



The regular meeting of the Council of the Village of Bingham Farms will be held at 24255 Thirteen Mile Road, Suite 190, Bingham Farms, Michigan, on Monday, June 22, 2020 at 7:30 p.m.

AGENDA

- I. Call to Order**
- II. Approval of Agenda – M**
- III. Approval of Meeting Minutes of May 26, 2020 - M**
- IV. Announcements**
 - a. Master Plan Update Survey
 - b. Board Vacancies
- V. Public comments not on published agenda**
- VI. Discussion Topics**
 - a. Police Department
 - 1. Monthly Report
 - 2. Motor Vehicle Law/Golf Carts
 - b. Fire Department Monthly Report
 - c. Study Sessions
 - d. Conditional Rezoning Ordinance
 - e. Proposed Tree Ordinance Amendments
 - f. Administrator's Report
- VII. New Business**
 - a. Water & Sewer Rates presentation - R
 - b. Evergreen Farmington Sewage Disposal System presentation - R
- VIII. Old Business**
 - a. Massage Therapy Ordinance - second reading - M
- IX. Treasurer's Report**
 - a. Funding Requests: Next, Birmingham Youth Assistance, Bloomfield Birmingham Community Coalition
 - b. Budget Amendments for FY 2019/2020
 - c. Accept Financial Statements for May 2020 - M
 - d. Approve June 2020 Bills - M
- X. Trustee Comments**
- XI. Adjourn - M**

M-Motion R-Resolution

IN ACCORDANCE WITH PUBLIC ACT 267 (OPEN MEETING ACT)

The Village of Bingham Farms will provide necessary, reasonable auxiliary aids and services to individuals with disabilities requiring such services. All requests must be made to the Village Manager at least five business days before meeting. Individuals with disabilities requiring auxiliary aids or services should contact the office in writing or by phone: 24255 Thirteen Mile, Suite 190, Bingham Farms MI 48025 * 248-644-0044.



The regular **meeting minutes** of the Council of the Village of Bingham Farms, held at 24255 13 Mile Road, Suite 190, Bingham Farms, MI, Tuesday, May 26, 2020 at 7:30 p.m, held by videoconference.

I. **Call to Order:** 8:00 p.m.

Trustees present: Lisa Blackburn, Spencer Doty, Mel Ettenson, Larry Freedman, Carl Grenadier, Kurt Jones, President Ben Templeton

Trustees absent: None

Others present: Police Chief Dan Roberts, Fire Chief Tony Averbuch, Treasurer Karin Ludwick, Village Manager Ken Marten, Admin Assistant Yevgeniy Malkin, Village Attorney Jennifer Hill.

- II. **Approval of Agenda:** Request by Freedman to add new item (X. Signage Discussion). Motion by Grenadier to approve agenda with amendment. Second by Templeton.
AYES: Blackburn, Doty, Ettenson, Freedman, Grenadier, Jones, Templeton.
NAYS: None

- III. **Approval of Meeting Minutes of April 27, 2020:** Motion by Ettenson, second by Freedman.
AYES: Blackburn, Doty, Ettenson, Freedman, Grenadier, Jones, Templeton.
NAYS: None

IV. **President's comments**

A. **Gun Violence Awareness Proclamation**

President Templeton read the proclamation, declaring the first Friday in June to be National Gun Violence Awareness Day.

V. **Public comments:** None

VI. **Discussion Topics:**

A. **Police Department Monthly Report:** Roberts presented report.

B. **Fire Department Monthly Report:** Averbuch presented report.

C. **PUD Agreement Update:** Marl Kadian of Douville Development Partners notified council that he and the village attorney are continuing work on the agreement and should be able to present for approval soon.

D. **ADOPT 2020/21 GENERAL FUND, GAS & WEIGHT BUDGETS**

RESOLUTION 2020-09 OFFERED BY: ETTENSON, SUPPORTED BY: GRENADIER that whereas the Village of Bingham Farms has conducted a public hearing

on the proposed 2020/21 Fiscal Year Budget on April 27, 2020 and whereas public comments have been heard and considered, be it resolved that the 2020/21 Fiscal Year Budget for the General Fund, Major Road Fund and Local Road Fund be adopted as follows:

<u>Fund</u>	<u>Revenues</u>	<u>Expenditures</u>
General	\$2,290,101	\$2,290,101
Gas & Weight	273,243	273,243

AYES: Blackburn, Doty, Ettenson, Freedman, Grenadier, Templeton.

NAYS: Jones

PASSED: 6-1

E. ADOPT 2020/21 MILLAGE RATE

RESOLUTION 2020-10 OFFERED BY: ETTENSON, SUPPORTED BY: GRENADIER that whereas the Village of Bingham Farms on May 26, 2020 adopted the 2020/21 Fiscal Year Budget, and whereas the Village must adopt a millage rate to be spread across the Village tax roll for 2020/21, be it resolved that the Village of Bingham Farms does hereby approve the 2020/21 millage rate for the Village at 9.0 mills.

AYES: Blackburn, Doty, Ettenson, Freedman, Grenadier, Templeton.

NAYS: Jones

PASSED: 6-1

F. ADOPT APPROPRIATIONS ACT FOR FY 2020/21

RESOLUTION 2020-11 OFFERED BY: ETTENSON, SUPPORTED BY: TEMPLETON that whereas the Village of Bingham Farms has adopted its annual budget for its fiscal year beginning July 1, 2020 in accordance with State law and the Village Charter, and whereas the Village is required to adopt an appropriations act to provide the authority to incur obligations and expend public funds, be it resolved that the adopted budget for the fiscal year beginning July 1, 2020 and ending June 30, 2021 shall establish the approved appropriation levels for the 2020/21 fiscal year. Further, the Village retains the authority to amend the Village budget and this appropriation act at such times as it should become necessary.

AYES: Blackburn, Doty, Ettenson, Freedman, Grenadier, Jones, Templeton.

NAYS: None

PASSED: 7-0

G. ADOPT 2020/21 POLICE S.A.D. MILLAGE RATE

RESOLUTION 2020-12 OFFERED BY: ETTENSON, SUPPORTED BY:

GRENADIER that whereas the Village of Bingham Farms has conducted a public hearing on the proposed 2020/21 Police Special Assessment District presented by the Franklin-Bingham Farms Police Department on April 27, 2020 and whereas public comments have been heard and considered, and whereas now the Village must adopt a millage rate to be spread across the Special Assessment District members on the Village tax roll for 2020/21, be it resolved that the Village of Bingham Farms does hereby approve the 2020/21 Police SAD millage rate at 5.47717 mills.

AYES: Blackburn, Doty, Ettenson, Freedman, Grenadier, Jones, Templeton.

NAYS: None

PASSED: 7-0

H. ADOPT WOODLYNNE PUMP S.A.D.

RESOLUTION 2020-13 OFFERED BY: ETTENSON, SUPPORTED BY:

TEMPLETON that whereas on July 22, 1996 the Village of Bingham Farms established the necessity of a twenty year Special Assessment District to maintain the Woodlynne Pump Station and Drainage Basin Operation for all properties vacant and improved on Woodlynne Drive, and whereas on May 23, 2016 that necessity was extended an additional 20 years, until the cost to be spread for 2020/21 is in the amount of \$3,240, be it resolved that the assessment roll for all property owners on Woodlynne Drive (showing a levy of 0.2944 mills) for the period 7-1-20 to 6-30-2021 be confirmed and that the payment of the special assessment be in one installment to be made payable with the annual Village property tax bill due on July 1, 2020.

AYES: Blackburn, Doty, Ettenson, Freedman, Grenadier, Jones, Templeton.

NAYS: None

PASSED: 7-0

I. Administrator's Report: Marten had no additional comments.

VII. New Business:

A. 23712 thirteen Mile road: Rezoning Request

Alan Greene, counsel for Huntington Homes' presented rezoning request from R-1 to R-5. Jeff Leib, counsel for resident Aaron Krabill, presented opposing position. Krabill submitted a protest petition requiring a majority of six votes for approval, deemed valid by village attorney. Council discussion followed.

Motion to deny request by Freedman. Motion died due to lack of second.

Motion by Blackburn to approve rezoning request. Second by Templeton.

AYES: Blackburn.

NAYS: Doty, Ettenson, Freedman, Grenadier, Jones, Templeton.

FAILED: 1-6

B. SOCWA Board of Trustees Appointment:

RESOLUTION 2020-14

APPOINTMENT OF SOCWA TRUSTEE AND ALTERNATE

WHEREAS, the Village of Bingham Farms is a member of the Southeast Oakland County Water Authority (SOCWA);

WHEREAS, the Village is required to appoint a representative trustee and an alternate;

WHEREAS, Michigan Compiled Law 55.285[7] allows for a maximum fee of \$10 to be attributed to any notarial act,

NOW THEREFORE BE IT RESOLVED, that the Village of Bingham Farms Village Council appoints Village Trustee Kurt Jones as its representative to the SOCWA Board of Trustees, and appoints Village Administrator Ken Marten as its alternate to the SOCWA Board of Trustees.

OFFERED BY: ETTENSON, SUPPORTED BY: DOTY.

AYES: Blackburn, Doty, Ettenson, Freedman, Grenadier, Jones, Templeton.

NAYS: None

PASSED: 7-0

C. Village Administrator's Contract

Motion by Ettenson to renew contract as presented. Second by Grenadier.

AYES: Blackburn, Doty, Ettenson, Freedman, Grenadier, Jones, Templeton.

NAYS: None

PASSED: 7-0

VIII. Old Business:

A. Accessory Use Expansion Ordinance – second reading:

Motion to approve by Ettenson. Second by Jones.

AYES: Blackburn, Doty, Ettenson, Freedman, Grenadier, Jones, Templeton.

NAYS: None

PASSED: 7-0

B. Massage Therapy Ordinance – first reading:

Council discussed the current language of the ordinance and made recommendations for minor changes for second reading.

IX. Treasurer's Report:

- A. Motion by Ettenson, second by Doty to accept General Fund balance at April 30, 2020 of \$2,544,694.33 with income for the month of \$8,407.95 against expenditures of \$147,588.29, and to accept the Gas & Weight Fund balance at \$1,141,359.96 with income

for the month of \$11,471.08 against expenditures for April of \$1,062.49.

AYES: Blackburn, Doty, Ettenson, Freedman, Grenadier, Jones, Templeton.

NAYS: None.

- B. Motion by Ettenson, second by Blackburn, to approve payment of the May 2020 bills in the following amounts: General Fund, \$157,871.07; and Gas & Weight, \$122.00.

AYES: Blackburn, Doty, Ettenson, Freedman, Grenadier, Jones, Templeton.

NAYS: None.

- X. **Signage discussion:** Freedman suggested installation of signs cautioning motorists of golf carts on village streets. Council asked for input at the June 22 council meeting from Chief Roberts.

- XI. **Trustee Comments:** None

- XII. **Adjourn:** Motion by Ettenson, second by Blackburn.

AYES: Blackburn, Doty, Ettenson, Freedman, Grenadier, Jones, Templeton.

NAYS: None.

Adjourned 10:10 pm.

VILLAGE OF FRANKLIN
OAKLAND COUNTY
MICHIGAN
FRANKLIN - BINGHAM FARMS POLICE DEPARTMENT

32311 FRANKLIN RD
FRANKLIN, MICHIGAN

Telephone
(248) 626-9672

DANIEL D. ROBERTS
Chief of Police

Fax
(248) 538-5450

MONTHLY REPORT
MAY 2020

CALLS FOR SERVICE

	<u>NUMBER</u>	<u>PERCENT</u>	<u>YEAR - TO - DATE</u>	<u>YEAR-TO DATE LAST YEAR</u>
BINGHAM FARMS w/S.A.D.	70	20%	418	566
FRANKLIN	158	43%	610	661
OTHER	8	2%	31	40
TRAFFIC STOPS ONLY	128	35%	891	1270
TOTAL:	364	100%	1950	2537
S.A.D. Only: S.A.D.=Special Assessment District	27		151	190

WRITTEN COMPLAINTS

	<u>NUMBER</u>	<u>PERCENT</u>	<u>YEAR - TO - DATE</u>	<u>YEAR-TO DATE LAST YEAR</u>
BINGHAM FARMS	5	20%	87	143
FRANKLIN	18	72%	92	106
S.A.D./OTHER	2	8%	18	50
TOTAL:	25	100%	197	299

BREAKING AND ENTERING/HOME INVASION

RESIDENTIAL	<u>THIS MONTH</u>	<u>YEAR - TO - DATE</u>
	0	0
	<u>THIS MONTH</u>	<u>YEAR - TO - DATE</u>
	<u>LAST YEAR</u>	<u>LAST YEAR</u>
	0	1

	<u>DATE</u>	<u>INCIDENT</u>	<u>ADDRESS</u>
BINGHAM FARMS	n/a	n/a	n/a
FRANKLIN	n/a	n/a	n/a

COMMERCIAL	<u>THIS MONTH</u>	<u>YEAR - TO - DATE</u>
	0	0
	<u>THIS MONTH</u>	<u>YEAR - TO - DATE</u>
	<u>LAST YEAR</u>	<u>LAST YEAR</u>
	0	1

VI(a)

	<u>DATE</u>	<u>INCIDENT</u>	<u>ADDRESS</u>
BINGHAM FARMS	(A)	(F)	(S)
FRANKLIN	(A)	(F)	(S)
S.A.D.	(A)	(F)	(S)

ARRESTS

	<u>NUMBER</u>	<u>YEAR - TO - DATE</u>	<u>YEAR - TO - DATE 2019</u>
FELONIES	1	3	3
MISDEMEANORS	0	41	78

MISDEMEANOR INCIDENTS

	<u>DATE</u>	<u>INCIDENT</u>	<u>COMMENTS</u>
(A)=Arrest	5/5/2020	20-1631(F)	Larceny - From Mails
(B)=Bingham Farms	5/9/2020	20-1680(F)	Telephone Used for Harassment, Threats
(F)=Franklin	5/21/2020	20-1831(F)	Misdemeanor Assault
(S)=S.A.D.	5/26/2020	20-1881(F)	Fraud (Other)
(O)=Other			

FELONY INCIDENTS

	<u>DATE</u>	<u>INCIDENT</u>	<u>COMMENTS</u>
(A)=Arrest	5/25/2020	20-1866(B)	Fleeing or Eluding Police (A)
(B)=Bingham Farms			
(F)=Franklin			
(S)=S.A.D.			
(O)=Other			

TRAFFIC CITATIONS:

	<u>NUMBER</u>	<u>PERCENT</u>	<u>YEAR - TO - DATE</u>	<u>LAST YEAR-TO-DATE</u>
BINGHAM FARMS/S.A.D.	38	64%	458	787
FRANKLIN	21	36%	182	264
OTHER	0	0%	0	0
TOTAL:	59	100%	640	1051

OTHER MATTERS

<u>DATE</u>	<u>INCIDENT</u>	<u>COMMENTS</u>
Month of May		"Birthday in Place Patrol" - Officers conducted 18 Birthday in Place Patrol drive-bys in the Villages of Franklin and Bingham Farms.

 6/2/2020
 Daniel D. Roberts, Chief of Police

VI(a)

FRANKLIN-BINGHAM FARMS POLICE DEPARTMENT
S.A.D. ACTIVITY REPORT
May 2020

REPORTS TAKEN WITHIN THE SAD	NUMBERS	20YTD	19YTD
Incident Reports	1	11	41
Violations Issued ¹	42	262	452
Arrests ²	1	14	28
Crime Prevention Meetings	0	2	5
Total Vehicle Miles	1566	8128	8054
Overtime Hours	0	0	8.25
Open Buildings	6	16	25
Private Property Accident Reports Taken Within The S.A.D	1	5	5
Public Property Accident Reports In Front of the S.A.D. (Telegraph Rd.)	2	18	44

¹ Starting in 2019, parking violations were included in this line item (not previously recorded).

² Does not include arrests on Telegraph Rd by non S.A.D. officers, but does include arrests made by S.A.D. officers outside of the S.A.D.

**FRANKLIN-BINGHAM FARMS POLICE DEPARTMENT
INCIDENTS REPORTED IN THE COMMERCIAL DISTRICT
May 2020**

	NUMBER	20YTD	19YTD
Homicide	0	0	0
Attempt Armed Robbery	0	0	0
Armed Robbery	0	0	0
Larceny from Auto, Incl. Attempt	0	0	1
Attempt U.D.A.A.	0	0	0
Larceny in Building, Incl. Attempt	0	0	1
Larceny, All Other	0	0	0
Malicious Destruction of Property	0	0	0
Breaking and Entering	0	0	1
Attempt Breaking and Entering	0	0	0
Assault (Incl. Stalking)	0	0	3
Forgery-Fraud/Embezzlement/N.S.F. Checks	0	1	4
Extortion	0	0	0
	0	1	10

**FRANKLIN-BINGHAM FARMS POLICE DEPARTMENT
SPECIAL ASSESSMENT DISTRICT: ARRESTS
May 2020**

ARRESTS	CURRENT	20YTD	19YTD
FELONY	1	1	1
MISDEMEANOR	0	13	26
*TOTAL	1	14	27

*These totals are arrests made by the S.A.D. Officers in the district as well as in other parts of the villages.

**FRANKLIN-BINGHAM FARMS POLICE DEPARTMENT
SPECIAL ASSESSMENT DISTRICT: ARRESTS
May 2020**

INCIDENT#	LOCATION	SEX/AGE/RESIDENCE	OFFENSE
20-1866	Telegraph Rd & W 13 Mile Rd	M/24/Eastpointe	Fleeing/Eluding

Ofc. Goodroe observed a vehicle traveling above the posted speed limit on Telegraph road. When he attempted to initiate a stop of the vehicle, the driver pulled into a parking lot, as if to comply, before driving over an embankment and several curbs to return to the roadway. At that time, Ofc. Goodroe terminated his pursuit of the vehicle. A short time later, he observed the vehicle traveling southbound on Telegraph with heavy damage. Ofc. Goodroe resumed his pursuit assisted by Ofc. Wells. The driver continued to attempt to elude the officers, despite losing a rear tire. He was finally taken into custody without further incident after having abandoned his vehicle. The driver was cited for fleeing and eluding, driving while license suspended, improper plates, speeding, and open intoxicants in a vehicle. The vehicle was impounded.

