KENDALL HUNT PUBLISHING	KENDALL HUNT PUBLISHING	153.99
12/10/2018	COM	79492	59956	KURT LUDWINSKI	KURT LUDWINSKI	310.00
12/10/2018	COM	79493	51792	LEXISNEXIS RISK SOLUTION	LEXISNEXIS RISK SOLUTION	40.05
12/10/2018	COM	79494	49491	MAINS LANDSCAPE SUPPLY	MAINS LANDSCAPE SUPPLY	337.01
12/10/2018	COM	79495	59951	MAJIC WINDOW CO.	MAJIC WINDOW CO.	1,100.00
12/10/2018	COM	79496	52030	MICHIGAN GRAPHICS & AWAY	MICHIGAN GRAPHICS & AWAY	128.00
12/10/2018	COM	79497	59329	MICHIGAN INDEPENDENT DOCUMENT	MICHIGAN INDEPENDENT DOCUMENT	287.50
12/10/2018	COM	79498	59112	NEXT	NEXT	250.00
12/10/2018	COM	79499	59917	OAKES ROOFING	OAKES ROOFING	200.00
12/10/2018	COM	79500	59917	OAKES ROOFING	OAKES ROOFING	200.00
12/10/2018	COM	79501	59957	OAKES ROOFING SIDING & WOAKES ROOFING SIDING & W	OAKES ROOFING SIDING & WOAKES ROOFING SIDING & W	300.00
12/10/2018	COM	79502	50830	OAKLAND COUNTY TREASURY	OAKLAND COUNTY TREASURY	24,404.92
12/10/2018	COM	79503	50830	OAKLAND COUNTY TREASURY	OAKLAND COUNTY TREASURY	135,975.79
12/10/2018	COM	79504	50830	OAKLAND COUNTY TREASURY	OAKLAND COUNTY TREASURY	153,334.00
12/10/2018	COM	79505	50830	OAKLAND COUNTY TREASURY	OAKLAND COUNTY TREASURY	999.14
12/10/2018	COM	79506	53279	PACIFIC TELEMAGEMENT	PACIFIC TELEMAGEMENT	78.00
12/10/2018	COM	79507	59622	PARAGON LABORATORIES	PARAGON LABORATORIES	2,200.00
12/10/2018	COM	79508	59954	PEOPLES ROOFING	PEOPLES ROOFING	200.00
12/10/2018	COM	79509	59335	PETER FRAUENHEIM	PETER FRAUENHEIM	800.00
12/10/2018	COM	79510	15800	RATHCO SAFETY SUPPLY	RATHCO SAFETY SUPPLY	245.97
12/10/2018	COM	79511	16100	ROAD COMMISSION FOR OAKLAND	ROAD COMMISSION FOR OAKLAND	4,247.68
12/10/2018	COM	79512	59396	ROCKET ENTERPRISE INC.	ROCKET ENTERPRISE INC.	78.00
12/10/2018	COM	79513	51253	ROOF ONE	ROOF ONE	300.00
12/10/2018	COM	79514	53575	ROOFING SOLUTIONS	ROOFING SOLUTIONS	200.00
12/10/2018	COM	79515	16500	S.O.C.R.R.A.	S.O.C.R.R.A.	32,802.00
12/10/2018	COM	79516	51356	SOUTHFIELD MUFFLER & BRASS	SOUTHFIELD MUFFLER & BRASS	1,045.84
12/10/2018	COM	79517	38145	SOUTHFIELD POSTAL SERVICE	SOUTHFIELD POSTAL SERVICE	2,700.00
12/10/2018	COM	79518	31043	THOMAS J RYAN PC.	THOMAS J RYAN PC.	8,000.00
12/10/2018	COM	79519	59953	TRACY & JACQUES BRENT	TRACY & JACQUES BRENT	200.00
12/10/2018	COM	79520	38205	VERIZON WIRELESS MESSAGING	VERIZON WIRELESS MESSAGING	115.26
12/10/2018	COM	79521	59949	VICTORIA PASCARETTI	VICTORIA PASCARETTI	200.00
12/10/2018	COM	79522	59357	WALLSIDE WINDOWS	WALLSIDE WINDOWS	300.00
12/10/2018	COM	79523	53564	WEX BANK	WEX BANK	3,223.16
12/10/2018	COM	79524	53572	WOW! BUSINESS	WOW! BUSINESS	1,206.60

COM TOTALS:

Total of 68 Checks:	415,621.60
Less 0 Void Checks:	0.00
Total of 68 Disbursements:	415,621.60

12/07/2018 09:34 AM  
User: KARRIE  
DB: Beverly Hills

CHECK REGISTER FOR VILLAGE OF BEVERLY HILLS  
CHECK DATE FROM 11/27/2018 - 12/10/2018

Page: 1/1

Check Date	Bank	Check	Vendor	Vendor Name	Invoice Vendor	Amount
Bank COM COMERICA						
11/30/2018	COM	79454	30861	BLUE CARE NETWORK		33,007.83
11/30/2018	COM	79455	31925	COALITION OF PUBLIC SAFE		21,330.62
11/30/2018	COM	79456	52071	BLUE CROSS BLUE SHIELD		37,366.42
<hr/>						
COM TOTALS:						
Total of 3 Checks:						91,704.87
Less 0 Void Checks:						0.00
<hr/>						
Total of 3 Disbursements:						91,704.87

# MEMO

To: Honorable President Peddie; Village Council  
Chris Wilson, Village Manager

From: Erin Saur, Planning & Zoning Administrator

Date: December 14, 2018

Re: Second Reading and consideration of adoption of the proposed amendments to Chapter 22, Section 22.24 Schedule of Regulations and Section 22.24.010 Addendum to Section 22.24

At the direction of Council, the Planning Commission has drafted an amendment to Section 22.24 Schedule of Regulations to add maximum lot coverage percentages for all buildings in the Single Family Residential Zone Districts and to add item q to 22.24.010 Addendum to Section 22.24. And a typographical error will be corrected.

Planning Commission established a subcommittee who worked with Administration and Planning Consultant to evaluate existing conditions to ensure any proposed regulations did not create nonconformity given the developed nature of Beverly Hills. The percentages proposed were also based upon evaluation of existing setback requirements and typical development of a single family lot, i.e. construction of a house and garage. Additionally, language to modify the addendum to 22.24 allowing some flexibility in development without imposing the burden of a variance was included to offset potential limitations for existing property owners. A public hearing was held on Wednesday, October 24, 2018 and the Planning Commission made a recommendation for adoption of the proposed changes at that meeting.

Based upon the discussion that occurred at the first reading held December 4<sup>th</sup>, the language has been modified to remove the option to exceed the stated lot coverage maximum based on neighborhood averages. There was concern that by allowing continued expansion that could further overdevelopment of areas whereas the purpose of lot coverage is to limit potential negative impacts on storm water management. Administration concurred that such a deviation could contribute to overdevelopment and eliminated the language from the proposed amendment. There is still opportunity available to request an increase up to 5% beyond stated maximum if low impact design practices are implemented and maintained by the property owner, but that is discretionary and limited to those who can mitigate storm water impacts. Excerpts from the minutes of the Council and Planning Commission meetings at which this topic was discussed are attached.

A notice for public hearing notice on this language was published in the Birmingham Observer & Eccentric on Sunday, November 18, 2018. Procedurally, the Village Council must hold a public hearing, and first and second readings prior to adoption. Upon adoption by Council, the language will take effect 20 days after publication.

ees

attachments

VILLAGE OF BEVERLY HILLS  
ORDINANCE NO. 364

AN ORDINANCE TO AMEND THE VILLAGE MUNICIPAL CODE,  
CHAPTER 22, ZONING ORDINANCE, FOR THE VILLAGE OF BEVERLY HILLS.

The Village of Beverly Hills Ordains:

Section 1.01. That Section 22.24 of Chapter 22 is hereby amended to read as follows:

**SECTION 22.24 AREA, HEIGHT BULK, AND PLACEMENT REGULATIONS  
ALL ZONE DISTRICTS**

SECTION 22.24 Schedule of Regulations shall be amended to include maximum lot coverage of all lots by building percentages to R-A, R-1, R-1A, R-2, R-2A, R-2B, and R-3, all single family residential zones as attached.

Section 2.01. That Section 22.24.010 of Chapter 22 is hereby amended to add Section q to read as follows:

**SECTION 22.24.010 ADDENDUM TO SECTION**

The Schedule of Regulations with all notations, references and information are incorporated as part of this Ordinance.

q. The Building Official shall have the authority to allow up to a 5% increase above the maximum building coverage ratio provided the following conditions are met:

- The property owner incorporates low impact design practices (rain gardens, green roofs, porous pavement, bioretention, etc.) into the storm water management plan for the property such that it mitigates the coverage increase.
- The property owner, and any future owner(s), shall be required to maintain such so long as the building coverage ratio exceeds the maximum noted in Section 22.24.

Section 3.01. SEVERABILITY. If any section, clause or provision of this Ordinance shall be declared to be inconsistent with the Constitution and laws of the State of Michigan and voided by any court of competent jurisdiction, said section, clause or provision declared to be unconstitutional and void shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force.

Section 4.01. SAVING CLAUSE. All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law when they were commenced.

Section 5.01. REPEALER. Any Ordinance conflicting with this Ordinance be and the same is hereby repealed.

Section 6.01. EFFECTIVE DATE. A public hearing having been held by the Planning Commission on October 24, 2018, and the Village Council on December 4, 2018, the provision of this Ordinance shall become effective 20 days following its publication in The Eccentric, a newspaper circulated within said Village.

Made and passed by the Village Council of the Village of Beverly Hills this 18<sup>th</sup> day of December, 2018.

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LEE PEDDIE, Village President

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CHRIS WILSON, Interim Village Clerk

I, Chris Wilson, being the duly appointed and qualified Interim Clerk of the Village of Beverly Hills, Oakland County, Michigan, do hereby certify and declare that the foregoing is a true and correct copy of an Ordinance adopted by the Village Council of the Village of Beverly Hills at a regular meeting thereof held on the 18th day of December, 2018.

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CHRIS WILSON, Interim Village Clerk

## SECTION 22.24 AREA, HEIGHT BULK, AND PLACEMENT REGULATIONS

## ALL ZONE DISTRICTS

## SECTION 22.24 SCHEDULE OF REGULATIONS

Zoning District	Lot Minimums		Maximum Building Height		Maximum Coverage of Lot by All Buildings (Percent)	Minimum Setback Measured From Lot Line (Feet)				Minimum Usable Floor Area Per Unit (in Square Feet) (p)
	Area Width (Sq. Ft.)	(Feet)	In Stories Feet			Front Open Space (p)	Side Open Space One (p)	Other (p)	Rear Open Space (p)	
PP-Public Property	0	0	2	30	--	35	10	20	20	None
R-A Single Family	25,000	130	2	30	25 (q)	40 (a) (o)	15	20	40	1 story = 1600 1 ½ or 2 story = 2000
R-1 Single Family	16,000 (n)	100	2	30						
R-1A Single Family	12,000 (n)	100	2	30	25 (q)	40 (a) (o)	12.5(b)	17.5	40	1 story – 1400 1 ½ or 2 story = 1800
R-2 Single Family	12,000 (n)	75	2	30	25 (q)	40 (a) (o)	12.5(b)	17.5	40	1 story = 1200 1 ½ or 2 story = 1600
R-2A Single Family	6,000 (n)	60	2	30	30 (q)	40 (a) (o)	5(b)*	10*	30	1 story = 1200 1 ½ or 2 story = 1600
R-2B Single Family	9,000 (n)	75	2	30	25 (q)	40 (a) (o)	5(b)*	10*	40	1 story = 1200 1 ½ or 2 story = 1600
R-3 Single Family	4,000 (n)	40	2	30	35 (q)	40 (a) (o)	5(b)*	5*	30	1 story = 900 1 ½ or 2 story = 1200
R-M Multiple Family (k)(l)(m)	(e)	(d)(f)	2	30	30(h)	40 (h) (g)	(h) 20 (g)	(h) 20 (g)	(h) 35 (g)	(f)
P–Parking	--	--	2	30	--	--	(c)	(c)	--	None
O-1 Office	--	--	2	30	--	35	Site plan approval	Site plan approval	20	None
B-Business	--	--	2	30	--	35	Site plan approval	Site plan approval	20	None

Note: See Section 22.24.010 addendum following for specifications assigned to letters in parenthesis.

