

**PROCEEDINGS OF VILLAGE OF FRANKLIN
VILLAGE COUNCIL REGULAR MEETING
MONDAY, October 11, 2004, 8:00 P.M.
FRANKLIN VILLAGE HALL – BROUGHTON HOUSE
32325 FRANKLIN ROAD, FRANKLIN, MICHIGAN**

I. Call to Order

The meeting was called to order by President Jahnke at 8:00 pm at the Franklin Village Hall, Franklin, Michigan.

II. Roll Call

Motion by Coyer, Supported by Gallasch, to Excuse Trustee Alan Harnisch in His Absence From This Meeting.

Ayes: Jahnke, Lamott, Sosin, Gallasch, Coyer, McElroy

Nays: None

Absent: Harnisch

Motion carried.

Present: Mark Jahnke, Bill Lamott, Ralph Sosin, Brian Coyer, Fred Gallasch, Randy McElroy

Absent: Alan Harnisch (excused)

Also Present: Jon Stoppels, Administrator
Eileen Pulker, Village Clerk
Edward Glomb, Police Chief
Tony Averbuch, Fire Chief
Dominick Schiano, Treasurer

III. Adoption of Agenda

Motion by Coyer, supported by Gallasch, to Approve the Agenda as Presented.

Ayes: Jahnke, Lamott, Sosin, Gallasch, Coyer, McElroy

Nays: None

Absent: Harnisch

Motion carried.

IV. Minutes:

A. Regular Meeting of September 13, 2004

Two typographical errors and the clarification of the actual dollar amount of the Road Sealing Contract were noted and advised to be corrected.

Building	\$ 15,666.23
General Debt	\$ 178,761.18
Insurance	\$ 34,015.88
Legal	\$ 5,799.36
Police	\$ 13,246.97
Pressure Sewer	\$ 360.00
Roads	\$ 16,315.20
Rubbish	\$ 25,497.00
Trust & Agency	\$ 9,800.00
Village Hall & Grounds	\$ (300.00)
Waste Water	\$ 150.00
ALL FUNDS	<u>\$ 307,135.64</u>

Ayes: Jahnke, Lamott, Sosin, Gallasch, Coyer, McElroy
Nays: None
Absent: Harnisch
Motion carried.

VII. Public Requests and Comments

No comments.

VIII. Public Hearing for the Purpose of Receiving Public Comment for the PY 2005 Community Development Block Grant (CDBG) Funds; Request to Change

Pam Hansen, 32820 Wing Lake Road, had questions about the CDBG Funds and how they are utilized for the Village. Stoppels replied, giving a description of the money the Village received and how the Village used the funds. Stoppels stated that the Village was restricted in the uses with guidelines provided by the Federal Government. Hansen stated that she felt that the Village should start using some of the funds to improve parking problems in the downtown area. Hansen stated that she felt the BASCC program was a good program, but would like to see more of the funds used within the Village and would like to see more discussion about the issue.

Mary Hepler, 30575 Rosemond, proposed using the funds in matching fund projects, in cooperation with the merchants in the downtown Franklin area.

Public Hearing closed at 8:20 p.m.

IX. New Business

A. Consider Community Development Block Grant (CDBG) Funds for:

- 1. Proposed Program Year (PY) 2005 CDBG projects for the Village of Franklin, the estimated amount of \$8000; and**
- 2. Request to Change Description/Reprogram of PY 2001 Funds in the amount of \$2,400 for the removal of architectural barriers account number 2400 to include the purchase of ADA (America with Disabilities Act) equipment.**
- 3. Request change description/reprogram PY 2003 Funds in the amount of \$3,717.37 (account no. 3384) from existing description of transportation to produce a newsletter.**
- 4. Request to reprogram PY 2003 Funds in the amount of \$900 (account no. 3384S) existing description form Public Service/Admin Salary (account no. 3552) to purchase bookcases.**

Discussion ensued regarding options for using the money. It was determined that the funds available for 2005 were still open for discussion, and could be reprogrammed for different uses later in the fiscal year if necessary.