**FRANKLIN-BINGHAM FARMS POLICE DEPARTMENT
SPECIAL ASSESSMENT DISTRICT: Incidents
May 2020**

INCIDENT#	LOCATION	BUSINESS	OFFENSE
n/a			

**FRANKLIN-BINGHAM FARMS POLICE DEPARTMENT
MONTHLY PERSONNEL REPORT
May 2020**

DAYS/HRS. S.A.D. OFFICERS WERE OUT OF THE S.A.D. *

Sick Days	0 hrs.
Vacation Days	0 hrs.
Comp. Days	0 hrs.
Personal Days	0 hrs.

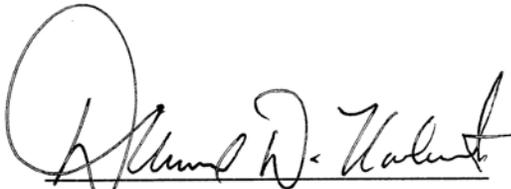
SHIFTS S.A.D. OFFICERS WERE REQUIRED TO BE OUT OF THE S.A.D.*

<u>DATE</u>	<u>REASON</u>	<u>OFFICER</u>
5/3/20	Road Coverage	Goodroe
5/21/20	Road Coverage	Goodroe

*On the days above, a part-time officer was called-in to work the S.A.D. in the absence of either Ofc. Gorski or Ofc. Goodroe

ADDITIONAL TIME DEVOTED TO THE S.A.D.

Patrol Hours: 135.00
Investigative Hours: 4


Daniel D. Roberts
Chief of Police

6/8/2020
Date

Violation Summary
May 2020

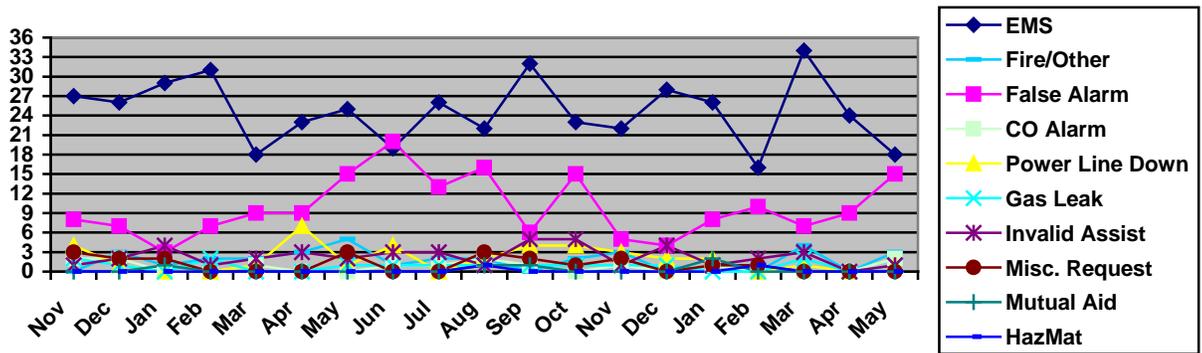
VIOLATIONDESC	VIOL_COUNT	VIOL_PERCENTAGE
1-5 MPH OVER LIMIT	18	42.85
6-10 MPH OVER LIMIT	5	11.9
20 MPH OVER LIMIT	2	4.76
DROVE WHILE LICENSE SUS/REV/DENIED	2	4.76
IMPROPER PLATES	2	4.76
MOTOR CARRIER VIOLATION - DEFECTIVE EQUIPMENT VIOLATION	2	4.76
OPEN INTOXICANTS IN MOTOR VEHICLE	2	4.76
11-15 MPH OVER LIMIT	1	2.38
DISOBEY TRAFFIC CONTROL DEVICE	1	2.38
DROVE WITHOUT DUE CARE AND CAUTION	1	2.38
HANDICAPPED ONLY ZONE	1	2.38
MOTOR CARRIER VIOLATION- MISCELLANEOUS	1	2.38
NO PROOF OF REGISTRATION	1	2.38
Possession, Sale of Controlled Substance/Narcotics.	1	2.38
NO VALID LICENSE IN POSSESSION	1	2.38
NO VALID PLATE	1	2.38

TTL Violations

42

To: The Board of Fire Commissioners
 From: Chief of Department Tony Averbuch
 Subject: Report for the 15 June 2020 Meeting

Past 18 Months Response Trends:

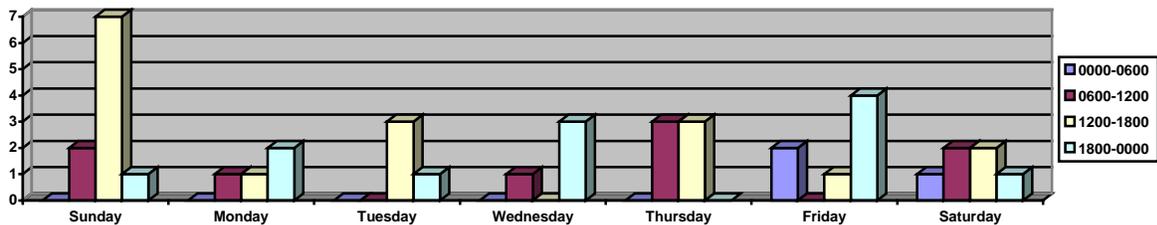


May Response Information:

41 incidents for the month of May 2020. Average response time for the month (time of call to time on-scene) was 4.07 minutes. Below listed are those false alarms that have occurred during the month of May:

Date	Incident	Village	Address	Time	Billable	Comments
5/6/20	159	Bingham Farms	30825 Timberbrook Ln	20:11	Yes	Malfunction
5/7/20	161	Bingham Farms	30825 Timberbrook Ln	14:39	Yes	Malfunction
5/8/20	164	Bingham Farms	30300 Telegraph	23:22	No	Cancelled Enroute
5/11/20	169	Franklin	24650 Tudor Ln	21:36	No	Cancelled Enroute
5/12/20	170	Bingham Farms	13 Mile & Telegraph	17:38	No	Good Intent Call, Other
5/16/20	175	Bingham Farms	30100 Telegraph	16:54	Yes	Malfunction
5/16/20	176	Bingham Farms	30725 Ivyglen Ct	17:14	No	Cancelled Enroute
5/19/20	179	Franklin	31040 Lucerne	21:13	No	Cancelled Enroute
5/21/20	180	Bingham Farms	30725 Ivyglen Ct	08:33	No	Cancelled Enroute
5/21/20	181	Bingham Farms	30725 Ivyglen Ct	09:44	No	Cancelled Enroute
5/24/20	187	Franklin	26025 Carol	17:45	No	Smoke Odor
5/25/20	191	Bingham Farms	27325 Ravineview Ct	19:26	Yes	Malfunction
5/27/20	192	Franklin	25275 Devon	11:40	No	Good Intent Call, Other
5/29/20	194	Franklin	24650 Tudor Ln	21:50	No	Cancelled Enroute
5/31/20	197	Bingham Farms	23616 Shagwood	12:40	No	Cancelled Enroute

Incidents by hour and day for May 2020:



Top Ten Responders

- | | |
|---------------|-----------------|
| 1. LT Johnson | 6. FF Longworth |
| 2. LT Croyle | 7. FF Stefancin |
| 3. FF Kevin | 8. FM Fine |
| 4. CAPT Kelly | 9. LT Adams |
| 5. FF Rubin | 10. LT Buck |

June 18, 2020

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Ken Marten, Village Administrator
Village of Bingham Farms
24255 W. Thirteen Mile Road, Ste. 190
Bingham Farms, MI 48025

Re: Study Sessions
Our File No 20385 FG2

Dear Mr. Marten:

Enclosed please find a document from the Michigan Municipal League that outlines the processes that should be put into place for study sessions. I would request that this be given to Council in preparation for the next Village Council meeting.

First, a work or study session should be used to address major issues effectively, and these sessions can also provide a forum where the Council may focus on long-term decisions rather than day to day management issues that would confront the Village. They can also be used for goal setting, budget review or any major development proposals.

Work or study sessions are governed under the Open Meetings Act. Therefore, the meeting's notice must be published at least 18 hours prior to the meeting, an agenda should be prepared, and minutes should be taken. While these study sessions may be considered voluntary, and therefore, a quorum may not always be present, because the discussions could be perceived as deliberations by the Council, the Open Meetings Act should be followed. While, the public must be allowed to address the Council, the public may be reminded that the main focus of a work session is to provide an opportunity for the Council to study these issues, review information, and identify problems.

While these meetings can be perceived as making decisions outside of the regular Council meeting and that the process is "rigged", the Village may continue to encourage public attendance and comment in these meetings while maintaining the focus on the need for the Council to examine issues and to accomplish Village objectives.

If you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,

Jennifer C. Hill

Ken Marten, Village Administrator
June 18, 2020
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JENNIFER C. HILL

JCH/aw
cc: Derk W. Beckerleg, Esq.

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Work Sessions—Use by Legislative Bodies

Introduction

Work sessions must be posted and fall under the definition of a meeting in the Open Meetings Act (1976 PA 276, MCL 15.261 et seq.). Also, they must be open to the public, except for those issues that by law are permitted to be addressed in closed session, and like all meetings defined under the OMA, minutes must be taken. Several common issues and questions are covered below, and addressed not as “legal” issues but rather as policy or decision-making issues.

When should work sessions be scheduled?

Work sessions can be scheduled at any time. If scheduled immediately prior to regular sessions, items on the agenda are also placed on the work session agenda. If there are any questions on issues, they can be addressed in the work session. If scheduled during the off week, work sessions mean more meetings, more staff preparation, and potentially greater public perception problems if work sessions are not well-attended or televised. If the public isn’t aware of work sessions, it may appear that decisions have already been made by the time council acts in a regular meeting.

What purposes do they serve?

Work sessions can be vehicles for addressing major issues more effectively. They can also provide opportunities for members to focus on long-term decisions rather than the day-to-day management issues that confront the municipality. Presumably, they also make regular sessions more productive and shorter. Work sessions can also help members relate better to one another because of the greater informality of such sessions.

What kinds of items should be on the agenda of work sessions?

An alternative approach to duplicating regular meeting agendas is to reserve work sessions for “blue sky” issues or major projects only. Goal-setting, budget review, or major development proposals are examples. If every issue is on both the work and regular session agenda, it may become repetitive.

Must the public be allowed to participate?

Work sessions are intended to provide opportunities for councilmembers to study difficult issues, gather and analyze information, and clarify problems. However, whenever a governing body holds a meeting, it must be posted, there must be minutes taken, and people must have an opportunity to address the governing body under the Open Meetings Act (MCL 15.263). Those in attendance should be made aware of the purpose of the meeting—to study issues, not to take action.

How do you address the public perception problem?

Citizens often aren’t aware of, or understand, the difference between work sessions and regular sessions. This can give rise to the perception that the decision process in the regular meeting is rigged beforehand. There are no easy answers to this problem. The best that can be done is to communicate, as much as possible, the process by which council makes decisions. Make it clear that council holds work sessions for difficult issues, that these sessions are open to the public, and that no decision is made except in a regular session.

Adapted from an article by Dr. Joe Ohren, ICARD/Eastern Michigan University

June 18, 2020

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Village Council Trustees
Ken Marten, Village Administrator
Village of Bingham Farms
24255 W. Thirteen Mile Road, Ste. 190
Bingham Farms, MI 48025

Re: Conditional Rezoning
Our File No 20385 FG2

Dear Village Trustees:

I have been asked to prepare information for your consideration regarding the possibility of enacting a conditional rezoning ordinance. Enclosed please find a copy of a sample ordinance that regulates offers of conditional rezoning.

The conditional rezoning ordinance is a tool that the Village can use that would provide some flexibility and certainty in rezoning requests, and this issue has come up in a recent planning and zoning discussions. The Village is otherwise restricted from imposing conditions on its own volition as a part of zoning request as it could in a zoning variance request. Conditional zoning is permitted under MCL 125.3405, and under that statute, an owner seeking a rezoning may voluntarily propose and offer conditions regarding the use and/or development of land as part of the rezoning request.

As part of the process, the proposed ordinance would contain requirements and procedures that the Village must follow in order to avoid any legal challenges of arbitrariness. First, the offer of conditions must be in writing at the time the request is made. The offer of conditions may include deviations from the schedule of regulations under the zoning ordinance which would include, but not be limited to location, size and height of buildings, density, setbacks, and architectural features. It could also require that site plan approval be required as part of the zoning amendment process.

It also sets forth standards that the conditions should be compatible with the Master Plan and the surrounding areas. It would also require that an agreement be entered as part of the rezoning process. The conditional rezoning agreement would be recorded with the Register of Deeds and would contain a statement that the Village is not required to issue a certificate of occupancy until all the conditions in the conditional rezoning agreement have been met. This zoning agreement would run with the land.

Village Council Trustees
Ken Marten, Village Administrator
June 18, 2020
Page | 2

In short, it would give the Village another tool to change zoning for the benefit of the Village with added certainty provided by an applicant.

I look forward to answering any questions you may have regarding this process.

Very truly yours,

Jennifer C. Hill

JENNIFER C. HILL

JCH/aw
cc: Derk W. Beckerleg, Esq.

6117145_1.docx

STATE OF MICHIGAN
COUNTY OF OAKLAND

ORDINANCE NO. _____

An Ordinance to amend Article XXX of the

_Zoning Ordinance No. 78 to add Section 30.06a to provide for conditional
rezoning of property.

THE _____ ORDAINS AS
FOLLOWS:

SECTION 1 of Ordinance

Article XXX of Zoning Ordinance No. 78 is amended to add the following Section 30.06a as follows:

- A. It is the intent of this section to provide a process consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act (MCL 125.3405) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.
- B. Application and Offer of Conditions.
1. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. The offer shall be contained in a proposed Conditional Rezoning Agreement, as described in this section, below. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process; however, the offer shall in all events be considered by the Planning Commission prior to being acted upon by the Village Council.
 2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this section. Prior to submission of a formal application, applicants are encouraged to request and attend pre-application meetings with the Village staff.
 3. The owner's offer of conditions may not authorize uses or development not permitted in the requested new zoning district.

4. The owner's offer of conditions may include deviations from the schedule of regulations under this ordinance or any overlay district and the Village may approve such deviations as part of the offer of conditions, including, but not limited to, deviations in location, size and height of buildings, setbacks, and architectural features.
 5. Any use or development proposed as part of an offer of condition that would require site plan approval under the terms of this ordinance may only be commenced if a site plan is made part of the offer of conditions and approval for such use or development is ultimately granted in accordance with the provisions of this ordinance, if necessary.
 6. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Village Council provided that if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application may be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.
 7. If the Village is in the process of proceeding with a conditional rezoning under this section, and the applicant has not voluntarily offered one or more of the conditions being considered, the applicant shall inform the Village Clerk in writing of such fact prior to any action being taken by the Village Council granting the conditional rezoning.
- C. Planning Commission Review. The Planning Commission, after public hearing and consideration of the factors for rezoning set forth in Section 30.06 of this ordinance, may recommend approval or denial of the rezoning.
- D. Village Council Review. After receipt of the Planning Commission's recommendation, the Village Council shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Village Council's deliberations shall include, but not be limited to, the following:
1. Compatibility with the policies and uses designated for the land and area in the Village's Master Plan, or deviation from the Master Plan if the proposed development is compatible with the overall development within the Village and the needs of the residents.
 2. Compatibility with other uses in the surrounding areas considering the area as a whole and considering the needs of the Village as a whole;

3. Availability and adequacy of public services and facilities, and whether there is likely to be any adverse impact from a development or use allowed under the rezoning with Conditional Rezoning Agreement; and
4. Whether the development that would be approved shall advance the public interest, weighing the reasonably expected burdens likely to result from allowing the development against the reasonably expected benefits to be achieved by the development.

The Village Council may consider amendments to the proposed conditional rezoning, which have been offered by the owner of the property, and may deny or approve the conditional rezoning with or without amendments.

E. Approval.

1. If the Village Council finds a rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into the Conditional Rezoning Agreement. The Agreement shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Village Council to accomplish the requested rezoning.
2. The Conditional Rezoning Agreement, as initially submitted, or as may be modified during the course of the rezoning process, shall:
 - a. Be in a form recordable with the Register of Deeds for Oakland County or, in the alternative, be accompanied by a recordable affidavit or memorandum prepared and signed by the owner of the property giving notice of the Conditional Rezoning Agreement in a manner acceptable to the Village Council.
 - b. Contain a legal description of the land to which it pertains.
 - c. Contain a statement and acknowledgement that the terms and conditions of the Conditional Rezoning Agreement shall run with the land and be binding upon and inure to the benefit of the property owner and the Village, and their respective heirs, successors, assigns and transferees;
 - d. A specification of all conditions proposed by the land owner to be applicable to the use and development of the land, including the following to the extent relevant:
 1. The location, size, height or other measure for and/or of buildings, structures, improvements, set backs, landscaping, buffers, design, architecture and other features.