\* See Section 22.08.130

**INSTRUCTIONS TO PLANNING COMMISSION**

Motion by Abboud, second by Oen, that the Council for the Village of Beverly Hills instruct the Planning Commission to appoint a subcommittee to review the experience of surrounding communities regarding the limitation on buildable square footage on lots with a specific focus on what is commonly known as “big foot” houses and report to Council on whether this matter should be referred to the Planning Commission to explore the possibility of drafting an ordinance imposing limitations on the square foot structural occupation of the various sized lots. Report to Council with the findings will be made not later than September 1, 2018.

Motion passed.



## **FOLLOW UP ON ITEMS FROM THE JOINT PLANNING COMMISSION/COUNCIL MEETING**

On Thursday, March 22, 2018, Planning and Zoning Administrator Erin Saur, Brian Borden of LSL, and Planning Commission Chair George Ostrowski, met to discuss the matters of noncompliant site plans and the proper administrative procedure, and to discuss the current procedures and code as they relate to addressing future rehabilitation of older properties on smaller lots, including lot coverage requirements, separation requirements, and other relevant topics.

Discussion regarding the current procedure for processing site plans as detailed in the Village Zoning Ordinance Section 22.08.290c. and 22.08.290f. This resulted in the following recommendations: Planning Commission (PC) reviews site plan with comments from the applicable administrative departments/consultants, if/when it is determined a variance is required the PC can table discussion/recommendation pending Zoning Board of Appeals (ZBA) decision. After ZBA decision, the plans would go back to PC for a recommendation to Council, Council will review the plans for approval/denial. Additionally, eliminate the requirement for Council referral to PC, reduce number of plans required at submission, and update language to reflect current titles of staff/Commission reviewing plans.

They felt this would be the most straightforward process for the applicant, as well as avoid potential need for secondary variance if review by staff and PC revealed another noncompliant area. Also, this permits the applicant to be fully aware of PC concerns and make any necessary changes that could be impacted if tied to a specific variance prior to PC review. As part of this discussion, it was concluded the current requirement for Council to refer plans to PC is unnecessarily burdensome on the applicants and elimination of that step should be considered. Council would still remain the decision making body upon a PC recommendation.

Discussion regarding the pros and cons of lot coverage requirements, separation requirements, and nonconforming section of the ordinance resulted in the following recommendations:

- Lot coverage requirements may result in a hindrance to development for both additions/renovations to existing homes as well as potential new construction with limited benefit to the Village as a whole.
- Update the multiple sections (22.08.090, 22.08.130, and 22.24, o) within the Zoning Ordinance that address separation between buildings on abutting lots. There is contradictory language in those sections that should be corrected.
- Review nonconforming structures section to potentially grant leniency if certain criteria are met for existing homes to renovate or build additions onto buildings that would not increase the nonconformity.

- Consider reviewing and updating the entire Zoning Ordinance.

There was lengthy discussion on the costs and benefits of instituting lot coverage requirements in the Village, as a built-out community. Borden noted in order for the ordinance to be most effective and to reduce the risk of causing a significant number of existing homes to be noncompliant, a study of the entire Village (4k+ lots) should be conducted to determine the existing conditions. Other things which would need to be determined include: if decks/patios, detached accessory buildings, porches, or driveways would count towards lot coverage.

Lot coverage is based upon usable ground floor and does not account for second floors. There are communities which have mass ratio requirements that include the total floor area. Again, there would need to be a significant amount of research into the existing conditions to ensure we are proposing an ordinance that doesn't conflict with existing conditions. The other concern with employing ratios is those are based upon neighboring properties which makes it difficult to answer the request most often made by residents related to building a second floor. This is akin to the concerns Administration faces with the moving target of front open space averaging requirements.

Separation requirements were discussed and the group noted the contradictory language in those sections that should be corrected, but otherwise find it appropriate to maintain spacing between neighboring homes. Also discussed was the possibility of leniency for existing nonconforming homes to eliminate burdens to homeowners seeking to add to their properties. Brian noted there are standards by which we can outline instances where nonconforming properties have options to renovate the existing homes without a variance.

The Planning Commission and Administration have been tasked with reviewing multiple sections of the Zoning Ordinance over the next year. When making changes to any section, it's important to review how it interacts with the remaining ordinance and whether it's contradictory, or changes regulations unintentionally, etc. It may be worth considering whether it makes sense to review and update the entire Zoning Ordinance. As was discovered in research on the fence section, the entire ordinance was last updated in 1985. After 30+ years, the language as a whole can be dated, not meet current statutory requirements, and simply not address the changing needs and concerns of the community over time.

Based on the feedback from the meeting between Planning and Zoning Administrator Erin Saur, Brian Borden of LSL, and Planning Commission Chair George Ostrowsk, the following comments and recommendations are offered by Administration.

- The revision of the site plan submission process eliminating the need for formal Council referral to the Planning Commission is in order. Council will still be required to provide final approval of all site plans. The extra step adds time but does not provide an easily identifiable oversight benefit to the site plan approval process. Village Administration can be charged with reviewing site plans for compliance and completeness and forwarding them to the Planning Commission in a timely fashion. Administration also recommends some type of regular reporting to the Council of site plans either received and/or passed along to the Planning Commission for review.

- Administration agrees with the recommendation that site plans deemed non-compliant be sent to the Planning Commission for review/interpretation prior to submission to the ZBA providing the Planning Commission does not engage in conditional approval of the site plan pending a variance by the ZBA. The Planning Commission can review the compliant portions of the site plan to help streamline the review process.
  - Contradictory language regarding separation between existing buildings should be corrected.
  - There seemed to be difficulty in coming to a consensus on lot coverage maximums. Without some limitations there is concern about the potential for residential properties to be completely developed to the stated setback requirements. Perhaps these concerns can be addressed in other ways or are adequately addressed in other areas of the existing code.
  - The concept of “expansion of an existing non-conforming structure” is one that has been difficult to determine in Wilson’s experience in the Village. It would be wise to consult with the Village Attorney and Planning Consultant and then either advise Administration or perhaps place into the ordinance a definition of the expansion of an existing non-conformity.
  - Re-evaluation of the entire Zoning Ordinance is a daunting and potentially expensive undertaking. Review of previous zoning codes does indicate that much of the current language has not changed since the Village was founded 60 years ago. Some of this language is outdated and not all that helpful.
-

**REFER REVIEW OF CHAPTER 22 SECTION 22.24 AREA, HEIGHT, BULK, AND PLACEMENT REGULATIONS OF THE MUNICIPAL CODE TO THE PLANNING COMMISSION FOR RECOMMENDATION REGARDING MAXIMUM LOT COVERAGE**

Per discussion at the Council meeting held April 3, 2018, there was consensus that the area, height, bulk, and placement regulations enumerated in Section 22.24 of the Zoning Ordinance be amended to include lot coverage maximums for Single Family Zone Districts. At this time, the only Zone District with lot coverage regulations is R-M, Multiple Family. The Planning Commission has a subcommittee reviewing this issue per the request of Council on February 20, 2018.

To expedite the process, Administration is suggesting the existing subcommittee work with the Planning Consultant and Village staff to draft amendments to Chapter 22, Section 22.24 to establish maximum coverage of lot percentage in Single Family Residential Zone Districts that can be reviewed by the Planning Commission as a whole for recommendation to Village Council.

Cynthia Nagle, Kirkshire, inquired if resident participation was permitted. Mooney encouraged residents to attend the Planning Commission meeting.

Motion by Abboud, second by Oen, be it resolved that the Council for the Village of Beverly Hills directs the existing Planning Commission subcommittee on lot coverage to draft amendments to Chapter 22, Section 22.24 to establish maximum coverage of lot percentage in Single Family Residential Zone Districts for Planning Commission to review and make a recommendation to Council.

Motion passed.

**SUBCOMMITTEE UPDATES**

At the Village of Beverly Hills Council meeting held February 20, 2018, the Council voted on directives for the Planning Commission to establish subcommittees on several topics and report back to the Council at designated future meeting dates on their findings.

**B. Lot coverage**

Westerlund reported on current setback requirements and noted when all the homes on a street are non-compliant it limits conformity for future builds. He stated there are drainage issues within the Village which are infrastructure issues that need to be evaluated by the Village Engineer and suggested requiring topographical surveys. It is also recommended that final grading plans should be submitted to and reviewed by the engineer to be granted or denied a grading permit. Saur explained that currently this is required when a new home is built.

Kay Michael, Kirkshire, inquired about infrastructure issues including drainage plans required of new builds and drainage options for existing properties. The Commission explained the subcommittees are beginning their review of existing requirements, but her questions related to infrastructure should be directed to Administration.

**SUBCOMMITTEE UPDATES**

At the Village of Beverly Hills Council meeting held February 20, 2018, the Council voted on directives for the Planning Commission to establish subcommittees on several topics and report back to the Council at designated future meeting dates on their findings.

**B. Lot coverage**

Stempien reported there are only lot coverage requirements for the R-M Zone District. He would like to see building area addressed; also other communities have open space requirements and take into consideration percentages of lot covered by impervious surfaces.

Westerlund reported some municipalities have ordinances with a fee if the open space requirements are not met, the fees are put into an account for storm water drain improvement. The subcommittee is also giving consideration to “massing” which is when the lot coverage and height requirements are combined.

Kay Michael, Kirkshire, reiterated her feelings about infrastructure issues including drainage plans required of new builds and drainage options for existing properties. The Commission explained the subcommittees are continuing to review existing requirements, but her questions related to infrastructure should be directed to Administration.

**SUBCOMMITTEE UPDATES**

At the Village of Beverly Hills Council meeting held February 20, 2018, the Council voted on directives for the Planning Commission to establish subcommittees on several topics and report back to the Council at designated future meeting dates on their findings.

**B. Lot coverage**

Westerlund reported in the R3 and R2A Zone Districts the existing building envelope on the minimum lot of 4,000 and 6,000 sq ft respectively results in 22% lot coverage so a 30% restriction would not further restrict the building size allowed. He noted restrictions on total useable floor area may be beneficial to limit building size in those areas. Inclusion of detached accessory buildings and impervious surfaces, such as driveways, walkways, patios, etc. can also be a part of proposed restrictions.

Stempien agreed that impervious surfaces can cause issues for drainage. However, the concerns about impervious surfaces are also drainage and storm water management issues.

Cynthia Nagle, Kirkshire, reiterated her feelings about infrastructure issues including drainage plans required of new builds and drainage options for existing properties.

Mame VonBargen, Kirkshire, expressed her concern about compliance and how continued enforcement would be planned for and provided.

Borden explained that plans are reviewed by the building inspector. Site specific recourse and drainage could be dovetailed, however storm water and drainage concerns are the responsibility of the Village Engineer and HRC. Ultimately, updating Village engineering standards may be more beneficial than updates to the Zoning Ordinance.

The subcommittee agreed to review the directives set forth by the Village Council at their April 17, 2018 meeting.

**SUBCOMMITTEE UPDATES**

At the Village of Beverly Hills Council meeting held February 20, 2018, the Council voted on directives for the Planning Commission to establish subcommittees on several topics and report back to the Council at designated future meeting dates on their findings.

**A. Lot coverage**

Westerlund presented the Commission with a draft of the proposed single-family building coverages. The goal of the subcommittee was to avoid creating non-conformity on existing residential properties. They also opted to include an addendum to help with issues of small building maximums. In cases of non-conforming lot area there could be a percentage expansion alternative.

