

**PROCEEDINGS OF VILLAGE OF FRANKLIN
VILLAGE COUNCIL REGULAR MEETING
MONDAY, JUNE 13, 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 8:00 p.m. at the Franklin Village Hall, Franklin, Michigan.

II. ROLL CALL

Present: Mark W. Jahnke, Fred Gallasch, Randy McElroy, Dominick Schiano, Alan Harnisch, Bill Lamott, Brian Coyer (arrived 8:05 p.m.)

Also Present: Jon Stoppels, Administrator
Eileen Pulker, Clerk
John Staran, Village Attorney, Beier Howlett
Edward Glomb, Police Chief
Tony Averbuch, Fire Chief

III. RESOLUTION TO WELCOME TRUSTEE SCHIANO

#2005- 41 Motion by Lamott supported by McElroy to Welcome Trustee Schiano as stated in the following resolution:

WHEREAS, upon the resignation of Ralph Sosin for the elected position of Village Council Trustee; and

WHEREAS, the Village of Franklin appointed an experienced and well-regarded resident to fill the unexpired term of Mr. Sosin which runs until September of 2005; and

WHEREAS, the newly appointed Council Trustee fully meets all of the requirements to hold a seat on the Village Council; and

WHEREAS, the Village Council chose a highly regarded and respected Village Treasurer to fill this vacancy; and

WHEREAS, it is the sense of the Council that we are proud and honored to welcome a man of proven capabilities and record of service to the community.

NOW, THEREFORE, I RESOLVE that the Council publicly welcome Mr. Dominick Schiano to the Council and the balance of the unexpired term of Mr. Ralph Sosin which will run until the September 2005 Village Election.

Harnisch stated that he was personally pleased to be a fellow member of the Council with Dominick Schiano who has been an asset to the Village for several years and it was good to have him on Council.

Ayes: McElroy, Gallasch, Harnisch, Lamott, Jahnke

Abstain: Schiano

Absent: Coyer

Nays: None

Motion carried.

IV. ADOPTION OF AGENDA

Motion by Gallasch supported by Harnisch to amend the Agenda as follows:

1) delete IX.D, Plante Moran Report

- 2) **add IX.D, Pam Hansen, Planning Commission Report (Special Report)**
- 3) **move item XI A. Fire Department Contract to item IX. AA, first item under Special Reports**
- 4) **add item X. C. Consider Resolution Regarding Authority of Police Contract Negotiating Committee.**

Ayes: McElroy, Schiano, Gallasch, Harnisch, Lamott, Jahnke

Absent: Coyer

Nays: None

Motion carried

Brian Coyer arrived.

V. MINUTES

A. Regular Meeting of May 9, 2005

Motion by Lamott supported by McElroy to approve the minutes of the Regular meeting of May 9, 2005 as presented.

Jahnke offered two possible amendments to the minutes, the first being page 8 under Appointments to the Negotiating Team, under Trustee Sosin's comments, he had stated that it would be his preference that the President of the Village be one of the three on the Negotiating Team, and then named his preference which would be Jahnke, Lamott, and Gallasch; and that Jahnke had commented that he believed that his relationships with the Administrator and the Police Chief, and his endorsement by the POAM in last year's election were not good reasons to exclude him from the Negotiating Committee.

Secondly, Jahnke added that on page 14, under Council Resignation, Consider Council Trustee Resignation/Replacement, the comments before the discussion and vote by Trustee McElroy should read, "We have given this a great deal of thought, a number of candidates have been talked about and have been asked and evaluated."

McElroy added, that as long as that was being discussed, he stated that if he had given the impression that he had met with people illegally, that that would be wrong, because he had met with people one at a time to find out what people thought, and should have stated "meeting with people on an individual basis", and that he and the Council had come to a sense of the Council that Dominick Schiano would be an outstanding replacement for Mr. Sosin, none of which was in violation of the Open Meetings Act.

Ayes: McElroy, Harnisch, Lamott, Coyer, Jahnke

Abstain: Gallasch, Schiano

Nays: None

Motion carried.

B. Budget Public Hearing of May 23, 2005

McElroy commented that the attachments should always be included when minutes are distributed.

Gallasch commented that rather than verbatim comments in the minutes, summations are included, described as "discussion ensued", and he opined that he would rather see specific individual comments in some cases, and include more specific documentation of more complete discussions, closer to what actually transpired.

McElroy added that additional help for the Clerk, as previously provided, might enable more verbatim versions of minutes to be produced more regularly and worth the expense.

Jahnke stated that in his opinion of minutes in general, minute preparation is an art, not a science, and added that he believed that the Council thought Clerk Pulker did a fabulous job and that that is not an easy thing.

Jahnke also pointed out that the attachment from Trustee McElroy was received during the meeting at the time the motion was addressed concerning the FY2005-2006 Budget, and that he was not in agreement with several things in that memo and opined that it kind of cheapened the minutes to bring a memo to the meeting incorporating it by reference at that time.

McElroy responded stating that he objected to the amendment number two, and that he disagreed with the President's opinion that the President had invented that which was proposed, but rather that the entire previous Council had examined these options, and that is why he had spent all the time working on that document to explain to the community, who rarely knows the history behind the plan, and to explain what actually had happened.

Jahnke added that it was his hope that if Council wanted to bring items to be included in minutes they should be provided, with references to what prior public meetings are being referred to, so that there is an ability for the public to read and make sense of what is presented.

McElroy responded that he would be happy to do that.

Motion by Lamott supported by Harnisch to approve the minutes of the Budget Public Hearing of May 23, 2005 as presented.

Ayes: McElroy, Gallasch, Coyer, Lamott, Jahnke

Abstain: Harnisch, Schiano

Nays: None

Motion carried

VI. REPORTS OF VILLAGE OFFICERS AND AGENTS

Police Chief Ed Glomb reported that in addition to his written report submitted to Council, the Village has been plagued with people leaving cars unlocked and garage doors open throughout the Village. Glomb stated that three different incidences all late at night, cars left on driveways unlocked or garage doors open, occurred over the last few weeks. Glomb noted that he had similar incidences in Bingham Farms, with people leaving personal belongings out on desks, and left unattended are grabbed by someone. Glomb added that credit cards that are taken are used immediately. Glomb asked that the public be aware of these incidences, and take care to lock up cars, garages, and personal items in the workplace. Glomb added that these thefts are occurring all over the area, not unique to Franklin, but these seem to be crimes of opportunity. Glomb also stated that other than the aforementioned problems, things were quiet in the Village and that plans were being made for the Ben Franklin Birthday party and Music and Movies on the Green all in July. McElroy asked if there was some way to note in the Quorum newsletter, that people should walk opposite of traffic, to avoid being surprised and potentially harmed by vehicles in the Village and that if the advise came from the Police Chief it would have more impact. Glomb added that bicyclists also need to take care and not obstruct traffic on main roads, with people talking on cell phones for example, it becomes dangerous

Fire Chief Tony Averbuch reported in addition to the written report already submitted, the Fire department had been very busy. In addition to two structure fires in

Franklin and in Bingham Farms, the department also assisted Highland Park with the arson fires there. While more details will be forthcoming next month, one of the fires was a result of carelessness in the kitchen, and Averbuch cautioned those listening to take note and use caution when preparing food. Jahnke questioned how the department had been notified of a fire in an unoccupied home at the end of May, to which Averbuch replied that a neighbor had phoned 911. Gallasch asked about the date for the fall Michigan Fireman's Memorial Festival in Roscommon, Michigan to which Averbuch replied that the event is the third weekend in September, but that the new apparatus (Fire Truck) expected to be received by then, is now delayed due to manufacturing difficulties until mid-November. McElroy commented on the support provided by the Franklin/Bingham Farms Volunteer Fire Department during the recent arson fires in Highland Park, and the rapid response by the department upon learning that the pump trucks were needed even though this was not a neighboring community.