2. Permissible uses of the property, and a specification of maximum density or intensity of development and/or use, expressed in terms fashioned for the particular development and/or use, for example, and in no respect by way of limitation, units per acre, maximum usable floor area, hours of operation, and the like.
 3. Preservation of natural resources and/or features.
 4. Facilities to address any relevant traffic, storm water and water quality issues.
 5. Provisions for maintenance of areas on the land, as relevant.
- e. Contain a statement acknowledging that the Conditional Rezoning Agreement, or an Affidavit or Memorandum giving notice thereof, may be recorded by the Village with the Register of Deeds of Oakland County.
 - f. Contain a statement acknowledging that the Village is not required to issue a certificate of occupancy until all conditions in the Conditional Rezoning Agreement have been met.
 - g. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that the Conditional Rezoning Agreement, as the same may have been modified during the rezoning process (if applicable) has been freely, voluntarily and knowledgeably offered by such owners, and agreed upon in its entirety. If the land owner is unable to sign this due to a lack of one or more conditions that are not voluntary, the land owner shall provide a notice to this effect with the Village Clerk before final action of the Village Council.
3. Upon the rezoning taking effect, the zoning map shall be amended to reflect the new zoning classification, along with a designation that the land was rezoned with a Conditional Rezoning Agreement. The Village Clerk shall maintain a listing of all lands rezoned with a Conditional Rezoning Agreement.
 4. The approved Conditional Rezoning Agreement, or Affidavit or Memorandum giving notice thereof, shall be filed by the Village with the Register of Deeds of Oakland County. The Village Council shall have the authority to waive this requirement if it determines that, given the nature of the conditions and/or the

timeframe in which the conditions are to be satisfied, the recording of such document would be of no material benefit to the Village or to subsequent owners of land.

5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Conditional Rezoning Agreement.

F. Compliance with Conditions.

1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Conditional Rezoning Agreement. Any failure to comply with a condition contained within the Conditional Rezoning Agreement shall constitute a violation of the Zoning Ordinance and shall be punishable accordingly. Additionally, any such violations shall be deemed a nuisance per se and be subject to judicial abatement as provided by law.
2. No permit or approval shall be granted under the ordinance for any use or development that is contrary to an applicable Conditional Rezoning Agreement.

G. Time Period for Establishing Development or Use. Unless another time period is specified in the ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within six (6) months after the rezoning took effect, and thereafter proceed diligently to completion. This time limitation may, upon written request, be extended by the Village Council if:

1. It is determined to the Village Council's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion, and
2. The Village Council finds that there has not been a change in circumstance that would render the current zoning with Conditional Rezoning Agreement incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

H. Termination. If approved development and/or use of the rezoned land does not occur within the timeframe specified under Subsection G above, or if the property owner makes a request in writing for termination of the Conditional Rezoning Agreement prior to making any improvements pursuant to the Conditional Rezoning Agreement, then the rezoning and the Conditional Rezoning Agreement shall be deemed to be immediately terminated except in the Village's discretion as to that part of the land, if any, that has been developed. In the event of such termination, no new development

or use of the land shall be permitted until a new zoning classification is approved by a rezoning of the land. Upon such termination, the Planning Commission shall immediately initiate the process to rezone the land in whole or in part to its prior or other appropriate zoning classification. The procedure for considering and adopting this rezoning shall be the same as applied to all other rezoning requests. Once the rezoning has occurred, the Village shall, upon request of the land owner, record with the Register of Deeds for Oakland County a notice that the Conditional Rezoning Agreement, except in the Village's discretion as to that part of the land, if any, that has been developed, is no longer in effect.

I. Amendment of Conditions.

1. During the time period for commencement of an approved development or use specified pursuant to Subsection G or any extension granted by the Village Council, the Village shall not add to or alter the conditions in the Conditional Rezoning Agreement.
2. The Conditional Rezoning Agreement may be amended in the same manner as was prescribed for the original rezoning and Conditional Rezoning Agreement.

J. Village's Right to Rezone. Nothing in the Conditional Rezoning Agreement or in the provisions of this section shall be deemed to prohibit the Village from rezoning all or any portion of land that is subject to a Conditional Rezoning Agreement to another zoning classification. Any rezoning shall be conducted in compliance with this ordinance and the Michigan Zoning Enabling Act, MCL 125.3101, *et seq.*

L. Failure to Offer Conditions. The Village shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's right under this ordinance.

SECTION 2 of Ordinance

All other ordinances or parts of ordinances which are inconsistent or in conflict herewith are hereby repealed to the extent of such inconsistency or conflict.

SECTION 3 of Ordinance

This ordinance and the various parts, sections, subsections, provisions, sentences and clauses are severable. If any part of this ordinance is found to be unconstitutional or invalid by a court of competent jurisdiction, it is declared that the remainder of the Ordinance shall not be affected.

SECTION 4 of Ordinance

This Ordinance shall be published in full in a newspaper of general circulation in the _____, qualified under State law to publish legal notices, and shall become effective as provided by law.

SECTION 5 of Ordinance

This Ordinance is hereby declared to have been adopted by the Council of Trustees of the _____ at a meeting thereof duly called and held on the ____ day of _____, 2009, and ordered to be given publication in the manner prescribed law.

CERTIFICATION

I hereby certify that the foregoing is a true copy of Ordinance No. ____, as adopted by the Council of of the _____, at a regular meeting held on _____, 2009. Moved by _____, seconded by _____.

AYES:
NAYS:
ABSENT:

BY: _____
, Clerk

Introduced:
Adopted:
Published:
Effective:

6117513_1



Village Administrator Communication

To: Village Council
From: Ken Marten, Administrator
Date: June 18, 2020

Re: Design Review Board's Proposed Tree Ordinance-Related Amendments

Dear Village Trustees:

This short memo accompanies proposed tree ordinance-related amendments developed by the Design Review Board over several months. As of now, this item is a discussion topic; council is not asked to approve anything at the June 22 meeting.

If council seeks more information, then perhaps the topic could be addressed in depth at a future study session. If council concurs that one or more of the recommendations should be adopted, then the village attorney will draft ordinance amendments and present them for a first reading at a future meeting, followed by a second reading.

-end-



**Design Review Board
Recommendations for Amendments and Changes Regarding
Ordinances that Regulate Trees**

It is the view of the Design Review Board that the village's natural setting is as fundamental to the character of Bingham Farms as the homes. Therefore, as the board is charged with protecting the character of the village through design review of new home construction and exterior renovations to existing structures, the board should also be charged with the design review of the village's natural setting. Specifically, this includes defining a role for the board in a revised tree ordinance (93.01-93.12), as well as certain revisions to other ordinances (detailed below) that relate to trees and other natural settings.

The Design Review Board recommends to the Village Council the following changes:

General recommended amendments

Amendment recommendation 1: The village administrator should review and advise, and DRB to approve, landscaping and lighting plans for new construction and new landscaping/lighting for existing properties/homes.

Amendment recommendation 2: Set a monetary value in the ordinance that would determine submission of landscaping/lighting plans to DRB for review and approval. DRB does not feel the need to review plantings of seedlings or ornamental bushes and other minor landscape additions or removals.

Amendment recommendation 3: Require replacement of any regulated tree removed for any reason, with the exception of damaged, diseased or dead trees. Replacement trees can be saplings or seedlings. The DRB recognizes that it takes decades for saplings and seedlings to reach mature status; however, maintaining and repopulating the village's tree canopy is important for the preservation of the village's character, its woodlands and the overall environment.

Amendment recommendation 4: Require as-built landscaping plans to be submitted to the village.

Specific recommended amendments

Amendment recommendation 5: 93.04(A): Leave the removal allowance ratio of a maximum of three regulated trees every two years, but make removal subject to DRB approval per tree, excepting damaged, diseased or dead trees.

Amendment recommendation 6: 93.04 (B): Reduce tree replacement plan threshold from 20 percent to 10 percent

Amendment recommendation 7: 153.03 (C) defines DRB's authority to approve plans. (4)(b) reads "landscaping, fencing and greenbelting, except for one-family dwelling units." Remove "except for one-family dwelling units" to provide the authority to the DRB.



Amendment recommendation 8: 153.34 LANDSCAPING describes landscaping plan process but does not assign authority to DRB. Amend to assign said authority.

The Design Review Board recognizes that fines and penalties for failure to comply with village ordinances are determined by the Village Council.

The board also recognizes that 93.10 assigns the historic/specimen tree designation program to the Planning Commission.

The Design Review Board unanimously approved these recommendations at its March 2, 2020 meeting.

At its May 4, 2020 meeting, the Design Review Board agreed to suggest that the following language be added to the Master Plan, scheduled to be update this year: "If landscaping is severely depleted by reason of fire, tornado, disease, blight or any other natural or manmade disaster, the Design Review Board suggests that gradual replacement of landscaping and trees be allowed over a period of three to four years."

Respectfully submitted,

Jeff DuComb, Chair
Design Review Board



Council Communication

To: President Templeton and Village Council Trustees

From: Ken Marten, Village Manager

Date: June 18, 2020

Re: Village Administrator Report -- June 19 2020

Master Plan update survey: We're asking residents to complete a survey as part of the Master Plan update. The survey is on the website under "Village News." I encourage each of you to take it, and please ask your family members, friends and neighbors to do so as well. Obviously, we want as much input as possible.

For the 2014/2015 update survey, there were 112 responses. I would like to see a much higher number this time around. Please help get the word out.

Baldwin Public Library re-opening: Per Director Doug Koschik, the library is currently in its "curbside delivery" stage; patrons order materials and pick up. On Monday, July 6, the public will be allowed to enter the building.

13 Mile reconstruction: Beverly Hills and Southfield will begin reconstruction of 13 Mile from Evergreen to Southfield Road on Monday, June 15. Eastbound 13 Mile will be closed; one lane of westbound 13 Mile will be open. Reconstruction will continue through late October. This has been posted to the website.

Zoning: I attended a Zoning Administration Workshop via Zoom, hosted by the Michigan Association of Planning, on Tuesday and Wednesday. Very informative.

PPE Re-Opening Toolkits: The county's Office of Economic Development & Community Affairs has organized a massive effort to offer free Personal Protection Equipment kits to small businesses as they reopen. Most or all of the PPE has been manufactured by Oakland County companies. Our office is a pick-up point for the kits designated for Bingham-based businesses. Nearly 100 have registered with the county for a kit.

Planning Commission: Did not meet in June due to lack of business.

Design Review Board: Met on Monday, June 1. There were two items on the agenda.

- 31033 Cardinal Lane, installation of ground-mounted solar panel array: Approved.
- 31279 Old Stage, new home design: Tabled. Builder will make several changes to the plan per the board's suggestions



Vacancies: I've received two resignation letters from appointed officials. Planning Commissioner Chiara Douville -- wife of former trustee Jeff Douville -- has resigned. This comes as no surprise; they're moving to the east coast due to Jeff's new occupation.

Design Review Board member Jim Valiquett has resigned. After 15 years on the board, he's decided to step down.

I've thanked both of them for their service to the village. It was my privilege to work with Chiara and Jim over the last two years.

Notices of the vacancies are posted on the village website. If anyone knows of an individual willing to serve, a volunteer application form is attached to this email.

President Templeton and I have spoken about the process for filling the vacancies. An ad hoc committee will be formed for each, comprising of Templeton, the board/commission chair, and the council trustee serving on the board/commission. They may not need to meet as a group, but rather hold several phone conversations to weigh the applications. When a volunteer is selected, Templeton will appoint the person and council will be asked to approve the appointment.

UPCOMING MEETINGS/IMPORTANT DATES

- SOCRRA hazardous waste/electronic collection: noon-6 p.m. Tuesday, June 23 (see village website for details)
- OFFICE CLOSED: Friday, July 3
- Design Review Board: 7:30 p.m. Monday, July 6. Two items on the agenda.
- Planning Commission: 7:30 p.m. Monday, July 13. Nothing yet on the agenda.
- Fire Department Annual Meeting: 7:25 p.m. Monday, July 20 at the Fire Hall, 32707 Franklin Road



Village Administrator Communication

To: Village Council
From: Ken Marten, Village Administrator
Date: June 19, 2020

Re: Proposed 2020/2021 Water and Sewer Rates

Dear President Templeton and Village Trustees:

Staff from the Oakland County Water Resources Commissioner's (WRC) office will present proposed 2020/2021 water and sewer rates at council's Monday, June 22, 2020 meeting. Both water and sewer rates will increase.

The WRC presentation and proposed resolutions to adopt the rates are among the attachments in the meeting packet.

Council has two options regarding the water and sewer rate increases: 1) Council may adopt the resolutions as presented by the WRC and pass the increases on to the ratepayers; or 2) Council may allow the rate increases to be deducted from the water and sewer reserve funds. I recommend the latter, but the decision is Council's to make.

If Council decides to pursue the second option, the water reserve fund would be reduced by approximately \$13,840. This would lower the fund from approximately \$307,279 to approximately \$293,439.

The sewer reserve fund would be reduced by approximately \$26,450. This would lower the fund from approximately \$192,713 to approximately \$166,263.

In both cases, there would remain balances in the funds above the recommended 90-day operating reserves, which are shown in WRC's presentation.

Proposed resolutions reflecting the second option will be distributed to Council by email on Monday.

-end-



June 1, 2020

Mr. Ken Marten, Administrator
Village of Bingham Farms
24255 West Thirteen Mile, Suite 190
Bingham Farms, Michigan 48025

RE: Proposed 2020/2021 Village of Bingham Farms Water Supply, Sewage Disposal System Rates and Woodlyne Pump Station & Retention Basin

Dear Mr. Marten:

The Water Resources Commissioner's Office provides operation and maintenance services for the Village of Bingham Farms Water Supply System and Sewage Disposal System. Each year, the WRC conducts a review of the financial condition of the funds used for these systems and provides recommendations for the operation, maintenance and capital improvements needed to maintain these systems. Additionally, the WRC develops a budget, establishes a quarterly charge to be paid by the customer, and maintains a reserve fund in trust for the Village.

We have reviewed the financial condition of the Village of Bingham Farms Water Supply System fund for the operational period ending September 30, 2019. Based on the projected costs for operation and maintenance, the WRC recommends an increase from \$23.84 to \$24.98 per Mcf for the 2020/2021 rate year.

Similarly, we have reviewed the financial condition of the Village of Bingham Farms Sewage Disposal System fund for the same period. The WRC recommends an increase in the quarterly charge from \$26.88 to \$29.25 per Mcf based on the projected costs for operation and maintenance for the 2020/2021 rate year.

We have also reviewed the annual charge for the operation and maintenance of the Woodlyne Pump Station and Retention Basin. The charge will remain the same at \$2,540 annually, plus the yearly dialer expense of \$700, for an annual total of \$3,240 effective September 1, 2019 through August 31, 2020.

We request that the Village consider the enclosed charges at its June 22, 2020 meeting. If you have any questions regarding this matter, please feel free to contact me at 248-858-1539.

Sincerely,

Ben L. Lewis

Ben L. Lewis, P.E.
Manager

c: William Miller, Oakland County Commissioner-District 14



**VILLAGE OF BINGHAM FARMS
AMENDED WATER SUPPLY RATES**

RESOLUTION

WHEREAS, the Oakland County Water Resources Commissioner (WRC) has performed a review of the finances for the Village of Bingham Farms water supply system including the cost to purchase water from the Southeast Oakland County Water Authority, the cost for WRC to operate and maintain the water supply system, and the establishment of a major maintenance reserve; and

WHEREAS, the County of Oakland, on September 24, 1973, entered into an Operating Agreement with the Village of Bingham Farms for the operation and maintenance of the Bingham Farms Water Supply System, amended on May 28, 2019; and

WHEREAS, under the terms of the Agreement between the Village of Bingham Farms and the County of Oakland, the Village shall provide, by proper ordinance or resolution, for the water supply rate to be charged to all premises within the Village connected to the Bingham Farms Water Supply System; and

WHEREAS, in a letter dated June 1, 2020, the Oakland County Water Resources Commissioner has recommended that water supply rates be established effective July 1, 2020; and

WHEREAS, the water consumption charge has increased \$1.14 from \$23.84 per Mcf to \$24.98 per Mcf; and

WHEREAS, the minimum quarterly charge has been established at \$49.96 plus a meter maintenance fee based upon an assigned use of 2.0 Mcf; and

NOW, THEREFORE, BE IT RESOLVED that the rates for the Village of Bingham Farms Water Supply System be established at \$24.98 per Mcf with a minimum quarterly charge established at \$49.96 plus a meter maintenance fee to be effective July 1, 2020 for all users of the Village of Bingham Farms Water Supply System.

YEAS: _____

NAYS: _____

RESOLUTION DECLARED ADOPTED.

STATE OF MICHIGAN)
)
COUNTY OF OAKLAND)

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Council of the Village of Bingham Farms, Oakland County, Michigan at a regular meeting duly called and held on the 22 day of June, 2020, the original of which resolution is on file in my office, and that notice of said meeting was given, the meeting was held and the minutes filed in accordance with the Open Meetings Act, Act No. 267, Public Acts of Michigan, 1976, as amended

Clerk

**VILLAGE OF BINGHAM FARMS
AMENDED SEWAGE DISPOSAL RATES**

RESOLUTION

WHEREAS, the County of Oakland, on September 23, 1974, entered into an Operating Agreement with the Village of Bingham Farms as amended on May 28, 2019 for the Operation and Maintenance of the Village of Bingham Farms Sewage Disposal System; and

WHEREAS, under the terms of the agreement between the Village of Bingham Farms and the County of Oakland, the Village shall provide, by proper ordinance or resolution, for the sewage disposal rate to be charged to all premises within the Village connected to the Bingham Farms Sewage Disposal System; and

WHEREAS, the Village of Bingham Farms was notified by the Oakland County Water Resources Commissioner, that revised sewage disposal charges for the Evergreen-Farmington Sewage Disposal System would become effective for use on and after July 1, 2020. The indicated Gross Pollutant Surcharge and the Industrial Waste Control (IWC) charges were approved and provided by the Great Lakes Water Authority (GLWA), and

WHEREAS, in a letter dated June 1, 2020, the Oakland County Water Resources Commissioner, as operating agent for the Village, recommended that sewage disposal rates be established effective July 1, 2020; and

WHEREAS, the sewage disposal charge has increased \$2.37 from \$26.88 per Mcf to \$29.25; and

WHEREAS, the minimum quarterly charge has been established at \$58.50 based upon an assigned use of 2.0 Mcf; and

WHEREAS, the flat rate quarterly charge has been established at \$146.25 for sewer users that do not have a water meter based upon an assigned use of 5.0 Mcf; and

NOW, THEREFORE, BE IT RESOLVED that the rates of \$29.25 per Mcf for sewage disposal, \$58.50 for a minimum quarterly charge and \$146.25 for the flat rate quarterly charge for the Village of Bingham Farms Sewage Disposal System be established effective July 1, 2020 for all users' rates for the Village of Bingham Farms Sewage Disposal System and the Great Lakes Water Authority (GLWA) gross Industrial Surcharge and the IWC charges be established in accordance with the following until further notification is received from GLWA on the net charges:

1. **Pollutant Surcharge**

A Pollutant Surcharge shall be levied against industrial and commercial customers contributing sewage to the system with concentrations of pollutants exceeding the levels described as follows:

- A. 275 milligrams per liter (mg/l) of Biochemical Oxygen Demand (BOD).
- B. 350 milligrams per liter (mg/l) of Total Suspended Solids (TSS).
- C. 12 milligrams per liter (mg/l) of Phosphorus (P).
- D. 100 milligrams per liter (mg/l) of Fats, Oils & Grease (FOG).