The subcommittee intends to use aerial imagery to review building coverage of lots in various Zone Districts to determine if the proposed percentages comport with existing conditions.

The following residents spoke regarding lot coverage, density, and drainage:

Kay Michael, Kirkshire

Cynthia Nagle, Kirkshire

Pamela Tennant, Kirkshire

Tracey Breen, Riverside



**SUBCOMMITTEE UPDATES**

At the Village of Beverly Hills Council meeting held February 20, 2018, the Council voted on directives for the Planning Commission to establish subcommittees on several topics and report back to the Council at designated future meeting dates on their findings.

**A. Lot coverage**

Stempien and Westerlund shared a presentation of photos of homes in various neighborhoods across the Village and surrounding cities with examples of side setback changes depending on the zone or build. The median lot coverage percentages in the Village range from 8.7% to 20% depending on the zone and density. In further research, all surrounding communities have lot coverage ordinances.

**PUBLIC COMMENTS**

Kay Michaels, Kirkshire; Cynthia Nagel, Kirkshire; and Racheal Hrydziuszko, Evergreen; spoke in support of the progress on lot coverage review, but continue to have concerns about the impact current building projects will have on the Village.

**PUBLIC HEARING ON DRAFT LANGUAGE AMENDING VILLAGE MUNICIPAL CODE, CHAPTER 22, SECTION 22.24 AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS, SCHEDULE OF REGULATIONS.**

Borden explained that an updated draft based on subcommittee work and Commission feedback is what is being reviewed. The amendment contains opportunity for a resident to receive additional coverage allowance based on meeting conditions of using low impact design practices, or the ratio does not exceed the mean average coverage ratio for properties within 300 feet.

Ostrowski opened the public hearing at 9:34 p.m.

Kay Michel, Kirkshire, spoke on behalf of the Concerned Owners of Kirkshire, expressing their support of the low impact design principals. She suggested that the homeowners be required to meet both stipulations not just one. She also would like to see long term sustainability and that there are controls in place to ensure continued compliance over time. She believes that the 35% allowance on R3 properties should be set at 25%.

Tracy Breen, Riverside Drive, suggested in 22.24.010.q it read “The Building Official OR PLANNING COMMISSION OR ADMINISTRATION...”

No one else wished to be heard; therefore Ostrowski closed the Public Hearing at 9:41 p.m.

**REVIEW AND CONSIDER RECOMMENDATION ON DRAFT LANGUAGE AMENDING VILLAGE MUNICIPAL CODE, CHAPTER 22, SECTION 22.24 AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS, SCHEDULE OF REGULATIONS.**

Westerlund questioned the intent of 22.24.010.q, and it was clarified that a homeowner can only have a maximum of 5% increase contingent on meeting one of the requirements. It was agreed that only the Building Official was qualified to make the assessment for Section 22.24.010.q.

All plans submitted by a homeowner are reviewed by Engineering for compliance. The Village does not currently have guidelines for low impact design, but may want to consider doing so in the future.

Motion by Westerlund, second by Wilensky, that the Planning Commission recommends the Village of Beverly Hills Council approve language amending Village Municipal Code, Chapter 22, Section 22.24 Area, Height, Bulk, and Placement Requirements, Schedule of Regulations, with the (Sq. Ft) in the header of the “Lot Minimums Area Width” Column only listed as (Sq. Ft. and Feet).

Roll Call Vote:  
Motion passed (8-0)

**PUBLIC HEARING TO RECEIVE COMMENTS ON A PROPOSED ORDINANCE AMENDING CHAPTER 22 SECTION 22.24 AREA, HEIGHT, BULK, AND PLACEMENT REGULATIONS AND SECTION 22.24.010 ADDENDUM TO SECTION 22.24.**

At the direction of Council, the Planning Commission has drafted an amendment to Section 22.24 Schedule of Regulations to add maximum lot coverage percentages for all buildings in the Single Family Residential Zone Districts and to add item q to 22.24.010 Addendum to Section 22.24. A typographical error will be corrected also.

Planning Commission established a subcommittee who worked with Administration and Planning Consultant to evaluate existing conditions to ensure any proposed regulations did not create nonconformity given the developed nature of Beverly Hills. The percentages proposed were also based upon evaluation of existing setback requirements and typical development of a single family lot, i.e. construction of a house and garage. Additionally, language to modify the addendum to 22.24 allowing some flexibility in development without imposing the burden of a variance was included to offset potential limitations for existing property owners. A public hearing was held on Wednesday, October 24, 2018 and the Planning Commission made a recommendation for adoption of the proposed changes at that meeting.

A notice for public hearing notice on this language was published in the Birmingham Observer & Eccentric on Sunday, November 18, 2018. Procedurally, the Village Council must hold a public hearing, and first and second readings prior to adoption. Upon adoption by Council, the language will take effect 20 days after publication.

Peddie opened the public hearing at 7:58 pm.

Kay Michael, Kirkshire, is pleased with the draft; particularly the inclusion of storm water drainage improvements.

Cynthia Nagle, Kirkshire, supports the suggested parameters set forth related to new construction.

No one else wished to be heard; the public hearing was closed at 8:01 pm.

Mueller thanked the Planning Commission, Council, and Administration for all of their hard work on this issue. He is concerned that there will be cases where the maximum coverage of lot will exceed the setbacks allowed currently in the ordinance. It needs to be made clear that both figures need to be met and the process when a percentage conflicts with the setback, or setbacks conflict with the percentages.

Mueller also expressed concern related to the exceptions. The Building Official can approve an increase of up to 5% if one of two requirements are met; a nearby building is similar, or they provide for more storm water runoff additions. In his opinion, both of these requirements should be met. Separations of buildings on abutting lots should be addressed in the near future.

**FIRST READING OF AN ORDINANCE AMENDING CHAPTER 22 SECTION 22.24 AREA, HEIGHT, BULK, AND PLACEMENT REGULATIONS AND SECTION 22.24.010 ADDENDUM TO SECTION 22.24.**

Ryan explained that there has not previously been a maximum single family residential lot coverage component. This places a maximum number, and the zoning district will control the number. This ordinance will apply to all single family residential zones. There is an addendum which allows for up to 5% increase in lot coverage.

# Memo

To: Chris Wilson, Village Manager  
From: Thomas Meszler, Director of Public Services  
Date: December 12, 2018  
Re: Traffic Control Order 422-TP-18 & 423-TP-18

## Background

The Village has received many complaints from residents on Carriage Lane/Old Post/Wellesley and Old Coach about cut thru traffic on these streets trying to avoid the 14 Mile and Evergreen intersection. The Village contacted TIA to do a traffic study here and they found that there is definitely a cut thru traffic issue on these streets. In conversation with the Homeowners Associations, the attached traffic control orders have been developed to assist in resolution of this problem.

Traffic Control Order 422-TP-18 prohibits right turns for thru traffic from eastbound 14 Mile onto Old Post and onto Carriage Lane.

Traffic Control Order 423-TP-18 prohibits left turns for thru traffic from northbound Evergreen onto Wellesley, onto Old Coach and onto Carriage Lane.

## Recommendation

Administration recommends that the Village Council approve Traffic Control Order 422-TP-18 and Traffic Control Order 423-TP-18.

THM/klm

attachments

**VILLAGE OF BEVERLY HILLS  
18500 WEST THIRTEEN MILE ROAD  
BEVERLY HILLS, MI 48025**

**TRAFFIC CONTROL ORDER**

Order No: 422-TP-18

Date of Filing: \_\_\_\_\_

In accordance with Ordinance 41.01 as amended, we have made an investigation of traffic conditions at 14 Mile eastbound at Old Post and Carriage Lane.

and as a result of said investigation, do hereby direct:

Right turns for thru traffic shall be prohibited to all vehicles. No thru traffic shall turn right when posted as such at the following locations: Eastbound 14 Mile at Old Post.

Eastbound 14 Mile at Carriage Lane.

The following Traffic Control Order(s) is/are hereby rescinded \_\_\_\_\_

This order shall expire 90 days from the date of filing except that upon its approval by the \_\_\_\_\_  
Village Council, it shall not so expire.  
(Legislative Body)

**Traffic Engineer**

  
\_\_\_\_\_  
**Thomas Meszler**

**Date of Filing with Village Clerk**

\_\_\_\_\_

**Received for Filing (Date)** \_\_\_\_\_

**Village Clerk** \_\_\_\_\_

**Chris Wilson**

**Approved by:** \_\_\_\_\_  
(Legislative Body)

**Date:** \_\_\_\_\_

VILLAGE OF BEVERLY HILLS  
18500 WEST THIRTEEN MILE ROAD  
BEVERLY HILLS, MI 48025

TRAFFIC CONTROL ORDER

Order No: 423-TP-18

Date of Filing: \_\_\_\_\_

In accordance with Ordinance 41.01 as amended, we have made an investigation of traffic conditions at Evergreen northbound at Wellesley/Old Coach/Carriage Lane.

and as a result of said investigation, do hereby direct:

Left turns for thru traffic shall be prohibited to all vehicles. No thru traffic shall turn left when posted as such at the following locations: Northbound Evergreen at Wellesley.

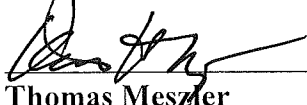
Northbound Evergreen at Old Coach.

Northbound Evergreen at Carriage Lane.

The following Traffic Control Order(s) is/are hereby rescinded \_\_\_\_\_

This order shall expire 90 days from the date of filing except that upon its approval by the \_\_\_\_\_  
Village Council, it shall not so expire.  
(Legislative Body)

Traffic Engineer

  
\_\_\_\_\_

Thomas Meszler

Date of Filing with Village Clerk

\_\_\_\_\_

Received for Filing (Date) \_\_\_\_\_

Village Clerk \_\_\_\_\_

Chris Wilson

Approved by: \_\_\_\_\_  
(Legislative Body)

Date: \_\_\_\_\_

# Memorandum

**To:** Honorable President Peddie; Village Council  
**From:** Chris D. Wilson, Village Manager  
**CC:** Sheila McCarthy, Finance Director  
**Date:** 12/14/2018  
**Re:** OPEB Funding Projections

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The Village contracted with Nyhart to do an analysis on our annual funding of retiree health care costs and the amount of annual funds to be set aside for future retiree health care obligations. As a reminder, in the budget for FY 2018-19 the Village began using funds already set aside for future retiree health care obligations to begin paying current retiree health care costs. Village Administration requested assistance determining the proper ratio between expenses incurred by the annual Village budget and the appropriate amount to allocate from the existing Retiree Health Care Fund. Nyhart developed two different scenarios by which the Village could fund retiree health care expenses going forward. These scenarios are as follows:

**Scenario 1:** All retiree health care expenses will be paid out of the retiree health care fund. The Village will contribute \$400,000 to the retiree health care fund on an annual basis. The contributions are projected to run through FYE 06/30/40. The \$400,000 will be allocated appropriately between the Public Safety Fund and the General Fund (80% +/- Public Safety). At the end of the period of contributions (July 1, 2040) the retiree health care plan would be funded at a level of 102.6%. Beyond that date all retiree health care expenses would be paid for from the Retiree Health Care Fund. As of June 30, 2050, the fund would retain liabilities of \$7.72 million with assets of \$7.92 million, a funding ratio of 102.6%. Under this scenario the Village would meet the minimum Actuarially Determined Contribution (ADC) every year.

**Scenario 2:** All retiree health care expenses will be paid out of the retiree health care fund. Through FYE 06/30/26 the Village will contribute 100% of the current costs of retiree health care back to the Retiree Health Care Fund. This obtains a 100% funding of the retiree health care fund by June 30, 2016. After this date, the Village would have no further contributions for retiree health care. The annual contributions over this period would range from \$713,000 to \$852,000 and would be split between the Public Safety Fund and the General Fund. Beyond 2026 the Retiree Health Care fund would be projected to be slightly overfunded. The funded ratio on June 30, 2026 is projected to be 102.4%. This ratio would increase to 116.4% by June 30, 2050 and 139.5% by June 30, 2050, by which point the fund would be overfunded by approximately \$3 million.