Interim Treasurer Dominick Schiano began his report by thanking the Council for the opportunity to serve as Treasurer for the past two years adding that it has been a distinct pleasure working with this team, and great to have been a part of a lot of good things that have occurred. Schiano stated that he is looking forward to working with the Council in his new capacity and will continue to do what he can to help as the Village searches for a new Treasurer. Schiano continued stating that in the package for tonight's meeting is a list of bills totaling \$134,141.72 for the Council's consideration and authorization and the expenditures are generally consistent with the approved FY2004-2005 Budget, subject to the adoption of the Budget amendments to be proposed later in the meeting. Schiano commented that the normal reviews had taken place over the course of the last year each quarter and the effect of proposed amendments to the General fund, which represent a reduction in revenue of \$8,188.00 (0.5%) and an increase in expenditures of \$20,040.00 (2.0%). Schiano added that considering the amendments, the Village has balanced Budget for the fiscal year and Fund Balance to carry forward of \$584,090.00. Schiano stated that the Village has sufficient funds to meet its current obligations and in the Council's package is a list of account balances on deposit with Comerica Bank. Schiano added that as evidenced by the approval of the minutes of the Budget Public Hearing of May 23rd, 2005, the Village's Fiscal Year 2005-2006 Budget has been adopted. Schiano further commented on the new budget, stating that the budget calls for a \$45,597.00 improvement in our General Fund Balance and a 26% reduction in millage from 8.9058 mills to 6.5993 mills (per thousand dollars in Taxable value). Schiano added that a significant portion of the reduction can be attributed to the disposition of excess cash in the pressure sewer account to retire indebtedness and that of the total 26% reduction, 23% relates to the debt reduction, 5% of which is permanent and 18% of which is for this fiscal year only and that lower operating millage accounts for the remaining 3%. Schiano further commented that it was decided at the May 23, 2005 Budget meeting to engage Plante Moran as Village Auditors during the 2005-2006 fiscal year and to audit the financial accounts of the FY2004-2005 Budget. Schiano added that he supported the decision and welcome them in service the Village, looking forward to working with them.

VII. SUBMISSION OF CURRENT BILLS

Motion by Schiano, supported by Lamott to approve the bills list as presented.

Gallasch questioned the legal bills, to which Stoppels responded that the legal bills had been totaled with the General Administration bills, but had been listed separately within that category and also spread throughout the list, as in Building and other funds. Gallasch also questioned the cleaning bill for the police facility citing an

increase in the bill, and Chief Glomb clarified that this was a weekly charge and since there had been five weeks covered the cost was up for last month. Gallasch also questioned the purchase of a lawn mower, to which Stoppels responded that that had been purchased previously and has erroneously been left on the bills list for this month.

General Administration	\$ 10,236.94
Tax Funding	\$ 30,339.00
Building	\$ 33,125.82
Insurance	\$ 17,834.52
Legal	\$ incl.
Police	\$ 6,506.80
Pressure Sewer	\$ 200.00
Roads	\$ 8,775.00
Rubbish	\$ 13,497.00
Trust & Agency	\$ 11,900.00
Waste Water	\$ 827.01
Village Hall & Grounds	\$ 975.00
All Funds	\$134,217.09

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

VIII. PUBLIC REQUESTS AND COMMENTS

Mary Hepler of 30575 Rosemond, and Planning Commissioner, stated that she would have preferred the Budget being compiled in the way that had been done in the past with input from the Planning Commission and inquired what funding was to be provided for Master Plan update work to be performed in the upcoming year. Jahnke advised that Jim Stevens, Planning Commission Chairman, had been consulted and had concurred that the funds available would suffice for the function of the commission as well as Master Plan updating work. Lamott added that the Council had directed that more formal procedures be used next year in the budget process, to insure that each of the Commissions were consulted and provided for. Stoppels stated that his procedure for providing for each of the boards has not changed in the time that he has produced Budgets for the Village adding that the Planning Commission has been provided \$15,000 for general operations and \$10,000 for Master Plan update preparation, for a total of \$25,000. Stoppels continued stating that the \$15,000 amount was determined by the current year funds expended of less than the \$19,100 that had been allowed in the FY2004-05 Budget and had discussed budget items at various Planning Commission meetings. Schiano stated that the different commissions had been discussed in preparatory meetings with the Finance Committee and that public comments are welcome at the Budget Public Hearing held each year, during which these items are discussed. Hepler noted that typically the Planning Commission is allowed an opportunity to comment specifically on their needs to fund the coming year's projects. Jahnke noted that Ms. Hepler's comments have been heard and that future budget planning will include aggressively pursuing input from not only Planning Commission, but also Historic District Commission and the Zoning Board of Appeals. Stoppels commented that if significant changes had been made to each of the board's budgets, he would have conveyed that information to the appropriate Chairman.

Rick Koslowski, of 26480 Woodlore and from the Franklin Volunteer Fire Department, Inc., thanked the entire Council for the work that they perform for the Village and welcomed Dom Schiano to the Council and thanked him for accepting the responsibility to serve the community. Mr. Koslowski questioned the requested millage for the Fire Fund requesting the reasoning behind the Council's decision to create a fund balance for the Fire Fund for the FY2005-06, commenting his regret of not being able to attend the budget Public Hearing at which his concerns could have been addressed. Koslowski, noting that the Debt Service has an expenditure of approximately \$489,000 and associated taxes to be collected of about \$487,000; the Library Fund has approximately \$138,000 and associated taxes of \$138,000; the Rubbish Fund expenditure of \$179,000 and taxes of \$180,000; and the Fire Fund with expenditures of \$249,000 and taxes of \$272,000. Koslowski noted that the Fire Department had submitted a budget that called for \$249,280 in expenditures and asked for an explanation why the taxes to be collected exceed the amount requested by \$23,000 (an increase of 9.1%). Jahnke responded that in looking forward, the Council purposely factored in what limitations are to be imposed by the Headlee Act, limiting local jurisdictions in the amount of mills they can assess and by levying the total amount allowable currently, while the Fire Department has done an excellent job of budgeting, this allows for a Fund Balance to be provided for the inevitability of a lower millage rate allowed by law then what is required by the Fire Department and as such being able to use the Fund Balance to meet necessary expenditures for only the Fire Department. Koslowski noted that the Fire Department had always over the many years that he has been involved, lived within the budget amounts requested and he found it surprising to see a \$22,000 increment over the budget provided, and realizing that it is the prerogative of the Council to take action to hedge the future in what the Council may foresee in an increase in Fire Protection services. Gallasch commented that the Council's action is not a reflection on the anticipated increase in Fire Protection service costs, but rather what will be the difficulty of raising revenues going forward, as the only increases in tax base that the Village will incur would be for home renovations, demolitions, and rebuilds due to the Village being built up already. Gallasch continued that if one does a reasonable forecast going forward, the Village is somewhat limited as to the revenues that can be used and with the Headlee Amendment taking some out of the allowable millage every year, then the ability to keep increasing or giving the Fire Department more monies as they might be needed, if we create a small fund balance, as has been done for the General Fund. Gallasch also noted that at some point in the future, the village will need to ask the voters if they will approve going back to the original voted millage of 1.50, in lieu of the .9704 that the Headlee amendment has reduced that millage to over time, which combined with inflation makes it necessary to increase the millage to meet expenses, which the fund balance will allow the Village the flexibility and time necessary to alert the public and conduct an election. Schiano added that these funds can only be used for the Fire Department. Coyer added that this fund balance had been talked of being generated for a long time, prior to the election of March 2004, between himself, Stoppels and Chief Averbuch. Gallasch added that if in the future, the Village's taxable value figures continue to rise sufficiently, then the Council may be in a position whereby the fund balance is not needed to cover expenses and subsequently lowers the millage rate for Fire Protection Services to use up the fund balance. McElroy added that a number of Public Safety Issue millage increases have failed in recent elections, and the Council, in an effort to be prudent, weighing the economy concerns and the other factors mentioned, chose this solution to protect funding for Fire Protection in the Village. Stoppels stated that the forecasting anticipates within the next three to four years, Headlee and Proposal A may affect the Village's ability to raise adequate funds, resulting in the Village requesting a Headlee rollback vote, and the