Effective July 1, 2020	
Total Charge Per	
<u>Amounts of Pollutant Surcharge</u>	<u>Pound of Excess Pollutants</u>
Biochemical Oxygen Demand (BOD)	\$0.502
Total Suspended Solids (TSS)	0.510
Phosphorus (P)	7.519
Fats, Oils & Grease (FOG)	0.484

It is assumed that normal domestic customers do not contribute sewage with concentrations of pollutants exceeding the above levels, therefore, the Pollutant Surcharge will not apply to domestic customers. Further, restaurants shall be exempt from Pollutant Surcharge per Federal Court Order, "Second Interim Order," dated July 10, 1981.

2. **Industrial Waste Control**

Based on the size of the water meter, actual or assigned, each non-residential user of the system shall pay a monthly Non-residential Surcharge in accordance with the following schedule:

Effective July 1, 2020	
Industrial Waste	
<u>Meter Size</u>	<u>Control (I.W.C.) Charge</u>
5/8"	\$ 3.45
3/4"	5.18
1"	8.63
1-1/2"	18.98
2"	27.60
3"	50.03
4"	69.00
6"	103.50
8"	172.50
10"	241.50
12"	276.00
14"	345.00
16"	414.00
18"	483.00

Non-residential users shall be defined as users other than those in single family houses, apartment buildings, condominiums, town houses, mobile homes, schools, churches, and municipal buildings.

For unmetered non-residential users of the system, a water meter size shall be assigned in accordance with the following:

Unit Assigned in Accordance with
The Current Oakland County Water Resources
Commissioner's Schedule of Unit

Assignment Factors

Assigned Water
Meter Size

1-4	5/8"
5-10	1"
11-20	1 1/2"
21-32	2"
33-64	3"
65-100	4"
101-102	6"

BE IT FURTHER RESOLVED, that the said rates and charges remain in effect and apply to all billings on and after July 1, 2020, per the 2020-21 Pollutant Surcharge and IWC net rates approved and provided by GLWA.

YEAS:

NAYS:

RESOLUTION DECLARED ADOPTED.

STATE OF MICHIGAN)
)
COUNTY OF OAKLAND)

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Council of the Village of Bingham Farms, Oakland County, Michigan at a regular meeting duly called and held on the 22 day of June, 2020, the original of which resolution is on file in my office, and that notice of said meeting was given, the meeting was held and the minutes filed in accordance with the Open Meetings Act, Act No. 267, Public Acts of Michigan, 1976, as amended.

Clerk



WRC
WATER RESOURCES COMMISSIONER

Jim Nash

Village of Bingham Farms Water and Sewage Disposal Systems

FY 2021 Rate Proposal



Proposed 2021 Water and Sewer Rates



Basic Rate Calculation

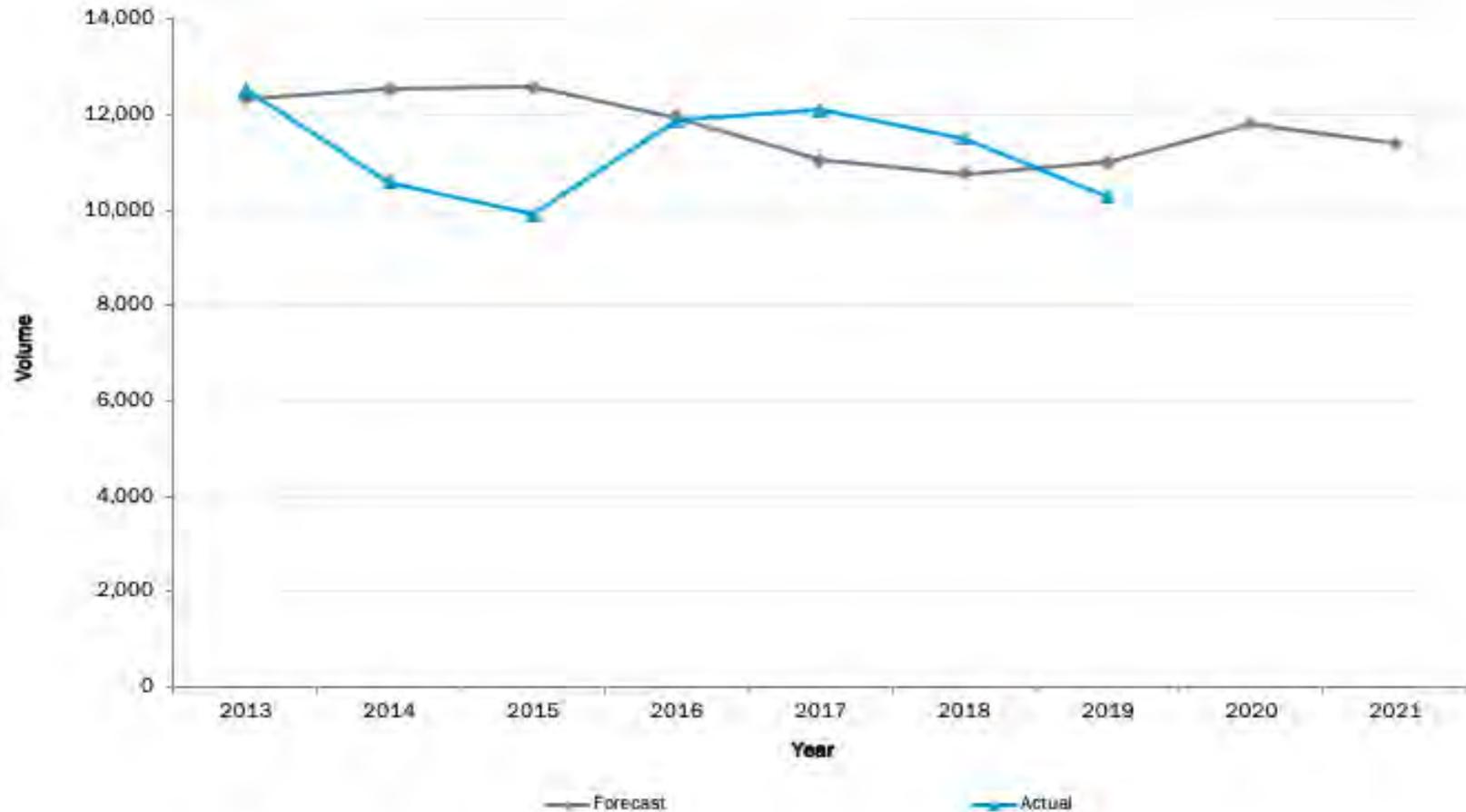
$$\frac{\text{Total Estimated Cost}}{\text{Estimated Sales in Mcf}} = \text{Rate (\$/Mcf)}$$



Sewer Rates



Sewer Sales



Notes:

FY 2021 sewer sales are forecasted to decline by 3.4% compared to the prior year (11,400 vs. 11,800)

BINGHAM FARMS SEWER SYSTEM

Description	Sales (Mcf)	Sewage Treatment (\$)	Operating Expense (\$)	Reserves (\$)	Non-Operating (Debt) (\$)	Non-Rate Revenue (\$)	Total (\$)
Fiscal Year 2019-20	11,800	\$ 274,750	\$ 30,690	\$ 16,240	\$ -	\$ (4,430)	\$ 317,250
Fiscal Year 2020-21	11,400	283,580	33,850	16,240	-	(290)	333,380
Increase/(Decrease)	(400)	8,830	3,160	-	-	4,140	16,130
Increase/(Decrease) %	-3.4%	3.2%	-10.3%	0.0%	#DIV/0!	-93.5%	5.1%



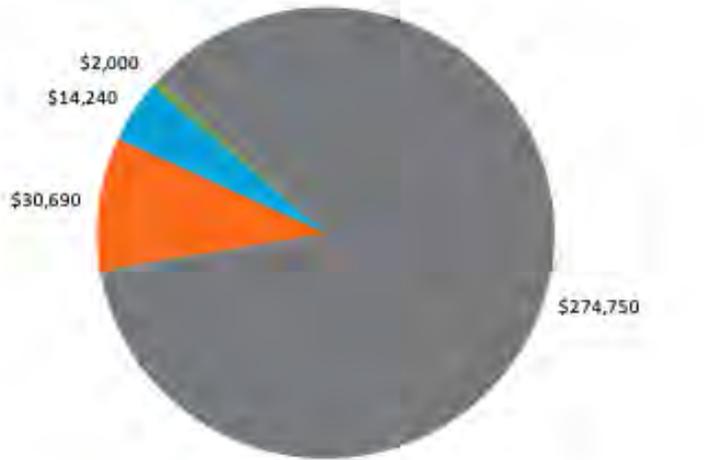
Oakland County Water Resources Commissioner's Office

Bingham Farms
FY 2021 Rates

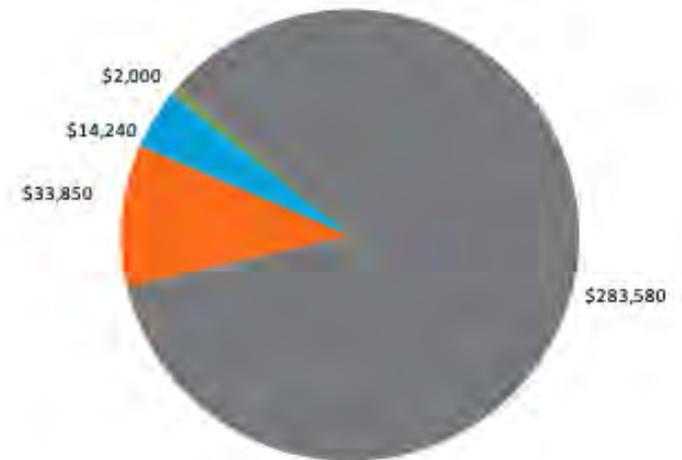
Bingham Farms Sewer

FY Cash Based Requirements

2020 Budget



2021 Forecast



■ Sewage Treatment ■ Operating Expense ■ Major Maintenance ■ Capital



SEWER RATE SUMMARY

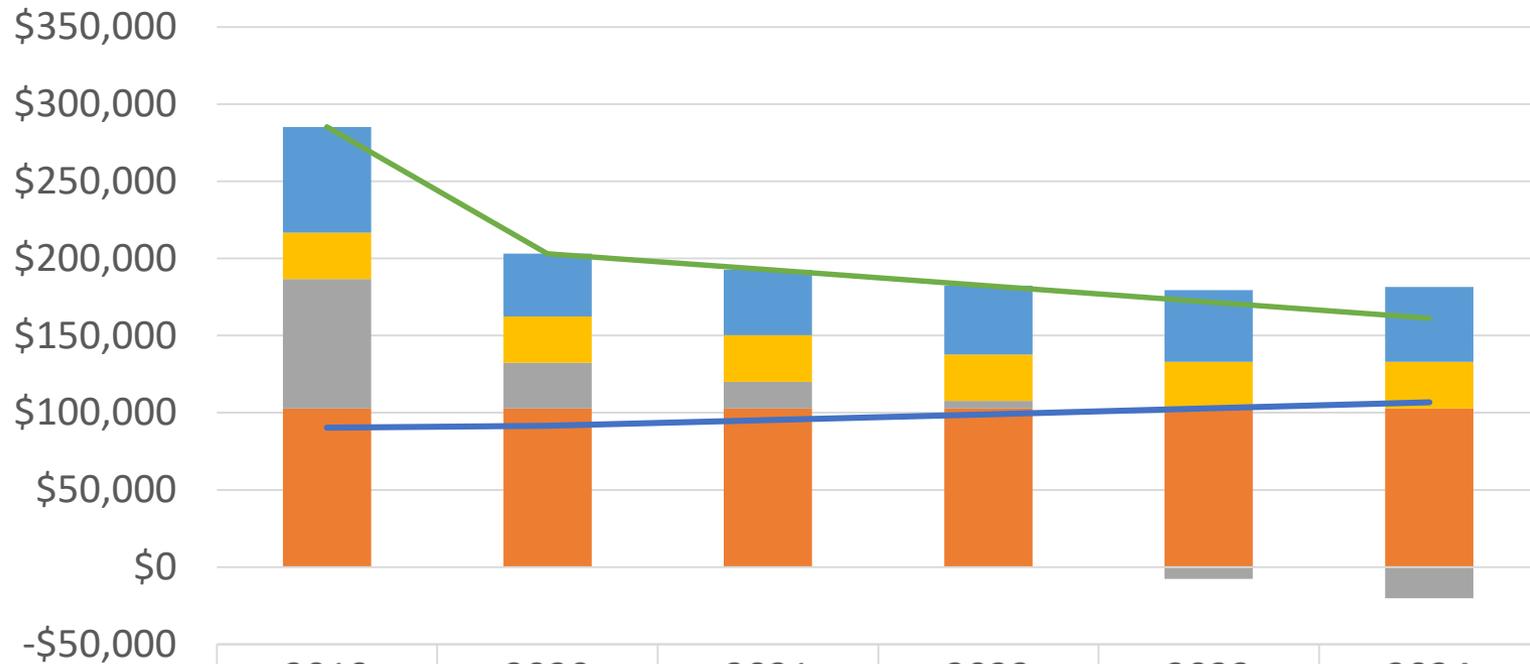
Fiscal Year	EFSDS Charge	Reserves			CIP	Total	Total	EFSDS	OCWRC	Total %
		Non-Operating	Maint	Emergency		OCWRC	Rate	% Change	% Change	Change
2019	21.74	-	1.29	-	0.18	4.08	25.82	4.6%	-16.0%	0.7%
2020	23.28	-	1.21	-	0.17	3.60	26.88	7.1%	-11.8%	4.1%
2021	24.88	-	1.25	-	0.18	4.37	29.25	6.9%	21.4%	8.8%



Oakland County Water Resources Commissioner's Office

VII(a)
Bingham Farms
FY 2021 Rates

Forecast Sewer Reserves (with increase to customers)



	2019	2020	2021	2022	2023	2024
Capital	\$68,534	\$40,534	\$42,534	\$44,534	\$46,534	\$48,534
Emergency Maintenance	\$30,052	\$30,052	\$30,052	\$30,052	\$30,052	\$30,052
Major Maintenance	\$83,729	\$29,569	\$17,269	\$4,879	-\$7,601	-\$20,181
Undesignated	\$102,858	\$102,858	\$102,858	\$102,858	\$102,858	\$102,858
90-day Operating Reserve	\$90,229	\$91,632	\$95,229	\$98,934	\$102,786	\$106,791
Net Position	\$285,173	\$203,013	\$192,713	\$182,323	\$171,843	\$161,263

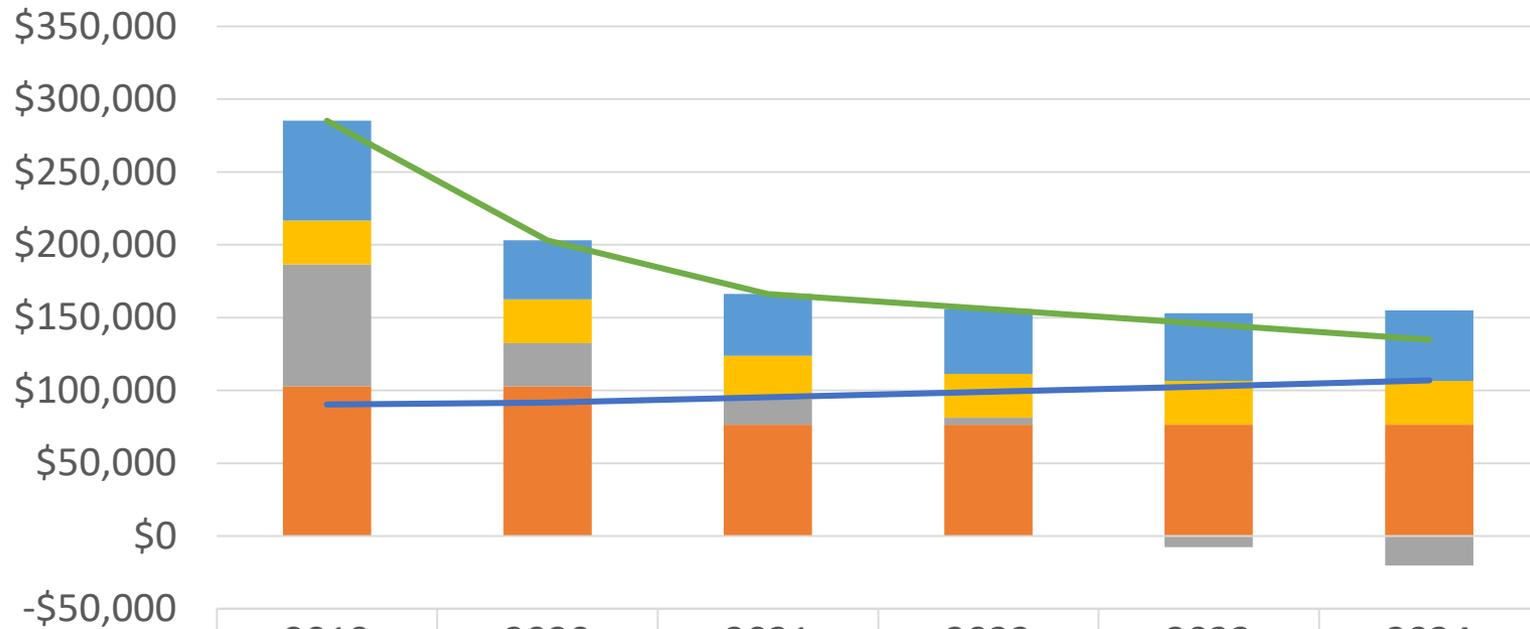


Oakland County Water Resources Commissioner's Office

VII(a)

