

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

Absent: Member Oen

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

President Mooney called the regular Council meeting to order at 7:30 p.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road. The Pledge of Allegiance was recited by those in attendance.

ADDITIONS TO AGENDA/APPROVE AGENDA

Motion by Delaney, second by Peddie, to approve the agenda.

Motion passed.

COMMUNITY ANNOUNCEMENTS

Legislative update from State Representative Jeremy Moss

Moss updated the Council on the legislation he was involved with this year including changes to the current auto no fault insurance system, accountability and transparency for charter schools, changes to the regulations related to petitioning, and increasing voter access to the polls. He reported the likelihood that marijuana and gerrymandering regulation will be on the 2018 ballot.

Mooney thanked Moss for his work representing the Village of Beverly Hills in the state legislature.

PUBLIC COMMENTS ON ITEMS NOT ON THE PUBLISHED AGENDA

None.

CONSENT AGENDA

Motion by Delaney, second by Peddie, to approve the consent agenda as follows:

1. Review and consider approval of minutes of a regular Council meeting held December 5, 2017.
2. Review and file bills recapped as of Monday, December 11, 2017.

Roll call vote:

Motion passed (6-0)

BUSINESS AGENDA

PROCLAMATION RECOGNIZING MARIE NASH

Mooney recognized Marie Nash on the occasion of her 100th birthday. Nash was a member of the Village Garden Club for many years, and spent many years on the Parks and Recreation Board working to improve and beautify Beverly Park. She has always worked to maintain the beauty and aesthetics of Beverly Hills.

Motion by Abboud, second by Nunez, that the Village Council resolves to honor and recognize Marie Nash as an outstanding citizen of the Village of Beverly Hills.

Roll call vote:

Motion passed (6-0)

DISCUSSION REGARDING A PROPOSED ORDINANCE AMENDING CHAPTER 22 SECTION 22.08.150 FENCE, WALL & PRIVACY SCREEN REGULATIONS OF THE MUNICIPAL CODE

Following the Public Hearing held December 5, 2017, the Council subcommittee looks to do their due diligence on many of the issues presented by residents.

Mueller voiced concerns related to demand, need, maintenance, installation, blight, materials and enforcement. He believes that the percentage of residents interested in six-foot fences does not warrant a change in the ordinance. He would like to see a focus on the four-foot fences throughout the Village that already exist in disrepair.

Abboud countered that as the Zoning Board of Appeals liaison, he witnesses many fence requests and is aware of a high volume of calls to Administration related to fences. He also stated the subcommittee plans to address guidelines, requirements, and maintenance.

Delaney pointed out that more than thirteen residents attended the public hearing and spoke against six-foot fences. The original ordinance amendment, as submitted by the Planning Commission, pertained to zones R-2A and R-3, but the subcommittee recommended including R-2B. He questioned why six-foot fences were not being considered Village wide. He believes the new ordinance would not encourage people to repair current blighted fences. He suggested allowing five-foot fences with alternating boards. He believes the allowance of six-foot fences will negatively affect property values.

Peddie explained that the subcommittee plans to consider a standardized look, and regulations on materials and design.

Mooney asked the subcommittee to meet with Administration, LSL Planning, and Village Attorney Ryan to review the ordinance and provide further detail related to uniformity of materials, style, and size; permitting for fence construction; which zones are necessary to be included in the ordinance; enforcement; and survey requirements. He encouraged them to review the impact fences have had on nearby communities and the nature of the ordinances in those communities.

The following residents spoke in opposition of the proposed ordinance:

Dominic Nepa, Devonshire

Eric King, Buckingham

Paula Roddy, East Rutland

Scott Borovich, Warwick

Matt MacDonnell, West Beverly

Comments in opposition included concern with neighbors installing different types of fencing affecting the aesthetics of the community, gaps between old and new fences, lot lines not lining up, tall fences damaging the openness and changing the feel of the village. There was

disappointment expressed with the inclusion of R-2B in the ordinance. Many also expressed disappointment with the condition of many of the fences already in the Village. It was suggested that the ordinance be put to a Village wide vote.

Members of the Planning Commission; Andrew Drummond, Warwick; Ben Wilensky, Verona Circle; and Patrick Westerlund, Devonshire; were present, they spoke in opposition of six-foot fences, and explained that the Planning Commission was told the Council wanted an amended fence ordinance that included six-foot fences, and that is what they provided. They believe the Planning Commission created the best ordinance possible that would allow for six-foot fences.

Mueller believes the ordinance should be returned to the Planning Commission for their honest evaluation and resubmittal as an amended ordinance or no changes to the original ordinance.

Mooney felt that the Planning Commission and LSL Planning did their full due diligence on this ordinance. He felt that LSL could have done more to specify regulation on the issues that have been mentioned.

Delaney believes the ordinance should be rejected and returned to the Planning Commission for further review and revision. Delaney also pointed out that not all homes located east of Southfield Road would be covered by the newly amended ordinance.

Nunez stated that the concerns voiced by residents could have been addressed by the Planning Commission, but were not. Currently two four-foot fences can be abutting and of different materials, and it has never been brought up as a concern. The subcommittee will address all of the outstanding issues and concerns in a revised draft.

