

**PROCEEDINGS OF VILLAGE OF FRANKLIN  
VILLAGE COUNCIL REGULAR MEETING  
MONDAY, APRIL 11, 2005, 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 8:02 p.m. at the Franklin Village Hall, Franklin, Michigan.

**II. ROLL CALL**

Present: Mark W. Jahnke, Fred Gallasch, Randy McElroy, Ralph Sosin, Bill Lamott, Brian Coyer, Alan Harnisch

Also Present: Jon Stoppels, Administrator  
Eileen Pulker, Clerk  
John Staran, Attorney  
Michael Salhaney, Attorney  
Ed Glomb, Police Chief  
Tony Averbuch, Fire Chief  
Dominick Schiano, Treasurer  
Bill Dinnan, Building Official

**III. ADOPTION OF AGENDA**

**Motion by Gallasch supported by Harnisch to approve the agenda as presented.**

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

**Nays: None**

**Motion carried.**

**IV. MINUTES**

**A. Regular Meeting of March 14, 2005**

**Motion by Harnisch supported by Sosin to approve the minutes of the regular meeting of March 14, 2005, as presented.**

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

**Nays: None**

**Motion carried.**

**V. REPORTS OF VILLAGE OFFICERS AND AGENTS**

Police Chief Glomb reported that things had been quiet in the Village and referred the Council to his written report. Glomb stated that the year end report is nearing completion in which the Council will find that there was a 20% reduction in major crime during that time, the second best year in over twenty years for both Franklin and Bingham Farms residential areas. Glomb added that the Police had cooperated with the school district in notifying parents by letter, to alert them of their legal responsibilities for alcohol and parties. Glomb reported that Music on the Green committee members had been in contact with the department and plans are being made for the programs to run on Wednesday evenings in July. Glomb concluded that he unfortunately had attended

two funerals; one for Sandy Barr (former owner of the Village Barn) and Jean Nichols, wife of former Sheriff, Detroit Police Commissioner John Nichols, and PO Brian Crane's Aunt. Glomb was asked if he had had any contact from the FCA regarding their plan to provide Movies on the Green, also in July this year, to which he responded he had not had any discussions but did not foresee any problems. PO James Hirschfeld was commented upon, the Village having received positive correspondence again regarding his professionalism while performing his duties as the Special Assessment District Officer. Glomb added that PO Dave Dwyer is also assigned to that district and that the district also was recording a good year for 2004, for which Glomb stated he credits the work of all of the officers for the year. Glomb reminded the Council and those present that the Mobile Watch for the village meets on the last Thursday of every month at 7:30 p.m. at the Village Hall and new members are welcome.

Fire Chief Averbuch referred Council to his written report, and stated that he would like to add two additional items; the first is that the addition to the Fire Hall is progressing well and should be completed within four to six weeks, and secondly, the apparatus that was ordered should be received in October. Averbuch added that there were several incidences of fires in March, two were in Bingham Farms and one was in Franklin. Averbuch stated that the one in Franklin at Thirteen Mile and Crestwood at 8:00 p.m., and the department was able to make a good stop, only having two rooms lost. Averbuch concluded by stating that his two suggestions to Villagers would be that: items that should not be plugged in permanently like portable heaters and electric blankets need to be monitored; and the use of smoke detectors do work to provide early warnings of fires. Averbuch reported that a recent CPR class had been conducted at the Fire Hall to which 15 people attended. Averbuch added that anyone requesting information should contact the Fire Hall for future classes.