After analyzing these two scenarios it is the opinion of Village Administration that Scenario 1 is the most appropriate path for the Village at this time. The aggressiveness with which the Village has been setting aside funds for these future obligations combined with the efforts to close these plans has left the Village in an enviable position to begin using these funds to pay current retiree care obligations and limit the impact these costs have on the Village's annual budget. While somewhat tempting to continue with this aggressive path and potentially eliminate all future retiree health care costs in less than a decade doing so will require a significant outlay of expenses over this period and will lessen the Village's ability to address other needs such as roads and other capital expenses. Further, significant overfunding of these costs should be avoided where possible as the ability of the Village to reclaim funds placed in the Retiree Health Care Fund for other purposes is constrained by current statutes.

# SCENARIO #1

## Data, Plan Provisions, and Assumptions

A summary of the major assumptions used are as follows:

Discount Rate	7.75%
Salary Increases	Based on MERS valuations
Mortality	RP-2016 Total Dataset Mortality Table with mortality improvement (scale MP-2016)
Healthcare Inflation	Pre-Medicare: 8.50% decreasing by 0.5% annually to an ultimate rate of 4.50%
Amortization of Unfunded AAL	26 years as of June 30, 2018

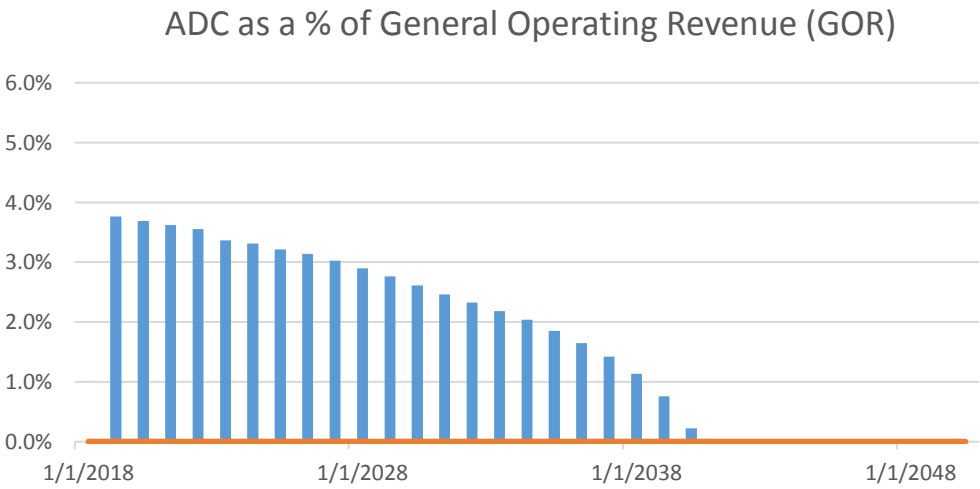
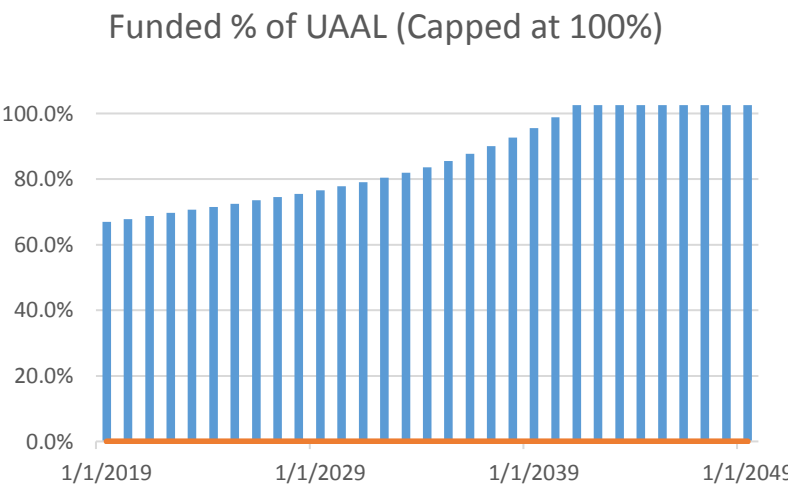
All other plan provisions and assumptions follow the Village's GASB 74/75 actuarial valuation for fiscal year ending June 30, 2018

Client Inputs

Will the Village contribute pay-as-you-go costs?	No
Pre-funding Village Contributions (in addition to pay-go)	\$ 400,000
What is the Village's General Operating Revenue?	\$ 9,679,904 as of 6/30/2017, from 2017 Village audit
Expected Annual Increase on General Operating Revenue	2.0%

Results Summary

Projected Year of 40% Funding of UAAL6/30/2041



## Projected Contributions to the OPEB Trust

FYE	Payroll for Current Plan Members	Village Contributions for Pay-go Costs	Additional Village Contributions	Reductions for New Entrants (if open group)	Total ER Contributions for Current Plan Members	Pre-funding Village Contributions (in addition to pay-go) Override	Actuarially Determined Contribution (ADC)
	A	B	C	D	F = B + C - D		
6/30/2018	\$1,337,528	\$0	\$1,227,868	\$0	\$1,227,868		
6/30/2019	\$1,367,916	\$0	\$400,000	\$0	\$400,000	\$400,000	\$379,452
6/30/2020	\$1,370,951	\$0	\$400,000	\$0	\$400,000	\$400,000	\$378,624
6/30/2021	\$1,389,212	\$0	\$400,000	\$0	\$400,000	\$400,000	\$379,049
6/30/2022	\$1,396,494	\$0	\$400,000	\$0	\$400,000	\$400,000	\$379,927
6/30/2023	\$1,408,165	\$0	\$400,000	\$0	\$400,000	\$400,000	\$366,461
6/30/2024	\$1,318,162	\$0	\$400,000	\$0	\$400,000	\$400,000	\$367,951
6/30/2025	\$1,298,703	\$0	\$400,000	\$0	\$400,000	\$400,000	\$364,851
6/30/2026	\$1,300,265	\$0	\$400,000	\$0	\$400,000	\$400,000	\$363,149
6/30/2027	\$1,184,490	\$0	\$400,000	\$0	\$400,000	\$400,000	\$356,660
6/30/2028	\$1,082,846	\$0	\$400,000	\$0	\$400,000	\$400,000	\$348,561
6/30/2029	\$982,615	\$0	\$400,000	\$0	\$400,000	\$400,000	\$338,722
6/30/2030	\$874,796	\$0	\$400,000	\$0	\$400,000	\$400,000	\$327,409
6/30/2031	\$705,067	\$0	\$400,000	\$0	\$400,000	\$400,000	\$314,680
6/30/2032	\$597,897	\$0	\$400,000	\$0	\$400,000	\$400,000	\$302,889
6/30/2033	\$537,167	\$0	\$400,000	\$0	\$400,000	\$400,000	\$290,506
6/30/2034	\$501,291	\$0	\$400,000	\$0	\$400,000	\$400,000	\$276,334
6/30/2035	\$418,524	\$0	\$400,000	\$0	\$400,000	\$400,000	\$255,722
6/30/2036	\$359,807	\$0	\$400,000	\$0	\$400,000	\$400,000	\$232,517
6/30/2037	\$292,700	\$0	\$400,000	\$0	\$400,000	\$400,000	\$204,314
6/30/2038	\$245,191	\$0	\$400,000	\$0	\$400,000	\$400,000	\$166,808
6/30/2039	\$199,717	\$0	\$400,000	\$0	\$400,000	\$400,000	\$113,716
6/30/2040	\$168,199	\$0	\$400,000	\$0	\$400,000	\$400,000	\$34,599
6/30/2041	\$145,252	\$0	\$0	\$0	\$0	\$0	\$0
6/30/2042	\$129,337	\$0	\$0	\$0	\$0	\$0	\$0
6/30/2043	\$117,872	\$0	\$0	\$0	\$0	\$0	\$0
6/30/2044	\$91,157	\$0	\$0	\$0	\$0	\$0	\$0
6/30/2045	\$66,432	\$0	\$0	\$0	\$0	\$0	\$0
6/30/2046	\$47,121	\$0	\$0	\$0	\$0	\$0	\$0
6/30/2047	\$30,080	\$0	\$0	\$0	\$0	\$0	\$0
6/30/2048	\$23,492	\$0	\$0	\$0	\$0	\$0	\$0
6/30/2049	\$18,342	\$0	\$0	\$0	\$0	\$0	\$0
6/30/2050	\$14,315	\$0	\$0	\$0	\$0	\$0	\$0

## Projected OPEB Trust Balance

OPEB admin      OPEB Trust ROR  
0.25%      7.75%

FYE	BOY Fiduciary Net Position (FNP)	Total ER Contributions for Current Plan Members	Total EE Contributions from Current Plan Members	Projected Benefit Payments (BP)	Projected Administrative Expense	Projected Investment Earnings	Projected Ending FNP M = G + H + I - J - K +
	G	H = D	I	J	K	L	L
6/30/2018	\$6,141,787	\$1,227,868	\$22,704	\$904,286	\$15,289	\$463,537	\$6,936,321
6/30/2019	\$6,936,321	\$400,000	\$27,358	\$713,140	\$17,341	\$509,787	\$7,142,985
6/30/2020	\$7,142,985	\$400,000	\$27,419	\$722,741	\$17,857	\$525,419	\$7,355,225
6/30/2021	\$7,355,225	\$400,000	\$27,784	\$750,099	\$18,388	\$540,807	\$7,555,328
6/30/2022	\$7,555,328	\$400,000	\$27,930	\$778,395	\$18,888	\$555,220	\$7,741,195
6/30/2023	\$7,741,195	\$400,000	\$28,163	\$830,790	\$19,353	\$567,614	\$7,886,829
6/30/2024	\$7,886,829	\$400,000	\$26,363	\$811,292	\$19,717	\$579,629	\$8,061,812
6/30/2025	\$8,061,812	\$400,000	\$25,974	\$820,221	\$20,155	\$592,833	\$8,240,244
6/30/2026	\$8,240,244	\$400,000	\$26,005	\$852,041	\$20,601	\$605,435	\$8,399,043
6/30/2027	\$8,399,043	\$400,000	\$23,690	\$862,974	\$20,998	\$617,311	\$8,556,072
6/30/2028	\$8,556,072	\$400,000	\$21,657	\$893,314	\$21,390	\$628,312	\$8,691,337
6/30/2029	\$8,691,337	\$400,000	\$19,652	\$917,941	\$21,728	\$637,846	\$8,809,166
6/30/2030	\$8,809,166	\$400,000	\$17,496	\$941,953	\$22,023	\$646,053	\$8,908,739
6/30/2031	\$8,908,739	\$400,000	\$14,101	\$966,423	\$22,272	\$652,830	\$8,986,975
6/30/2032	\$8,986,975	\$400,000	\$11,958	\$1,000,524	\$22,467	\$657,589	\$9,033,531
6/30/2033	\$9,033,531	\$400,000	\$10,743	\$941,555	\$22,584	\$663,435	\$9,143,571
6/30/2034	\$9,143,571	\$400,000	\$10,026	\$943,464	\$22,859	\$671,880	\$9,259,154
6/30/2035	\$9,259,154	\$400,000	\$8,370	\$954,612	\$23,148	\$680,403	\$9,370,168
6/30/2036	\$9,370,168	\$400,000	\$7,196	\$971,955	\$23,425	\$688,337	\$9,470,321
6/30/2037	\$9,470,321	\$400,000	\$5,854	\$950,201	\$23,676	\$696,916	\$9,599,214
6/30/2038	\$9,599,214	\$400,000	\$4,904	\$948,882	\$23,998	\$706,943	\$9,738,181
6/30/2039	\$9,738,181	\$400,000	\$3,994	\$952,171	\$24,345	\$717,575	\$9,883,234
6/30/2040	\$9,883,234	\$400,000	\$3,364	\$920,900	\$24,708	\$729,992	\$10,070,982
6/30/2041	\$10,070,982	\$0	\$2,905	\$953,423	\$25,177	\$743,288	\$9,838,575
6/30/2042	\$9,838,575	\$0	\$2,587	\$954,675	\$24,596	\$725,251	\$9,587,141
6/30/2043	\$9,587,141	\$0	\$2,357	\$933,740	\$23,968	\$706,585	\$9,338,375
6/30/2044	\$9,338,375	\$0	\$1,823	\$910,690	\$23,346	\$688,206	\$9,094,368
6/30/2045	\$9,094,368	\$0	\$1,329	\$894,545	\$22,736	\$669,932	\$8,848,348
6/30/2046	\$8,848,348	\$0	\$942	\$873,288	\$22,121	\$651,697	\$8,605,579
6/30/2047	\$8,605,579	\$0	\$602	\$854,737	\$21,514	\$633,611	\$8,363,540
6/30/2048	\$8,363,540	\$0	\$470	\$825,530	\$20,909	\$615,987	\$8,133,558
6/30/2049	\$8,133,558	\$0	\$367	\$795,818	\$20,334	\$599,315	\$7,917,088
6/30/2050	\$7,917,088	\$0	\$286	\$786,198	\$19,793	\$582,925	\$7,694,309

