

Draft: May 30, 2007

Village of Bingham Farms

Council Meeting

Approved: June 25, 2007

May 29, 2007

The regular meeting of the Village Council was called to order by President Pro-Tem Leckie at 8:00 p.m.

Present: Ettenson, Freeman, Leckie, & Gollnitz

Absent: Bauer, Kesley & Tripp

Also Present: Rick Smith (23315 Old Orchard Tr.), Mr. Lindsay (Contractor-23315 Old Orchard Tr.), Detective Sergeant Castro, Fire Chief Tony Averbuch, Hagaman, Ludwick & McDermott

Agenda

Motion by Ettenson, second by Gollnitz to approve the agenda.

Motion carried.

Election

President Pro-Tem Leckie indicated that the Village Charter calls for the election of a Clerk, Assessor and Treasurer when a vacancy occurs. The terms of office for these three positions are one-year terms.

Technically, these positions are not vacant until June 6th, however, the elections may occur at the May 29th meeting with the terms actually beginning on June 7th. This will avoid any “temporary” vacancy.

Clerk

President Pro-Tem Leckie opened the floor to accept nominations for the position of Clerk.

Mr. Ettenson nominated Kathryn Hagaman for Village of Bingham Farms Clerk.

There being no further nominations, Pro-Tem Leckie asked for a roll-call vote.

Mrs. Hagaman was unanimously elected for a one-year term as Village Clerk.

Treasurer & Assessor

President Pro-Tem Leckie opened the floor to accept nominations for the position for Village Treasurer & Assessor.

Mr. Gollnitz nominated Karin Ludwick for the position of Treasurer & Assessor.

They're being no other nominations, President Pro-Tem Leckie asked for a roll-call vote.

Mrs. Ludwick was unanimously elected to the positions of Treasurer & Assessor for a one-year term.

Minutes

The Clerk requested the following changes be made to the draft minutes: On Page 2, last sentence in last paragraph, change “will” to “may”. On Page 3, change the word “produce” to “products”.

Motion by Gollnitz, second by Ettenson to approve the meeting minutes of April 23, 2007 as amended.

Motion carried.

Public Comments not listed on the agenda

There were no comments from the public.

Police Chief

Detective Sgt. Castro presented the monthly police report in the absence of the Police Chief.

A suspect involved in the robbery of a resident walking on Bingham Rd. has been arraigned. He pleaded "no contest" and will be sentenced next month.

A suspect has been identified in the robbery of a resident in Bingham Pointe on May 9th. Several items have been recovered from a pawnshop.

The Council was informed that Sgt. Girardot has retired from the Franklin Bingham Police Dept. after 29 years of service. Interviews are being conducted to fill the open position.

Sgt. Castro extended his appreciation to Council during the past four months while he attended the Staff & Command School. He indicated that the program was very intense but was an incredible experience.

Fire Chief

Chief Averbuch reported that the Fire Dept. has awarded the bid for the manufacture of a new fire ambulance. This ambulance will have the specifications to allow the Fire Dept. personnel to transport a patient in severe emergencies. The contract has a penalty clause that allows monetary penalties to be assessed each day the vehicle is not delivered after the due date.

The Chief then raised the issue of the existing Village Agreements with the Fire Department indicating that there are some differences between the Franklin Agreement and the Bingham Farms Agreement. He requested that Council consider appointing a small committee to work with the Fire Department and Franklin to reach an identical agreement. He recommended that the Village attorneys be included.

Motion by Freeman, second by Gollnitz that Mrs. Hagaman along with the Village Attorney work with the Franklin counterparts and Chief Averbuch to work on appropriate amendments to the Fire Contract.

Motion carried.

Mr. Freeman requested that a draft of the Village agreement be provided to him for review prior to the next Council meeting.

The Department will again hold the annual fire extinguisher inspection program on June 6th from 9:00 a.m. – noon.