Village Treasurer Schiano began his report by stating that the bills list proposed had a total of \$103,379.88 for the Council's consideration and authorization adding that the expenditures are generally consistent with the approved '04 to '05 Budget. Schiano stated that the Village has sufficient funds to meet its current obligations referring to the list of account balances provided by Comerica Bank. Schiano reported that the Finance Committee had met on March 28, 2005 to discuss a number of topics including five-year financial plan and funding of the fire department, which for the foreseeable future appear to be adequate and that the next finance committee meeting planned for April 25, 2005 will be to review the third quarter of the current year budget, which will probably result in budget amendments resulting from the requirement to report a balanced budget each year, and to review the proposed budget for FY 2005-06. Schiano concluded by stating that RFP's had been mailed to four qualified local firms including the current auditors Janz & Knight to invite bids with responses expected by April 22, 2005.

## VI. SUBMISSION OF CURRENT BILLS

**Motion by Gallasch supported by Coyer to approve the bills list as presented.**

|                               |           |                  |
|-------------------------------|-----------|------------------|
| <b><u>Totals:</u></b>         |           |                  |
| <b>General Administration</b> | <b>\$</b> | <b>5,810.17</b>  |
| <b>Building</b>               | <b>\$</b> | <b>17,180.51</b> |
| <b>Insurance</b>              | <b>\$</b> | <b>26,434.62</b> |
| <b>Legal</b>                  | <b>\$</b> | <b>3,080.60</b>  |
| <b>Police</b>                 | <b>\$</b> | <b>13,046.43</b> |

|                                   |           |                   |
|-----------------------------------|-----------|-------------------|
| <b>Pressure sewer</b>             | <b>\$</b> | <b>600.00</b>     |
| <b>Roads</b>                      | <b>\$</b> | <b>18,934.80</b>  |
| <b>Cell Tower</b>                 | <b>\$</b> | <b>34.50</b>      |
| <b>Rubbish</b>                    | <b>\$</b> | <b>13,603.26</b>  |
| <b>Trust &amp; Agency</b>         | <b>\$</b> | <b>1,200.00</b>   |
| <b>Village Hall &amp; Grounds</b> | <b>\$</b> | <b>3,454.99</b>   |
| <b>All Funds</b>                  | <b>\$</b> | <b>103,379.88</b> |

The bill received from Southfield Township for the reimbursement of charges, including charges for election workers, ballot printing, and Oakland County canvass in conducting the February 22, 2005 Special Election for the Village were discussed. Village Clerk Eileen Pulker reported that the costs were similar to what the Village would incur conducting the Village's own election. Pulker added that if the Village were to piggy back onto another election being conducted for schools or the township, the Village's share of the cost would be less than the amount charged for this entire special election solely for the Village.

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

**Nays: None**

**Motion carried.**

#### **VII. PUBLIC REQUESTS AND COMMENTS**

No comments were stated at this time.

#### **VIII. SPECIAL REPORTS**

##### **A. Presentation - Tree City USA - Kevin T. Sayers, MDNR**

Village Administrator Jon Stoppels introduced the representative from the Michigan Department of Natural Resources, Kevin T. Sayers, adding that the Village had met the test of four things submitted to qualify for this recognition as a Tree City USA, and that as a first time recipient, Mr. Sayers is in attendance to present the award and explain the benefits of the program.

Sayers reiterated that he was present to bestow upon the Village the recognition of the efforts of maintaining and taking care of trees in the community and to recognize the Village as a first time recipient of the Tree City USA designation. Sayers added that March is Arbor Month in the State of Michigan, culminating in the State's officially recognized Arbor Day observance, which is the last Friday of April every year, this year on April 29, 2005. Sayers stated that the Tree City USA program designation is a nationally recognized program sponsored by the National Arbor Day Foundation in conjunction with the National Association of State Foresters and the USDA Forest Service and this program recognizes communities throughout the country who have demonstrated a commitment to managing and maintaining trees in their communities and improving environmental quality through good management. Sayers added that trees provide many benefits to communities and to individuals who live there by providing shade, increasing property values, providing homes for wildlife, and providing healthy and enjoyable environments for people to live and work in, all assets that are vital to our health and well being.