## Projected Actuarially Determined Contribution (ADC)

FYE	Actuarial Accrued Liability (AAL) @BOY	FNP @BOY	Unfunded AAL	Funded %	Min amort		Amortization period	Amort UAAL	Actuarially Determined Contribution (ADC)	General Operating Revenue
					Normal Cost - Less EE Confs	1				
6/30/2018										
6/30/2019	\$10,373,099	\$6,936,321	\$3,436,778	66.9%	\$59,718	25	\$292,442	\$379,452	\$10,070,972	
6/30/2020	\$10,530,580	\$7,142,985	\$3,387,595	67.8%	\$58,986	24	\$292,405	\$378,624	\$10,272,392	
6/30/2021	\$10,689,578	\$7,355,225	\$3,334,353	68.8%	\$59,443	23	\$292,342	\$379,049	\$10,477,839	
6/30/2022	\$10,833,384	\$7,555,328	\$3,278,056	69.7%	\$60,233	22	\$292,368	\$379,927	\$10,687,396	
6/30/2023	\$10,959,971	\$7,741,195	\$3,218,776	70.6%	\$47,581	21	\$292,522	\$366,461	\$10,901,144	
6/30/2024	\$11,028,600	\$7,886,829	\$3,141,771	71.5%	\$50,009	20	\$291,477	\$367,951	\$11,119,167	
6/30/2025	\$11,123,465	\$8,061,812	\$3,061,653	72.5%	\$48,037	19	\$290,572	\$364,851	\$11,341,550	
6/30/2026	\$11,213,868	\$8,240,244	\$2,973,624	73.5%	\$47,647	18	\$289,383	\$363,149	\$11,568,381	
6/30/2027	\$11,277,862	\$8,399,043	\$2,878,819	74.5%	\$42,970	17	\$288,037	\$356,660	\$11,799,749	
6/30/2028	\$11,327,932	\$8,556,072	\$2,771,860	75.5%	\$37,487	16	\$286,003	\$348,561	\$12,035,744	
6/30/2029	\$11,342,289	\$8,691,337	\$2,650,952	76.6%	\$31,298	15	\$283,061	\$338,722	\$12,276,459	
6/30/2030	\$11,323,368	\$8,809,166	\$2,514,202	77.8%	\$24,926	14	\$278,934	\$327,409	\$12,521,988	
6/30/2031	\$11,268,866	\$8,908,739	\$2,360,127	79.1%	\$18,715	13	\$273,331	\$314,680	\$12,772,428	
6/30/2032	\$11,174,389	\$8,986,975	\$2,187,414	80.4%	\$15,201	12	\$265,903	\$302,889	\$13,027,876	
6/30/2033	\$11,031,097	\$9,033,531	\$1,997,566	81.9%	\$13,066	11	\$256,545	\$290,506	\$13,288,434	
6/30/2034	\$10,934,302	\$9,143,571	\$1,790,731	83.6%	\$11,567	10	\$244,891	\$276,334	\$13,554,203	
6/30/2035	\$10,825,635	\$9,259,154	\$1,566,481	85.5%	\$7,017	9	\$230,312	\$255,722	\$13,825,287	
6/30/2036	\$10,690,288	\$9,370,168	\$1,320,120	87.7%	\$4,614	8	\$211,179	\$232,517	\$14,101,792	
6/30/2037	\$10,522,595	\$9,470,321	\$1,052,274	90.0%	\$3,644	7	\$185,975	\$204,314	\$14,383,828	
6/30/2038	\$10,361,996	\$9,599,214	\$762,782	92.6%	\$2,836	6	\$151,974	\$166,808	\$14,671,505	
6/30/2039	\$10,188,425	\$9,738,181	\$450,244	95.6%	\$1,570	5	\$103,967	\$113,716	\$14,964,935	
6/30/2040	\$9,995,644	\$9,883,234	\$112,410	98.9%	\$788	4	\$31,323	\$34,599	\$15,264,233	
6/30/2041	\$9,818,860	\$10,070,982	(\$252,122)	102.6%	\$353	3	-\$90,386	\$0	\$15,569,518	
6/30/2042	\$9,593,654	\$9,838,575	(\$244,921)	102.6%	\$113	2	-\$127,029	\$0	\$15,880,909	
6/30/2043	\$9,349,093	\$9,587,141	(\$238,048)	102.5%	\$0	1	-\$238,048	\$0	\$16,198,527	
6/30/2044	\$9,106,910	\$9,338,375	(\$231,465)	102.5%	\$0	1	-\$231,465	\$0	\$16,522,497	
6/30/2045	\$8,868,782	\$9,094,368	(\$225,586)	102.5%	\$0	1	-\$225,586	\$0	\$16,852,947	
6/30/2046	\$8,628,527	\$8,848,348	(\$219,821)	102.5%	\$0	1	-\$219,821	\$0	\$17,190,006	
6/30/2047	\$8,391,488	\$8,605,579	(\$214,091)	102.6%	\$0	1	-\$214,091	\$0	\$17,533,806	
6/30/2048	\$8,155,170	\$8,363,540	(\$208,370)	102.6%	\$0	1	-\$208,370	\$0	\$17,884,482	
6/30/2049	\$7,930,728	\$8,133,558	(\$202,830)	102.6%	\$0	1	-\$202,830	\$0	\$18,242,172	
6/30/2050	\$7,719,634	\$7,917,088	(\$197,454)	102.6%	\$0	1	-\$197,454	\$0	\$18,607,015	

## SCENARIO #2

### Data, Plan Provisions, and Assumptions

A summary of the major assumptions used are as follows:

Discount Rate	7.75%
Salary Increases	Based on MERS valuations
Mortality	RP-2016 Total Dataset Mortality Table with mortality improvement (scale MP-2016)
Healthcare Inflation	Pre-Medicare: 8.50% decreasing by 0.5% annually to an ultimate rate of 4.50%
Amortization of Unfunded AAL	26 years as of June 30, 2018

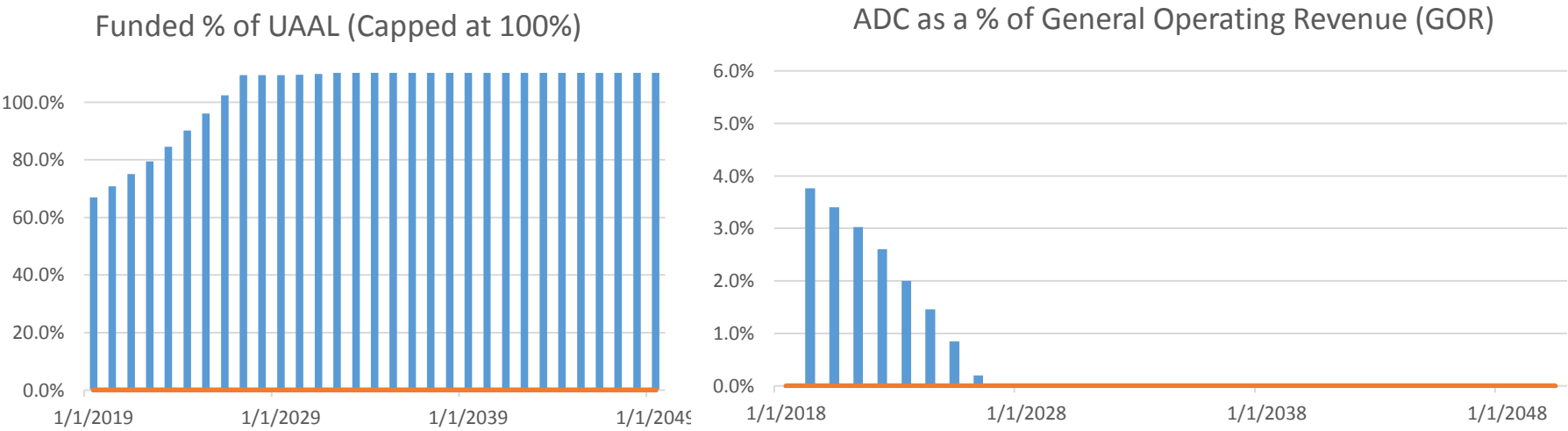
All other plan provisions and assumptions follow the Village's GASB 74/75 actuarial valuation for fiscal year ending June 30, 2018

Client Inputs

Will the Village contribute pay-as-you-go costs?	Until fully funded
Pre-funding Village Contributions (in addition to pay-go)	\$ -
What is the Village's General Operating Revenue?	\$ 9,679,904 as of 6/30/2017, from 2017 Village audit
Expected Annual Increase on General Operating Revenue	2.0%

Results Summary

Projected Year of 100% Funding of UAAL 6/30/2026





## Projected Contributions to the OPEB Trust

FYE	Payroll for Current Plan Members	Village Contributions for Pay-go Costs	Additional Village Contributions	Reductions for New Entrants (if open group)	Total ER Contributions for Current Plan Members	Pre-funding Village Contributions (in addition to pay-go) Override	Actuarially Determined Contribution (ADC)
	A	B	C	D	F = B + C - D		
6/30/2018	\$1,337,528	\$904,286	\$323,582	\$0	\$1,227,868		
6/30/2019	\$1,367,916	\$713,140	\$0	\$0	\$713,140	\$0	\$379,452
6/30/2020	\$1,370,951	\$722,741	\$0	\$0	\$722,741	\$0	\$349,500
6/30/2021	\$1,389,212	\$750,099	\$0	\$0	\$750,099	\$0	\$316,761
6/30/2022	\$1,396,494	\$778,395	\$0	\$0	\$778,395	\$0	\$278,173
6/30/2023	\$1,408,165	\$830,790	\$0	\$0	\$830,790	\$0	\$217,958
6/30/2024	\$1,318,162	\$811,292	\$0	\$0	\$811,292	\$0	\$161,932
6/30/2025	\$1,298,703	\$820,221	\$0	\$0	\$820,221	\$0	\$96,251
6/30/2026	\$1,300,265	\$852,041	\$0	\$0	\$852,041	\$0	\$23,036
6/30/2027	\$1,184,490	\$0	\$0	\$0	\$0	\$0	\$0
6/30/2028	\$1,082,846	\$0	\$0	\$0	\$0	\$0	\$0
6/30/2029	\$982,615	\$0	\$0	\$0	\$0	\$0	\$0
6/30/2030	\$874,796	\$0	\$0	\$0	\$0	\$0	\$0
6/30/2031	\$705,067	\$0	\$0	\$0	\$0	\$0	\$0
6/30/2032	\$597,897	\$0	\$0	\$0	\$0	\$0	\$0
6/30/2033	\$537,167	\$0	\$0	\$0	\$0	\$0	\$0
6/30/2034	\$501,291	\$0	\$0	\$0	\$0	\$0	\$0
6/30/2035	\$418,524	\$0	\$0	\$0	\$0	\$0	\$0
6/30/2036	\$359,807	\$0	\$0	\$0	\$0	\$0	\$0
6/30/2037	\$292,700	\$0	\$0	\$0	\$0	\$0	\$0
6/30/2038	\$245,191	\$0	\$0	\$0	\$0	\$0	\$0
6/30/2039	\$199,717	\$0	\$0	\$0	\$0	\$0	\$0
6/30/2040	\$168,199	\$0	\$0	\$0	\$0	\$0	\$0
6/30/2041	\$145,252	\$0	\$0	\$0	\$0	\$0	\$0
6/30/2042	\$129,337	\$0	\$0	\$0	\$0	\$0	\$0
6/30/2043	\$117,872	\$0	\$0	\$0	\$0	\$0	\$0
6/30/2044	\$91,157	\$0	\$0	\$0	\$0	\$0	\$0
6/30/2045	\$66,432	\$0	\$0	\$0	\$0	\$0	\$0
6/30/2046	\$47,121	\$0	\$0	\$0	\$0	\$0	\$0
6/30/2047	\$30,080	\$0	\$0	\$0	\$0	\$0	\$0
6/30/2048	\$23,492	\$0	\$0	\$0	\$0	\$0	\$0
6/30/2049	\$18,342	\$0	\$0	\$0	\$0	\$0	\$0
6/30/2050	\$14,315	\$0	\$0	\$0	\$0	\$0	\$0