Motion by Nunez, second by Peddie, be it resolved that the Village of Beverly Hills Council subcommittee meet with Administration, LSL Planning, and Village Attorney Ryan to review the ordinance and provide further detail related to uniformity of materials, style, and size; permitting for fence construction; enforcement; stake survey requirements; whether the ordinance could pertain to zones only found on the east side of Southfield Road; and any other items raised by residents at the public hearing or in comments at this meeting.

Roll call vote:

Motion passed (5-1)

Abboud	yes
Delaney	yes
Mooney	yes
Mueller	no
Nunez	yes
Peddie	yes

REVIEW AND CONSIDER CONTRACT RATIFICATION BETWEEN THE VILLAGE AND THE MICHIGAN ASSOCIATION OF POLICE (COMMAND OFFICERS)

Village Administration has been working with the Public Safety Command Union on a new contract for many months. The current contract expires on December 31, 2017. The Village, sought a long term agreement, similar to the Public Safety Officers (PSO) union. The Council approved

a five (5) year agreement with the PSO Union that took effect July 1 of this year and will remain in effect until June 30, 2022. The proposed agreement with the Command Union is effective January 1, 2018 and will remain in effect until June 30, 2023. This contract has been reviewed and approved by the Command Union. As of July 1, 2013 all Public Safety new hires participate in a defined contribution (DC) pension plan and also participate in the Retiree Health Insurance Fund in lieu of retiree health care. Those provisions have not changed and are memorialized in this contract.

Article XXII Retirement is the same language that is in the current PSO contract. As with the PSO contract, the Village did agree to increase to DC contribution from 10% to 12% of base wages. Employees are required to make a contribution of 5% of base wages. Currently, there are no employees who would be covered by this agreement that participate in the DC plan. It is possible that employees currently covered by the DC plan could be promoted from PSO to Command status during the life of this agreement. Such a promotion would not impact their retirement or retiree health care status. Between the last contract negotiations and the previous arbitration decision there were not a significant number of economic issues that were subject to negotiation. The primary focus of the negotiations that dealt with costs were regarding wages. Both sides were able to come to an agreement on wages as follows: As of January 1, 2018 a base wage increase of 3%. This wage level will remain in effect for a period of 18 months, until June 30, 2019.

On July 1, 2019, a base wage level increase of 2.5% for 12 months will occur. Similar increases of 2.5% for one year commencing on July 1, 2020; July 1, 2021 and July 1, 2022. This equates to wage increases of 13% over a period of five and a half years. The PSO contract currently in effect calls for total wage increases of 11% over 5 years, plus the 2% increase in DC contribution which impacts a number of current PSO employees but no current command employees. Annual base wage increases for non-union employees has also been 2.5% for the last two years and was budgeted at 2.5% for the next fiscal year. Administration believes the wages as presented are fair and reasonable based upon comparable internal measure and current external market conditions. The proposed wage scale can be found in Article X Wages on page 7 of the proposed contract.

The Union has also requested that the Village adopt Public Act (PA) 88 of 1961 as part of this agreement. PA 88 is a pension reciprocity act that provides some benefits and protections to employees who have worked a minimum of 30 months for a participating employer but has not been employed long enough to be vested at that employer. If the employer is a participant in PA 88, employees may count time between two participating employers for the purposes of obtaining vesting rights, provided other conditions are met. This applies to either defined benefit (DB) employees or DC employees. All but two current DB employees with the Village are vested and would not be impacted by this. Further, participation in PA 88 could help the Village in future employee recruitment efforts. Administration does not see participation in PA 88 to be a significant cost, if any cost, to the Village.

There were many other minor changes and corrections to the contract. Many obsolete or irrelevant passages were removed. The contract has been streamlined from previous versions. Article XXVI Layoff, Recall and Demotion has been included at the request of the Union. This language does not provide for any measures that are not a current practice. A Memorandum of Understanding of a Health Care reopener has been included that would allow either party to request re-negotiation of the issue of health care in the result of material changes to the Affordable Health Care Act or other changes to state or federal law. Given the uncertain future of this issue and the proposed

duration of this contract Administration felt that such a memorandum is in the best interest of both parties.

This contract has been reviewed by the Personnel Committee and by the Village's labor attorney. The Command Union has also reviewed it and has agreed to these terms. Administration believes this contract to be fair and reasonable, within the limits of the Village's ability to pay, competitive with the relevant marketplace, and in the best interest of the Village at this time. A copy of this contract is available online and at the Village offices.

Motion by Delaney, second by Abboud, be it resolved that the Village of Beverly Hills Council authorizes the Village Manager and other necessary officials to ratify and enter into contract between the Village of Beverly Hills and the Michigan Association of Police representing the Beverly Hills Public Safety Lieutenants and Sergeants Association running from January 1, 2018 to June 30, 2023.