Sayers stated that the four standards needed to be complied with in order to become a Tree City USA are as follows: 1) A tree board or advisory group that advises the Community on tree management and maintenance activities; this board can be as simple as a volunteer based tree board or a designated department within the community, a department of public works or a department of forestry; 2) a

community must adopt a tree ordinance, and this ordinance can encompass anything from an approved list of trees that the community allows to be planted in public places and can go as far as dictating policies on tree removals on public and private properties; 3) the community must demonstrate an annual work plan and demonstrate their spending of at least a \$2.00 per capita per year on tree care and related activities; and 4) the community must have an annual Arbor Day observance and redraft an annual proclamation. Sayers stated that Franklin meets these standards and clearly demonstrates a strong commitment in recognizing trees as part of the infrastructure. Sayers commended Stoppels, the Village, and everyone involved with trying to achieve the "Tree City" designation for this year and that this demonstrates exactly how hard the community has worked to get the recognition. Sayers concluded by stating that on behalf of the National Arbor Day Foundation, the Michigan State Forester, Bernie Hubbard, he awarded the Village Council, Mayor, and Jon Stoppels with the 2004 Tree City USA designation and offered his congratulations. Sayers provided signs, a plaque, and a flag.

Jahnke noted that the Village's Arbor Day celebration will be on April 22, not April 29 and thanked the staff for their work in achieving this designation.

**B. Ben Franklin Village Wide Birthday Party - July 17, 2005**

Lamott reported that January 17, 2006 will be the 300<sup>th</sup> anniversary of the Birthday of Benjamin Franklin and because one of the two stories of the origin of the name for the Village is the one listing Benjamin Franklin as the source of the name, the Historic Society thought this would be a good idea. Lamott continued stating that with the anniversary approaching, the Historic Society decided to hold a 299 1/2 Birthday celebration, on Sunday July 17, 2005 in the afternoon on the Village Green, for which there will be a picnic, colonial era games, music and birthday cake. Lamott added that the Historic Society has just begun to plan the event and would appreciate volunteers.

**C. Land Conservancy - Public Information Meetings Planned**

Lamott reported that he and Planning Commissioner Pam Hansen had worked together to provide Public Information seminars, the first of which was on Lawn Maintenance that about twenty (20) villagers attended. Lamott stated that the seminar provided information about fertilizers, lawn mowing and aerating techniques; much of the information was new to those in attendance. Lamott added that all of the sessions were to be video taped by Bloomfield 15 Cable TV, and would be shown on that channel throughout the Spring. Lamott stated that the next meetings were already scheduled as follows:

1. April 14, 2005, 7:00 p.m.-8:30 p.m. at the Franklin Community Church, Dick Gleason on the Destructive Emerald Ash Borer.
2. April 25, 2005, 7:00 p.m.-8:30 p.m. at the Franklin Community Church, Rick Lazell on Environmentally Friendly Landscape Design and Management Practices.
3. May 3, 2005, 7:00 p.m.-8:30 p.m. at the Franklin Community Church, David Borneman on Invasive Plants.

**IX. PUBLIC HEARING**

**Review Hearing to receive public input on the Review Hearing Concerning the Property Located at 27170 Gardenway, Franklin.**

Jahnke opened the Review Hearing by describing what had transpired on various hearings and meetings held previously on the maintenance issues for the property at 27170 Gardenway in Franklin. Jahnke stated that the Village Council would, later in this meeting, be considering the recommendation of the Hearing Officer as stated in the order dated February 23, 2005, as a result of the Show Cause Hearing held on February 18, 2005; all of which were held in accordance with Village Code Sec. 1478.06, (what constitutes a dangerous building). Jahnke added that the Village Building Official Bill Dinnan had inspected that property over the last several months and subsequently presented his findings at the hearing held on February 18, 2005 that was attended by members of the public, including neighbors and representatives of the holder of the paper on the house. Jahnke concluded by stating that the Hearing Officer had rendered his decision requesting that the owner of the house demolish the house within a specified period of time, during which the demolition has not been done, and therefore, by operation of the ordinance, the hearing officer informed Council that a review hearing of the decision must be held; that review hearing will occur at the close of the public hearing, during which the Council will determine whether or not to order the demolition of the house.