## Projected OPEB Trust Balance

OPEB admin      OPEB Trust ROR  
0.25%      7.75%

FYE	BOY Fiduciary Net Position (FNP)	Total ER Contributions for Current Plan Members	Total EE Contributions from Current Plan Members	Projected Benefit Payments (BP)	Projected Administrative Expense	Projected Investment Earnings	Projected Ending FNP M = G + H + I - J - K +
	G	H = D	I	J	K	L	L
6/30/2018	\$6,141,787	\$1,227,868	\$22,704	\$904,286	\$15,289	\$463,537	\$6,936,321
6/30/2019	\$6,936,321	\$713,140	\$27,358	\$713,140	\$17,341	\$509,787	\$7,456,125
6/30/2020	\$7,456,125	\$722,741	\$27,419	\$722,741	\$18,640	\$549,657	\$8,014,561
6/30/2021	\$8,014,561	\$750,099	\$27,784	\$750,099	\$20,036	\$591,843	\$8,614,152
6/30/2022	\$8,614,152	\$778,395	\$27,930	\$778,395	\$21,535	\$637,178	\$9,257,724
6/30/2023	\$9,257,724	\$830,790	\$28,163	\$830,790	\$23,144	\$685,001	\$9,947,744
6/30/2024	\$9,947,744	\$811,292	\$26,363	\$811,292	\$24,869	\$739,153	\$10,688,392
6/30/2025	\$10,688,392	\$820,221	\$25,974	\$820,221	\$26,721	\$796,144	\$11,483,788
6/30/2026	\$11,483,788	\$852,041	\$26,005	\$852,041	\$28,709	\$856,501	\$12,337,585
6/30/2027	\$12,337,585	\$0	\$23,690	\$862,974	\$30,844	\$922,174	\$12,389,631
6/30/2028	\$12,389,631	\$0	\$21,657	\$893,314	\$30,974	\$925,049	\$12,412,048
6/30/2029	\$12,412,048	\$0	\$19,652	\$917,941	\$31,030	\$925,847	\$12,408,577
6/30/2030	\$12,408,577	\$0	\$17,496	\$941,953	\$31,021	\$924,665	\$12,377,764
6/30/2031	\$12,377,764	\$0	\$14,101	\$966,423	\$30,944	\$921,350	\$12,315,847
6/30/2032	\$12,315,847	\$0	\$11,958	\$1,000,524	\$30,790	\$915,260	\$12,211,752
6/30/2033	\$12,211,752	\$0	\$10,743	\$941,555	\$30,529	\$909,445	\$12,159,857
6/30/2034	\$12,159,857	\$0	\$10,026	\$943,464	\$30,400	\$905,356	\$12,101,375
6/30/2035	\$12,101,375	\$0	\$8,370	\$954,612	\$30,253	\$900,405	\$12,025,285
6/30/2036	\$12,025,285	\$0	\$7,196	\$971,955	\$30,063	\$893,856	\$11,924,318
6/30/2037	\$11,924,318	\$0	\$5,854	\$950,201	\$29,811	\$886,868	\$11,837,028
6/30/2038	\$11,837,028	\$0	\$4,904	\$948,882	\$29,593	\$880,161	\$11,743,619
6/30/2039	\$11,743,619	\$0	\$3,994	\$952,171	\$29,359	\$872,806	\$11,638,889
6/30/2040	\$11,638,889	\$0	\$3,364	\$920,900	\$29,097	\$865,888	\$11,558,144
6/30/2041	\$11,558,144	\$0	\$2,905	\$953,423	\$28,895	\$858,402	\$11,437,132
6/30/2042	\$11,437,132	\$0	\$2,587	\$954,675	\$28,593	\$848,987	\$11,305,438
6/30/2043	\$11,305,438	\$0	\$2,357	\$933,740	\$28,264	\$839,589	\$11,185,382
6/30/2044	\$11,185,382	\$0	\$1,823	\$910,690	\$27,963	\$831,173	\$11,079,724
6/30/2045	\$11,079,724	\$0	\$1,329	\$894,545	\$27,699	\$823,608	\$10,982,417
6/30/2046	\$10,982,417	\$0	\$942	\$873,288	\$27,456	\$816,885	\$10,899,500
6/30/2047	\$10,899,500	\$0	\$602	\$854,737	\$27,249	\$811,172	\$10,829,288
6/30/2048	\$10,829,288	\$0	\$470	\$825,530	\$27,073	\$806,848	\$10,784,003
6/30/2049	\$10,784,003	\$0	\$367	\$795,818	\$26,960	\$804,472	\$10,766,064
6/30/2050	\$10,766,064	\$0	\$286	\$786,198	\$26,915	\$803,450	\$10,756,687

## Projected Actuarially Determined Contribution (ADC)

FYE	Actuarial Accrued Liability (AAL) @BOY	FNP @BOY	Unfunded AAL	Funded %	Min amort		Amortization period	Amort UAAL	Actuarially Determined Contribution (ADC)	General Operating Revenue
					Normal Cost - Less EE Confs	1				
6/30/2018										
6/30/2019	\$10,373,099	\$6,936,321	\$3,436,778	66.9%	\$59,718	25	\$292,442	\$379,452	\$10,070,972	
6/30/2020	\$10,530,580	\$7,456,125	\$3,074,455	70.8%	\$58,986	24	\$265,376	\$349,500	\$10,272,392	
6/30/2021	\$10,689,578	\$8,014,561	\$2,675,017	75.0%	\$59,443	23	\$234,534	\$316,761	\$10,477,839	
6/30/2022	\$10,833,384	\$8,614,152	\$2,219,232	79.5%	\$60,233	22	\$197,932	\$278,173	\$10,687,396	
6/30/2023	\$10,959,971	\$9,257,724	\$1,702,247	84.5%	\$47,581	21	\$154,700	\$217,958	\$10,901,144	
6/30/2024	\$11,028,600	\$9,947,744	\$1,080,856	90.2%	\$50,009	20	\$100,276	\$161,932	\$11,119,167	
6/30/2025	\$11,123,465	\$10,688,392	\$435,073	96.1%	\$48,037	19	\$41,291	\$96,251	\$11,341,550	
6/30/2026	\$11,213,868	\$11,483,788	(\$269,920)	102.4%	\$47,647	18	-\$26,268	\$23,036	\$11,568,381	
6/30/2027	\$11,277,862	\$12,337,585	(\$1,059,723)	109.4%	\$42,970	17	-\$106,029	\$0	\$11,799,749	
6/30/2028	\$11,327,932	\$12,389,631	(\$1,061,699)	109.4%	\$37,487	16	-\$109,547	\$0	\$12,035,744	
6/30/2029	\$11,342,289	\$12,412,048	(\$1,069,759)	109.4%	\$31,298	15	-\$114,226	\$0	\$12,276,459	
6/30/2030	\$11,323,368	\$12,408,577	(\$1,085,209)	109.6%	\$24,926	14	-\$120,397	\$0	\$12,521,988	
6/30/2031	\$11,268,866	\$12,377,764	(\$1,108,898)	109.8%	\$18,715	13	-\$128,424	\$0	\$12,772,428	
6/30/2032	\$11,174,389	\$12,315,847	(\$1,141,458)	110.2%	\$15,201	12	-\$138,756	\$0	\$13,027,876	
6/30/2033	\$11,031,097	\$12,211,752	(\$1,180,655)	110.7%	\$13,066	11	-\$151,630	\$0	\$13,288,434	
6/30/2034	\$10,934,302	\$12,159,857	(\$1,225,555)	111.2%	\$11,567	10	-\$167,601	\$0	\$13,554,203	
6/30/2035	\$10,825,635	\$12,101,375	(\$1,275,740)	111.8%	\$7,017	9	-\$187,566	\$0	\$13,825,287	
6/30/2036	\$10,690,288	\$12,025,285	(\$1,334,997)	112.5%	\$4,614	8	-\$213,559	\$0	\$14,101,792	
6/30/2037	\$10,522,595	\$11,924,318	(\$1,401,723)	113.3%	\$3,644	7	-\$247,735	\$0	\$14,383,828	
6/30/2038	\$10,361,996	\$11,837,028	(\$1,475,032)	114.2%	\$2,836	6	-\$293,880	\$0	\$14,671,505	
6/30/2039	\$10,188,425	\$11,743,619	(\$1,555,194)	115.3%	\$1,570	5	-\$359,114	\$0	\$14,964,935	
6/30/2040	\$9,995,644	\$11,638,889	(\$1,643,245)	116.4%	\$788	4	-\$457,886	\$0	\$15,264,233	
6/30/2041	\$9,818,860	\$11,558,144	(\$1,739,284)	117.7%	\$353	3	-\$623,534	\$0	\$15,569,518	
6/30/2042	\$9,593,654	\$11,437,132	(\$1,843,478)	119.2%	\$113	2	-\$956,124	\$0	\$15,880,909	
6/30/2043	\$9,349,093	\$11,305,438	(\$1,956,345)	120.9%	\$0	1	-\$1,956,345	\$0	\$16,198,527	
6/30/2044	\$9,106,910	\$11,185,382	(\$2,078,472)	122.8%	\$0	1	-\$2,078,472	\$0	\$16,522,497	
6/30/2045	\$8,868,782	\$11,079,724	(\$2,210,942)	124.9%	\$0	1	-\$2,210,942	\$0	\$16,852,947	
6/30/2046	\$8,628,527	\$10,982,417	(\$2,353,890)	127.3%	\$0	1	-\$2,353,890	\$0	\$17,190,006	
6/30/2047	\$8,391,488	\$10,899,500	(\$2,508,012)	129.9%	\$0	1	-\$2,508,012	\$0	\$17,533,806	
6/30/2048	\$8,155,170	\$10,829,288	(\$2,674,118)	132.8%	\$0	1	-\$2,674,118	\$0	\$17,884,482	
6/30/2049	\$7,930,728	\$10,784,003	(\$2,853,275)	136.0%	\$0	1	-\$2,853,275	\$0	\$18,242,172	
6/30/2050	\$7,719,634	\$10,766,064	(\$3,046,430)	139.5%	\$0	1	-\$3,046,430	\$0	\$18,607,015	

**VILLAGE MANAGER'S REPORT**  
**CHRIS D. WILSON**  
**DECEMBER 14, 2018**

**DTE Village Trimming Program 2019** – The Village has been notified that a tree trimming and maintenance programming is scheduled for the Beverly Hills in 2019. I have attached a map that shows the areas scheduled for trimming in 2019. These areas will include along Southfield Rd. and 14 Mile and the area bordered by 14 Mile to the north, Beverly to the south, Greenfield to the east and Southfield Rd. to the west. The contractor for this project will be Wright Tree Service. A date for this work is not known at this time. When the schedule is available the Village will work with Wright Tree Service and DTE to notify impacted homeowners of the pending work. More information on DTE's tree maintenance program is available on the DTE website at the following: [www.newlook.dteenergy.com/wps/wcm/connect/dte-web/home/service-request/common/system-improvements/tree-trimming](http://www.newlook.dteenergy.com/wps/wcm/connect/dte-web/home/service-request/common/system-improvements/tree-trimming).

