

Draft: April 26, 2007

Village of Bingham Farms
Council Meeting
April 23, 2007

Approved: May 29, 2007

The regular meeting of the Village Council was called to order by President Bauer at 8:01 p.m.

Present: Bauer, Ettenson, Freeman, Kesley, Leckie, Gollnitz & Tripp

Absent: None

Also Present: Police Chief Patrick Browne, Fire Chief Tony Averbuch, Kristin Kolb (Secret Wardle), Marcia Gershenson (Oakland County Commissioner), Phil Schmitt (Southfield Twp.), Earl Wolfe (Old Orchard Trail, Hagaman, Ludwick & McDermott)

Agenda

President Bauer asked that the agenda be amended to add Item G – Auditor Selection to Discussion Topics.

Motion by Gollnitz, second by Tripp to approve the agenda as amended.
Motion carried.

Fiscal Year 2007-2008 Village Budget Public Hearing

President Bauer opened the public hearing at 8:02 p.m.

The 2007-2008 General Fund budget totals \$1,948,470.00. The 2007-2008 Gas & Weight Fund Budget totals \$407,317. The millage rate will remain at 6.8 mills, the same as the 2006-2007 tax year. There were no questions from the public.

President Bauer closed the Budget Public Hearing at 8:04 p.m.

Public Hearing – Truth in Taxation

President Bauer opened the Truth in Taxation Hearing (Headlee Amendment) at 8:04 p.m.

Mrs. Ludwick indicated that while the millage rate will remain the same as last year, at 6.8 mills, individual taxes would still increase to reflect higher taxable values due to property appreciation.

There were no public comments.

President Bauer closed the Truth in Taxation Public Hearing at 8:05 p.m.

Police S.A.D. Public Hearing

President Bauer opened the Police S.A.D. 2007-2008 public hearing at 8:05 p.m.

Police Chief Browne stated that the S.A.D. was created in 1986 during a time when crime was escalating in the Commercial District. Since its inception, the district has experienced a significant drop in crime. It is his recommendation that the SAD be continued, as there is a direct correlation between increased police presence and lower crime rate. The benefits outweigh the cost.

There were no questions from the audience.

President Bauer closed the Police S.A. D. 2007-2008 public hearing at 8:06 p.m.

Minutes

Motion by Leckie, second by Kesley to approve the meeting minutes of March 26, 2007 as submitted.

Motion carried (Mr. Ettenson abstained as he was not at the meeting).

Public Comments not listed on the agenda

Mr. Phil Schmitt introduced himself as the new Supervisor for Southfield Twp. and looked forward to working with Bingham, Franklin and Beverly Hills. He reminded Council of the free shredding opportunity at Southfield Township on May 6th. He also advised them there is an open seat on the Township Board and an appointment is expected to be made at the Township's May 8th meeting.

Police Chief

Chief Browne updated Council on a mugging that occurred April 14th on Bingham Road in late afternoon. Due to the quick thinking of the victim, he was able to get the license plate number. Police traced the vehicle and identified the suspect, who later confessed. Both Detective Castro and Officer Crane were commended for their excellent work.

There was a hit and run at Thirteen & Telegraph on April 16th where one car struck another. The individual fled the scene in his smashed car, horn blaring. He drove right past the Beverly Hills police station and was quickly apprehended.

The Chief commended Officer Girardo for his assistance with a fire at a Southfield apartment complex. He helped evacuate the 3rd and 4th floors of the building. There were a few injuries, but nothing serious.

Officer Castro will be graduating from the Northwestern University's Response and Command School on May 11th. Council was invited to attend a luncheon following the graduation ceremony. This was an intense program and Officer Castro has done an excellent job.

President Bauer commended the entire police force for their excellent work.

Fire Chief

Chief Averbuch has been working with the County to resolve outstanding issues regarding the Dispatch Agreement. The issue of contracting with a non-profit organization appears to be resolved. However, indemnification remains an issue. A meeting hopefully will be set up to have all parties in the same room and hopefully resolve the outstanding issues.

President Bauer commended the Chief and his staff for their efforts in keeping the community safe.

A T & T Request for Franchise

Mrs. Hagaman introduced Kristen Kolb an attorney from Secrest, Wardle who has been representing the Village on the franchise issue.

Mrs. Kolb stated that the council has the second submission of the AT & T proposal tonight. The first submission was declared incomplete. She has been working with other municipal attorneys to present a unified response to the AT&T submission.

The submission before Council contains a 5% franchise fee and a 3% PEG fee, which is similar to that paid by Comcast as part of their franchise agreement. With regard to the franchise fees, AT&T is able to take a proportionate credit to offset a proportion of their payments due to municipalities from the METRO Act requirements. The Village will not see a total of 5%.

The map showing the footprint of the proposed coverage area has been changed to show the Village streets but a few errors need to be corrected.

There may be a subsequent area of concern when AT&T begins installing the large VRAD boxes needed to provide service to the Village. These boxes are placed in full sight within the Village's rights of way.

Mr. Ettenson asked for clarification in that if the Village takes no action on the agreement, the agreement is in effect as stipulated in the law. Mrs. Kolb concurred. Upon submittal of the agreement, the Village has 15 business days to determine whether the submittal is complete. If complete, the Village then has 30 calendar days to accept or reject the proposal. Even if the Village rejects the agreement, it takes effect anyway by state law.