Council having made provisions such as the Fund Balance to stave off that inevitability, are showing good management. Stoppels continued stating that when he consults with other colleagues, the criticism most often asked was, why did you not prepare for this, knowing it was to happen and this plan is just what is needed to prepare. Stoppels concluded by stating that a fund balance that over the next several years, continuing to collect a similar amount, could result in a fund balance of around fifty percent of the value of the budget, which is what an auditor would recommend for that purpose.

Marcia Gershenson, Oakland County Commissioner, District 17, began by stating that she had been welcomed by the Franklin Garden Club gardeners and enjoyed the garden, which is open to all Villagers to enjoy. Commissioner Gershenson continued stating that she was pleased to be before the Council once again and had a number of items to report on, as follows:

- 1) "Wireless Oakland" Pilot Community applicants – applications are being checked for accuracy; applicants were asked to submit a list of their assets and for which ownership is being verified, checking for locations and usability; private sector partners are being interviewed, no decision will be made until the private sector carriers are determined, then those companies will determine which communities are compatible with their system and no decision will be made until August.
- 2) Prescription program – Oakland County has developed two prescription relief plans for seniors and low-income residents; flyers are available from the Village Clerk, with information about these programs.
- 3) Tour of facility in Oakland County - Energy Conversion Devices, a company that develops solar panels and other energy saving products; the firm will be on the County Bid List to insure that they will be considered for future projects.
- 4) The Commissioners are immersed in their budget process the result of which will be presented at a special meeting in July.
- 5) The Oakland County Board of Commissioners will be conducting four night meetings, the first of which is Thursday June 23, 2005 at 7:00 p.m. in the Commission's Auditorium to hear from Gloria Jeff, Director Michigan Department of Transportation (MDOT), a good opportunity to learn and ask questions about upcoming road work and public transportation to which the public is invited.

Gershenson added that in hearing of the Franklin Bingham Farms Fire Department response to the fires in Hamtramck, she would appreciate being informed of similar community responses that can be positively publicly noted by Oakland County.

Coyer thanked Commissioner Gershenson for her appearance at the meeting, adding that it was timely due to the recent application of the Village to be considered as a Pilot Community for the "Wireless Oakland" project, having been prepared by himself Trustee Lamott and Clerk Pulker, noting that the same subject was listed later on the agenda for this evening's meeting. In response to Coyer's inquiry regarding the Village's status, Gershenson responded that she would check on the status of the application, adding that the Requests for Proposals from the suppliers were all to be received by June 24, 2005, and that forty some providers had indicated an interest in the project and a list of those companies was available.

X. AA. Consider Franklin Volunteer Fire Department, Inc. Agreement for Fire Protection Service.

Jahnke stated that a one-year contract, a copy of which was provided to each member of Council, is proposed and had been reviewed by legal counsel and found to be the same as in previous years.

#2005 – 42 Motion by Coyer supported by Gallasch to approve the Agreement for Fire Protection Service for the Village with the Franklin Volunteer Fire Department, Inc.

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

Nays: None

Motion carried.

IX. SPECIAL REPORTS

A. President's Report, Mark Jahnke

Jahnke began by stating that from time to time by Charter, he would report on activities in the Village and added that some of his comments were reserved for later in the meeting, when the resolution to be provided by Trustee Harnisch is presented.

Jahnke reported on the memo provided by Attorney John Staran on the Open Meetings Act, suggesting that a possible future meeting on the subject be planned.

Jahnke asked Staran to offer an opinion on the election law revisions currently proposed in the State Legislature regarding submission dates for filing documents for the upcoming September 13, 2005 Village Election, the twelve Tuesday before the election being proposed by the State Election Division. Staran replied that while pending legislation would affect future elections, the Village's procedure as outlined in the Village Charter will dictate the filing deadlines (nominating petitions) for this year's election, that is the 7th Friday prior to the election or July 29, 2005 at 4:00 p.m.

Jahnke stated that there would be a vacancy on the Planning Commission due to Lew Hoy's decision to discontinue in that role, and to date one name has been offered as a new Planning Commissioner and Jahnke asked Council members to refer any other possible names to him, before the next Council meeting. Lamott added that there were also two vacancies on the Historic District Commission.

Jahnke reported that the house at 27170 Gardenway was scheduled to be demolished this week.

B. Council Report

Harnisch began by stating he had wished to provide information on the Negotiating Committee that had been voted on at the May 9, 2005 Council meeting, as one of the members of the team and that those views he was to share were personal views only. Harnisch stated that he was a member of the team as were Trustees Gallasch and Trustee Lamott, and he wished to share his own view and philosophy adding that he knew the committee would be expansive in obtaining information and utilize the Clerk, Administrator, Chief, and Legal Council and continue to operate quite openly. Information would be obtained from as many resources as possible before the current contract expires. Harnisch noted that during the last contract negotiation, relationships were strained, and he stated that he would like to avoid that this time. Harnisch continued, stating that as an advisory committee, the committee opted to take responsibility and delay an originally set meeting for June 9, 2005 in order to obtain permission from Council and direction regarding the authority of the advisory committee and the approved parameters for which he had a resolution to state later in the agenda.

Coyer stated that he was to respond on the comments made by the President during various public meetings; comments regarding the President's authority under the Charter.

