

Draft: May 28, 2009

Village of Bingham Farms
Council Meeting
May 26, 2009

Approved: June 22, 2009

The regular meeting of the Village Council was called to order by President Leckie at 8:02 p.m.

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

Absent: None

Also Present: Police Chief Browne, Fire Chief Averbach, Hagaman, Ludwick & McDermott

Agenda

The Clerk requested that Item N (“Eccentric Recognition”) under Discussion Topics be removed and that Item D (Certify unpaid grass mowing bill) under the Treasurer’s report be moved to Discussion Topics as Item I and subsequent items be renumbered.

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

Elections

Clerk Hagaman stated that the Village Charter calls for the election of the Clerk, Treasurer and Assessor annually.

President Leckie opened the floor for nominations for the position of Village Clerk.
Mr. Gollnitz nominated Kathryn Hagaman for Village of Bingham Farms Clerk.

There being no other nominations, President Leckie closed nominations.

A roll call vote was taken.

AYES: Ettenson, Freeman, Kesley, Gollnitz, Tripp, Warren & Leckie.

NAYS: None

Kathryn Hagaman was elected to the position of Village of Bingham Farms Clerk, said term to begin at 8:00 p.m. on June 8, 2009.

President Leckie opened the floor for nominations for the positions of Village Treasurer & Assessor.

Mr. Kesley nominated Karin Ludwick for the positions of Village of Bingham Farms Treasurer & Assessor.

There being no further nominations, President Leckie closed nominations and asked for a roll call vote.

AYES: Ettenson, Freeman, Kesley, Gollnitz, Tripp, Warren & Leckie.

NAYS: None

Karin Ludwick was elected to both positions as the Village of Bingham Farms Treasurer & Assessor, said terms to begin at 8:00 p.m. on June 8, 2009.

President Leckie administered the Oath of Office to Kathryn Hagaman and Karin Ludwick to the respective positions.

Minutes

Motion by Warren, second by Gollnitz to approve the meeting minutes of April 27, 2009 as submitted.

Motion carried.

Public Comments not listed on the agenda

None

Police Chief

Chief Browne summarized activity during the month.

There were three incidents in Franklin, two involving stolen statuaries. There was a break-in whereby a TV was taken. The home was alarmed and that forced the burglar to leave with minimum objects.

Another catalytic converter was taken from a vehicle parked in the office district.

The Department is looking into a new product, Nixle which has been designed as a means for police officers, municipal government officials and their agencies throughout the country to connect to their residents and each other. Information is immediately sent through a secure server. It is free to agencies and local police departments.

Fire Chief

Chief Averbuch referred to his written report.

The Chief stated that the ladder truck, which is 21 years old, continues to require service mainly due to its age. The Fire Department has been able to keep it in working condition, but the cost of repairs is high.

Adopt 2009/10 General Fund, Gas & Weight Budgets

RESOLUTION 2009-08 OFFERED BY GOLLNITZ, SUPPORTED BY ETTENSON that whereas the Village of Bingham Farms has conducted a public hearing on the proposed 2009/10 Fiscal Year Budget on April 27, 2009 and whereas public comments have been heard and considered, be it resolved that the 2009/10 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	\$2,051,173	\$2,051,173
Gas & Weight	428,918	428,918

AYES: Kesley, Gollnitz, Freeman, Ettenson, Tripp, Warren, Leckie

NAYS: None

ABSENT: None

Resolution adopted 7-0.

Adopt 2009/10 Millage Rate

RESOLUTION 2009-09 OFFERED BY FREEMAN, SUPPORTED BY TRIPP that whereas the Village of Bingham Farms on May 26, 2009 adopted the 2009/10 Fiscal Year Budget, and whereas the Village must adopt a millage rate to be spread across the Village tax roll

for 2009/10, be it resolved that the Village of Bingham Farms does hereby approve the 2009/10 millage rate for the Village at 6.8 mills.

AYES: Kesley, Gollnitz, Freeman, Ettenson, Tripp, Warren, Leckie

NAYS: None

ABSENT: None

Resolution adopted 7-0.

Adopt Appropriations Act for FY 2009/10

RESOLUTION 2009-10 OFFERED BY WARREN, SUPPORTED BY ETTENSON that whereas the Village of Bingham Farms has adopted its annual budget for its fiscal year beginning July 1, 2009 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, 2009 and ending June 30, 2010 shall establish the approved appropriation levels for the 2009/10 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: Kesley, Gollnitz, Freeman, Ettenson, Tripp, Warren, Leckie

NAYS: None

ABSENT: None

Resolution adopted 7-0.