#2004- 92 Motion by Sosin supported by McElroy to Approve the Recommendation to Allocate the Program Year 2005 Community Development Block Grant Funds in the amount of \$8,000 to be allocated as follows:

- \$4,000 to provide various public services to low to moderate income senior citizens, including but not limited to: senior home chores, minor home chores, minor home repairs, transportation, and meals on wheels (through BASCC).**
- \$2,400 to the Birmingham Area Seniors Coordinating Council and Center to purchase bookcases.**
- \$1,600 to fund administrative service costs for the implementation of CDBG projects (local).**

Ayes: Jahnke, Lamott, Sosin, Gallasch, Coyer, McElroy

Nays: None

Absent: Harnisch

Motion carried.

#2004-93 Motion by Sosin, supported by McElroy, to Approve the Request to change description and reprogram of Community Development Block Grant fund monies as follows:

- PY 2001 funds in the amount of \$2,400 Remove Architectural Barriers (account number 2400) to include the purchase of ADA equipment (barrier free picnic tables).**
- PY 2003 funds in the amount of \$3,717.37 (account number 3384) from existing description to transportation to produce a newsletter for BASCC members.**

- **PY 2003 funds in the amount of \$900 (account number 3384S) existing description from Public Service/Admin Salary (account number 3552) to purchase bookcases for the BASCC library.**

Ayes: Jahnke, Lamott, Sosin, Gallasch, Coyer, McElroy

Nays: None

Absent: Harnisch

Motion carried.

B. Consider Planning Commission Recommendation for the New Zoning District Ordinance, the New District to be Described as R-M - Modified Low Density Residential District (proposed 42,000 sq. ft.) and Certain Zoning District Changes.

Jahnke introduced the topic of Rezoning Districts in the Village as proposed by the Planning Commission. A letter from Village Planning Consultant Christopher Doozan, McKenna & Associates, gave Council a clarification of how many nonconforming lots the new zoning would create. Stoppels proposed developing ordinance language and holding further public hearings before making a final decision. Council discussed the necessity of making certain that everyone who would be affected by the proposed changes be made aware of what the changes would mean, whether or not a grandfathering clause should be considered; and that the Village Council should make the intent of the ordinance clear. Several Council members, while anxious to expedite the issue and move forward in compliance with the Village Master Plan, were also sensitive to property owner's rights. Clerk Pulker, responding to a question from Council, stated that everyone within the rezoning areas, plus within 300 feet of the area, would receive a letter by first class mail as notice of the public hearing, stating that the Village was considering rezoning, and would include a map of the area in question.

#2004-94 Motion by Gallasch, supported by Lamott, to Direct the Village Attorney and Planning Consultant to Develop an Ordinance to Create a New Zoning District Ordinance, the New District to be Described as R-M Modified Low Density Residential District (proposed 42,000 sq ft) to be Reviewed by the Planning Commission with the usual Public Notices and Hearings.

Ayes: Jahnke, Lamott, Sosin, Gallasch, Coyer, McElroy

Nays: None

Absent: Harnisch

Motion carried.

C. Consider Landfill Permit Application for the property located at 31000 Nottingham, Franklin.

Jahnke introduced the application for Landfill and discussion by Council opened with concern regarding control of the situation, to keep from creating a negative environmental impact. Stoppels stated that the Village has a good level of control for keeping that sort of situation under control with the help of Village Engineers Hubbell, Roth and Clark.

Homeowner John Owens, stated that when starting the project, the first proposal was rejected by Hubbell, Roth and Clark. Owens continued stating that this was because he had not proposed enough fill, trying to correct a long standing drainage problem and to blend in better with the neighbors' yard. Owens stated that he was willing to work with the Village. Owens asked about how the constraints imposed by a motion would affect the work, because of the delays caused by revisions and clarification of the plan, the work could not start until the next spring. Staran stated that the motion could hold the condition that work could not begin until the bond was paid, which would allow the homeowner the time he needed.

#2004-95 Motion by McElroy, supported by Lamott To Approve the Landfill Permit Application for the property located at 31000 Nottingham, Franklin, and to remove any excess fill.

Amended Motion by Sosin, accepted by McElroy and Lamott, to Approve the Landfill Permit Application for the property located at 31000 Nottingham, Franklin, to include the requirements of the September 15, 2004 Hubbell, Roth & Clark letter be followed, to require a \$3000 bond, surety or cash to be paid prior to the onset of the project, and to remove any excess fill.