Coyer added that ordinarily such comments could be dismissed as unnecessary, as they could be either inadequate, unverified or even politically motivated. Coyer added that as Mr. Harnisch has indicated the Village is entering a delicate and important period of negotiations with the Police and the public statements in the public record concerning the President's position with respect to the authority of the President, if erroneous, can be ignored. Coyer added that as a consequence he had prepared a two page memorandum interpreting the Charter in the context of Michigan law that establishes the authority of the Village, and the Charter establishes the authority of the Council and the President, to which he attached a memo dated June 1, 2005, considering what the President considers to be the authority of the Council and the President, and that this is directed to the President's view that he ought to be a member of the negotiating committee with respect to the Police. Coyer continued stating that he believed the Council's appropriate position, as Police negotiations are begun, should be that the Council speak with one voice cooperatively, in dealing with the Police. Coyer mentioned Mr. Harnisch's resolution which will guide the negotiating committee, and noted that he had circulated a memorandum that outlined in general what the authority of the Council is and what authority of the President is and mentioned that there were a number of other circumstances that he could raise regarding the validity of the opinion that had been raised on June 1, 2005 and added that he would ask that his memo be added in the record (Attachment #1) and stated that the basic essence of what the authority of the Council is and the authority of the President which in effect the Village of Franklin is established under the Home Rule Village Act and as a consequence, operates under the delegated authority of the State of Michigan. Under most general understandings of local government law, local governmental units can be destroyed or created by state legislatures. They act only under the expressed authority given to them by the legislature. Sometimes the powers of local units of government can be implied, but never are they inherent. One of the claims that has been made is that the Charter's reference to Chief Executive Officer somehow brings with it, some inherent authority but that gives the President powers that are otherwise unspoken in the Charter, which is in contrast to what the law requires. Our Charter specifies a weak President, strong Council form of government, putting all of the governing authority in the Council. As stated in the Charter Chapter Three, Section One, states that all powers of the Village are vested in the Council and that the Council constitutes the governing body of the Village, acting through its Ordinances and Resolutions. In that Franklin is a home rule Village, the statute itself does not provide everything that should go in the Charter, but it does say what must be in the Charter, which are the powers of a home rule village. There are a dozen or more other powers that can be placed in a home rule village charter, some of have been adopted, others of which have not. None of this prescribes any specific powers to the President, and essentially lets the Village decide through its Charter process what the powers of the Village are going to be. The Council's powers, which are quite broad and in addition the Charter by properly under state law, permits the Village to have advisory committees, not to perform the duties of the council but to advise the Council in what ought to take place. With respect to the Police Negotiating team, that has happened and an advisory committee has been created and Mr. Harnisch's resolution will clarify that. The President's powers, aside from being the informal powers to lead, the power to reach a consensus, the political power, the power of persuasion, the power of friendly discussion, the power of initiating of ideas on an informal basis. The President's powers are spare and thin; they are that the President shall preside at meetings of the Council, the President shall be a voting member of the Council, the President shall exercise supervision over affairs of the Council, and see that the laws are enforced. The term supervise could add an opening, a better explanation would be to critically watch over

something rather than administratively direct the power of the Village. There are other provisions in the Charter; the Police Chief reports to the President and the President is able to appoint a Police Chief or Marshall or in the absence of a Police Chief or a vacancy there can also appoint a Police Chief, but only with the ratification and consent of the Council. All other actions that a President can take in effect, are with the ratification of the Council. So if one makes the argument that CEO means some inherent power, it doesn't. It simply means that this is a title that is conferred on the President, by the Charter. All of the powers of the President are also specifically identified. The claim then that a basis for authority is based on words that say supervision or CEO, provide special authority that requires the President to either be a member of the negotiating team or made independent policy would be wrong and they simply would be invalid. This is important today because we are about to engage in important negotiations with the Police Department, one of the most revered services of this Village and we don't want to make a mistake, and from this point on we will all read the Charter the same way and will give the authority and the confidence and trust of that negotiating committee that we need. The President needs to be an important part of that process. This President happens to be quite skilled in a number of areas and quite a capable person. The misreading of Charter could lead to side conversations, perhaps the discussion of these negotiations in inappropriately in places that might have other motivations, that would diminish the Council's efforts as they engage in negotiations. Coyer memo and Jahnke e-mail and memo dated 6/1/2005 to be attached to the minutes.

Jahnke clarified that the memo received this evening from Coyer as well as his own memo of 6/1/05 were to be added to the minutes of this meeting, to which Coyer responded affirmatively.

Gallasch added that as a member of the negotiating team he had ascertained through Police Officer Jim Gardner that the officers were fired up, and that a handshake meeting within a week or so would be advisable, while still on a positive note.

Jahnke stated that he appreciated the responses from both Trustees Harnisch and Coyer to his memo dated June 1, 2005, but he had not had a chance to look over the memo yet only having received it one hour ago. Jahnke shared his concerns; the Council is aware that the Village President's power and authority, that no individual Council member has that authority whether granted by ordinance or not, because the Council's authority is limited by Charter and State law as well, and he never said that the Village Council does not have the independent legal authority to make public policy, but did say that a three-member committee needs to know what their parameters are and what their authority is, and welcomes the memo from Coyer and the resolution from Harnisch because it is critical, and we have talked about it for a year, these negotiations are critical and this advisory committee needs to understand and know what they can and can't do. If the Council can come to an agreement this evening what that advisory committee can do, then that is exactly where we ought to be.

Schiano stated that he realized that everyone had taken a lot of time and he being new to the discussion, all of which is based on objective thinking, but at this point, to get two pieces of objective thinking and just attach those separate items to the minutes as documents; the Council should seek briefing from the Village Attorney regarding powers of Council versus power of President, some of which would be interpretive rather than public record of conflicting opinions

Coyer agreed that he would invite that, and stated his belief that this discussion has been going on, albeit on a two by two basis, for several months now, so he would welcome that interpretation in this context.

Coyer added that he thought this was important and appreciated everyone's willingness to listen. The time to resolve this matter might be at the time the resolution by Harnisch is discussed.

Schiano opined that rather than merely attaching differing opinions to the minutes, it would be advisable to defer to legal opinion and have a more thoughtful discussion, there being two different issues; the first being the specific items in regards to the negotiating committee which will be handled later in the meeting, but the larger issue of responsibilities needs to be examined and Schiano added that professional advise would be helpful to which Coyer agreed.

#2005-43 Motion by Schiano supported by Coyer to take the memorandums provided by Jahnke and Coyer along with other research by the Village Attorney and provide a briefing on the powers of the President and the powers of the Council.

Ayes: McElroy, Schiano, Gallasch, Harnisch, Coyer, Lamott

Abstain: Jahnke

Nays: None

Motion carried.

C. FY 2005-2006 Budget

Stoppels stated that approval of the minutes of the Budget Public Hearing of May 23, 2005, the Village's Fiscal Year 2005-2006 Budget has been adopted with the Village millage rate down by two mills. Gallasch added that in spite of the increase in the Fire Department Fund, the Council is still able to maintain the reduction, to which Stoppels replied that the rate for the Fire Department millage did not go up, but rather it generated more due to the increase in taxable values. McElroy stated that only Bloomfield Hills had a lower rate of any similar community, and that the Village remains very conservative, fiscal management, and now for the third year in a row the millage has been reduced.