Jahnke asked Clerk Eileen Pulker to confirm that proper notifications had been mailed and posted for this meeting as well as the previous show cause hearing, to which Pulker responded that all had been noticed properly.

Jahnke asked Council for their questions and comments, and receiving none at the time, he subsequently announced that representatives of the owner or lessee of the property would now have the opportunity to show cause, if any, why the Village Council should not enforce the hearing officer's decision and demolition order.

Gregory R. Mackay of Trott & Trott, P.C. addressed the Council as representative of the property owner, Litton Loan Servicing, and began by stating that this property had been in foreclosure some time ago which resulted in a foreclosure sale on January 4, 2005. Mackay added that since that time, the redemption period has been shortened from July 5, 2005 as a result of Litton Loan Servicing having been made aware of the fact that the property had been abandoned. Mackay added that as such, Trott and Trott has issued an affidavit of abandonment for which a fifteen (15) day notice was sent to the owner to which no one responded. Mackay stated that the affidavit was subsequently recorded around April 8, 2005 with Oakland County, thirty days after which the equity redemption period is over under Michigan statute for Foreclosure by Advertisement, (unless the property is over three (3) acres which requires a six (6) month redemption period), during which the owner can present the amount of money bid at sale. Mackay reported that this has not occurred and while Litton Loan Servicing has limited remedies and can make the property safe but not repair the property, which the property preservation team has done. Mackay stated that Litton Loan Servicing had reported to him the receipt of a couple of broker price options between demolition and repair price, that had been obtained as of April 6, 2005. Mackay concluded by stating that Litton Loan Servicing, who is the servicing agent for the property, is weighing their options while awaiting the expiration of the redemption period.

In response to questions from Council, Mackay responded that he had not made a run of the records to see who currently holds the title on the property, but as agent of the principal he was authorized to speak for the party who will own the property if the redemption does not take place. In response to another question, Mackay stated that the intent of Litton was to consider options including demolishing the house and selling the property as acreage, looking at a brokers opinion on what the worth would be as a demolished property (empty lot), or a repaired property. Mackay added that his client would need about sixty (60) days to make a determination, and does not have the ability

to act on any determination for thirty (30) days and would like the additional thirty (30) days to make arrangements. When questioned about the redemption period, Mackay responded that the thirty (30) day period would begin upon the recording at the County of the Affidavit of Abandonment, which will occur sometime within the next thirty (30) to forty five (45) days. Mackay added that while Litton Loan Servicing knew that the mortgage had not been paid, they had been only recently been made aware that the property had been abandoned, which resulted in their filings. In response to further questioning from Council Mackay and stated that Litton Loan Servicing had not been the original mortgage company on this property. Further questions from Council were asked regarding the Litton Loan Servicing's ability to ask for any remedy from the Council regarding their interest in the property, to which Mackay responded that the Litton Loan Service had a legal authority but no equitable value to work with, which after the next thirty days, should the Council make a determination of how to proceed, Litton Loan Servicing would have the opportunity beyond thirty (30) days to act presuming that Litton gains what they hope to gain in that property.

Village Attorney John Staran, by way of explanation, offered that Mackay may not be aware that the Affidavit of Abandonment has already been filed with the Register of Deeds, which are usually recorded immediately but not returned quickly. Staran then asked Mackay if they expected to have authority over the property within thirty (30) days, to which Mackay responded, yes. Staran stated that by ordinance, if the Council decides this evening to enforce the Hearing Officer's order, the ordinance provides a sixty (60) day waiting period before any action would be taken by the Village, (on June 10<sup>th</sup>) which would allow Litton approximately a month or more to determine what to do. Mackay asked if someone else were to purchase the property and wish to repair the property, would he work with the Building Department? Staran replied that the decision was before the Council and if a demolition were ordered, repair of the property would not be an option available, but Council has the option to decide between a demolition or the repair of the property and will be discussing that later in the meeting. Staran reminded everyone that at the Show Cause Hearing before the Hearing Officer, a determination had been made that the structure on this property was beyond repair and demolition was the appropriate remedy. Staran added that this decision had been supported by the Code Official's evidence and the evidence presented by the person managing the property indicating the run down, deteriorated condition of the structure.