Bingham Farms
FY 2021 Rates

Forecast Sewer Reserves (no rate increase)



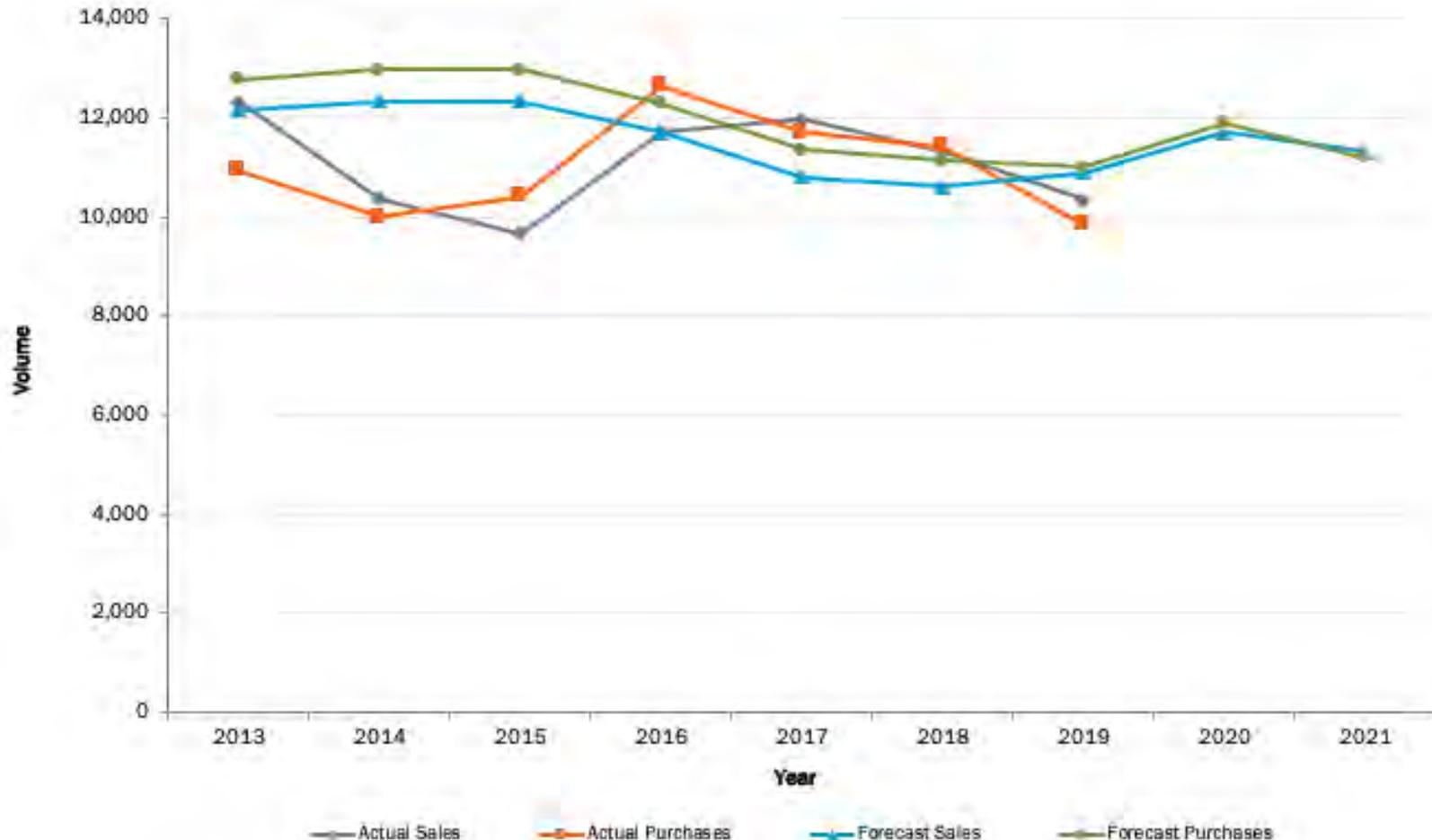
Capital	\$68,534	\$40,534	\$42,534	\$44,534	\$46,534	\$48,534
Emergency Maintenance	\$30,052	\$30,052	\$30,052	\$30,052	\$30,052	\$30,052
Major Maintenance	\$83,729	\$29,569	\$17,269	\$4,879	-\$7,601	-\$20,181
Undesignated	\$102,858	\$102,858	\$76,408	\$76,408	\$76,408	\$76,408
90-day Operating Reserve	\$90,229	\$91,632	\$95,229	\$98,934	\$102,786	\$106,791
Net Position	\$285,173	\$203,013	\$166,263	\$155,873	\$145,393	\$134,813



Water Rates



Water Sales



Notes:

FY 2021 water sales are forecasted to decline by 3.4% compared to the prior year (11,300 vs. 11,700)

BINGHAM FARMS WATER SYSTEM

Description	Sales (Mcf)	Water Purchases (\$)	Operating Expense (\$)	Reserves (\$)	Non-Operating (Debt) (\$)	Non-Rate Revenue (\$)	Total (\$)
Fiscal Year 2019-20	11,700	\$ 205,010	\$ 69,940	\$ 20,000	\$ -	\$ (16,050)	\$ 278,900
Fiscal Year 2020-21	11,300	196,290	83,450	20,000	-	(17,380)	282,360
Increase/(Decrease)	(400)	(8,720)	13,510	-	-	(1,330)	3,460
Increase/(Decrease) %	-3.4%	-4.3%	19.3%	0.0%	#DIV/0!	8.3%	1.2%



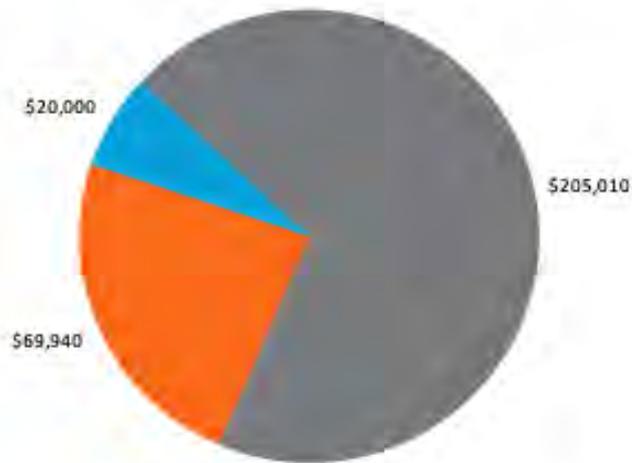
Oakland County Water Resources Commissioner's Office

Bingham Farms
FY 2021 Rates

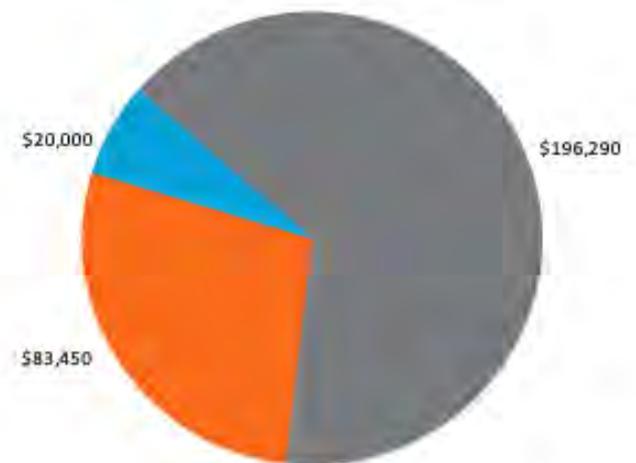
Bingham Farms Water

FY Cash Based Requirements

2020 Budget



2021 Forecast



■ Water Purchases ■ Operating Expense ■ Major Maintenance



WATER RATE SUMMARY

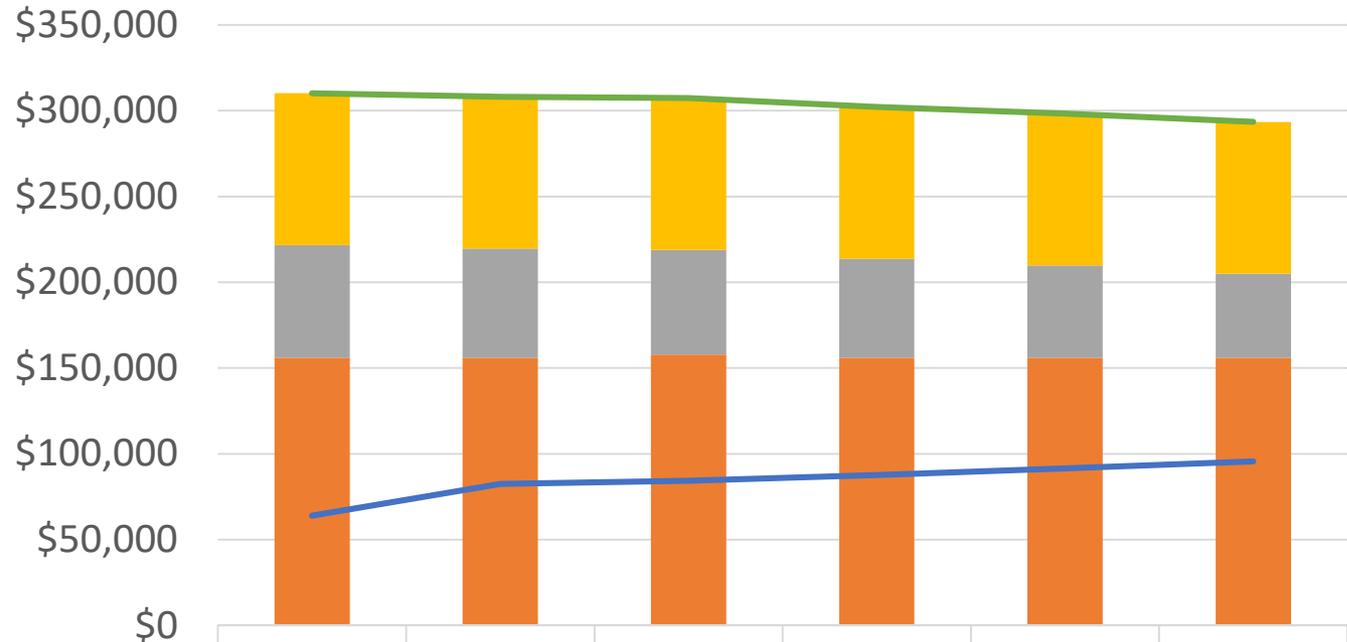
Fiscal Year	SOCWA	OCWRC O&M	Reserves				Misc Revenue	Total OCWRC	Total Rate Per MCF	SOCWA % Change	OCWRC % Change	Total % Change
			Non-Operating	Maint.	CIP	Emergency						
2019	17.76	6.25	-	2.34	-	-	(1.19)	7.40	25.16	-1.8%	-8.5%	-3.9%
2020	17.52	5.98	-	1.71	-	-	(1.37)	6.32	23.84	-1.4%	-14.6%	-5.2%
2021	17.37	7.38	-	1.77	-	-	(1.54)	7.61	24.98	-0.9%	20.4%	4.8%



Oakland County Water Resources Commissioner's Office

Bingham Farms
FY 2021 Rates

Water Reserves Forecast (rate increase to customers)



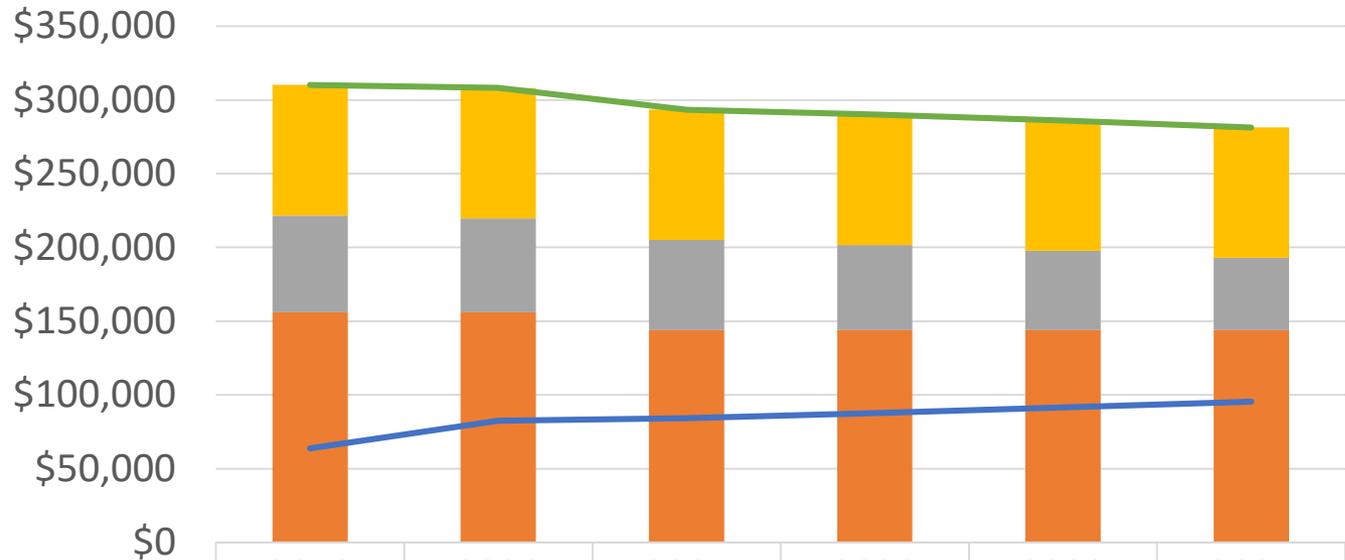
	2019	2020	2021	2022	2023	2024
Emergency Maintenance	\$88,487	\$88,487	\$88,487	88,487	88,487	88,487
Major Maintenance	\$65,638	\$63,668	\$61,048	57,748	53,728	48,978
Undesignated	\$155,994	\$155,994	\$157,744	155,994	155,994	155,994
90-day Operating Reserve	\$63,867	\$82,485	\$84,297	87,618	91,482	95,526
Net Position	\$310,119	\$308,149	\$307,279	302,229	298,209	293,459



Oakland County Water Resources Commissioner's Office

Bingham Farms
FY 2021 Rates

Water Reserves Forecast (no rate increase)



	2019	2020	2021	2022	2023	2024
Capital	\$0	\$0	\$0	0	0	0
Emergency Maintenance	\$88,487	\$88,487	\$88,487	88,487	88,487	88,487
Major Maintenance	\$65,638	\$63,668	\$61,048	57,748	53,728	48,978
Undesignated	\$155,994	\$155,994	\$143,904	143,904	143,904	143,904
90-day Operating Reserve	\$63,867	\$82,485	\$84,297	87,618	91,482	95,526
Net Position	\$310,119	\$308,149	\$293,439	290,139	286,119	281,369