Adopt 2009/10 Police S.A.D. Millage Rate

RESOLUTION 2009-11 OFFERED BY ETTENSON, SUPPORTED BY FREEMAN that whereas the Village of Bingham Farms has conducted a public hearing on the proposed 2009/10 Police Special Assessment District presented by the Franklin-Bingham Farms Police Department on April 27, 2009 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 2009/10, be it resolved that the Village of Bingham Farms does hereby approve the 2009/10 Police SAD millage rate at 3.04223 mills.

AYES: Kesley, Gollnitz, Freeman, Ettenson, Tripp, Warren, Leckie

NAYS: None

ABSENT: None

Resolution adopted 7-0.

Mr. Gollnitz advised the Chief that the Village is feeling the effect of the economy and that the team negotiating the new police contract should be made aware of the tight financial condition of the Village.

Adopt Woodlynne Pump S.A.D. Fiscal Year 2009/10

RESOLUTION 2009-12 OFFERED BY GOLLNITZ, SUPPORTED BY KESLEY 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 the cost to be spread for 2009/10 is in the amount of \$2,733.33, be it resolved that the assessment roll for all property owners on Woodlynne Drive (showing a levy of 0.2919 mills) for the period 7-1-09 to

6-30-2010 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, 2009.

AYES: Kesley, Gollnitz, Freeman, Ettenson, Tripp, Warren, Leckie
 NAYS: None
 ABSENT: None
 Resolution adopted 7-0.

Adopt Delinquent Water Act Fiscal Year 2009/10

RESOLUTION 2009-13 OFFERED BY KESLEY, SUPPORTED BY GOLLNITZ that whereas the Village of Bingham Farms has been requested by the Oakland County Department of Public Works to collect delinquent water and sewer amounts, and whereas such collections shall be returned to the County of Oakland after full payment has been received, be it resolved that the following amounts be certified to the respective property tax bills:

<u>Sidwell #</u>	<u>Amount</u>
24-04-377-006	\$381.08
24-04-126-006	<u>381.08</u>
Total delinq.water for 2009/10 tax rolls	\$762.16

AYES: Kesley, Gollnitz, Freeman, Ettenson, Tripp, Warren, Leckie
 NAYS: None
 ABSENT: None
 Resolution adopted 7-0.

Certification of Delinquent Grass Cutting Fees

As per Section 95.37 of the Village Code, after numerous attempts by the Village to collect fees incurred to cut noxious weeds at the property below, the Village Treasurer hereby certifies this delinquent billing, together with all accrued interest and penalty, to the Village Council, and it shall be transferred and reassessed on the Village Tax roll of July 1, 2009.

<u>Sidwell #</u>	<u>Amount</u>
24-04-377-006	\$383.90

Appoint SOCWA Representative

RESOLUTION 2009-16 OFFERED BY ETTENSON, SUPPORTED BY KESLEY to appoint H. W. Freeman as Representative and Kathryn P. Hagaman as Alternate to the SOCWA Board for FY 2009/10.

AYES: Kesley, Gollnitz, Freeman, Ettenson, Tripp, Warren, Leckie
 NAYS: None
 ABSENT: None
 Resolution adopted 7-0.

Site Plan Amendment - 32270 Telegraph Rd.

Clerk Hagaman stated that Finsilver was not able to have a representative attend the meeting this evening. Last fall, the management company removed a majority of the landscaping including

trees, shrubs and natural vegetation. They indicated that the landscaping was overgrown and many of the trees were diseased or dying.

Per the Village code, an amended site plan needed to be approved. The Planning Commission has reviewed the plans and after revisions has recommended approval of the amended site plan. The company is scheduled to present the landscaping plan to the Design Review Board on June 1, pending Council approval.

Motion by Kesley, second by Gollnitz to approve the amended Site Plan for 32270 Telegraph Rd., said plan received by the Village on May 8, 2009.
Motion Carried.

Set Water Rates 2009/10

RESOLUTION 2009-14 OFFERED BY TRIPP, SUPPORTED BY GOLLNITZ to approve the FY 2009-2010 Water Rate increase of \$1.30 per MCF from \$15.99 per MCF to \$17.29 per MCF, said rate effective July 1, 2009.

AYES: Kesley, Gollnitz, Freeman, Ettenson, Tripp, Warren, Leckie
NAYS: None
ABSENT: None
Resolution adopted 7-0.

Complete Resolution attached to meeting minutes.

Set Sewer Rates 2009/10

RESOLUTION 2009-15 OFFERED BY GOLLNITZ AND SUPPORTED BY ETTENSON to set the Bingham Farms Sewage Disposal System Rate for FY 2009/2010 at \$17.60 MCF, a decrease of \$1.05 from the prior year rate of \$18.65, said rate effective July 1, 2009.

AYES: Kesley, Gollnitz, Freeman, Ettenson, Tripp, Warren, Leckie
NAYS: None
ABSENT: None
Resolution adopted 7-0.

Complete Resolution attached to meeting minutes.