**Recreational Marihuana Report** – Per the direction of the Village Council, the Planning Commission appointed a subcommittee to review the potential impact of legalized recreational marihuana in Michigan. This subcommittee, consisting of Planning Commission Members Ben Wilensky and Charles Copeland, has prepared a report and I have included same for Council's review. The report details the provisions of the recent voter approved Michigan Regulation and Taxation of Marihuana Act (MRTMA). The intent to the report is to guide the Village as a municipality its response to the MRTMA. Should the Village wish to pursue of full opt out of the commercial operations allowed under the MRTMA the Village would lose out on potential revenue available to municipalities the state licensing and registration fees. Nevertheless, many communities have begun the process of considering and approving ordinances opting out of the new law. As passed, the law prohibits commercial marihuana facilities within 1000 feet of public and private schools. Given the proximity of Beverly Elementary and Greenfield Elementary to the Village's primary business districts the potential location for such establishments within the Village limits are very limited. The report also includes two examples of recently approved opt out ordinances in Worth Township and the City of Clare. Should Council wish to pursue our own opt out the Planning Commission is prepared to provide a draft to Council for your review and consideration.

**Holiday Schedule** – Village offices will be closed on Monday, December 24<sup>th</sup> and Tuesday, December 25<sup>th</sup> for Christmas. Trash pickup for Monday the 24<sup>th</sup> will proceed as scheduled. Trash pickup for Tuesday, Christmas Day will occur on Wednesday, December 26<sup>th</sup>.

Village offices will be closed on Monday, December 31<sup>st</sup> and Tuesday, January 1<sup>st</sup> for New Years. Trash pickup for Monday, December 31<sup>st</sup> will proceed as scheduled. Trash pickup for Tuesday, January 1<sup>st</sup> will occur on Wednesday, January 2<sup>nd</sup>.

**Next Council Meeting** – Due to the New Years Holiday, the next Council meeting will be held on **Wednesday, January 2<sup>nd</sup>**.

**Water Testing Update** – Over 145 water samples were collected during the first two weeks of December. A final batch of approximately 20 will be sent to residences for collection on Wednesday, December 19<sup>th</sup>. As of the writing of this report the first round of test results were being received. Village Administration is compiling the results in the required DEQ format and will be notifying residents of their test results soon. All test results will be submitted by the end of December.

**14 Mile Road Construction 2019** – The Village has been notified by the City of Royal Oak that they will be doing a water main and road project in 2019 on 14 Mile between Greenfield and Coolidge. Royal Oak is reaching out to us and Birmingham to coordinate signage for road/lane closures and detours for this project. While the project will be outside the Village limits it will obviously have an impact on traffic on the east side of the Village. I do not have a firm construction schedule on this but anticipate work to begin in late spring and early summer.

**Village Pension and OPEB Reporting** – Attached for your review is Form 5572 from the Michigan Department of Treasury for the Village's annual reporting of our pension and OPEB (retiree health care) liabilities. This information contained in this report comes from the actuarial reports for our pension and retiree health care systems as of June 30, 2018. As indicated in these reports, the Village's pension plan is 88.4% funded and our retiree health care plan is 66.9% funded. Both plans have been closed to new hires. These forms have been submitted to the Department of Treasury as required by Public Act 202 of 2017.



## 2019 Tree Trim Maintenance Program Beverly Hills



- Two-thirds of the time DTE Energy customers spend without power is due to trees.
- Tree trimming is an industry-wide solution to prevent outages. DTE Energy follows industry best practice and standards for tree trimming.
- DTE Energy works collaboratively with customers every step of the way to address their concerns before we begin work.

Please note: During 2019, DTE is planning to trim trees within the area shaded green. Additional tree work may be necessary based on circuit performance to improve reliability. Severe weather, or other circumstances may change the timing and extent of the work performed.

DECEMBER 2018

## **MEMORANDUM**

**To:** Beverly Hills Village Council

**From:** Beverly Hills Planning Commission  
Subcommittee on Recreational Marihuana  
Members: Benjamin J. Wilensky and Charles A. Copeland

**Re:** Michigan Regulation and Taxation of Marihuana<sup>1</sup> Act (“MRTMA”)

**Date:** December 12, 2018

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Pursuant to the Council’s request and direction, the subcommittee has investigated the legal effect and potential implications of the MRTMA, which was adopted by voters in Michigan by passing Proposal 1 on November 6. The proposal passed with 55.9% support statewide; in the Village, 58.9% of voters supported the proposal.

The most well-known feature of the law is that it decriminalizes the possession and cultivation of small amounts of marihuana by individuals 21 and older.<sup>2</sup> The subcommittee’s focus has been on the provisions of the law which authorize the licensure of businesses to grow, possess, and sell marihuana, the ability of municipalities to “opt out” of licensing such businesses within their borders, the potential planning and zoning consequences of permitting such businesses within the Village, and the possibility of the Village obtaining tax revenue from such businesses. This memorandum discusses each of these issues.

### **I. What does the MRTMA do?**

The MRTMA is a broad law which permits the sale, use, consumption, and cultivation of recreational marihuana, and creates a system of licensure, regulation, and taxation for commercial marihuana facilities. With regard to commercial establishments, the law provides that operating licenses shall be issued for facilities to operate in any municipality in the state unless the municipality enacts and ordinance to prohibit such facilities within its borders. This “opt out” requirement reverses the baseline set in the existing Medical Marihuana Facilities Licensing Act (“MMFLA”), which requires municipalities to enact ordinances to “opt in.”

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<sup>1</sup> Michigan law and federal law use this unconventional spelling.

<sup>2</sup> Obviously, the law implicates many criminal law and public safety concerns that are beyond the scope of this memorandum.

The MRTMA establishes six different types of available commercial licenses. They are:

- Grower. Three types:
  - Class A – 100 plant limit
  - Class B – 500 plant limit
  - Class C – 2,000 plant limit
- Processor
- Secure transporter
- Retailer
- Safety compliance facility
- Microbusiness (a facility licensed to cultivate, process no more than 150 plants, to process and package marihuana, and to sell or transfer marihuana to individuals and safety compliance facilities, but not to other establishments)

State licensing will be handled by the Michigan Department of Licensing and Regulatory Affairs (“LARA”).

Critically, the MTRMA does not allow a municipality to choose which types of licenses it wants to permit. A municipality can only choose to prohibit all licenses, or restrict the number of total licenses available. If a municipality limits the number of licenses, and such limitation prevents LARA from issuing a state license to all applicants who otherwise meet the requirements for a license, the MRTMA provides that “the municipality shall decide among the competing applications by competitive process intended to select applicants who are best suited to operate in compliance with the act within the municipality.” Clearly, this process may expose the Village to legal challenges by unsuccessful applicants.

Municipalities may also enact local ordinances (including providing for civil fines of up to \$500 for violation thereof) to restrict public signage and the time, manner, and place of marihuana establishments. Thus, the law countenances local zoning regulations, though, as a practical matter, ordinances restricting time, place, and manner may be vulnerable to legal challenges. Ordinances may not restrict transportation of marihuana through the municipality. Moreover, the law prohibits marihuana establishments from locating within 1000 feet of public or private schools. A municipality may adopt an ordinance requiring that marihuana establishments located within its boundaries obtain a municipally-issued marihuana establishment license; but, the annual fee for such a license is limited to \$5,000 and any qualifications for licensure may not conflict with the MRTMA or rules promulgated by LARA pursuant to the act.

The MRTMA also provides for a petition process to initiate ordinances which either completely prohibit, or limit the number of marihuana facilities within a municipality. The petitions must be signed by at least 5% of the total number of votes



cast for governor within the municipality in the most recent gubernatorial election. It is unclear whether voters can initiate an ordinance to “opt in” to marijuana facilities if the Village chooses to “opt out.”

## **II. When does the MRTMA take effect, and how does the licensure process work?**

The State Board of Canvassers certified the Proposal 1 election results on November 26, and the law took effect on December 6. However, licenses are not yet being issued. The law mandates that LARA begin accepting licenses within one year of the law’s effective date (i.e., by December 6, 2019). The law provides that, if LARA does not timely promulgate rules regarding MRTMA administration or accept or process license applications within 1 year of enactment, an applicant may seek licensure directly from the municipality where the marijuana business will be located.

If this occurs, and a municipality receives an application, it has 90 days from receipt to either issue a license or deny licensure. Grounds for denial of a license are limited to an applicant not complying with an ordinance whose provisions are not “unreasonably impracticable,” or a LARA rule issued pursuant to the MRTMA. If a municipality issues a license under these circumstances, it must notify LARA that a municipal license has been issued. The holder of a municipally-issued license is not subject to LARA regulation during the one-year term of the license; in other words, in this circumstance, the municipality becomes the sole licensing and regulatory body for recreational marijuana businesses in the community.<sup>3</sup>

## **III. What are the potential tax benefits of the MRTMA?**

The Village stands to receive at least some tax benefit if it does not opt out of marijuana facility licensing. The MRTMA establishes a 10% excise tax on all marijuana sales or transfers to anyone other than another marijuana establishments. Until 2022 (or for at least two years if revenue does not become available until 2021), the excise tax will fund \$20 million each year to one or more U.S. Food and Drug Administration authorized clinical trials to research the effectiveness of marijuana to treat veterans’ medical conditions and prevent veteran suicide.

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<sup>3</sup> Notably, marijuana is still illegal under federal law. The MRTMA does not provide partial or absolute immunity for municipal officials from aiding the sale of controlled substances (nor could it, given the supremacy of federal law), nor does it require the State to defend any officials charged with such crimes. This is likely only a theoretical concern, as it is difficult to imagine the federal government pursuing local officials in this matter, but the possibility exists.

15% of the balance of excise tax proceeds will be distributed to municipalities containing marihuana businesses and microbusinesses, allocated in proportion to the number of facilities within each municipality. In other words, if a neighboring municipality hosts twice as many marihuana facilities as the Village, the neighboring municipality's tax revenue share would be twice as large as the Village's. At this time it is impossible to predict how much revenue the Village could receive from the excise tax system.

#### **IV. What can the Village do?**

The Village Council ultimately must determine whether it wishes to allow commercial marihuana establishments within our borders. Numerous policy arguments exist in either direction. Doing nothing and allowing the facilities may help economic development and provide tax revenues. Conversely, Council may decide that allowing such facilities is incompatible with the character of the Village.

If the Village decides to enact an "opt out" ordinance, that decision could later be reversed or altered through repeal or amendment. If the Village does not take action, the structure of the law is such that such establishments may be licensed to operate in the Village, and the Village may have difficulty "unringing the bell."

If Council wishes to prohibit such establishments or limit the number of licenses available, it behooves the Village to act reasonably quickly, although analysts have speculated that LARA is unlikely to begin accepting applications for a many months. (Per the Michigan Municipal League, LARA and the Medical Marihuana Licensing Board acted at a "deliberate speed" in beginning to process and issue licenses under the MMFLA.) Some municipalities have already started enacting "opt out" ordinances; the Clare and Worth Twp. ordinances are attached as an appendix to this memorandum.

The subcommittee is unaware of any municipalities which have restricted the number of facilities permitted; thus, if the Council decides to go that route, the Planning Commission will endeavor to write such an ordinance from whole cloth, with the assistance of the village attorney.