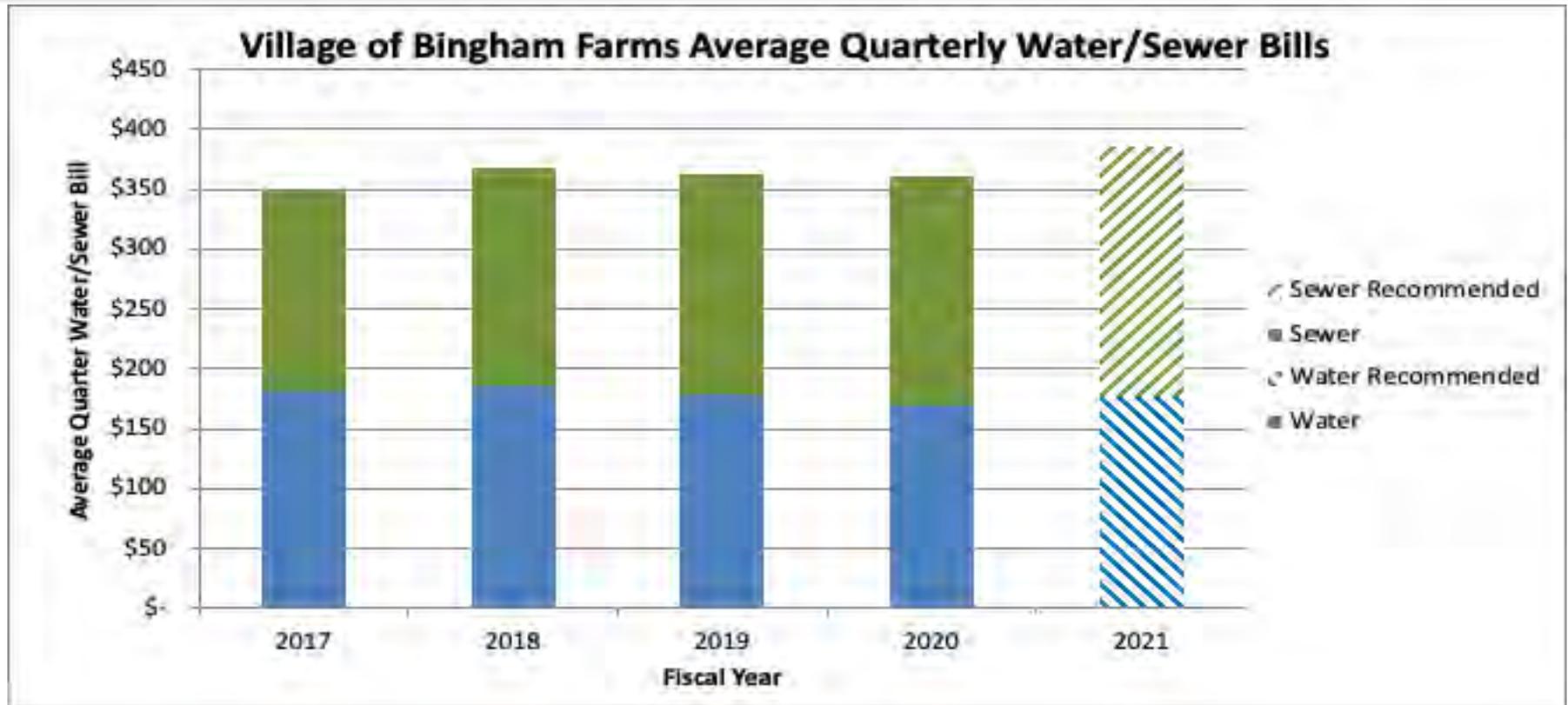


Water and Sewer Combined Rates



Oakland County Water Resources Commissioner's Office

Bingham Farms
FY 2021 Rates



	GLWA Fiscal Year				
	2017	2018	2019	2020	2021
Water	\$ 181.90	\$ 185.81	\$ 178.64	\$ 169.26	
Water Recommended					\$ 177.36
Sewer	166.07	182.12	183.32	190.85	
Sewer Recommended					207.68
Total	\$ 347.97	\$ 367.93	\$ 361.96	\$ 360.11	\$ 385.04
% Change		5.7%	-1.6%	-0.5%	6.9%

Based on consumption of 7.1 thousand cubic feet per quarter

VII(a)



May 20, 2020

**To: The Officials and Representatives of the 15 Municipalities Served
by the Evergreen-Farmington Sewage Disposal System**

Re: Corrective Action Plan

The Oakland County Evergreen-Farmington Sewage Disposal System is under an Administrative Consent Order issued by the State of Michigan's Department of the Environment, Great Lakes, and Energy. The Evergreen-Farmington system serves 15 Oakland County municipalities (see included service territory). On behalf of these communities, the Water Resources Commissioner, as the agent for the County of Oakland, submitted a Corrective Action Plan to the State on April 1, 2020. The plan must be executed by November 1, 2022.

The plan includes purchasing additional outlet capacity from the Great Lakes Water Authority and the construction of projects along 8 Mile and Evergreen Roads. This allows peak wet weather flow from the 15 municipalities to reach the two outlets that discharge to the Detroit plant. The one-time fee to purchase capacity will be used to remove downstream wet weather flow, thus creating additional capacity for the Evergreen-Farmington system.

To initiate the plan, we recommend converting the Evergreen-Farmington system to a Drainage District under Chapter 20 of the Michigan Drain Code which, among other things, will establish funding for the plan. The Chapter 20 Drain Board can issue bonds without the need for cost sharing agreements or full faith and credit resolutions from the customer communities as currently required by Act 342 of the Public Acts of 1939. Instead, public notices and public hearings will be provided to facilitate customer input as required by the statute. This is not a new concept. Other local sewage systems and treatment systems have been converted to Drainage Districts over the past 25 years including the George W. Kuhn Retention and Treatment Facility, The Oakland-Macomb Interceptor Drain Drainage District and the Clinton River Water Resource Recovery Facility.

This alternative to a county-owned system provides other benefits as well, including:

- Governance composed of three elected officials: (the Chairperson of the County Board of Commissioners, the Chairperson of that Board's Finance Committee, and the Water Resources Commissioner).
- Improved transparency and communication of financials and businesses located in one or more of the 15 municipalities through regularly scheduled open public meetings, formal minutes, and formal approval of invoices and contracts by the Drain Board.
- The ability to conduct public hearings to solicit comments from the communities and the public for all future bond financed projects.

The first step in the process to transition the Evergreen-Farmington system to a Chapter 20 Drainage District is the submittal of a petition to my office from at least two municipalities to establish the drain.

I am asking for volunteer municipalities to submit the petition. My staff and I can provide all the information needed and provide representation at the board or council meeting. For your convenience, I have included a draft petition for your consideration.

As a drainage district, the community outreach process will not change. Numerous customer communities have been engaged with the Corrective Action Plan process over the past several years. Throughout the next few years, my office will continue to hold quarterly technical meetings where the corrective action plan will be discussed at a high level. The Evergreen-Farmington communities also will hold steering committee meetings approximately once a month to discuss the plan.

In addition to the formation of the drainage district, my staff has identified several items that need to occur in order to implement the corrective action plan when approved by the State. The following three sections provide more detailed information about these items.

New Evergreen-Farmington Service Agreement

The current service agreement with the 15 municipalities expires in 2029. A new agreement is needed to extend the contract term beyond the bond period. A new service agreement also is needed to allocate additional capacity of the system. This is true whether the Evergreen-Farmington system remains a County-owned system or becomes a Chapter 20 Drainage District.

Great Lakes Water Authority Service Agreement

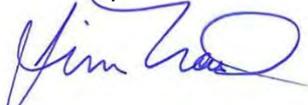
The proposed projects to implement the Corrective Action Plan include the purchase of additional outlet capacity from the Great Lakes Water Authority. As such, a new service agreement between the system and the Great Lakes Water Authority is required with the new Chapter 20 Drainage District to increase sewer capacity.

Corrective Action Plan Funding and Cost Allocation

In order to meet the requirements of the Corrective Action Plan, the project must be constructed by November 2022. The estimated cost of projects in the plan is between \$60 million and \$80 million. The 15 communities already have agreed to a cost allocation method for the wet weather corrective action plan projects. Because the projects are focused on outlet capacity, all 15 municipalities are included in the tributary area of the projects with each community's flow contribution evaluated using the existing model. This customer community-approved method was used to allocate the costs of the Long-Term Corrective Action Plan Phase I projects which were completed in the Spring of 2019. Once established, the new Chapter 20 Drainage District could issue bonds as early as mid-2021 to fund future corrective action plan-related projects.

In closing, I want to thank you for your time and attention and express my hope that you found this letter to be useful as it relates to some of the important background information about the Evergreen-Farmington corrective action plan. If you have any questions or concerns, please let me know or feel free to contact my Chief Engineer Carrie Ricker Cox, P.E. Her email address is: coxc@oakgov.com. Her direct phone number is: 248-470-1314.

Sincerely,



Jim Nash

**Table 1. CAP Project Cost Allocation by
Tributary Area Design Event Model Peak Flow Rate**

Community	CAP Project Cost Allocation (%)^{1, 2, 3}
City of Auburn Hills	0.46%
Village of Bingham Farms	0.69%
City of Bloomfield Hills	1.44%
Village of Beverly Hills	5.75%
City of Birmingham	0.11%
Bloomfield Township	9.54%
City of Farmington	0.34%
City of Farmington Hills	28.29%
Village of Franklin	0.21%
City of Keego Harbor	0.32%
City of Lathrup Village	3.06%
City of Orchard Lake Village	0.37%
City of Southfield	38.17%
City of Troy	3.15%
West Bloomfield Township	8.10%

Notes:

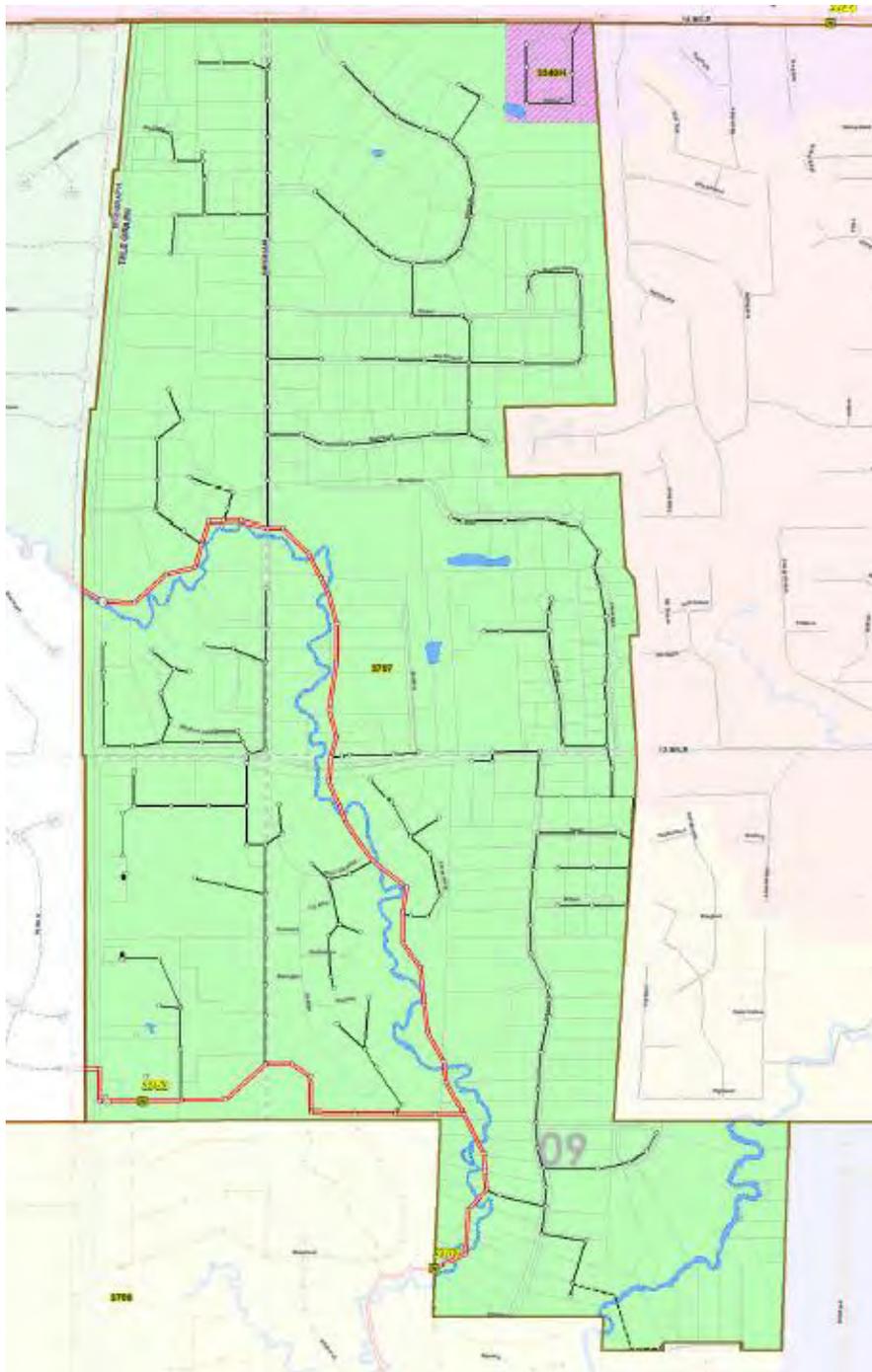
1. Computed using tributary area design event model peak flow rates, per the allocation method developed by the communities.
2. Includes peak flow rate reduction for LTCAP Phase I storage projects, per the allocation method developed by the communities.
3. Includes a peak of zero cfs for the CSO districts, which represents the closure of the regulators during the event peak.

Village of Bingham Farms EFSDS Updates/Petition

Presentation to Village Council

June 22, 2020

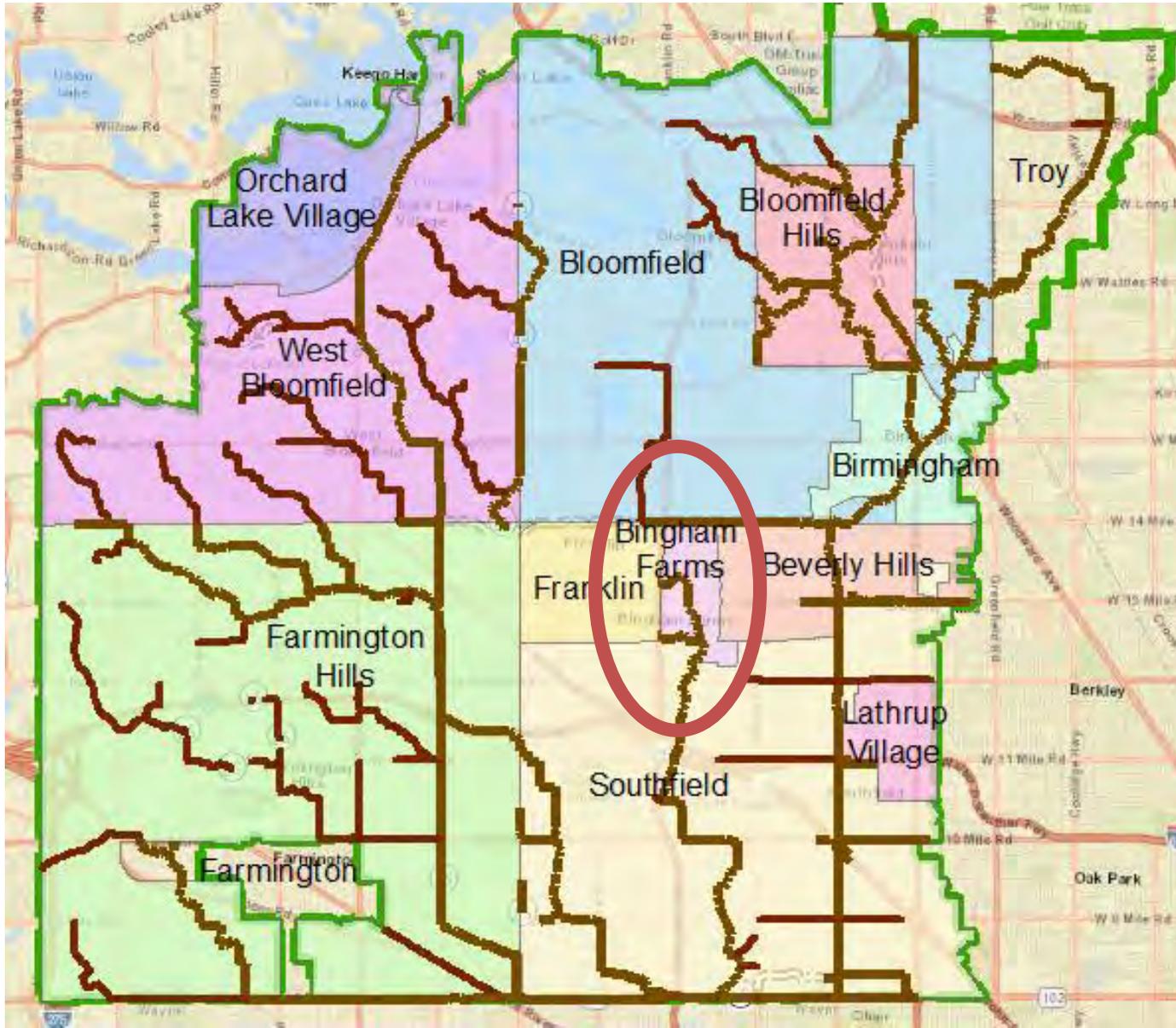




Bingham Farms Sewer Map



EFSDS Overview

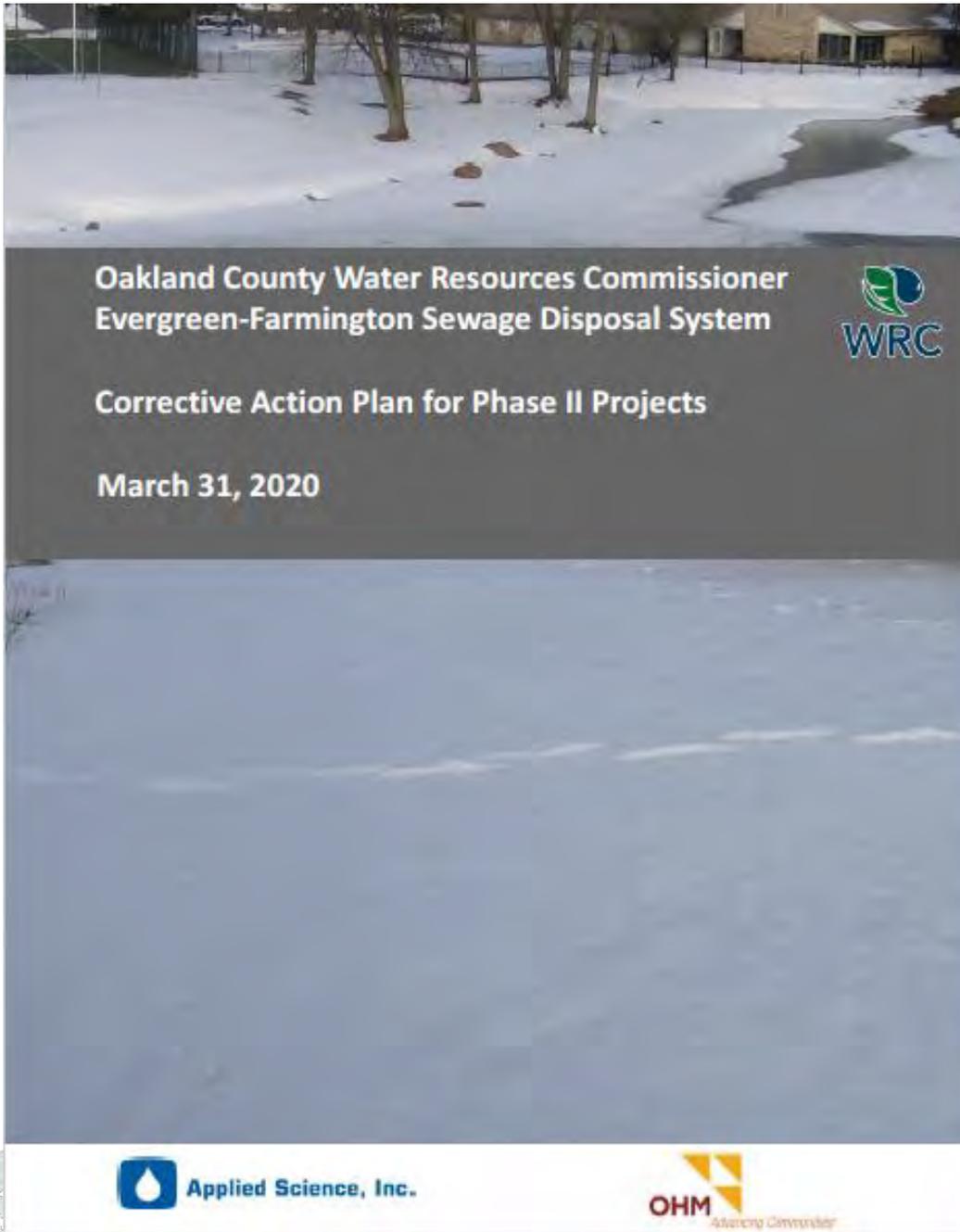


EFSDS Administrative Consent Order

- EFSDS under Administrative Consent Order (ACO) with EGLE since mid-1980s
- 4th Amended ACO approved in 2019
- Requires elimination of sanitary sewer overflows by 2023
- Two Options:
 - Construct 9 million gallon tank on 8 Mile Road
 - **Acquire capacity from GLWA and make system improvements (selected)**