President Bauer raised a procedural issue relative to timing in that the Council does not have another regular meeting until after the due date for approval of the agreement. Mrs. Kolb commented that the Council has two alternatives: to call a special meeting or to authorize the Clerk and a trustee to conclude the process with the assistance of the attorney.

In response to a question relative to transfer of the franchise, Mrs. Kolb indicated that the Village would have no say as to the viability of a new provider. AT&T has full right to sell their product and have another company deliver it.

Motion by Ettenson, supported by Gollnitz that the Clerk in conjunction with Mrs. Kolb to respond to AT&T as to the completeness of the franchise submittal by May 4th.

Motion carried

Motion by Tripp, supported by Gollnitz to authorize Mrs. Hagaman & Mr. Ettenson to notify AT&T of acceptance or rejection of the contract in consultation with the attorney and to notify the council by e-mail of the final action.

Motion carried.

Bingham Lane Road Project

Mrs. Hagaman indicated that nine bids were received for the reconstruction project. The bids ranged from a low of \$268,000 to over \$500,000. The low bid was Commerce Construction. This company did the Bristol Lane turnaround and the project went well and within budget.

The total cost of the project, including engineering costs will be approximately \$337,059.00.

With regard to the engineering costs, Council would like to see the engineering amounts itemized on the bill so that those costs can be reviewed..

Motion by Tripp, supported by Gollnitz to award the Bingham Lane Road Project to Commerce Construction in the amount of \$268,614.10 with the total cost, including engineering not to exceed \$340,000.00.

Motion carried.

RESOLUTION 2007-08 OFFERED BY TRIPP, SUPPORTED BY ETTENSON to declare May “Mental Health Month”. Full resolution attached to original minutes

AYES: Kesley, Gollnitz, Freeman, Ettenson, Tripp, Leckie & Bauer
NAYES: None
ABSENT: None
Resolution adopted 7-0

RESOLUTIN 2007-07 OFFERED BY LECKIE, SECOND BY KESLEY that the Clerk be authorized to request reimbursement from Oakland County for West Nile Virus education efforts. Full resolution attached to original minutes.

AYES: Kesley, Gollnitz, Freeman, Ettenson, Tripp, Leckie & Bauer
NAYES: None
ABSENT: None
Resolution adopted 7-0

Selection of Auditing Firm

Mrs. Ludwick indicated the Village received two responses of the four Requests for Proposals sent to auditing firms that had municipal experience. Plante Moran and Post, Smythe, Lutz and Ziel provided bids. The references provided by each company were checked. Both companies were considered fair and competent. Mrs. Ludwick indicated that the smaller municipalities indicated that Post, Smythe, Lutz and Ziel better suited their needs.

In comparing costs, Post Smythe’s fees were 18-29% less per audit when compared to Plante Moran.

Motion by Tripp, supported by Gollnitz, to contract with Post, Smythe Lutz and Ziel for the 2008, 2010, and 2012 biannual Village audits and interim accounting reviews.
Motion carried unanimously.

Treasurer’s Report

The March 2007 Financial Report showed a General Fund balance of \$2,697,258.88 with income for the month of \$24,284.58 against expenditures of \$105,319.91. The Gas & Weight Fund balance was \$372,274.17 with income for the month of \$6,266.63 against expenditures of \$6,760.15.

Motion by Gollnitz, supported by Ettenson, to accept the March 2007 Financial Statement as presented.
Motion carried.

The Bills to be Paid for April 2007 were in the following amounts: General Fund, \$135,099.01; Gas & Weight, \$9,331.22.

Motion by Gollnitz, supported by Ettenson, to approve payment of the April 2007 bills as presented.
Motion carried.

Mrs. Ludwick reported that monies will be drawn from the pool funds to meet April expenditures.

Treasurer’s Memo attached to original minutes.

Clerks Report

Mrs. Hagaman attended a workshop presented by Oakland County on Green Infrastructure. The County is working on mapping the green infrastructures throughout the County. Municipal input is necessary to show how the green infrastructure flows from one community to the next.

A number of individuals at the meeting may be able to assist Village property owners to address concerns along the river.

There will be a subsequent workshop on May 18, which will gather more input for this project.

The Post Office Distribution Center was contacted regarding the mailing of the Village newsletter and the time span for delivery. Bulk mail is supposed to take 7-10 days. However, delivery in the Village occurred between 10 and 21 days. There was no explanation forthcoming.

The new mailing process of folding and taping the newsletter took twice the time compared to the old method of sending the newsletter out as a flat piece. With the new rates going into effect on May 12th, the cost of continuing the old way will increase substantially. Staff may have no alternative but to adapt to the new mailing process

The Village has not yet received a response from either DTE or the Franklin Foundation relative to grant submittals for beautification of the medians on Telegraph Rd.

Clerk's report attached to original minutes.

President's Report

The President reported on the input she received at the Legislative Reception sponsored by the Birmingham Bloomfield Chamber of Commerce, specifically with regard to the AT&T franchise submittal and the Dispatch Agreement.

Sewer & Water/Ordinances-Freeman -Nothing to report

Fire/Police-Leckie - Nothing to report

PC/Legislative- Kesley - Nothing to report

Cable/Non-Residential-Ettenson - Nothing to report

Roads/Residential-Gollnitz - Nothing to report

Solid Waste/Insurance-Tripp - Nothing to report

Old Business - None

New Business - None

There being no other business before the Council, the meeting was adjourned at 9:07 p.m.