Roll call vote:
Motion passed (6-0)

REVIEW AND CONSIDER ADOPTION OF PUBLIC ACT 88

As part of the contract settlement with the Command Union the Village has agreed to adopt Public Act 88 of 1961. PA 88 is the Reciprocal Retirement Act. This ACT provides limited reciprocity rights in regard to amassing service time to meet vesting requirements in participating local governments, given that certain conditions are met by the employee. Employees in PA 88 communities may count service credit in another PA 88 community for the purpose of meeting vesting requirements at their current employer provided that they worked at least thirty (30) months at their previous employer, did not withdraw eligible pension contributions and the prior service ended no more than 20 years before employment started at their current employer. An employee's amount of earned benefit and age at which the benefit can be taken are not impacted by PA 88.

PA 88 applies to both employees in a traditional pension or defined benefit (DB) plan as well as those in a defined contribution (DC) 401(a) plan. The vast majority of current DC plan participants in the Village are vested. The Village's DB plan has a vesting period of ten (10) years. With the changes to the PSO and Command contracts there is now a five (5) year vesting for current DC contributions.

This Public Act and a list of all MERS and non-MERS governmental units in Michigan that have adopted PA 88 are available online and in the Village office.

Motion by Delaney, second by Nunez, be it resolved that the Village Council of the Village of Beverly Hills hereby elects to adopt the provisions of Act No. 88, Public Act 1961, as amended, and become a reciprocal unit under the Reciprocal Retirement Act.

Roll call vote:
Motion passed (6-0)

ACCEPT MARK HYNES' RESIGNATION FROM THE ZONING BOARD OF APPEALS AND MAKE FIRST ANNOUNCEMENT OF VACANCY

Mark Hynes has been an alternate member on the Zoning Board of Appeals since August of 2016. Administration received notification that he cannot fulfill the requirements of being an alternate due to his work schedule.

Tonight is the first announcement of vacancy and his term has an expiration date of June 30, 2018.

Application deadline: Wednesday, January 10, 2018 at 4:30 p.m.
Term expires: June 30, 2018

Zoning Board Subcommittee:

Chairperson: Abboud
Members: Oen and Peddie
Meeting: January 16, 2018; 7:15 p.m.

Motion by Abboud, second by Nunez, that the Village Council accepts Mark Hynes' resignation from his position on the Zoning Board of Appeals.

Motion passed.

PUBLIC COMMENTS

Sharon Tischler, Virmar Court, expressed her concern that maintenance of fences would be a challenge.

MANAGER'S REPORT

Village & Township Holiday Office Schedule – Village and Southfield Township Offices will be closed on the following days for Christmas and New Year's Holidays: Friday, December 22nd; Monday, December 25th; Friday, December 29th; and Monday, January 1st. Township offices will also be closed on Tuesday, December 26th.

Holiday Trash Schedule – Trash and recycling collection will be delayed by one day the weeks of December 25th and January 1st. Regular Monday collection will be on Tuesday the 26th with regular Tuesday collection on Wednesday the 27th. Likewise, regular Monday collection will occur on Tuesday, January 2nd with Tuesday collection on Wednesday, January 3rd.

Parks and Recreation Survey – The Parks & Recreation Board is working on completing an updated five-year plan for our community recreation system. We are requesting that all Village households complete this survey to provide valuable input for the Board. Please complete this survey by December 31, 2017.

2018 Village Calendars – Village Calendars for 2018 have been completed and will be mailed before Christmas.

Snow Emergencies – In the event of a significant snow event the Village may find it necessary to declare a snow emergency. Should the Village declare a snow emergency, all cars will need to be removed from Village streets from the beginning of the emergency until the roadway has been cleared of snow. This is necessary not only to allow for the timely and thorough removal of snow but also to keep roadways passable for emergency vehicles. Failure to remove vehicles

significantly slows the speed and thoroughness by which residential streets are cleared. Additionally, cars not removed from the roadway during heavier snow events are at risk of being trapped by higher piles of snow. Cars that are not removed from the roadway during a Snow Emergency are subject to ticketing and/or removal. Thank you for your cooperation.

Delaney informed Administration of several lights that were not working at Beverly Park. He also reported resident complaints of the sound cutting out on the meeting broadcasts.

COUNCIL COMMENTS

Nunez thanked Council for their guidance and support as he completes his first year of service.

Mueller reminded residents to check The Villager, visit the website of Facebook and complete the Parks and Recreation Survey.

Abboud announced there would be no December meeting for the Planning Commission. The January Zoning Board of Appeals meeting was canceled. He will attend the Michigan Municipal League Meeting in January. Abboud thanked Lora Graentzdoerffer for inviting him, Council member Mueller and President Pro-Tem Peddie to be judges at the 2nd Annual Metamora Green Subdivision “Deck the Homes” light contest. Mooney believes that a compromise on fences in the Village is achievable. He thanked Administration and Public Safety for their hard work and dedication to making Beverly Hills a wonderful place to live.

Council members wished everyone in the village happy holidays.

Motion by Abboud, second by Nunez, to adjourn the meeting at 9:16 p.m.

Motion passed.

John G. Mooney
Council President

Ellen E. Marshall
Village Clerk

Elizabeth M. Lyons
Recording Secretary