When further questioned by Council, Staran added that if Litton Loan Servicing were to come up with a new purchaser or their own plan to rehabilitate the property, and if Council were to agree with the plan, their order decided tonight could be reversed or modified. Staran stated that certainly if there was new compelling evidence or suggestion presented to the Council, the Council would prefer that the property owner take care of this problem so that the Village doesn't have to. Staran stated that the Village needs to be prepared to move forward, which is why the issue is before them this evening. When asked by Council the need for additional time to put plans together (with sixty (60) days probably being extended). Mackay responded that Litton had only conveyed this information to his office on April 6, 2005, and that all options were still being weighed. Staran commented that there was no further requirement for a review of this matter after a determination was made this evening unless some new proposal was made by a future legal owner of the property. Staran added that while the decision can be appealed to the Circuit Court, so there are at least two (2) remedies to preserve their rights available to the owner of the property should the Council agree with the recommendation of the Hearing Officer and order the demolition.

Jahnke then asked if there was anyone else present to speak on behalf of the property owner, to which Mackay introduced the Real Estate Agent, Pat Berry of Jack Christenson

Realtors, assigned to the maintenance of the property for safety purposes. Ms. Berry stated that she had been by the property that day and had found that the grass was cut and the building was secure.

Jahnke then asked if any other members of the public wished to comment.

Bruce Blanton of 27175 Gardenway, across the street from the subject property, stated that Council has been asked to extend the process another sixty (60) days, and stated his opposition to this time extension adding that the house had been in ill repair for many years, and abandoned for approximately two (2) years, occupied previous to that with no water in the house. Blanton stated that the abandonment of the house was made clear at the Show Cause Hearing and asked that the Council proceed with dispatch, citing long term problems with many tenants and the inability of a neighbor to sell his home. Blanton added that he felt that the cost to repair this dwelling would exceed the value of the property, so that if someone tries to repair this property it would be a marginal job. Blanton stated that then it will once again be rented out to marginal people and the Council would not want that type of behavior in the Village. Blanton opined that Council should proceed with plans to demolish the dwelling, and if Litton decides to demolish and bear the cost themselves or if the Village were to contract with a company to perform it, knowing that the cost of the contract to demolish can be attached to the property as a lien and as such the Village will recoup their cost, leaving a nice lot that a new home could be built on, enhancing everyone's property. Blanton concluded stating that it was his opinion that the house should be demolished, not repaired.

As there were no further comments, Jahnke closed the public hearing.

## X. NEW BUSINESS

### A. Consider the Hearing Officer's Order dated February 24, 2005 concerning the Property Located at 27170 Gardenway, Franklin.

Jahnke asked if Council had any further questions, noting that Building Official Bill Dinnan was present and available to answer questions.

**#2005-18 Motion by Sosin supported by McElroy to adopt the report of the hearing officer (Attachment #1), which finds that the property at 27170 Gardenway is a dangerous building, as stated in the following resolution:**

**WHEREAS, the Village of Franklin, pursuant to proper notice, and in accordance with Village Code Chapter 1478, Dangerous Buildings, conducted a hearing presided over by hearing Officer Milford Nemer to determine whether the vacant house at 27170 Gardenway, Franklin, Michigan constitutes a "dangerous building," as defined by said Chapter 1478 and whether it should be ordered demolished, otherwise made safe, or properly maintained; and**