Corrective Action Plan (CAP)



- Cost Allocation using 2012 method approved by EFSDS Communities
- Tributary Area Design Event Peak (TADEP)
 - Outlet project—all are tributary
 - Modeled peak flow to determine cost share
- Steering Committee meets monthly
- Plan submitted to EGLE on March 31, 2020

CAP Project Cost Allocation by Tributary Area Design Event Model Peak Flow Rate

Community	Historical Reference ¹		CAP Project Cost Allocation (%) ^{2, 3, 4}
	Existing TOC (cfs)	% of Total Existing TOC	
City of Auburn Hills	1.71	0.9%	0.46%
Village of Bingham Farms	1.09	0.6%	0.69%
City of Bloomfield Hills	3.98	2.0%	1.44%
Village of Beverly Hills	8.69	4.4%	5.75%
City of Birmingham	6.97	3.6%	0.11%
Bloomfield Township	21.09	10.8%	9.54%
City of Farmington	1.35	0.7%	0.34%
City of Farmington Hills	46.86	23.9%	28.29%
Village of Franklin	1.47	0.8%	0.21%
City of Keego Harbor	1.75	0.9%	0.32%
City of Lathrup Village	3.35	1.7%	3.06%
City of Orchard Lake Village	1.37	0.7%	0.37%
City of Southfield	60.29	30.8%	38.17%
City of Troy	8.52	4.3%	3.15%
West Bloomfield Township	27.45	14.0%	8.10%

Notes:

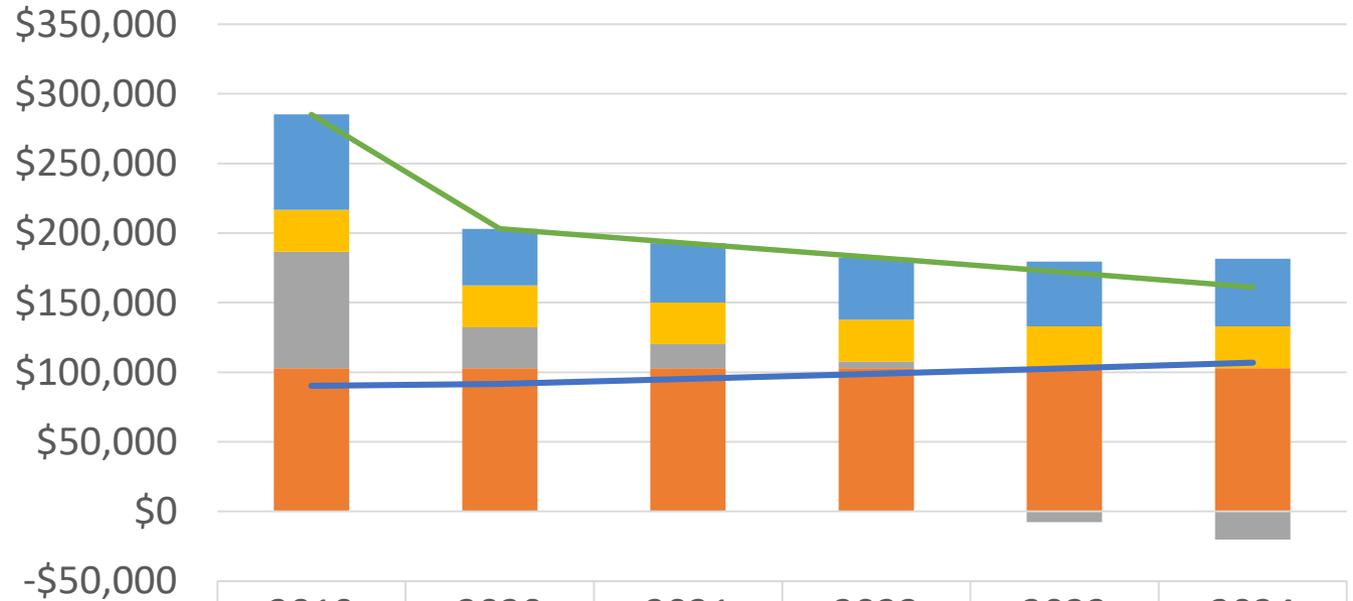
- 1) Historical References are shown for context only and do not represent a cost allocation percentage.
- 2) Computed using tributary area design event model peak flow rates, per the allocation method developed by the communities.
- 3) Includes peak flow rate reduction for LTCAP Phase I storage projects, per the allocation method developed by the communities.
- 4) Includes a peak of zero cfs for the CSO districts, which represents the closure of the regulators during the event peak.

CAP Cost to Bingham Farms

- Proposed Project Cost is \$80 million
- Bond interest assumed at 2.6%
- Bingham Farms allocation per TADEP is 0.69%
 - Total Cost to Bingham Farms is approximately \$550,000
 - Annual cost to Bingham Farms is approximately \$35,200
 - This would increase the proposed rate required revenue by 10.6% in 2022



Sewer Reserve Balances



	2019	2020	2021	2022	2023	2024
Capital	\$68,534	\$40,534	\$42,534	\$44,534	\$46,534	\$48,534
Emergency Maintenance	\$30,052	\$30,052	\$30,052	\$30,052	\$30,052	\$30,052
Major Maintenance	\$83,729	\$29,569	\$17,269	\$4,879	-\$7,601	-\$20,181
Undesignated	\$102,858	\$102,858	\$102,858	\$102,858	\$102,858	\$102,858
90-day Operating Reserve	\$90,229	\$91,632	\$95,229	\$98,934	\$102,786	\$106,791
Net Position	\$285,173	\$203,013	\$192,713	\$182,323	\$171,843	\$161,263



EFSDS ACO Milestones

- April 1, 2020 Corrective Action Plan (CAP) submittal
- August 1, 2022 PPC work plan
- November 1, 2022 construction per CAP complete
- December 1, 2023 PPC submittal
- April 30, 2024 work plan for Corrective Action Program (if needed)



New Service Agreement

- A new service agreement is needed to:
 - Establish new capacities needed to end community ACOs
 - Provide a contract beyond 2029 to exceed the life of the bond to complete the Corrective Action Plan
- Several ways to contract and bond
 - Act 34: New service agreement, County full faith & credit
 - Act 342: New agreement and CVT full faith & credit
 - Chapter 20: Petition and new service agreement, county full faith
- Chapter 20 drain for EFSDS is best way to proceed



Chapter 20 Drain Mechanics

- What is a Chapter 20 county drain and how does it function?
 - Three board members
 - Regularly-scheduled public meetings
 - Approves invoices and awards contracts
- What does a conversion to a drain entail?
 - Petition to establish a county drain by two or more affected public corporations
 - No change in operation and maintenance allocations
 - Bonded projects are apportioned by the Board per WRC recommendation
 - New service agreement

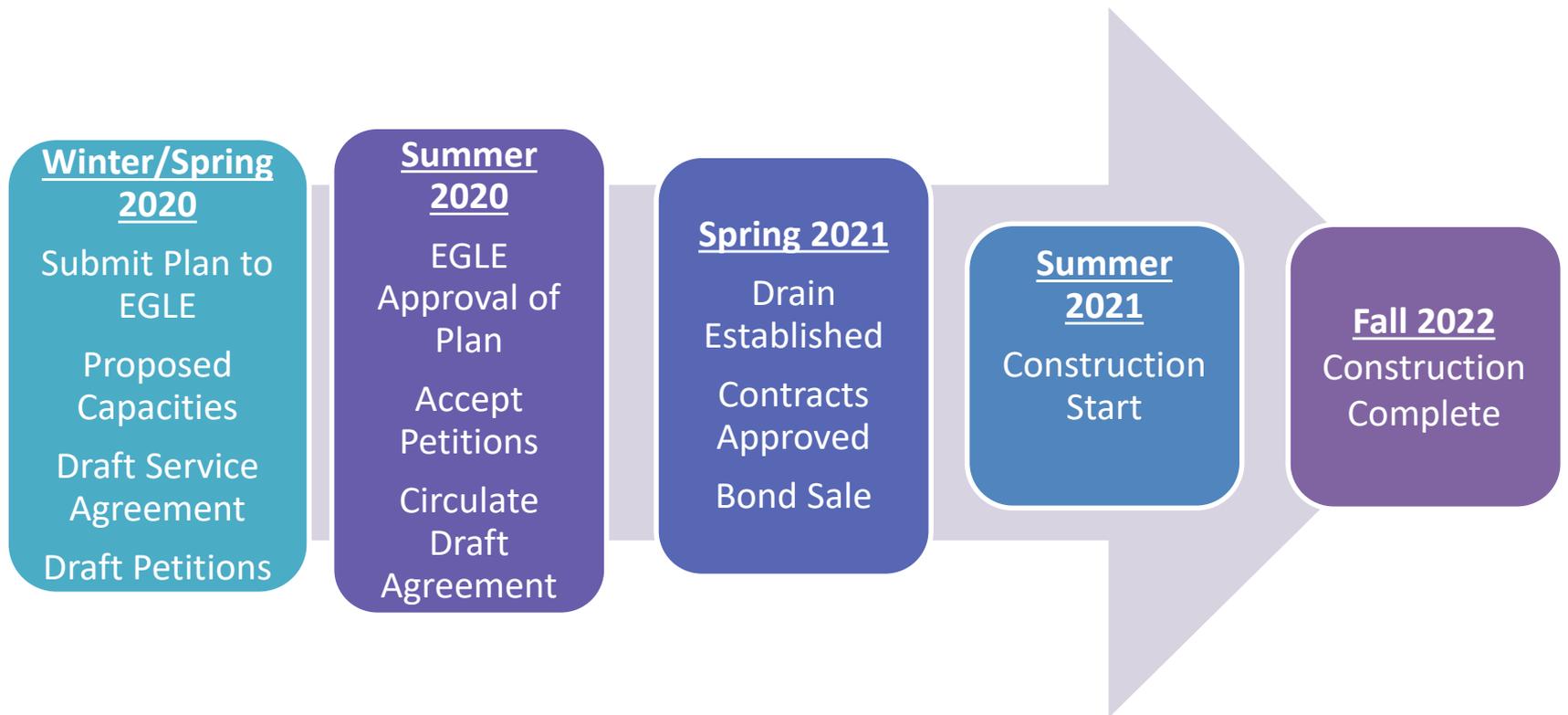


Why Convert EFSDS to a Drain?

- Governance by a Drain Board
 - Open meetings/Transparency
 - Meeting minutes and formal documentation
 - Approves invoices and awards contracts
- Eliminates the need for communities to:
 - Seek full faith and credit resolutions from Boards/Councils
 - Approve 342 agreement for new projects



Schedule



Petition

- Requested from all communities
- Begins the process to form a Drain
- Outlines the projects
- Allows for construction and financing
- Requires new service agreement
- No additional requirements for petitioner



At a regular meeting of the Village Council of the Village of Bingham Farms, Oakland County, Michigan held on June 22, 2020.

PRESENT: _____

ABSENT: _____

The following resolution was offered by _____ and seconded by _____:

BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF BINGHAM FARMS, OAKLAND COUNTY, MICHIGAN, as follows:

1. That the Village of Bingham Farms make and cause to be filed a petition in form substantially as follows:

PETITION

**TO THE DRAINAGE BOARD FOR THE HEREINAFTER MENTIONED
OAKLAND COUNTY, MICHIGAN DRAIN PROJECT**

The undersigned public corporation hereby petitions for the location, establishment and construction of an intra-county drain project consisting of the existing Evergreen-Farmington Sewage Disposal System and all improvements necessary to bring the Evergreen-Farmington Sewage Disposal System into compliance with Administrative Consent Order 04995 entered by the State of Michigan Department of the Environment, Great Lakes, and Energy on August 14, 2019, which improvements shall include, without limitation, one or more of the following:

1. The provision of additional outlet capacity for the Evergreen-Farmington Sewage Disposal System by purchasing said capacity from the Great Lakes Water Authority (“GLWA”), such purchase to enable GLWA to acquire and construct sewage disposal system improvements to remove downstream wet weather flow to allow for the additional outlet capacity for the Evergreen-Farmington Sewage Disposal System.
2. The acquisition and construction of improvements to the Walnut Lake Pump Station No. 1 to increase Evergreen Interceptor operating levels and the coordination of operations of facilities in the Evergreen-Farmington Sewage Disposal System.
3. Improvements at the 8 Mile SSO chamber, including but not limited to the acquisition, construction, and modification of piping, weirs, gates, and meters.
4. The acquisition and construction of other improvements to the Evergreen-Farmington Sewage Disposal System, including sewage retention tanks and associated pumps, piping, and connections.
5. Construction of storage facilities within the geographical limits of the Evergreen-Farmington Sewage Disposal System, including, without limitation, a multi-million gallon sewage retention tank on Eight Mile Road in the City of Southfield.

Said drain project is necessary for the public health, and will serve property located entirely within the limits of the City of Auburn Hills, the Village of Beverly Hills, the Village of Bingham Farms, the City of Birmingham, the Charter Township of Bloomfield, the City of Bloomfield Hills, the City of Farmington, the City of Farmington Hills, the Village of Franklin, the City of Keego Harbor, the City of Lathrup Village, the City of Orchard Lake Village, the City of Southfield, the City of Troy and the Charter Township of West Bloomfield (collectively, the “Communities”). The Evergreen-Farmington Sewage Disposal System collects and transports sanitary wastewater originating in the County of Oakland only.

This petition is filed pursuant to the provisions of Chapter 20 of Act No. 40 of the Public Acts of Michigan of 1956, as amended.

It is understood and agreed that the entire cost of the drain project, including litigation costs and the amount of any judgment, arbitration award or settlement, to the extent such costs are payable by the Drainage District, is to be assessed against this petitioner and all other public corporations that benefit from the drain project and contribute to the conditions that make the drain project necessary.

The issuance of bonds to finance the drain project contemplated herein is contingent upon the Communities and the proposed drainage district entering into an agreement as provided by law setting forth the services and operations of the proposed drainage district and to provide for methods of addressing and apportioning future improvements to the proposed drainage district.

A certified copy of the resolution of the governing body of the Village of Bingham Farms authorizing execution of this petition is attached hereto.

VILLAGE OF BINGHAM FARMS

By: _____
Village President

By: _____
Village Administrator & Clerk

2. That the Village President and Village Administrator & Clerk are authorized and directed to execute the petition for and on behalf of the Village of Bingham Farms and to execute an agreement related to the project contemplated by said petition and to file the same with the Water Resources Commissioner of the County of Oakland.

3. That the Village Council hereby consents to the assessment of its share of the entire cost of the drain project against the Village.

4. That the Village agrees that it will pay its share of the costs incurred by the Oakland County Water Resources Commissioner or by the Drainage District in the event the drain or any portion thereof, for any reason, is not constructed.

5. The Village acknowledges that the County of Oakland, its Board of Commissioners, and the Oakland County Water Resources Commissioner will not contribute to the cost of the drain project or its operation and maintenance except to the extent that the County of Oakland may be assessed for the cost of the drain project or may agree to contribute to the cost of the drain project in accordance with the provisions of Chapter 20 of Act No. 40 of the Public Acts of Michigan of 1956, as amended.

6. That all prior resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are hereby rescinded.

ADOPTED: Yeas - _____

Nays - _____

STATE OF MICHIGAN)
) SS
COUNTY OF OAKLAND)

I hereby certify that that foregoing is a true and complete copy of a resolution adopted by the Village Council of the Village of Bingham Farms, Oakland County, Michigan, at a regular meeting held on June 22, 2020, the original of which is on file in my office. I certify further that notice of the meeting was given and such meeting was conducted in accordance with the Open Meetings Act and the Governor’s Executive Order No. 2020-75, as the same may be or has been expanded, extended, supplemented or replaced from time to time.