Ayes: Jahnke, Lamott, Sosin, Gallasch, Coyer, McElroy

Nays: None

Absent: Harnisch

Motion carried.

D. Consider Sign Permit Application for the property located at 32800 Franklin Road, Franklin.

Peter Shagena, a representative for the building owner, stated that he was working on updating the property and that the renters at the property in question requested having the sign moved for better viewing from Northbound traffic. When questioned by Council, Stoppels stated that the sign was a nonconforming sign already and that the property owner was being asked to move it to another nonconforming place, but that the new location was still ten feet from the road. Discussion ensued regarding the restrictions in the sign ordinance, the effect sign placements have on the business in the Commercial District, whether the Historic District Commission would object to the sign placement and the applicant was asked if given approval, when would the sign go into place. Shagena stated that it would go into place in the next week.

#2004-96 Motion by Sosin, supported by Lamott, to Approve the Sign Permit Application for the property located at 32800 Franklin Road, Franklin and that the Sign be Removed and Relocated, Appropriately Repainted and that the Tenants Signage be Uniform.

Ayes: Jahnke, Lamott, Sosin, Gallasch, Coyer, McElroy

Nays: None

Absent: Harnisch

Motion carried.

A. Consider Demolition application, stonewall located on the located on the property at 25870 Franklin Park Court.

Lamott stated that the Historic District Commission felt hesitant about the project, because the property was not in the Historic District, even though the stonewall in question has historic value. Lamott stated that the Commission did approve demolition of the house on the property, and at that time the property owners stated that they would keep the wall and repair it, which now the property owners want to move a part of the wall. Timothy Stoker, the representative of the homeowners, referred to a letter he faxed to the Village giving the history of the property and a history of the actions taken to date. Mr. Stoker also showed maps of the property and the wall work involved in the proposed application. Mr. Stoker stated that the property owners only wanted to make subtle changes to the existing wall, still using the original materials and making some repairs. The proposed plaque, which was discussed with the Historic District Commission, would still go on the property.

#2004-97 Motion by Sosin, supported by McElroy, to Approve the Demolition Application at 25870 Franklin Park Court for the described wall, using the same stones in the wall to move the wall and make repairs, and a \$5000 surety bond be supplied by the applicant to the Village, before the Certificate of Occupancy is to be issued, and pursuant to all of the requirements of the Building Official.

Ayes: Jahnke, Lamott, Sosin, Gallasch, Coyer, McElroy

Nays: None

Absent: Harnisch

Motion carried.

X. Proclamations/Resolutions/Ordinances

A. Consider Proposed Uniform Resolution Defining Hours per Month for Part-Time Employees and Service Credit Conversion upon Promotion to Full-Time Status.

#2004-98 Motion by Gallasch, supported by McElroy, to Approve the Uniform Resolution Defining Hours per Month for Part-Time Employees and Service Credit Conversion upon Promotion to Full-Time Status, as follows:

1. In accordance with Section 3 (1) and 4 (6) of the MERS Plan Document, the Village Council of the Village of Franklin, does hereby certify that the Village Clerk, Eileen Pulker, part-time employee working at least 80 hours each month shall accrue one (1) month's MERS service credit for each month worked. Full-time employees work 160 hours per month.
2. Upon promotion from part-time to full-time employment, all part-time service credit shall be converted to full-time service at the ratio that of part-time hours to full-time work hours. For example, where part-time service is defined as 80-hours per month, and full-time as 160 hours per month, then upon promotion to full-time, all part-time service is credited at the ration of 80/160, or 50% (each 2 years part-time converted into 1 full-time year). Under this Resolution, all months and years of part-time service shall be credited at the full-time equivalent based on the employee's actual part-time service hours that are specified in Section 1.
3. Vesting and retirement eligibility shall be based on date of original hire without adjustment for conversion.
4. Upon promotion of an employee occurring after adoption of this Resolution, it is understood and agreed that it is the responsibility of this participating municipality to advise MERS. Vesting shall be deemed satisfied based on date of original hire.
5. At the time of any promotion to full-time, each part-time employee that is subject to this Resolution, shall be advised by the employer of this Resolution and its effect upon the employee's accrued benefits.
6. This Resolution has MERS-wide application, and it is expressly agreed and understood that MERS will not administer or recognize any alteration or modification of its language or terms.

