

**Village of Pinckney
Regular Council Meeting
May 8, 2017**

The President called the meeting to order in the Village Council Chambers at 220 S. Howell, Pinckney at 7:01 pm on May 8, 2017.

ROLL CALL:

Present: Foster, Kauserud, Kinczkowski, Menosky, Pais, Vedder and Lavey
Also Present: D. Kay-Hougaboom (Zoning), K. Lim (Accountant), S. Mills (DPW), J. Newton (Police), A. Salowitz (Clerk) D. Stoker (Attorney)

PLEDGE OF ALLEGIANCE

PUBLIC FORUM:

Lavey opened at 7:02pm

Mr. Flanders, of Marion St., spoke regarding his concern about the sidewalk that is planned to traverse in front of his home. He is disappointed that the sidewalk will cut his driveway in half limiting his parking. Requests that it be moved more west into the right of way. He believes that this move will also alleviate any concern with elevation changes between his home and his neighbor's home to the south. He believes the current elevation change will lead to drainage issues for him. He noted that he doesn't remember any of the plan presented for the project including sidewalk.

Closed at 7:05pm

CONSENT AGENDA:

Lavey indicated that #9 needed to be added; Good News Community Church easement.

Motion by Foster to accept amended consent agenda; Seconded by Menosky

Yeas: Foster, Kauserud, Kinczkowski, Menosky, Pais, Vedder and Lavey

Nays: None

Motion carried in a roll call vote.

PRESIDENT'S REPORT:

- This is Trustee Menosky's last Council meeting. She will remain on the budget committee until that process is complete.
- Reminder that May 22nd there is a ZBA meeting at 6:30pm. Topics include Pirate's Cove variance request and Special Use for the old St. Mary church building.
- Lavey forwarded several email invites to Council including:
 - Spark Tech Trek on June 16th from 3-7pm
 - Elected/Appointed Officials Reception on May 18th from 5-7pm
 - Survey Results from Michigan Public Policy Survey
- Lavey is passing around a card for Mr. Shay if anyone wishes to sign.

UNFINISHED BUSINESS:

Lavey indicated that all are status quo.

1. Historic District Study Committee
2. Lee St./ Howell
3. Utility abeyance
4. Coal Tar Ordinance

AGENDA:

1. Rate Study Presentation

Andy Campbell from Umbaugh presented. Campbell indicated that their organization was retained to conduct a rate study as it was timely with the Rural Development Project. He understands that the project has been moved to summer 2018 as the village finalizes easements and added that this is very common.

Campbell indicated that they rely on the village staff for the information back-up. He indicated that in preparation they have four major steps. 1) Historical analysis (trend for cash, expenses, revenue and capital improvement). 2) Test Year (sample year with one-time expenses or income removed) 3) Proof of Rates 4) Cash Flow (includes capital improvement)

Discussion regarding Fund balance and its use for Capital Improvement along with how much of a balance to maintain. Campbell indicated that a rule for large municipalities is equal to 6 month of expenses but for a smaller one, with less revenue, like Pinckney it should be equal to at least a year or the cost of an average unexpected repair; approximately \$100k or more

In establishing proposal they looked at data to establish average usage for a flat rate sewer user. Based on the village data, Umbaugh estimates 5500 gallons per month per user. Flowing through the numbers they are recommending a 2% rate increase for sewer users during fiscal 2017-18. For 2018-19, when the RD project will be underway, they are proposing an 11% increase to help establish the fund to cover the \$2.945 million project. Campbell indicated that the current RD interest rate is 2.375% and that was used in the calculations. However, Rural Development will use whichever rate is better – the rate at the time of the letter of conditions or the time of closing. Rural Development requires that the village set aside 1/10th of the payment each year, or \$115,000, for debt service each year.

Campbell compared the process to that of a three legged stool. It is a fine balance between capital improvement, cash balances and rates.

Lim noted that during the budget meetings several Capital Improvement projects were discussed. This could require somewhere between a 2 and 4% increase in 2017-18 because several items would need to be moved into 2018-19.