**WHEREAS, by Order, dated 2/23/2005, Hearing Officer Nemer determined the house located at 27170 Gardenway to be a dangerous building, and he required a demolition permit to be obtained by March 14, and the house to be demolished, removed and inspected by March 28, 2005. The property owner did not comply with the Hearing Officer's Order, and the Village Council received from the Hearing Officer a report of his findings, a copy of his order and a request from the Hearing Officer to enforce his order; and**

**WHEREAS, pursuant to proper notice, and in accordance with Village Code Sec. 1478.06, the Village Council has, at its April 11 regular meeting, held a review hearing on the Hearing Officer's findings and order. At the hearing, the owner and other interested parties were given the opportunity to show cause why the Hearing Officer's Order should not be enforced.**

**WHEREAS, the Village of Franklin finds the demolition of the house and properly disposing of all of the debris constitutes a public purpose.**

**THEREFORE, IT IS RESOLVED that based on the record and evidence presented, the Village Council:**

**Approves and affirms the Hearing Officer's findings and demolition order, and the Council further orders that the owner shall comply with the Order by, within 60 days (i.e. by June 10), obtaining a demolition permit, demolishing the house, and properly removing and disposing of all debris at its own expense. Failure to comply with Council's order will result in demolition and removal of the house by the Village, with the Village's costs added to the tax roll in addition to any other fines, penalties or cost imposable under Village ordinance and state law.**

**IT IS FURTHER RESOLVED that if the owner is aggrieved by the Council's decision the owner may appeal the decision or order to Circuit Court by, within 20 days, filing a petition for an order of superintending control.**

**Coyer offered the amendment as follows:**

**(#4 Whereas, inserted in above text) WHEREAS, the Village of Franklin finds the demolition of the house and properly disposing of all of the debris constitutes a public purpose.**

**The amendment was accepted by both Sosin and McElroy.**

When asked if, in the demolition of this structure does the Village itself take on any liability for a wrongful condemnation, answered that certainly if the process had not been properly followed there would be that risk. Staran also opined that the Village had closely and strictly followed its ordinance, which is authorized by state law, had properly conducted both the previous Show Cause Hearing and the Review Hearing pursuant to notice, notice having been properly served; anyone wishing to speak to the issue has been giving adequate opportunity to speak; and the Village Council has held their deliberations in and issued its decisions publicly; and due process has been afforded and is on solid ground.

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

**Nays: None**

**Motion carried.**

## **XI. BIDS/CONTRACTS**

### **A. Consider Side Agreement, NextG Networks of Illinois, Inc.**

Village Attorney Michael Salhaney reported that previously the Council had approved a Metro Act Permit for NextG Networks of Illinois, Inc. and included in the packet were those materials that the conditional approval for the permit had required. Salhaney stated that subsequently the Side Agreement from NextG had been received, whereby NextG

would pay the Village \$500 per pole (as owned by the Village) if NextG would need to place any equipment on any Village owned pole. Salhaney stated that he had reviewed the proposal and made sure that it was a separate and distinct document from the requirements of the Metro Act due to the fact that the MPSC and Metro Authority are very particular and any terms that could be considered in contradiction to the Metro Act were removed to make sure that there would be no violations of the Metro Act. Salhaney added that Matthew Jurson of Richard Connor Riley & Associates, LLC representing NextG was present to answer questions.

Discussion ensued regarding the cost, which was clarified to be \$500 per pole per year. When asked what charges, if any, would the power companies charge for use of their poles Salhaney's response was no, that that was a proprietary secret. When asked how many Village owned poles would be used, Salhaney answered that one has been identified that may or may not be used, as well as any future designated Village owned poles. Salhaney commented that the terms of the side agreement will run a parallel course with the Bi Lateral Safe Harbor permit which runs for 15 years, even if the equipment is subsequently removed from the pole. The size and type of equipment to be placed on Village owned poles was discussed and Council was assured that all would be the size (suitcase shaped and sized) previously discussed.