Dispatch Agreement with Oakland County

Chief Averbuch provided an update on the status of the Dispatch Agreement with Oakland County. A meeting was held with the County attorneys and resolutions were reached on many issues. Given the financial implications of the Agreement, the Fire Commissioners approved the Agreement at the last Board meeting. However, the County Agreement with the Villages is not yet complete.

Mrs. Hagaman addressed correspondence received from Gary Dovre, the Village attorney, relative to the Village's participation in the Dispatch Agreement. Mr. Dovre has made several changes to the County's draft, which changes had been discussed and agreed to in the County meeting. He has recommended that the Village approve the Agreement with conditions.

Motion by Freeman, second by Gollnitz to approve the 2007 - 2012 Fire Dispatch Service Support Agreement with Oakland County with the modifications by the Village Attorney to paragraphs 3 and 4 or such other language as approved by the Village Attorney to those paragraphs that is consistent with the Village being provided with a 30 day opportunity to cure a Fire Department payment default and the Village's indemnification responsibility being limited to situations where the Fire Department's insurance and indemnification responsibilities are insufficient to protect the County from a claim.

Motion carried.

Fence Request 23315 Old Orchard

Mr. Smith presented a request to install a new fence to replace the old fence that surrounds the existing pool. The location of the fence has changed slightly as a result of recent modifications to his home and a desire to have more grass area inside the fence. The fence still is within the required front and side yard setbacks and will comply with State requirements.

Motion by Gollnitz second by Freeman to approve the installation of a new fence to surround the pool as indicated on the mortgage survey provided. Said fence is to meet State requirements and shall not exceed 4-ft in height.

Motion carried.

Right of Way Permit

Mrs. Hagaman stated that the Village does not have a uniform Utility Right of Way permit and it would be advisable that one be adopted so the Village has documentation of what utilities are doing what types of work in the Village. A draft permit application has been derived from similar permits in other municipalities. It is also recommended that the Council approve a fee to cover the cost of reviewing the permit.

Discussion ensued and Council recommended several changes to remove identifying a specific engineering company for review and exempting municipal agents.

Motion by Freeman, second by Ettenson to approve the Right -Of-Way permit and adopt a permit application fee of \$50.00. This permit shall not apply to agents performing municipal work.

Motion carried.

Approve Water Rates

RESOLUTION # 2007-09 OFFERED BY ETTENSON AND SUPPORTED BY

GOLLNITZ to approve the FY 2007-2008 Water Rate increase of \$0.48 per MCF from \$15.17 per MCF to \$15.65 MCF.

AYES: Gollnitz, Freeman, Ettenson & Leckie

NAYS: None

ABSENT: Bauer, Kesley & Tripp

Resolution adopted 4-0. Full resolution attached to original meeting minutes.

Approve Sewer Rates**RESOLUTION # 2007-10 OFFERED BY ETTENSON AND SUPPORTED BY**

GOLLNITZ to approve the FY 2007-2008 Sewage Disposal System Rate increase of \$0.49 per MCF from \$16.81 per MCF to \$17.30 per MCF.

AYES; Gollnitz, Freeman, Ettenson & Leckie

NAYS: None

ABSENT: Bauer, Kesley & Tripp

Resolution adopted 4-0. Full resolution attached to original meeting minutes.

Adopt Appropriations Act Fiscal Year 2007/08

RESOLUTION 2007-14 OFFERED BY GOLLNITZ, SUPPORTED BY FREEMAN that whereas the Village of Bingham Farms has adopted its annual budget for its fiscal year beginning July 1, 2007 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, 2007 and ending June 30, 2008 shall establish the approved appropriation levels for the 2007/08 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: Gollnitz, Freeman, Ettenson & Leckie

NAYS: None

ABSENT: Bauer, Kesley & Tripp

Resolution adopted 4-0.