Invisible Fence - 30029 Bristol Lane

Clerk Hagaman stated that the resident at 30029 Bristol Ln. has installed an invisible fence in the front yard. Village ordinance requires installation of said fences in the front yard be approved by the Council. It appears that the fence has been installed on the property line. Installation of invisible fencing must be no closer to the property line than 4'. The applicant acknowledged that the placement of the fence is in violation of the Ordinance and it will be moved. The sketch provided by the applicant indicates the fencing will be moved, but to date, this has not occurred.

Mrs. Tripp recommended that the Village write a letter requesting documentation from the contractor that the fence has been moved to comply with Village ordinance.

No action was taken on this agenda item and will be on the June Agenda.

West Nile Virus - Request for Reimbursement

Clerk Hagaman stated that the County has reduced its subsidy for costs incurred in relation to West Nile Virus activities. The maximum amount the Village will be able to recover is \$290.00, down from \$480 received last year. The Village uses that money to offset the cost of the Village newsletter which contains articles on West Nile Virus and ways to protect oneself.

RESOLUTION 2009-17 OFFERED BY ETTENSON, SUPPORTED BY GOLLNITZ to request reimbursement of eligible mosquito control activity under Oakland County's West Nile Virus Fund Program.

AYES: Kesley, Gollnitz, Freeman, Ettenson, Tripp, Warren, Leckie

NAYS: None

ABSENT: None

Resolution adopted 7-0.

Complete resolution with original meeting minutes.

Treasurer's Report

The General Fund balance for April 2009 was \$2,429,000.80 with income for the month of \$7,525.27 against expenditures of \$117,216.00. The Gas & Weight Fund balance was \$480,801.34 with income for the month of \$5,873.84 against expenditures of \$7,925.10.

Motion by Tripp, second by Gollnitz to accept the April 2009 Financial Statement as presented. Motion carried.

The Bills to be Paid for May 2009 are in the following amounts: General Fund, \$253,107.64; Gas & Weight, \$14,019.61.

Motion by Ettenson, second by Tripp, to approve payment of the May bills as presented. Motion carried.

Mrs. Ludwick stated that current month's bills would be paid from pool funds.

Treasurer's Memo attached to original minutes.

Clerk's Report

MDOT has issued the permit for the Village to work on Telegraph Rd. medians. Johnson Landscaping will be preparing the grow zone beds during the week of June 8th and picking up the plants that week. It is hoped the Village can get volunteers to help with the planting. The planting is scheduled for Sunday June 14 from 8:00 a.m. – 11:00 a.m.

Additionally, Johnson Landscaping has provided a quote (\$12,000) to plant an additional 30 trees on the medians. The cost covers the trees, planting and warranty. This project is partially funded through a DTE grant. Clerk Hagaman recommended that the Austrian Pines be eliminated from the plan due to concerns over viability. Council concurred with this approach and expenditure of funds.

Johnson Landscaping will also be replacing the dead trees on the medians.

The Seventh Day Adventists will again activate their summer youth program whereby the teens will distribute materials in the Village and talk with residents. They have been advised that residents who have "No Solicitation" signs affixed to their homes cannot be approached.

The Village Bi-Annual Recognition dinner has been scheduled for Wednesday, October 14, 2009. It will be at Andiamo's. The Village received quotes from both Andiamo's and Matt Prentice's location in the Village. However, Matt's group was not able to meet the pricing at Andiamo's.

Village elections will be held on September 15, 2009. To date, nominating petitions have been received from Mr. Ettenson and Mrs. Warren. Petitions and notarized affidavits are due by 4:00 p.m. on June 23rd.

There is a community-wide drive to help save the "Birmingham Eccentric". Kick off activities begin at a meeting June 3rd at the Community House in Birmingham at 7:00 p.m. The first threshold that must be met is to bring in 3,000 new subscribers by July 1.

A discussion was held about the possibility of have a code enforcement officer to handle code violations. Activity has escalated given the Michigan economy, increase number of foreclosed homes and the number of resident complaints.

Mrs. Hagaman discussed a second letter from the Traffic Improvement Association requesting that the Village join the Association at a cost of \$300 for a one-year membership. Given the tight budget constraints, the trustees did not support the request.

The Friends of the Rouge are facing tough economic times as three of their major sponsors, GM, Ford and Chrysler, are no longer able to provide monetary support. There is a fundraiser at Andiamo's in Dearborn on June 12, 2009. A portion of the proceeds will go to Friends of the Rouge. Council suggested that the event be posted on the Village website.

Trustee Reports/Comments

Mr. Ettenson reported that the Public Service Commission is trying to get cable subscribers to direct their complaints directly to the Commission. Mr. Ettenson said that the Cable Board will still take the complaints as allowed in the franchise agreements.

Old Business - None

New Business - None

There being no further business to conduct, President Leckie adjourned the meeting at 9:23 p.m.