Village Administrator & Clerk

Village of Bingham Farms

June 18, 2020

2600 Troy Center Drive
P.O. Box 5025
Troy, MI 48007-5025
Tel: 248-851-9500
Fax: 248-538-1223
www.secrestwardle.com

Ken Marten, Village Administrator
Village of Bingham Farms
24255 W. Thirteen Mile Road, Ste. 190
Bingham Farms, MI 48025

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Re: Ordinance Regarding Massage Therapy Establishments
Regulations and Licensing
Our File No 20385 FG2

Dear Mr. Marten:

Enclosed, please find the ordinance regulating Massage Therapy Establishments for placement on the next agenda and the letter presented at the last meeting that outlines the substance of the ordinance. As you know, there was a first reading at the Village Council meeting on May 26, 2020. This matter will be placed on the agenda for its second reading.

Paragraph 116.24(16) was added to require a waiver to allow the Police Chief to conduct a criminal background check. There were no other changes made at the last meeting. If the Council wishes to adopt the ordinance, I would recommend the following motion:

I move to adopt the Ordinance as amended.

If you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,

Jennifer C. Hill

JENNIFER C. HILL

JCH/aw

cc: Ben Templeton, Village President
Derk W. Beckerleg, Esq.

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STATE OF MICHIGAN
COUNTY OF OAKLAND
VILLAGE OF BINGHAM FARMS
ORDINANCE NO.

An Ordinance to establish and provide regulations and a licensing procedure for massage therapy establishments that provide massage services within the Village of Bingham Farms.

THE VILLAGE OF BINGHAM FARMS ORDAINS:

Section 1 of Ordinance

Title XI, Business Regulations, of the Bingham Farms Village Code is amended to add a new Chapter 116, Massage Therapy Establishments, to read as follows:

CHAPTER 116. MASSAGE THERAPY ESTABLISHMENTS

GENERALLY

§ 116.1 DEFINITIONS.

As used in this Chapter, the following words and phrases have the meanings indicated.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (A) *Administrator* means the Village Clerk or other person designated to administer this chapter by resolution of the Village.
- (B) *Massage* means the treating of external parts of the body for remedial or hygienic purposes, consisting of rubbing, stroking, kneading, adjusting, or tapping with the hand or any instrument, electric, magnetic or otherwise, with or without supplementary aids.
- (C) *Massage facility* means any Turkish bath facility, steam bath, sauna bath, magnetic healing institute or any room, place, establishment or institution where treatment of any nature for the human body is given by means of massage, and where a massage, alcohol rub, fomentation, bath, physiotherapy, manipulation of the body or similar treatment is given.
- (D) *Massage school* means a school which is recognized by the state board of massage, which requires for admission students with a tenth grade education or its equivalent, which employs one or more competent licensed massagists as instructors, and

which has minimum requirements of a continuous course of study in physiology, anatomy, massage theory, hydrotherapy, hygiene, ethics and practical massage. For the purposes of this chapter, a correspondence school shall not be construed to be a recognized school.

- (E) *Massagist* means any person who administers to another person, for any form of consideration, a massage, alcohol rub, fomentation, bath, electric or magnetic massage procedure, manipulation of the body or other similar procedure. For purposes of this chapter, the meaning of "massagist" shall incorporate the meaning ascribed to this term as set forth in MCL 333.17951, et seq., as amended.
- (F) *Student* means any person who, under the guidance of an instructor in a massage school, is being trained or instructed in the theory, method or practice of massage.

§ 116.2 EXEMPTIONS.

This chapter shall not apply to:

- (1) Physicians, surgeons, chiropractors, osteopaths, psychiatrists, psychologists, clinical social workers, and family counselors who are licensed to practice their respective professions in the state or who are permitted to practice temporarily under the auspices of an association or establishment duly licensed in the state, and clergymen.
- (2) Nurses who are registered under the laws of this state and who administer a massage in the normal course of nursing duties.
- (3) A trainer of any athletic team who administers a massage in the normal course of training duties.
- (4) Barbers and cosmetologists who are duly licensed under the laws of this state and who administer a massage in the normal course of their duties.
- (5) Participants in growth seminars or sensitivity sessions provided such seminars or sessions are conducted by a member of one of the exempted professions defined in subsection (1).
- (6) Individuals who hold a license from the state or are otherwise authorized by the state to administer a massage.
- (7) Massagists who meet the criteria as set forth in MCL 333.17951, et seq., as amended.
- (8) Any establishment in which the persons mentioned in subsections (1) through (6) practice their respective professions.

- (9) Massage therapists licensed pursuant to MCL 333.17951, et seq., as amended.

§ 116.3 CHANGE OF LOCATION.

A change of location of any premises licensed under this chapter shall be approved by the village administrator provided the requirements set forth in this chapter, as well as all other provisions of this Code and state law, are complied with and the change of location fee in the amount set forth in the schedule of fees, charges, bonds and insurance is paid to the Village.

§ 116.4 UNLAWFUL ACTIVITIES.

It shall be unlawful for any person to massage any other person, or give or administer any bath or for monetary gain or profit have any contact with a person's breasts, genital area or buttocks in a manner intended to arouse, appeal to or gratify a person's lust, passions or sexual desires. Any violation of this section shall be grounds for the revocation of any license granted pursuant to this chapter.

§ 116.5 EMPLOYEES.

It shall be the responsibility of the holder of the license for the massage facility, or the employer of any persons purporting to act as massagist, to ensure that each person employed as a massagist shall first have obtained a valid license pursuant to the provisions of MCL 333.17951, et seq., as amended. All other employees who work closely with massage activities shall provide annually the medical certificate required under section 116.29(11).

§ 116.6 WEARING APPAREL.

Uniforms or garments covering the torso shall be worn by massagists or employees attending patrons. Such uniforms or garments shall be of washable material and shall be kept in a clean condition.

§ 116.7 PATRONAGE OF MASSAGE BUSINESS BY MINORS.

No person licensed as a massagist shall massage or treat any person under the age of 18 upon the licensed premises, except upon written order by a licensed physician, osteopath or registered physical therapist, such order being dated and in the possession of the massagist giving the massage or treatment. If the person under the age of 18 is accompanied by a parent or legal guardian during the massage or treatment, this section shall not apply.

§ 116.8 NAME OF BUSINESS.

No person licensed to do business as provided in this chapter shall operate under any name or conduct his business under any designation not specified in his license.

§ 116.9 ADVERTISING.

No massage facility, massage school or similar business or massagist granted a license under the provisions of this chapter shall place, publish or distribute, or cause to be placed, published or distributed, any advertisement, picture or statement which is known or through the exercise of reasonable care should be known to be false, deceptive or misleading in order to induce any person to purchase or utilize any professional massage services.

§ 116.10 HOURS OF OPERATION.

No massage facility or massage school shall be open to the public for business between the hours of 12:00 midnight and 7:00 a.m.

§ 116.11 SALE OR TRANSFER.

- (A) Upon the sale or transfer of any interest in a massage facility, massage school or similar business, or the sale or transfer of any stock ownership of more than ten percent in such establishment, the license shall be null and void. A new application shall be made by any person desiring to own or operate the massage facility, massage school or similar business.
- (B) Any sale or transfer of any interest in an existing massage establishment, or the sale or transfer of any stock ownership of more than ten percent in such establishment, or any application for an extension or expansion of the building or other place of business of the massage establishment shall require inspection and shall require compliance with section 116.29. A fee to be set by the Village Council shall be payable for each application involving extension or expansion of the building or other place of business of the massage establishment.

LICENSE

§ 116.21 LICENSE REQUIRED.

No person shall practice or engage in the business of a massagist within the Village without first having obtained a license pursuant to MCL 333.17951, et seq., as amended, which is incorporated into this ordinance by reference. No person shall operate the business of a massagist or conduct, operate and carry on a massage facility, massage school, or similar business within the Village without first having applied for and obtained a massagist's license issued pursuant to this chapter, and complying with all regulations and requirements as set forth in this chapter, nor shall any person employ as a massagist any person who does not hold a current unrevoked license as required by MCL 333.17951, et seq., as amended. No person shall practice massage for compensation without obtaining and maintaining in effect a license as a massagist as required by MCL 333.17951, et seq., as amended.

§ 116.22 REQUIREMENTS AND DUTIES.

It shall be the responsibility of an owner, operator, manager or licensee under this chapter in charge of or in control of a massage facility, massage school or similar business to ensure that each person employed or engaged by him in such business as a massagist shall have first obtained a valid massagist license pursuant to MCL 333.17951, et seq., as amended. Any owner, operator, manager or person in charge of or in control of a massage facility, massage school or similar business, who allows any such person to perform, operate or practice within a massage facility, massage school or similar business shall be in violation of this chapter.

§ 116.23 APPLICATION INVESTIGATION FEE.

Any person desiring to obtain a license to operate a massage facility, massage school or similar business shall make application to the Administrator. The application fees shall be payable to the Village Treasurer at the time the application is filed; and shall be in addition to any other license, permit or fee required by this Code.

- (1) An application to obtain a license to operate a massage facility, massage school or similar business shall be accompanied by an investigation fee in the amount set forth in the schedule of fees, charges, bonds and insurance, no part of which shall be refundable.
- (2) An application for a license to allow an individual to perform massage services shall be accompanied by an investigation fee in the amount set forth in the schedule of fees, charges, bonds and insurance, no part of which shall be refundable.

§ 116.24 APPLICATION; CONTENTS.

Any applicant for a license required by this article shall submit the following information:

- (1) The full name and present address of the applicant or applicants.
- (2) The two previous addresses immediately prior to the present address of the applicant and dates of residence.
- (3) A description of service to be provided.
- (4) The location and mailing address of the proposed establishment.
- (5) If the applicant is a corporation, the names and residence addresses of each of the officers and directors of such corporation, and of each stockholder owning more than ten percent of the corporation.

- (6) If the applicant is a partnership, the names and residence addresses of each of the partners, including limited partners.
- (7) Written proof, such as a birth certificate or sworn affidavit, that the applicant is at least 18 years of age.
- (8) Individual applicant's height, weight, sex, color of eyes and hair.
- (9) One portrait photograph at least two inches by two inches and a complete set of the applicant's fingerprints, which shall be taken by the police chief or his agent.
- (10) Business, occupation or employment of the applicant for the three years immediately preceding the date of the application.
- (11) A certificate from a medical or osteopathic doctor stating that the applicant has, within 30 days immediately prior thereto, been examined and found to be free of any contagious or communicable disease.
- (12) A statement as to whether or not such person, in previously operating in this or another city or state under license, has had such license revoked or suspended and the reason therefor, and the business activity or occupation subsequent to such action of suspension or revocation.
- (13) All criminal convictions other than traffic violations and the reasons therefor.
- (14) The application signed and sworn to by the applicant.
- (15) If an application for a license to conduct a massage facility, the names and qualifications of all persons who are intended to give massages in the proposed facility.
- (16) A statement allowing the Police Chief or his or her designee to conduct a criminal background checks of the applicant, and the officers and directors of the applicant.
- (17) Such other identification and information necessary to discover the truth of the matters set forth in the application.

§ 116.25 INVESTIGATION, INSPECTION.

- (A) The application for a license under this article shall be presented to the Village clerk. The application shall be referred to the police chief, who shall have a reasonable time in which to investigate the application and the background of the applicant. Based upon such investigation, the police chief or his representative shall

render a recommendation as to the approval or denial of the license to the Administrator.

- (B) The police chief shall recommend denial of an application for a license under this article if the character, reputation, integrity or physical or mental condition of the applicant or his employees is found to be inimical to the health, safety, moral or general welfare of the public. In making such determination, the police chief shall consider:
 - (1) Criminal history. All applicant's convictions, the reasons therefor, and the demeanor of the applicant subsequent to his release.
 - (2) License and permit history. The license and permit history of the applicant; whether such person has previously operated in this city or state or in another city or state under a license or permit has had such license or permit revoked or suspended; the reasons therefor; and the demeanor of the applicant subsequent to such action.
 - (3) Application contents. Any information set forth in the application.
- (C) The building department, the fire department and county health officer shall inspect the premises proposed to be devoted to the massage facility, massage school or similar business and shall make within a reasonable time separate recommendations to the Administrator concerning compliance with the requirements of this Code.

§ 116.26 ISSUANCE, DENIAL.

The Administrator, or his designee, after receiving such recommendations, shall grant a license to the applicant if all requirements for a massage facility, massage school or similar business described are met, unless it appears that the record of such applicant reveals a conviction of a felony or crime of moral turpitude.

§ 116.27 APPEAL FROM DENIAL.

Any person denied a license required by this article by the Administrator or his designee may appeal to the Village Council in writing, stating reasons why the license should be granted. The Village Council may grant or deny the license after a public hearing, and such decision shall be final. The Village Council may elect on its own motion to review any determination of the Administrator granting or denying a license.

§ 116.28 TRANSFER.

All licenses issued under this chapter shall not be transferable.

§ 116.29 REQUIRED FACILITIES AND MAINTENANCE.

- (A) No license to conduct a massage facility, massage school or similar business shall be issued until an inspection of the licensed premises by the Village reveals that the establishment complies with each of the following requirements:
- (1) A recognizable and readable sign is posted at the main entrance identifying the establishment as a massage facility or massage school. All such signs shall comply with the sign requirements of this Code.
 - (2) All provisions of the Village building, plumbing, fire and electrical codes have been fulfilled.
 - (3) Hot and cold running water are provided.
 - (4) Adequate dressing, locker and toilet facilities are available, including a minimum of one dressing room containing a separate locker with lock for each patron to be served, as well as a minimum of one toilet and one wash basin, are available. If male and female patrons are to be served simultaneously at the establishment, separate dressing and separate toilet facilities are provided for male and female patrons.
 - (5) All walls, ceilings, floors, pools, showers, bathtubs, steam rooms, and all other physical facilities for the establishment are in good repair.
 - (6) A minimum of one separate wash basin is provided for the use of employees and it is located as close as practicable to the area devoted to the performance of massage services.
 - (7) Material safety data sheets, as required by the state, (M.C.L.A. § 408.1001 et seq.) shall be kept and maintained by the massage facility, massage school or similar business. The data on the sheets shall be current and made available to the fire department upon application for a license and/or inspection.
 - (8) If organic materials, oils, lotions or other products are used by the massage facility, massage school or similar business, all linens must be laundered off site at a facility duly licensed to launder such items. If the materials, oils

lotions or other products are not organic, laundering of linens can be performed on site.

- (B) Every massage facility, massage school or similar business licensed under this chapter shall, during the period of its license, comply with the following:
- (1) All facilities required by subsection (A) shall continue in existence.
 - (2) All walls, ceilings, floors, pools, showers, bathtubs, steam rooms and other facilities shall be kept in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor rooms, steam or vapor cabinets, shower compartments and toilet rooms shall be thoroughly cleaned each day the business is in operation. If available, bathtubs and showers shall be cleaned after each use.
 - (3) Clean and sanitary towels shall be provided for each patron. No common use of towels or linens shall be permitted.
 - (4) Soap or detergent shall be provided at all wash basins and sanitary towels placed in a permanently installed dispenser shall be provided at all wash basins utilized by employees.
 - (5) Material safety data sheets, as required by the state, (M.C.L.A. §408.1001 et seq.) shall be kept and maintained by the massage facility, massage school or similar business. The data on the sheets shall be current and made available to the fire department upon application for a license and/or inspection.
 - (6) If organic materials, oils, lotions or other products are used by the massage facility, massage school or similar business, all linens must be laundered off site at a facility duly licensed to launder such items. If the materials, oils lotions or other products are not organic, laundering of linens can be performed on site.

§ 116.30 LICENSE FEE.

Any person granted a license to operate a massage facility, massage school or similar business by the Administrator or Village Council shall pay to the Village Treasurer a fee in an amount as shall be set by the Village Council from time to time.

§ 116.31 EXPIRATION.

Each license issued under the provisions of this chapter shall expire on December 31 next following its date of issuance, unless previously suspended or revoked.

§ 116.32 RENEWAL.

Application to renew a license to operate a massage facility, massage school or similar business shall be filed at least 15 days prior to the date of its expiration. A license shall be renewed provided the applicant submits a sworn affidavit that the matters contained in the original application have not changed.

§ 116.33 DISPLAY.

Every person to whom a license shall have been granted under this chapter display the license in a conspicuous place so that it may be readily seen by persons entering the premises where the massage, bath or treatment is given.

§ 116.34 REVOCATION AND SUSPENSION.

- (A) No license issued under this chapter shall be revoked until after a hearing shall have been held before the Village Council to determine just cause for such revocation. The Administrator his designee may order any permits suspended pending such hearing, and it shall be unlawful for any person to operate as a massage facility, massage school or similar business, depending upon the particular type of permit which has been suspended, until the suspended permit has been reinstated by the Village Council. Notice of such hearing shall be given in writing and served at least five days prior to the date of the hearing thereon. The notice shall state the grounds of the complaint against the licensee and shall state the time and place where such hearing shall be held.

- (B) Such notice shall be served upon the license holder by delivering the same to such person or by leaving such notice at the place of business or residence of the license holder in the custody of a person of suitable age and discretion. If the license holder cannot be found, and the service of such notice cannot be made as herein provided in this section, a copy of such notice shall be mailed, postage fully prepaid, addressed to the license holder at his place of business or residence at least five days prior to the date of such hearing.

Section 2 of Ordinance

All ordinances and resolutions or parts of ordinances and resolutions in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 3 of Ordinance

Should any section, subdivision, clause or phrase of this ordinance be declared by the court to be invalid, same shall not affect the validity of the ordinance as a whole or any part thereof, other than the parts invalidated.

Section 4 of Ordinance

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 in force when they are commenced.

Section 5 of Ordinance

This Ordinance shall take effect upon publication in the manner prescribed by law.

CERTIFICATION

I certify that this ordinance was adopted by the Village Council of the Village of Bingham Farms at a meeting of the Council duly called and held on _____, 2020.

VILLAGE OF BINGHAM FARMS

Date:

By: _____
KEN MARTEN, Village Administrator and Clerk