Adopt 2007/08 General Fund, Gas & Weight Budgets

RESOLUTION 2007-12 OFFERED BY ETTENSON, SUPPORTED BY FREEMAN that whereas the Village of Bingham Farms has conducted a public hearing on the proposed 2007/08 Fiscal Year Budget on April 23, 2007 and whereas public comments have been heard and considered, be it resolved that the 2007/08 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	\$1,948,470	\$1,948,470
Gas & Weight	407,317	407,317

AYES: Gollnitz, Freeman, Ettenson & Leckie

NAYS: None

ABSENT: Bauer, Kesley & Tripp

Resolution adopted 4-0.

Adopt 2007/08 Millage Rate

RESOLUTION 2007-13 OFFERED BY ETTENSON, SUPPORTED BY FREEMAN that whereas the Village of Bingham Farms on May 29, 2007 adopted the 2007/08 Fiscal Year Budget, and whereas the Village must adopt a millage rate to be spread across the Village tax roll for 2007/08, be it resolved that the Village of Bingham Farms does hereby approve the 2007/08 millage rate for the Village at 6.8 mills.

AYES: Gollnitz, Freeman, Ettenson, & Leckie

NAYS: None

ABSENT: Bauer, Kesley & Tripp

Resolution adopted 4-0.

Adopt 2007/08 Police S.A.D. Millage Rate

RESOLUTION 2007-15 OFFERED BY FREEMAN, SUPPORTED BY GOLLNITZ that whereas the Village of Bingham Farms has conducted a public hearing on the proposed 2007/08 Police Special Assessment District presented by the Franklin-Bingham Farms Police Department on April 23, 2007 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 2007/08, be it resolved that the Village of Bingham Farms does hereby approve the 2007/08 Police SAD millage rate at 2.7388 mills.

AYES: Gollnitz, Freeman, Ettenson & Leckie

NAYS: None

ABSENT: Bauer, Kesley & Tripp

Resolution adopted 4-0.

Adopt Woodlynne pump SAD Fiscal Year 2007/08

RESOLUTION 2007-16 OFFERED BY ETTENSON, SUPPORTED BY FREEMAN 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 2007/08 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 0.2881 mills) for the period 7-1-07 to 6-30-2008 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, 2007.

AYES: Gollnitz, Freeman, Ettenson & Leckie

NAYS: None

ABSENT: Bauer, Kesley & Tripp

Resolution adopted 4-0.

Adopt Delinquent Water Act Fiscal Year 2007/08

RESOLUTION 2007-17 OFFERED BY GOLLNITZ, SUPPORTED BY FREEMAN 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>
24-09-127-004	\$143.71
24-09-126-005	131.94
24-04-126-022	429.99
24-04-126-023	173.58
24-05-226-039	454.59
24-09-176-006	131.83
24-04-177-001	<u>302.54</u>

Total delinq. water for 2007/08 tax roll ***\$1,768.18***

AYES: Gollnitz, Freeman, Ettenson & Leckie

NAYS: None

ABSENT: Bauer, Kesley & Tripp

Resolution adopted 4-0.

Appoint SOCWA Representative

Mr. Freeman reported that SOCWA requires that Council annually appoint a representative and an alternate to serve on the SOCWA Board.

RESOLUTION 2007-11 OFFERED BY GOLLNITZ, SUPPORTED BY ETTENSON to appoint H. W. Freeman as the representative from Bingham Farms and Kathryn Hagaman as its alternate to serve on the SOCWA Board for Fiscal Year 2007-2008.

AYES: Gollnitz, Freeman, Ettenson & Leckie

NAYS: None

ABSENT: Bauer, Kesley & Tripp

Resolution adopted 4-0

Zoning Ordinance Amendment – Outside Storage

Council had asked that the Planning Commission review the hours that recreational vehicles could be stored outside. Concern was that the existing 24-hour duration may not be reasonable. The Commission took into account the amount of time it would take to clean and load/unload such vehicles and recommended raising the limit to 48 hours.