Ayes: Jahnke, Lamott, Sosin, Gallasch, Coyer, McElroy

Nays: None

Absent: Harnisch

Motion carried.

B. Consider Proposed Resolution for Defining a Day of Work or Hours per Month for MERS Retirement Purposes.

#2004-99 Motion by Coyer, supported by Gallasch, to Approve the Resolution for Defining a Day of Work or Hours per Month for MERS Retirement Purposes as follows:

In accordance with Section 3(1) of the MERS Plan Document, as the Village Council of The Village of Franklin, does hereby certify that a day of work, or the number of hours of work in a month, for the Village Clerk, Eileen H. Pulker, for retirement purposes, shall consist of one of the following to be effective as of August 10, 1999.

- A. _____ A day shall consist of _____ hours.
(ten (10) days a month of such work days equals one month of credited service.)
- B. X _____ A month shall consist of 80 hours.
(each month of such work hours equals one month of credited service.)

Ayes: Jahnke, Lamott, Sosin, Gallasch, Coyer, McElroy

Nays: None

Absent: Harnisch

Motion carried.

C. Consider Resolution to Adopt the Oakland County "Pay Local Taxes" via credit card Program.

Jahnke introduced and described the "Pay Local Taxes" program and Schiano stated that there is no charge to the Village for the site service, the fees are paid by the people at 2.7% who use the service, and the late charges set by the Village for delinquent taxes will be received by the Village. Discussion included questions as to whether or not the Village needed to set up a new account to deal with the money. Schiano stated that the Village would be required to create an account to allow for fund transfers, which would be used in a very common manner. Staran added that he had reviewed the documents and found them to be standard agreements and that many neighboring communities have joined in this plan to provide their taxpayers with the opportunity to pay taxes on line by credit card, he saw no reason for the Village not to participate.

#2004-100 Motion by Sosin, supported by Gallasch, to Approve the Resolution to Adopt the Oakland County "Pay Local Taxes" via credit card Program as follows:

WHEREAS the Village of Franklin, pursuant to the General Property Tax Act (MCL 211.1, et seq.) is required to collect and receive all current property taxes payments due on taxable property located within its geographic boundaries, and

WHEREAS the County of Oakland ("County") has developed an internet-based payment procedure that allows County taxpayers the convenience of using credit cards for the payment of delinquent property taxes to the County Treasurer, and

WHEREAS by utilizing essentially this same system and technology, the County has developed a similar model program called "Pay Local Taxes.com" which the County is making available to municipalities in Oakland County, and

WHEREAS participating in the County's "Pay Local Taxes. Com" program would allow the Village of Franklin taxpayers to utilize a similar internet based credit card payment option for current property tax payments owed to the Village of Franklin, and

WHEREAS participating in the "Pay Local Taxes.com" program with the County and possibly other municipalities and the resulting "economies of scale" requires only minimal and/or incremental costs and efforts by the Village of Franklin, in order to provide a credit card payment option to Village of Franklin taxpayers;

NOW THEREFORE BE IT RESOLVED that in accordance with Public Act 280 of 1995, the Village of Franklin Treasurer is hereby authorized to receive payments for property taxes owed to the Village of Franklin by "financial transaction device" (including credit cards) as defined in this Act, and that the Treasurer, as provided in this Act, shall decide which such financial transaction devices shall be acceptable for payments to the Village of Franklin

BE IT FURTHER RESOLVED that the Village of Franklin approves and authorizes its Treasurer to execute on behalf of the Village of Franklin, both the attached Letter Agreement with National Processing Company and National City Bank of Kentucky (jointly referred to as "NPC/NCB") for the purposes of allowing them to receive, process, and deposit all credit card payments and deposits for the Village of Franklin, and the attached VeriSign Payment Services Merchant Services Agreement V7 [online version 7.16.03] for credit card online transaction security.