Further discussion covered terms of the contract, including the fact that this would not be exclusive use of a pole and that the Village could also use the pole for other uses. It was noted that point 4.3 in the contract provided one wave length of capacity for the Village's use to which Jurson responded that this could be used for wi-fi networking for Village use. Jurson further explained that the purpose of the bandwidth is just an extra consideration that could be used for non-commercial functions. Jurson opined that the one or two nodes provided would not be adequate to provide that kind of service for the entire Village, but would not interfere with the Village installing other equipment, or that possibly NextG could work with the Village to install a network or partnering in some way with the Village. Jurson continued stating that the small employment that they originally envisioned would be for the Village offices and the Police facility and that any other agreements would be separate from this side agreement. Jurson agreed to pursue any resources he may be able to stir up and was encouraged to get back with the Village with any further developments, understanding that the Village is anxiously searching for wireless solutions for the Villagers.

Ray Mills, Southfield Twp Supervisor was asked if the Township had put any thought to combining with Franklin, Bingham Farms, and Beverly Hills to be a pilot community for the Wireless Oakland project currently being developed, to which Mills responded that that had not been discussed.

**#2005-19 Motion by Sosin supported by Coyer to approve the entry by the Village of Franklin into the side agreement with NextG Networks of Illinois, Inc. as presented.**

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

**Nays: None**

**Motion carried.**

**B. Consider Bids for Police Vehicle.**

Stoppels stated that the lease is for an administrative vehicle for the Detective Sergeant of the police department, for which a vehicle has previously been provided, and the currently provided lease expired this month, purchase versus lease was explored and lease bids were sought aggressively. Stoppels continued stating that he is recommending

the approval of the bid from Oakland Dodge for a 2005 Dodge Durango for \$319.00 per month, for 39 months which is approximately \$100 less per month than what the previous lease was, and allows for 18,000 miles per year.

**#2005-20 Motion by Harnisch, supported by McElroy to approve the bid for the vehicle from Oakland Dodge for a 2005 Dodge Durango for \$319.00 per month for 39 months, with the annual allowance of 18,000 miles with the initial payment of \$341.19 due.**

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

**Nays: None**

**Motion carried.**

## **XII. PROCLAMATIONS/RESOLUTIONS/ORDINANCES**

### **A. Consider Resolution Declaring Arbor Day in Franklin, April 22, 2005.**

**#2005-21 Motion by Harnisch supported by Lamott to adopt the resolution as follows:**

#### **ARBOR DAY, VILLAGE OF FRANKLIN**

*Whereas,* In 1872, J. Sterling Morton Proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and  
*Whereas,* this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and  
*Whereas,* Arbor Day is now observed throughout the nation and the world, and  
*Whereas,* trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and  
*Whereas,* trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and beautify our community, and  
*Whereas,* trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and  
*Whereas,* trees, wherever they are planted, are a source of joy and spiritual renewal.

*Now, Therefore,* I, Mark W. Jahnke, President of the Village of Franklin, do hereby proclaim April 22, 2005 as

#### **ARBOR DAY**

In the Village of Franklin, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

*Further,* I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

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

**Nays: None**

**Motion carried.**

- B. Consider an Ordinance to Amend Section 1042.20 of Chapter 1042, Sewer Use and User Charges, of Part Ten, Title Four, of the Codified Ordinance of the Village of Franklin, Oakland County, Michigan, to Specify a Penalty for Delinquent Sewer use Charges, to Repeal Inconsistent Ordinances, and to Prescribe a Penalty for violations (first reading).**

**#2005- 22 Motion by Coyer supported by Gallasch to adopt the Ordinance to Amend Section 1042.20 Chapter 1042, Sewer Use and User Charges, of Part Ten, Title Four, of the Codified Ordinance of the Village of Franklin, Oakland County, Michigan, to Specify a Penalty for Delinquent Sewer use Charges, to Repeal Inconsistent Ordinances, and to prescribe a Penalty for violations adopting in the first reading, waiving the second reading.**

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

**Nays: None**

**Motion carried.**

- C. Consider Resolution to Request that Southfield Township Board of Review consider and adopt, Pursuant to MCL211.7u, a poverty exemption guideline that will render ineligible for tax exemption residences with a true cash value of \$250,0000 or more (or such lesser value as the Township Board determines appropriate).**

Jahnke explained the recent court case involving West Bloomfield Twp. in which minimum house values were upheld as a guideline to be used in poverty exemption decisions.