Motion by Gollnitz, second by Freeman to adopt Ordinance # 204 amending the time limitation of outside storage of motor homes, recreation vehicles and travel trailers to 48 hours.

Motion carried.

Attorney Fees

Secret Wardle has submitted a rate change for attorney services.

Motion by Gollnitz, supported by Freeman to accept the rate increase for attorney services from Secret Wardle.

Motion carried

Treasurer's Report

The April 2007 Financial Report showed a General Fund balance of \$2,573,369.60 with income for the month of \$11,244.61 against expenditures of \$135,133.89. The Gas & Weight Fund balance was \$369,660.59 with income for the month of \$6,829.48 against expenditures of \$9,443.06.

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

Motion carried unanimously.

The Bills to be Paid for May 2007 are in the following amounts: General Fund, \$114,669.10 (including reimbursement to OCDC for 2006 delinquent water collections of \$1,084.62, and Beverly Hills for CATV + PEG of \$5,593.01); Gas & Weight, \$2,578.50.

Motion by Freeman, supported by Ettenson, to approve payment of the May bills as presented.
Motion carried unanimously.

Mrs. Ludwick reported on the continued loss of State Revenue Sharing funds from the state statutory and constitutional bi-monthly payments since 2001.

She stated that money to meet current financial obligations would be transferred from pool funds.

Treasurer's Memo attached to original minutes

Clerks Report

Mrs. Hagaman stated that there have been increased complaints about unkempt properties. Two citations were issued to owners of property on Deauville Ct. There is a continuing problem with a home on Sager Ct. which now is in possession of the bank.

The existing ordinance authorizes the Village to contract for grass mowing following notification to the property owner and subsequently bill the owner. The ordinance does not provide for resolution should the invoice not be paid.

An ordinance amendment has been drafted that will allow the Village to place the debt on the tax roll on May 1 and ultimately recoup the expenditures. Discussion ensued and Council agreed to have the attorney review the draft for possible adoption at the June meeting.

Many trees planted this fall on the medians on Telegraph Rd. did not survive the winter. Johnson Landscaping will replace the dead trees and trim others that look like they will survive.

AT&T has informed the Village that they are now offering cable and internet service in the Village.

Clerk's Report attached to original minutes.

President's Report

No report

Sewer & Water/Ordinances-Freeman

Nothing to report

Fire/Police-Leckie

Nothing to report

PC/Legislative- Kesley

No report.

Cable/Non-Residential-Ettenson

Mr. Leckie questioned whether AT&T will be erecting more VRAD boxes in the Village. AT&T has been asked that and they have not yet responded.

Roads/Residential-Gollnitz

Bingham Lane Project is starting and any residents encountering a problem should contact the Village office.

The Village is continuing discussion with Beverly Hills about DPW services and Beverly Hills will be drafting an Intergovernmental Agreement which hopefully will be ready for action at the June meeting. If both Villages concur, this additional service can be operational by July 1. Mr. Freeman asked to be provided a copy as soon as it becomes available.

A question was raised relative to the status of the Hickory Hollow road project and the open items. Mrs. Hagaman indicated that AEW has been in contact with ProLine and they were supposed to get a landscape crew in there within the week. Discussion ensued over the possibility of declaring a default and using the retainage to resolve the situation. This issue will be discussed with the Village attorney.

Solid Waste/Insurance-Tripp

No Report

Old Business

None

New Business

Mr. Leckie addressed an issue raised by a resident on Hickory Hollow relative to increased traffic on Old Orchard and Timber Trail. When there is a backup on Telegraph, motorists turn on to Bingham Rd and assume there is a cut-through on Old Orchard. When they realize there is none, they speed up to get back to Bingham Rd. Is the Village able to put "No Outlet" signs up to deter this type of traffic?

Mrs. Hagaman will look into potential remedies.

There being no other business before Council, the President Pro-Tem adjourned the meeting at 9:10 p.m.