Lavey noted that the village has already paid a substantial part of the engineering upfront which can be reimbursed with the loan. She also indicated that there was a transcription error in the flat rate calculation, in several previous years, that needs to be corrected for the users.

Campbell highlighted the line item that shows the sample cost to the consumer. Currently sewer users are paying approximately \$40/month; with a 2% increase it would be about \$41/month with the 11% increase it will go to about \$45.50/month. While they do not do comparisons against other municipalities, he would say that we are in the mid-range in the state including all small and large municipalities that they work with. He added that the USDA does not provide grant funds to any municipality that charges under \$55/month average. That is their threshold for what is acceptable.

Campbell quickly went through the water portion of the report. The reports are the same structure as those of the sewer fund. Umbaugh is suggesting a 2% increase going forward maintaining a fund balance of at least one year's operation cost.

The Village asked them to look in to connection fees. Campbell indicated that it is important to be able substantiate connection fees as there are several communities in southwestern Michigan that have been impacted by Class Action suits surrounding connection fees and how those funds were spent.

Current ¾" water connection fee is \$2800; Umbaugh recommends increase to \$3k
Current ¾" sewer connection fee is \$3k; Umbaugh recommends increase to \$3800

Large meter connections should maintain the same ratio that they currently have. Those costs need to be calculated.

Vedder noted that we can't show a profit in the sewer or water funds.

2. Rezoning Ordinance – 4714-22-401-153 and 4714-22-300-003

Kay-Hougaboom indicated that rezoning was held off as the property changed hands in 2016 and Planning Commission wanted to give the new owners' time to make plans/contact with the village. To date, the ZA has had no contact with the new owners. Planning Commission is recommending that the two parcels, one unzoned and one zoned Public Land, be rezoned to High Density Residential. Pais indicated that this makes the two parcels consistent. Stoker indicated that the process for rezoning is public hearings at Planning Commission and notification to the property owner and neighboring property owners. Kay-Hougaboom confirmed that while she has not had direct contact with the property owner she googled the LLC.

Motion by Foster to accept the ordinance amending the Village of Pinckney code of Ordinances by amending Title XV: Land Usage, Chapter 152, Zoning, Section 15.041, Zoning Map; Seconded by Menosky

Yeas: Foster, Kauserud, Kinczkowski, Menosky, Pais, Vedder and Lavey

Nays: None

Motion carried in a roll call vote.

3. Planning Commission Recommendation for Site Plan Review

Kay-Hougaboom indicated that the Planning Commission spoke in depth about the site plan review process as proposed by Redevelopment Ready Communities. The Planning Commission is recommending that they have final site plan approval.

Stoker added that since we are opening the ordinance we really need to address three issues with the ordinance. Issues include: Final Site plan approval; Special Use Permits and PUD approvals. Biggest issue is appeal process. If Council final approval then no true appeal process as Council serves as ZBA.

Discussion regarding Councils comfort level with removing their level of approval.

Stoker indicated that once Planning Commission has direction on what Council will support they will need to schedule a Public Hearing due to open the Zoning Ordinance.

Motion by Foster to recommend that Planning Commission act as the final approval process for Special Use Permits with appeals to ZBA; Seconded by Kinczkowski

Yeas: Foster, Kauserud, Kinczkowski, Menosky, Pais, Vedder and Lavey

Nays: None

Motion carried in a roll call vote.

Motion by Vedder to recommend that the Planning Commission act as final authorization for final site plan approval with appeals to ZBA; Seconded by Kauserud

Yeas: Foster, Kauserud, Kinczkowski, Menosky, Pais, Vedder and Lavey

Nays: None

Motion carried in a roll call vote.

Motion by Kinczkowski that authorization for PUD stay with Council; Seconded by Pais.

Yeas: Foster, Kauserud, Kinczkowski, Menosky, Pais, Vedder and Lavey

Nays: None

Motion carried in a roll call vote.

4. Yost Request

Council received a letter from the Probate Attorney for the Yost estate – 875 Patterson Lake Rd. Attorney is requesting waiver of refuse, leaf and brush both retroactive to Mrs.

Yost's passing and going forward. He is also requesting a waiver of all penalties retroactive to her passing.