#### **V. Conclusion**

The Subcommittee and the Planning Commission await direction from Council regarding whether to draft a partial or full "opt out" ordinance, and will act promptly upon receiving that direction.

# APPENDIX

ORDINANCE NO. 2018 - \_\_\_\_\_

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF CLARE BY adding Chapter \_\_\_\_\_, Article \_\_\_\_\_, of the City Code.

Short Title: CITY OF CLARE – ORDINANCE AMENDMENT

**Chapter \_\_\_\_\_, Article \_\_\_\_\_, Section \_\_\_\_\_ of the Code of Ordinances, City of Clare, Michigan, is hereby added as follows:**

The City of Clare ordains that pursuant to the Michigan Regulation and Taxation of Marihuana Act, Section 6.1, the City elects to prohibit marihuana establishments within its boundaries.

The ordinance requires that it be immediately effective as is necessary for the preservation of the public peace, health, or safety pursuant to City Charter Section 7.5.

Passed by the City Commission of the CITY OF CLARE on \_\_\_\_\_, at its regular meeting with \_\_\_\_\_ commissioners in attendance, \_\_\_\_\_ voting aye, \_\_\_\_\_ nay. Adopted by the City Commission of the City of Clare this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Signed: \_\_\_\_\_  
PAT HUMPHREY, Mayor

\*\*\*\*\*

I hereby certify that the foregoing was duly adopted by the CITY COMMISSION of CITY OF CLARE, Michigan, at its regular meeting on the \_\_\_\_\_ of \_\_\_\_\_, 2018, that of \_\_\_\_\_ members of the City Commission, \_\_\_\_\_ were in attendance and \_\_\_\_\_ voted for the adoption of the Ordinance. I further certify that the above and foregoing ordinance is recorded in Ordinances for the CITY OF CLARE.

Effective Date

This Ordinance shall take effect thirty (30) days following date of publication as required by law. All Ordinances or part Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

\_\_\_\_\_  
Diane Lyon, Clerk

ORDINANCE NO. 2018 - \_\_\_\_\_

**AN ORDINANCE TO PROHIBIT MARIHUANA ESTABLISHMENTS PURSUANT TO THE MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT, BALLOT PROPOSAL 1 OF 2018.**

The Township of Worth ordains:

Short Title: PROHIBITION OF MARIHUANA ESTABLISHMENTS

**Chapter \_\_\_\_\_, Article \_\_\_\_\_ of the Code of Ordinances, Township of Worth, Michigan, is hereby added as follows:**

Pursuant to the Michigan Regulation and Taxation of Marihuana Act, Section 6.1, the Township elects to prohibit marihuana establishments within its boundaries.

Effective Date: The Ordinance requires that it be effective as is necessary to regulate persons and property for the preservation of the public peace, health, safety and welfare under the authority and adopted pursuant to Public Act 246 of 1945, Township Ordinances, MCL 41.181 et seq. This Ordinance shall become effective the day after its publication as authorized by law.

Consistency and Repeal: All existing Ordinances or part of Ordinances are to be interpreted as consistent with this Ordinance and State Law. Any Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed. Nothing in this Ordinance results in any prohibitions otherwise allowed under the Michigan Regulation and Taxation of Marihuana Act, as adopted, or the Michigan Medical Marihuana Act, Initiated law 1 of 2008.

Geographic area: This Ordinance shall have the regulatory effect to prohibit marihuana establishments in all geographic areas of Worth Township to the fullest extent allowed by law.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

ATTEST AS TO ADOPTION BY THE WORTH TOWNSHIP BOARD

So Adopted:

\_\_\_\_\_  
Supervisor: Philip G. Essenmacher

Date \_\_\_\_\_

\_\_\_\_\_  
Clerk: Jennifer Stanyer

Date \_\_\_\_\_

Motion to Adopt made by Board Member \_\_\_\_\_; Second by Board Member \_\_\_\_\_

	Aye:	Nay:	Absent:
Philip Essenmacher, Supervisor	_____	_____	_____
Jennifer Stanyer, Clerk	_____	_____	_____
Jennifer Woodruff, Treasurer	_____	_____	_____
Jack Wylie, Trustee	_____	_____	_____
Walter Badgerow, Trustee	_____	_____	_____

Clerk Jennifer Stanyer does hereby certify that the foregoing is a true and complete copy of a Ordinance adopted by a majority vote at a public meeting by the Worth Township Board of Trustee at a meeting held on \_\_\_\_\_ day of \_\_\_\_\_ 2018, which a copy is on file in the Township Code of Ordinances with its offices located at 6903 S. Lakeshore Rd. Lexington, MI 48450. This Ordinance was published in a news paper of general circulation, \_\_\_\_\_, on \_\_\_\_\_.

\_\_\_\_\_  
Clerk: Jennifer Stanyer

## **MEMO**

To: Village Council  
Sheila McCarthy, Finance Director

From: Chris Wilson, Village Manager

Re: Public Act 202 of 2017 Pension Report  
Public Act 202 of 2017 Retiree Health Care (OPEB) Report

Date: December 12, 2018

Form 5572 from the Michigan Department of Treasury for Pension and Retiree Health Care for the Village of Beverly Hills for FY 2018 follows as filed.

The Pension is 88.4% funded which is extremely good. Monthly pension payments are determined by MERS actuarial reports. The Plan was closed to new hires as of July 1, 2013.

The Retiree Health Care is 66.9% funded which is very positive as well. The Retiree Health Care Plan was closed to new hires as of July 1, 2006.

Public Act 202 of 2017 Health Care (OPEB) Report

Enter Local Unit Name	Village of Beverly Hills	<b>Instructions/Questions:</b> For a list of detailed instructions on how to complete and submit this form, visit <a href="http://michigan.gov/LocalRetirementReporting">michigan.gov/LocalRetirementReporting</a> . For questions, please email <a href="mailto:LocalRetirementReporting@michigan.gov">LocalRetirementReporting@michigan.gov</a> . <a href="#">Return this original Excel file</a> . Do not submit a scanned image or PDF.
Enter Six-Digit Municode	633010	
Unit Type		
Fiscal Year (four-digit year only, e.g. 2018)	2018	
Contact Name (Chief Administrative Officer)	Chris Wilson	
Title if not CAO	Village Manager	
CAO (or designee) Email Address	cwilson@villagebeverlyhills.com	
Contact Telephone Number	248-646-6404	
OPEB System Name (not division) 1	Village of Beverly Hills Retiree Health Funding Vehicle	If your OPEB system is separated by divisions, you would only enter one system. For example, one could have different divisions of the same system for union and non-union employees. However, these would be only one system and should be reported as such on this form.
OPEB System Name (not division) 2		
OPEB System Name (not division) 3		
OPEB System Name (not division) 4		
OPEB System Name (not division) 5		

Line	Description	Source of Data	Statute Reference	System 1	System 2	System 3	System 4	System 5
				Village of Beverly Hills				
1	Provide the name of your retirement health care system	Calculated From Above	Sec. 5(6)	Retiree Health				
2	Enter retirement health care system's assets (system fiduciary net position)	Most Recent Audit Report	Sec. 5(4)(a)	6,936,321				
3	Enter retirement health care system's liabilities (total OPEB liability)	Most Recent Audit Report	Sec. 5(4)(a)	10,373,098				
4	Date (system year ending) of valuation of system's assets and liabilities (e.g. 12/31/2017)	Most Recent Audit Report	Sec. 5(6)	6/30/18				
5	Actuarially Determined Contribution (ADC)	Most Recent Audit Report	Sec. 5(4)(a)	904,286				
5a	Do the financial statements include an ADC calculated in compliance with <a href="#">Numbered Letter 2018-3?</a>	Most Recent Audit Report	Sec. 5(4)(a)	YES				
6	Governmental Fund Revenues	Most Recent Audit Report	Sec. 5(4)(a)	10,466,823				
7	Health Care Trigger Summary							
8	Is this unit a primary unit (County, Township, City, Village)?	From Municode		NO	NO	NO	NO	NO
9	Funded ratio	Calculated	Sec. 5(4)(a)	66.9%				
10	All systems combined ADC/Governmental fund revenues	Calculated	Sec. 5(4)(a)	8.6%	0.0%	0.0%	0.0%	0.0%
11	Did the local government pay the retiree insurance premiums for the year?	Accounting Records	Sec. 4(1)(ii)	YES				
12	Did the local government pay the normal cost for employees hired after June 30, 2018?	Accounting Records	Sec. 4(1)(i)	YES				
		<b>Primary units trigger:</b> Less than 40% funded AND greater than 12% ADC/Governmental fund revenues. If No ADC is provided, will trigger if less than 40% funded. <b>Non-Primary units trigger:</b> Less than 40% funded. <b>All units trigger:</b> Failure to make required retirement system payments.						
13	Does this system trigger "underfunded status" as defined by PA 202 of 2017?		Sec. 5(4)(a)	NO	NO	NO	NO	NO

By emailing this report to the Michigan Department of Treasury, the local unit of government acknowledges that this report is complete and accurate in all known respects. Public Act 202 of 2017 also requires the local unit of government to electronically submit the form to its governing body.



Public Act 202 of 2017 Pension Report

Enter Local Unit Name	Village of Beverly Hills	<b>Instructions/Questions:</b> For a list of detailed instructions on how to complete and submit this form, visit <a href="http://michigan.gov/LocalRetirementReporting">michigan.gov/LocalRetirementReporting</a> . For questions, please email <a href="mailto:LocalRetirementReporting@michigan.gov">LocalRetirementReporting@michigan.gov</a> . <b>Return this original Excel file. Do not submit a scanned image or PDF.</b>
Enter Six-Digit Municode	633010	
Unit Type	Village	
Fiscal Year (four-digit year only, e.g. 2018)	2018	
Contact Name (Chief Administrative Officer)	Chris Wilson	
Title if not CAO	Village Manager	
CAO (or designee) Email Address	cwilson@villagebeverlyhills.com	
Contact Telephone Number	248-646-6404	
Pension System Name (not division) 1	Village of Beverly Hills Defined Benefit Plan	If your pension system is separated by divisions, you would only enter one system. For example, one could have different divisions of the same system for union and non-union employees. However, these would be only one system and should be reported as such on this form.
Pension System Name (not division) 2		
Pension System Name (not division) 3		
Pension System Name (not division) 4		
Pension System Name (not division) 5		

Line	Description	Source of Data	Statute Reference	System 1	System 2	System 3	System 4	System 5
1	Provide the name of your retirement pension system	Calculated From Above	Sec. 5(6)	Village of Beverly Hills				
2	Enter retirement pension system's assets (system fiduciary net position)	Most Recent Audit Report	Sec. 5(4)(b)	21,951,369				
3	Enter retirement pension system's liabilities (total pension liability)	Most Recent Audit Report	Sec. 5(4)(b)	24,836,495				
4	Date (system year ending) of valuation of system's assets and liabilities (e.g. 12/31/2017)	Most Recent Audit Report	Sec. 5(6)	12/31/17				
5	Actuarially Determined Contribution (ADC)	Most Recent Audit Report	Sec. 5(4)(b)	490,488				
6	Governmental Fund Revenues	Most Recent Audit Report	Sec. 5(4)(b)	10,466,823				
7	Pension Trigger Summary							
8	Is this unit a primary unit (County, Township, City, Village)?	From Municode		YES	YES	YES	YES	YES
9	Funded ratio	Calculated	Sec. 5(4)(b)	88.4%				
10	All systems combined ADC/Governmental fund revenues	Calculated	Sec. 5(4)(b)	4.7%	0.0%	0.0%	0.0%	0.0%
11	Does this system trigger "underfunded status" as defined by PA 202 of 2017?	Primary units trigger: Less than 60% funded AND greater than 10% ADC/Governmental fund revenues. Non-Primary units trigger: Less than 60% funded	Sec. 5(4)(b)	NO	NO	NO	NO	NO

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