BE IT FURTHER RESOLVED that the Village of Franklin Treasurer is also authorized to execute such agreements as may be necessary, to open and maintain an account with National City Bank of Michigan/Illinois for the purposed of the receipt and deposit of all such "financial transactional device" payments in accordance with the law.

BE IT FINALLY RESOLVED that the Village of Franklin approves entering into the attached PAY LOCAL TAXES.COM AGREEMENT with the County of Oakland and hereby authorizes its President to execute this Agreement on behalf of the Village of Franklin.

Ayes: Jahnke, Lamott, Sosin, Gallasch, Coyer, McElroy

Nays: None

Absent: Harnisch

Motion carried.

D. Consider Resolution Supporting New Legislation Watershed Alliances.

#2004-101 Motion by Gallasch, supported by Coyer, to Approve the Resolution Supporting New Legislation Watershed Alliances as follows:

WHEREAS the cities, villages, townships and counties within the Rouge River watershed have successfully developed a model for cooperative management of the river and successfully implemented the first watershed-based storm water permit in the state, and

WHEREAS these 41 local agencies have demonstrated that their collective efforts and contributions as members of the Rouge Assembly created through an informal agreement have substantially reduced the cost of compliance with the state's storm water permit requirements, and

WHEREAS after two years of a experience in this cooperative effort under the terms of the Rouge Assembly, and over ten years of experience in the successful Rouge River National Wet Weather Demonstration Project (Rouge Project), the local agencies involved have determined that it is their best interest to seek formal statutory approval to a form watershed alliance that can apply for and receive federal, state and private grant funds and contributions to comply with state permit water quality requirements and to restore beneficial water uses for their residents, and

WHEREAS without a change in state law, locally based watershed alliances such as the Rouge Assembly being formed throughout the state cannot independently seek grant funds, expend monies or carry out the variety of other activities needed to cooperatively address surface water management issues required by law

WHEREAS the state law being proposed would not create a new level of government, expand taxing or assessment authority, or add to the cost of governance; but would enhance the ability of local units of government to combine their resources to more effectively and efficiently address water management issues of common concern at a time when local resources are limited

THEREFORE BE IT RESOLVED that the Village of Franklin urges the Michigan legislature and the Governor to support S.B 1432 that would authorize the alliance of local agencies that share a common interest in a watershed to:

- Voluntarily join together to address surface water management issues by forming a watershed alliance
- Develop bylaws for membership, assessment of dues, and voting shares based upon bylaws developed by the local governmental members
- Seek and use grants, gifts or contributions from public or private sources for surface water management purposes
- Expend funds grants, gifts or contributions to meet common state or federal water discharge permit requirements, and to implement actions identified in locally developed watershed management plans, and
- Advocate for local interests before federal, state and regional agencies that regulate, provide technical assistance, or grant funds related to surface water management issues.

FURTHER, BE IT RESOLVED that a copy of this resolution be sent to the Governor and members of the Michigan legislature who represent our residents.

Ayes: Jahnke, Lamott, Sosin, Gallasch, Coyer, McElroy

Nays: None

Absent: Harnisch

Motion carried.

XI. Communications:

A. Consider Special Village Election Date Change from February 22, 2005 to May 10, 2005.

Jahnke introduced the subject, asking Clerk Pulker to comment on possible election dates under the newly revised election mandates from the State of Michigan. The Council discussed the various aspects of the issue including the importance of conducting an election prior to the old regular Village Election date; that the presentation of the questions of terms for Village Council members being kept separate from any possible School millage or other Township or County issues; and clarified that beginning in 2005 all School and Township/County elections will now be held in the normal precincts previously used, not the school precincts. The decision to keep the February 22, 2005 election date previously chosen and currently under review by the Governor's office was agreed to by all, making no action necessary.

XII. Adjournment

Motion by Coyer, supported by Gallasch, to Adjourn the Meeting.

Ayes: Jahnke, Lamott, Sosin, Gallasch, Coyer, McElroy

Nays: None

Absent: Harnisch

Motion carried.

There being no further business, the meeting adjourned at 10:04 pm.

Respectfully submitted,

John C. Pulker
Recording Secretary

Eileen H. Pulker
Village Clerk

Mark W. Jahnke
Village Council President