Salowitz indicated that she included a history on the account back to 2009 when a 425 agreement was entered into with Putnam Township regarding this property. She also created a spreadsheet of expenses and penalties that Mr. Parker was requesting waived, by quarter, back to the time of Mrs. Yost's passing in 2011.

Motion by Menosky to credit account SHOW-000875-0000-01 \$348.30 for penalties from 11/8/2011 to current; Seconded by Kauserud

Yeas: Foster, Kauserud, Kinczkowski, Menosky, Pais, Vedder and Lavey

Nays: None

Motion carried in a roll call vote.

Council took no action on request to remove services.

5. HRWC Council Questions Regarding Dam #1 and Dam#2

Tour of the two dams will be May 25th. No time set at this point. Foster asked Salowitz to forward the email to Council. After reviewing comments and questions Council determined that the only true question was who owns Dam#2. Salowitz will investigate and get back to Council.

6. Establish an Economic Development Strategy Committee

Salowitz indicated that the Economic Development Strategy document is a piece of the Redevelopment Ready Certification that she has been working on, on and off, for some time and she needs more input. Lavey asked if anyone was interested in organizing and sitting on a committee. Foster, Kinczkowski, Lavey, Kay-Hougaboom, Salowitz agree to participate. The group also requested a member from the Planning Commission/DDA board.

7. Change Order #1 – Pinckney – Portage Street

Lavey indicated that this change order is to remove the parking lot piece from the accepted bid. Salowitz noted that it also moves construction to start June 26th which would move completion to September 1st. All are hopeful that the later start date will result in better restoration than with the Marion Street project.

Motion by Vedder to accept Change Order #1 as presented; Seconded by Kinczkowski

Yeas: Foster, Kauserud, Kinczkowski, Menosky, Pais, Vedder and Lavey

Nays: None

Motion carried in a roll call vote.

8. Easement Acquisition

Wolverine has been working with the village staff to obtain easements by completing surveys, drawings, etc. This is work that was unplanned in the project proposal for the Rural Development project. Sewer committee has asked staff to double down their efforts to handle it without Wolverine but there still may be some cases where they need to be utilized to adjust survey documents. Sewer committee also recommends that these services be paid out of the ET Rover easement funds.

Motion by Menosky to authorize payment to Wolverine for easement work for Rural Development project in the amount of \$12,884; Seconded by Pais

Yeas: Foster, Kauserud, Kinczkowski, Menosky, Pais, Vedder and Lavey

Nays: None

Motion carried in a roll call vote.

9. Good News Chapel Easement

Salowitz has made good headway on gaining this easement. The village has been working on getting the sewer easements in this area for some ten years. In working with

the church it has become clear that the church paid the connection fee in 1973 and has paid quarterly fees since that time. However, they are still using their septic tank/field. There is no record that they actually ever connected and the church has the understanding that they have NOT connected to the village system. With that being said, the church would like added to their easement that there will be no further connection fees for them when they actually connect.

Discussion ensued.

Motion by Vedder to accept the terms as presented: Seconded by Menosky

Yeas: Foster, Kauserud, Kinczkowski, Menosky, Pais, Vedder and Lavey

Nays: None

Motion carried in a roll call vote.

TRUSTEE FORUM

Opened at 9:05pm

Foster attended the EDC quarterly meeting recently. They presented their three year budget and indicated that there would be a slight increase in dues. Foster told them that the village would not accept any increase as they were already paying above the formula. Foster will seek out their help with the Economic Develop Strategy planning and document creation.

Kinczkowski indicated that there is a free Office 365 session in Southfield on June 6th. He will send the invite to Salowitz to forward. It is open to everyone but you need to RSVP.

Foster noted she will miss the June 12th meeting.

Menosky thanked Council for the opportunity to serve. It was an honor and a privilege.

All will miss Menosky and her many contributions to Village Council.

Trustee Forum Closed at 9:10pm

PUBLIC FORUM

Opened 9:10pm. No one wished to speak. Closed at 9:10pm

Meeting Adjourned at 9:10pm

Approval Date _____

Respectfully Submitted,

Amy Salowitz, CMMC
Village Clerk

Linda E. Lavey
Village President