D. Planning Commission Report, Pam Hansen

Pam Hansen of 32820 Wing Lake, Planning Commissioner, stating that the Planning Commission was looking for responses to the four page report on the Master Plan provided the Council this evening by the July Planning Commission meeting. Public Meetings will be planned for the fall to present these studies to the Villagers. Hansen continued stating that the work in the report presented to the Council was due to the Planning Commission's reviews of the Master Plan and those comments of Council garnered at the joint meeting held previously were the primary source of information. Report consists of distillation of a lot of discussions from many meetings over the last several months, including the Naturescaping Series consisting of the following topics:

1. Vegetation management, design guidelines to protect the natural vegetation heritage of the Village, the demonstration garden to be developed at the Derwich Property adjacent to the Derwich Home Historical Museum, with SOCWA.
2. Healthy lawn, garden and water practices
3. Tree preservation, the planned tree survey
4. Maintain Village character, overview
5. Reasons we cannot enforce ordinances
6. Bury utility lines and maintain open spaces
7. Utilize open space, utilizing the Village Hall for community groups.
8. Village center, appearance, use - partner with the Historic District Commission to encourage businesses and reduce signage.

Hansen stated that comments could be conveyed by calling any Planning Commissioner or Chairman Jim Stevens.

Lamott told Hansen that the Tree Survey had not yet been completed, but would be finished by the end of June.

Coyer commented on ordinance action, ground water health and aesthetics, move forward on pesticide and herbicide awareness and controls.

Hansen stated that tree programs in Ann Arbor and Birmingham were models to be followed and that the material presented was a group effort. Hansen reported that the four Naturescaping programs had been videotaped and were being rebroadcast on Cable Channel 15.

Gallasch added that the Birmingham Area Cable Board was pleased with the public content in the programs, stating they would be timely now and a year from now, and were full of valuable information.

Harnisch, the programs can be copied and made available at the Library and Village Hall for borrowing to view for those without cable.

Hansen stated that the first two programs in the series were already running on Bloomfield TV Channel 15, and that a copy of the tape had already been provided and is available in the Clerk's office.

McElroy was there a way to show the schedule to which Gallasch responded that there was a schedule available with viewing times in the Village office.

Lamott added that the segments on Lawns and Invasive Plants were good programs.

E. National Registration of Historic District Status

Lamott reported that the National Registration of Historic District Report, contracted for two and one-half years ago, and performed by Eastern Michigan University Masters Program students under the direction of Professor Ted Ligibel, had been submitted to and approved by the State Historic Preservation Office (SHPO), and would next be sent to the National Park office for their approval and entry onto the national database, for which we will receive a certificate.

F. Wireless Communications Report

Lamott reported that the Distributed Antenna System (DAS) installed by ClearLinX has been installed, but has not been activated due to contract difficulties in the merging of AT&T and Cingular, and environmental compliance concerns. Lamott added that no date has been given to the start date of the service to be provided.

Coyer further reported that in talking to Stoppels, ClearLinX is installed, they just need the switch to be thrown following EPA concerns being addressed. NextG has already been reported on in previous meetings. Pilot program status with the Wireless Oakland project has already been reported on, and proposed that marketing with respect to suppliers and to sell Franklin to them, after obtaining a list of providers.

Jahnke commented that the Wireless Committee members cannot talk as negotiators for the Village and that Jon Stoppels be involved and aware of any communications.

**#2005-44 Motion by Coyer supported by McElroy, that Council authorize the Wireless Communications Committee to contact the "Wireless Oakland" providers to pursue and persuade such providers to take Franklin into consideration as they move forward,
Amendment by Coyer accepted by McElroy:
and all such communications will be reported to Mr. Stoppels and that Mr. Stoppels will be employed to the extent that it is appropriate.**

Ayes: McElroy, Schiano, Gallasch, Harnisch, Coyer, Lamott
Abstain: Jahnke
Nays: None
Motion carried.

X. **NEW BUSINESS**

A. Consider Application to Demolish Structures at 26720 Captains Lane.

Jahnke began by introducing the application referring to the packet provided by the Building department, and having been approved by the Historic District Commission, and noting that the tree permit application is being reviewed for the new building construction not the demolition as no trees are to be removed in the demolition process.

#2005-45 Motion by Gallasch, given that the Historic District Commission has found no historic significance in the property, that all appropriate paperwork has been submitted and that no trees are to be removed during the demolition process, to approve the demolition permit for the demolition of the structure at 26720 Captains Lane, subject to the \$5,000 bond being submitted prior to the issuance of the permit, and any such requirements of the building official.

Coyer questioned if all ownership issues in the property had been resolved and if permission had been obtained from the mortgage holder, if any, of the property. Staran responded stating that he had reviewed those issues and was satisfied.

Neighbor William Meade, of 26725 Captains Lane, spoke in support of the new neighbors citing conversations with other neighbors and added that he knew no objections and that they were anxious to welcome this new family to the neighborhood. Phil Klein spoke to the Council thanking them for hearing his application and was available for any questions.

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

B. Consider Amending Fiscal Year 2004-2005 Adopted Budget

Jahnke reported that Stoppels, Pulker, and Schiano with assistance from the Finance Committee, had reviewed the current Fiscal Year Budget for 2004-2005 and the following line items are to be adjusted to conform to the balanced budget required by law and as recommended by our auditors, and having been reviewed each quarter by the finance committee.

#2005-46 Motion by Schiano supported by McElroy to amend the current Fiscal Year 2004-2005 Budget as follows:

**RESOLUTION TO AMEND FISCAL YEAR 2004-2005 ORIGINAL BUDGET
(3rd Quarter Review)**

WHEREAS: The Village must assure that expenditures in each account do not exceed those budgeted. A review of the Village's 2004/2005 General Fund indicates several accounts where budget amendments are required. We resolve that the following budget amendments be made to the 2004-2005 General Fund budget with funds coming from the appropriation of other funds.

Accounts (Income):

- 000452 - Cable TV Royalties: Increase revenue account to a new total of \$56,000 (original \$30,000).
- 000453 - Cellular franchise fees: Decrease revenue account to a new total of \$0 (original \$20,000).
- 000454 - Right of Way Appl fee: Decrease revenue account to a new total of \$1,000 (original \$7,500).
- 000656 - Police Fines: Decrease revenue account to a new total of \$15,000 (original \$25,000).
- 000659 - Drug Forfeiture Sales: Decrease revenue account to a new total of \$0 (original \$6,000).
- 000665 - Interest Income: Decrease revenue account to a new total of \$12,000 (original \$20,000).
- 000667 - Interest Income fed forfeitures: Decrease revenue account to a new total of \$0 (original \$1,500).
- 000675 - Donations: Increase revenue account to a new total of \$1,500 (original \$100).
- 000676 - Insurance recoveries: Increase revenue account to a new total of \$6,012 (original \$0)
- 000677 - Franklin library reimbursement: Increase revenue account to a new total of \$2,800 (original \$1,500).
- 000680 - Miscellaneous: Increase revenue account to a new total of \$400 (original \$100).
- 000681 - Miscellaneous Police income: Increase revenue account to a new total of \$6,300 (original \$0).
- 000501 - Federal Grant Income: Increase revenue account to a new total of \$2,500 (original \$0).