Raymond E. Mills, Supervisor, Southfield Twp was present and explained to the Council that, he was in no way opposed to the proposed resolution and offered that his staff has been diligently gathering information from surrounding communities and have begun the task of revising the Township's guidelines for granting poverty exemptions.

**#2005-23 Resolution to Request that Southfield Township Board of Review consider and adopt, Pursuant to MCL211.7u, a poverty exemption guideline that will render ineligible for tax exemption residences with a true cash value of \$250,0000 or more (or such lesser value as the Township Board determines appropriate).**

**The following resolution was offered by Gallasch supported by Harnisch:**

WHEREAS, by law, the Township of Southfield is responsible for property tax administration in the Village of Franklin; and

WHEREAS, the General Property Tax Act, at MCL 211.7u, authorizes a full or partial property tax exemption for the principal residence of persons who, in the judgement of the Board of Review, by reason of poverty, are unable to contribute toward the public charges; and

WHEREAS, MCL 211.7u further provides that these guidelines shall include, but are not limited to, the specific income and asset levels for the person claiming the exemption and also anyone else who is part of the household; and

WHEREAS, the Michigan Court of Appeals, in its unpublished opinion *Mesiwala v West Bloomfield Twp*, decided February 8, 2005 (Docket No. 250425), recently upheld West Bloomfield Township's poverty exemption guideline which provides that homes valued at more than \$250,000 do not qualify for a poverty exemption; and

WHEREAS, the Franklin Village Council believes that adopting a poverty exemption guideline containing a true cash value limit on the home is lawful and appropriate and will serve to prevent the granting of poverty exemptions inappropriately to persons who own, build or purchase expensive homes.

THEREFORE, the Franklin Village Council resolves to request the Southfield Township Board to consider and adopt, pursuant to MCL 211.7u, a poverty exemption guideline that will render ineligible for tax exemption residences with a true cash value of \$205,000 or more (or such lesser value as the Township Board determines appropriate).

IT IS FURTHER RESOLVED that the Village Clerk shall forward a copy of this resolution to the Southfield Township Board.

**Ayes: McElroy, Gallasch, Lamott, Coyer, Harnisch, Jahnke**

**Abstain: Sosin**

**Nays: None**

**Motion carried.**

**XIII. CLOSED EXECUTIVE SESSION - Strategy Session Related to Negotiation of Collective Bargaining Agreement with Police Officers' Association of Michigan.**

**#2005 - 24 Motion by Coyer, supported by Harnisch to move to the Closed Executive Session.**

**Roll Call Vote:**

**McElroy Aye**

**Sosin Aye**

**Gallasch Aye**

**Lamott Aye**

**Coyer Aye**

**Harnisch Aye**

**Jahnke Aye**

**Motion carried.**

**9:48 p.m.**

Jahnke announced the beginning of the closed session.

**10:57 p.m.**

President Jahnke re-opened the regular Council meeting, stating that the Closed Executive Session had been a Strategy Session Relating to Negotiation of Collective Bargaining with the Police Officers' Association of Michigan.

**XIV. ADJOURNMENT**

**Motion by Coyer supported by McElroy to adjourn the meeting.**

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

There being no further business, the meeting was adjourned at 10:59 p.m.

Respectfully submitted,

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Eileen H. Pulker, Clerk

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Mark W. Jahnke, President