Accounts (expense):

Council

- 101705 - Surveys: Increase expense account to a new total of \$4,000 (original \$0).
- 101710 - Contractual Services: Increase expense account to a new total of \$2,300 (original \$1,200).
- 101720 - Payments to cable cast board: Increase expense account to a new total of \$30,000 (original \$20,000).
- 101820 - Historic Study Committee: Decrease expense account to a new total of \$3,000 (original \$10,000).
- 101901 - Public Information: Increase expense account to a new total of \$3,200 (original \$2,500).

Elections

- 191727 - Election supplies: Increase expense account to a new total of \$1,740 (original \$0).

Administration

- 102707 - Worker's Comp Insurance: Decrease expense account to a new total of \$100 (original \$1,000).
- 102863 - Administrator Vehicle supplies: Increase expense account to a new total of \$5,000 (original \$1,500).

Clerk

- 215702 - Clerk longevity pay: Increase expense account to a new total of \$1,200 (original \$0).
- 215705 - Group Insurance: Increase expense account to a new total of \$18,000 (original \$14,000).
- 215707 - Workers Comp Insurance: Decrease expense account to a new total of \$50 (original \$550).
- 215708 - Retirement contributions: Decrease expense account to a new total of \$30 (original \$1,030).
- 215710 - Contracted Services: Decrease expense account to a new total of \$4,500 (original \$12,500).

Police Department

- 305702 - Longevity Pay: Increase expense account to a new total of \$30,600 (original \$27,600).
- 305703 - Holiday Pay: Increase expense account to a new total of \$30,000 (original \$27,000).
- 305704 - Clerical salaries; Increase expense account to a new total of \$34,900 (original \$26,500).
- 305706 - Life & Disability Insurance: Increase expense account to a new total of \$10,300 (original \$8,300).
- 305707 - Workers Compensation insurance: Decrease expense account to a new total of \$3,500 (original \$7,500).
- 305720 - Contractual services: Decrease expense account to a new total of \$400 (original \$1,900).
- 305725 - Rubbish bin rental fee: Decrease expense account to a new total of \$200 (original \$1,200).
- 305727 - Office Supplies: Increase expense account to a new total of \$3,000 (original \$2,000).
- 305731 - Contributions: Decrease expense account to a new total of \$0 (original \$1,000).
- 305802 - Accounting Services: Increase expense account to a new total of \$4,000 (original \$3,000).
- 305807 - Annual Auditing Fee: Increase expense account to a new total of \$11,500 (original \$7,500).

- 305845 – Drug Forfeiture Expense: Decrease expense account to a new total of \$0 (original \$6,000).
- 305853 – Communications expense: Increase expense account to a new total of \$18,500 (original \$16,500).
- 305860 – Police Liability Insurance: Increase expense account to a new total of \$7,400 (original \$5,800).
- 305863 – Police Car Operation: Increase expense account to a new total of \$33,000 (original \$25,000).
- 305865 – Police car insurance: Increase expense account to a new total of \$22,500 (original \$18,500).
- 305891 – SAD receipt Adjustment: Increase expense account to a new total of \$11,200 (original \$0).
- 305920 – Utilities: Increase expense account to a new total of \$10,000 (original \$8,000).
- 305981 – Autos & Related Equipment: Decrease expense account to a new total of \$24,600 (original \$34,100).

Expenses – Other Funds

- 405930 – Broughton House Repair/Maint/Supplies: Decrease expense account to a new total of \$5,000 (original \$8,000).

Other Functions:

- 271910 – Library Insurance Expense: Increase expense account to a new total of \$2,800 (original \$0).
- 865910 – Liability Insurance & bonds: Decrease expense account to a new total of \$28,700 (original \$37,500).
- 875960 – Prior year adjustment: Increase expense account to a new total of \$2,000 (original \$0).

WHEREAS; The Village must assure that expenditures in each account do not exceed those budgeted. A review of the Village's 2004-2005 Building Department Fund indicates several accounts where budget amendments are required. We resolve that the following budget amendments be made to the 2004-2005 Building Department Fund budget with funds coming from the appropriation of other funds.

Accounts (Income):

- 000475 – Engineering Income: Increase revenue account to a new total of \$12,250 (original \$9,250).
- 000487 – Tree Removal Permits: Decrease revenue account to a new total of \$4,000 (original \$24,000).

Accounts (Expense):

- 000702 – Longevity pay: Increase expense account to a new total of \$1,000 (original \$0).
- 000705 – Group Insurance: Increase expense account to a new total of \$15,000 (original \$13,000).
- 000811 – Building Plan Reviews: Increase expense account to a new total of \$24,000 (original \$20,000).
- 000812 – Building Inspections: Increase expense account to a new total of \$85,000 (original \$75,000).
- 000813 – Building Administration: Increase expense account to a new total of \$17,000 (original \$15,000).
- 000927 – Office Supplies: Increase expense account to a new total of \$2,750 (original \$750).
- 000999 – Refunds: Increase expense account to a new total of \$1,500 (original \$0).

WHEREAS; The Village must assure that expenditures in each account do not exceed those budgeted. A review of the Village's 2004-2005 Major Street Fund indicates several accounts where budget amendments are required. We resolve that the following budget amendments be made to the 2004-2005 Major Street Fund budget with funds coming from the appropriation of other funds.

Accounts (Income)

- 000546 – Motor Vehicle Highway Fund Act 51: Increase revenue account to a new total of \$134,204 (original \$128,204).
- 000682 – Road Oiling Reimbursement: Increase revenue account to a new total of \$2,600 (original \$600).

Accounts (Expense)

- 474775 Road Maintenance – traffic services: Increase expense account to a new total of \$8,500 (original \$5,500).
- 472818 – Non motorized improvements - dust control: Increase expense account to a new total of \$6,000 (original \$5,000).

965965 – Contribution to local street fund: Increase expense account to a new total of \$33,000 (original \$0).

WHEREAS; The Village must assure that expenditures in each account do not exceed those budgeted. A review of the Village's 2004-2005 Local Street Fund indicates several accounts where budget amendments are required. We resolve that the following budget amendments be made to the 2004-2005 Local Street Fund budget with funds coming from the appropriation of other funds.

Accounts (Income)

000582 – Major Street Fund: Increase revenue account to a new total of \$33,000 (original \$0).

000680 – Reimbursements: Increase revenue account to a new total of \$10,000 (original \$0).

Accounts (Expense)

477000 – Local Road Improvements (2002): Increase expense account to a new total of \$5,000 (original \$0).

WHEREAS; The Village must assure that expenditures in each account do not exceed those budgeted. A review of the Village's 2004-2005 Fire Fund indicates several accounts where budget amendments are required. We resolve that the following budget amendments be made to the 2004-2005 Fire Fund budget with funds coming from the appropriation of other funds.

Accounts (Expense)

Miscellaneous: Increase expense account to a new total of \$6,000 (original \$0).

WHEREAS; The Village must assure that expenditures in each account do not exceed those budgeted. A review of the Village's 2004-2005 General Debt Service Fund indicates several accounts where budget amendments are required. We resolve that the following budget amendments be made to the 2004-2005 General Debt Service Fund budget with funds coming from the appropriation of other funds.

Accounts (Income)

Real Personal property Taxes - Pressure Sewer: Decrease Revenue Account to a new total of \$0 (original \$558,216)

Accounts (Expense)

905991 – Pressure Sewer – Principal payment: Decrease expense account to a new total of \$0 (original \$352,455).

905992 – Pressure Sewer Debt interest payment: Decrease expense account to a new total of \$0 (original \$205,776).

WHEREAS; The Village must assure that expenditures in each account do not exceed those budgeted. A review of the Village's 2004-2005 Pressure Sewer Fund indicates several accounts where budget amendments are required. We resolve that the following budget amendments be made to the 2004-2005 Pressure Sewer Fund budget with funds coming from the appropriation of other funds.

Accounts (Income)

000402 – Tax Revenue: Increase revenue account to a new total of \$558,216 (original \$0).

000660 – Interest Income other: Decrease revenue account to a new total of \$500 (original \$4,500).

000662 – Interest Income Oakland Sewer: Increase revenue account to a new total of \$37,000 (original \$14,000).

000664 – PS on capital charges: Increase revenue account to a new total of \$36,000 (original \$30,000).

000666 – Bond proceeds: Decrease revenue account to a new total of \$0 (original \$24,000).

Accounts (Expense)

875802 – Accounting Services: Increase expense account to a new total of \$2,750 (original \$1,750).

875822 – Annual Audit fees: Increase expense account to a new total of \$2,750 (original \$1,750).

- 905991 – Pressure sewer principal payment: Increase expense account to a new total of \$352,455 (original \$0).
905992 – Pressure sewer interest payment; Increase expense account to a new total of \$205,776 (original \$0).

WHEREAS; The Village must assure that expenditures in each account do not exceed those budgeted. A review of the Village’s 2004-2005 Waste Water Management Fund indicates several accounts where budget amendments are required. We resolve that the following budget amendments be made to the 2004-2005 Waste Water Management Fund budget with funds coming from the appropriation of other funds.

Accounts (Income)

000483 – Environmental Grant: Decrease revenue account to a new total of \$7,000 (original \$10,000).

Accounts (Expense)

371821 – Grant Expenses: Decrease expense account to a new total of \$7,000 (original \$10,000).

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

Nays: None

Motion carried.

C. Resolution Regarding Authority of Police Contract Negotiating Committee

#2005-47 Motion by Harnisch and supported by Coyer to resolve as follows:

WHEREAS, this Council, at its regular meeting on May 9, 2005, having appointed an advisory committee to enter into negotiations and discussions with the police officers of the Village of Franklin regarding a new possible contract between the Village and the police officers union (hereafter the “Police Negotiation Committee” or the “Committee”), such Committee consisting of H. Fred Gallasch, President Pro Tem, Alan Harnisch, and Bill Lamott; and

WHEREAS, it being appropriate the Committee know the parameters of its authority,

The Franklin Village Council hereby authorizes the Police Negotiation Committee as follows:

- 1. The Committee and its members are authorized to meet with the police officers and their representatives, both collectively and individually.**
- 2. The Committee and its members, both collectively and individually, are authorized to collect information of any kind and input of any kind from all sources.**
- 3. The Committee and its members, both collectively and individually, are authorized to meet with and discuss with any and all parties, without limitations, as to any issue regarding the possible contract with the police officers.**
- 4. The Committee is expected to use the full resources of the Village at its disposal, including input from the Village President, Council members, Administrator, Clerk, Chief of Police, legal counsel and other officials, employees and agents.**
- 5. The Committee shall meet as needed, either collectively or individually, and both internally and with others, in a manner as the Committee deems**

- appropriate and without prior authorization from this Council or any other party.**
- 6. The Police Negotiation Committee shall be the sole voice of this Franklin Village Council in the process of the negotiations with the police officers unless and until this Village Council decides otherwise.**
 - 7. The Committee shall report back to the Village Council, either in a public session or an executive session, as may be appropriate, and at such time and in such fashion as the Village Council deems appropriate.**
 - 8. The Committee is not authorized to enter into any contract with the police officers, that authority being reserved solely to this Franklin Village Council.**
 - 9. The Committee is not authorized to take any formal positions regarding the possible contract, that authority being reserved solely to this Franklin Village Council, except as otherwise approved in advance by this Village Council.**

Harnisch further commented that he attempted in this resolution to both be very narrow as to the committee's authority, in that the committee has no authority to bind the Village to anything during the negotiation stage. Harnisch continued stating that he also tried to give the committee broad authority to go forward as necessary to put in process a timely contract with the Police Officer's Union. Harnisch opined that the committee should have the authority to move forward, have discussions, take actions necessary to move the process forward, without binding the Village, the authority for which is only vested in the Council. Harnisch stated that the only reason he put in the resolution references to the full committee or individual committee members is so that the committee is not limited if one or two ~~of more~~ members cannot participate for any reason, the committee can still go forward and individually have discussions, meetings, and acquire information. He did not want the committee to be hamstrung by having to have all three members present in order to move forward in any way. Harnisch added that using that language is certainly not an attempt by any committee member including himself to usurp any authority from the committee as a whole or from the Village Council. Harnisch concluded stating that he was asking the Council to accept that as a committee they intend to go forward in good faith and to do what is right for this Village and bring back to this Council a contract that all will be proud of.

Jahnke stated that having only received this document this day, and while he is very supportive of defining that the committee shall know the parameters of their authority, and appreciates the fact that the committee members realize that collectively and individually, and while he would suggest that the committee should be collective, not individual and certainly the most important committee the Council will have this year, so if certain members of this committee cannot attend the meetings, then they should not be on the committee. Jahnke, citing the "discuss ... without limitations ... any issue", opined that he did not understand that but was certain it could be worked through; and was also concerned that the committee using full resources of the Village, that should be a Council decision, but certainly the Council would be in agreement that this is an important exercise and the full resources of the Village should be at its disposal, but that that should be at Council's disposal and that committee should come to Council with those recommendations. Jahnke added citing, "the Police Negotiating committee shall be the Council's sole voice" that would be a difficult one, if he am approached on different subjects he will certainly make Council aware of that, he does from time to time have discussions with people about this subject. Jahnke, also citing, "Item 9, taking formal positions" he opined that the sense of that item is correct, that this committee cannot take

any formal positions regarding the contract except as authorized or approved in advance by the Council. Jahnke added his concern, as stated previously, in June 1st, 2005 memo, which can be discussed in the strategy session, that this committee understands that it is an advisory committee, having not had an opportunity to go through either this resolution or Trustee Coyer's memo in detail, this committee is an extension of Council, not a management committee, and in terms of negotiating, in his view is being asked to perform a management function, but what Council is able to do is appoint an advisory committee, and asked if legal counsel John Staran had reviewed this resolution to which Staran replied that he had reviewed it this evening.

Staran opined that there is some general language which Council will either overtime or through further discussion, will further refine, to say what is meant that this is a procedural type of resolution to allow the negotiating committee to move forward, and the committee will receive further direction from Council in terms of what the strategy will be, but this is a step in the right direction and is along the lines of what was discussed at the legal committee meeting.

McElroy stated that the Council is management, collectively, but the three-member committee needs to be able to meet, as a starting point, and come back to Council.

Gallasch stated that the Council is dealing with sincere, intelligent people on the other side of the table, and they know that they work for a Village that is run by a seven member council, knowing that the entire Council needs to approve of everything, and these partners in this process understand how the government is run, and that information is passed back and forth and that the Council will make the decisions. Gallasch added that a set of rules is not necessary, that this is common sense, and to belittle our partners on the other side by thinking that they believe that the three member committee can give them a contract is not the way business is run. Gallasch concluded by stating that we should just get the job done, the police are excited to begin, and have told him that they like the communication plan, that laundry will not be aired in public, that a meeting will be scheduled shortly to get started, and that the Council will talk in closed sessions when necessary, the Police have also agreed that they will work closely to themselves and that the committee will bring come forth and let the Council to make a decision.

Coyer stated that in the resolution there is no reference to any substantive question that is going to come up in the negotiations, this is basically Council now saying without any shadow of a doubt, that this committee is authorized to act in a reasonable, common sense manner and the only reason that this resolution was necessary is because there was a question about that. Coyer closed by stating that this is a great team and the way to demonstrate that is to approve the motion.

McElroy opined that this will end the rift between the parties and it is time to move forward.

Gallasch added that his only conversation thus far has been with one officer, over the telephone, and have already decided that no history will be discussed, but rather to forget what all has gone on in previous years, and will all work together. Gallasch asked all of Council, that if asked by the public or police officers to please keep comments to only the most general terms.

Jahnke stated that he appreciates both the common sense comments and Harnisch's time to put together the resolution, but having just seen this resolution tonight, and for it to be said that he is trying to belittle anyone, and anyone that knows his background and how negotiations proceeded each of the two times he participated, he would certainly want the negotiations to return to that and he knows that everyone agrees on that.

Ayes: McElroy, Schiano, Gallasch, Harnisch, Coyer, Lamott
Nays: Jahnke
Motion carried.

XI. BIDS/CONTRACTS (moved to Special Reports Item IX. AA)

XII. PROCLAMATION/RESOLUTION/ORDINANCES

A. CONSIDER ORDINANCE TO AMEND SECTION 1042.13 OF CHAPTER 1042, SEWER USE AND USER CHARGES, OF PART TEN, TITLE FOUR OF THE CODIFIED ORDINANCES OF THE VILLAGE OF FRANKLIN, OAKLAND COUNTY MICHIGAN, TO MODIFY SEWAGE DISPOSAL SYSTEM RATES AND CHARGES, AND REPEAL CONFLICTING ORDINANCES (FIRST READING).

Staran stated that the rates indicated in the Ordinance before the Council for consideration this evening, have been provided by Oakland County Drain Commission. Stoppels added that over the last several years, the quarterly billing amount changes with occasionally a decrease and most often a modest increase. Both Staran and Stoppels agreed that the rate was not up to the Village to determine, and that the rates would be in effect on July 1, 2005.

#2005-48 Motion by Coyer supported by McElroy to Approve the Adoption of the Ordinance to Amend Section 1042.13 of Chapter 1042, Sewer Use and User Charges, of Part Ten, Title Four of the Codified Ordinances of the Village of Franklin, Oakland County Michigan, to Modify Sewage Disposal System Rates and Charges, and Repeal Conflicting Ordinances, in the first reading, waiving the second reading.

Ayes: McElroy, Schiano, Gallasch, Harnisch, Lamott, Jahnke
Nays: None
Motion carried.

XIII. Consider Whether to Meet in Closed Session, after the Regular Meeting, for Strategy and Negotiation Session Connected with the Negotiation of a Collective Bargaining Agreement with the Police Officer's Association of Michigan.

#2005-49 Motion by Coyer supported by McElroy to table the Item to Consider Whether to Meet in Closed Session, after the Regular Meeting, for Strategy and Negotiation Session Connected with the Negotiation of a Collective Bargaining Agreement with the Police Officer's Association of Michigan.

Ayes: McElroy, Schiano, Gallasch, Harnisch, Coyer, Lamott
Nays: Jahnke
Motion carried.

Staran noted that this item was on the agenda at his suggestion, following discussions during and after the last Legal Committee meeting, but because the planned meeting of the Negotiating Committee had not taken place, there would no longer be a need for the closed session as there would be nothing to disclose privately.

Gallasch commented that the plan in terms of communication will be, from a Council point of view, that when on the Agenda for Council Report, one of the three Negotiating Committee members will give a brief overview of what has transpired, with no specific details, and then when appropriate will consider convening a special session to go over specific and detailed meeting facts, that will be proposed.

Jahnke commented that it was imperative that the Council give direction to the advisory committee before meeting with the officers.

XIV. ADJOURNMENT

Motion by Coyer supported by Lamott at adjourn.

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

Nays: None

Motion carried.

There being no further business, the meeting adjourned at 10:17 p.m.

Respectfully submitted,

Eileen H. Pulker, Clerk

Mark W. Jahnke, President

Attachment #2

From: MJAHNKE

To: <EPULKER

Cc: <JSTOPPELS

Subject: For LLC agenda and council meeting June 13 agenda

Date: Wednesday, June 01, 2005 8:20 AM

Eileen,

For LLC agenda this week and council agenda on June 13:

-Appointment of council person to replace retiring council person, possible Open Meetings Act (OMA) violation;

-Appointment of council "face-to-face" "negotiation team", this type of appointment is not found in any village charter section or ordinance, council appears to be taking on a management function, which is contrary to village charter. (see attached)

Please place these two items at the top of the agenda for the LLC meeting and under "president's report" for the council meeting.

thanks,

Mark J

Memo

To: John Staran
From: Mark W. Jahnke
CC: LLC
Date: DATE * MERGEFORMAT 11/4/2005
Re: Negotiation team appointment

The purpose of this memo is to question the action taken by council at our May 9, 2005 regular meeting, to wit, appointment of a council (3 member) "Negotiating Team" for the police union contract.

This council action is **NOT** allowed under council charter and ordinance. Council does **NOT** have the power and/or authority to appoint itself or individual members to manage village affairs by excluding the village president and/or the village administrator. Attached are village charter excerpts:

Chapter III, Section 2. The council (including the president) constitutes the legislative and governing body, with power and authority to "pass such ordinances and adopt such resolutions as it shall deem proper to exercise the powers possessed by said village of Franklin." The remaining sections of Chapter III go on to define these powers. This section does not give *individual* members of council these powers, nor does any subsequent section.

Chapter III, Section 7. Consistent with wording in Section 2 above "The Council shall act only by ordinance or resolution." This section goes on to indicate that a quorum is 4 members of council and that a minimum of 4 votes are required to pass any ordinance or resolution. This section (again) does **not** give council the ability to appoint themselves to assume the prescribed duties of the village president or the village administrator.

Chapter III, Section 8. This section lays out the duties of the president and indicates that the president shall be the "chief executive officer" of the village. Further, that "it shall be his or her duty to exercise supervision over the affairs of the village..." This suggests that in between council meetings the village president manages the affairs of the village pursuant to the Charter and "ordinances and regulations of the council..."

Chapter III, Section 12. Council *does* have the authority to "appoint advisory committees", however, nowhere in the section or anywhere else does charter say that council can appoint "*management committees*", such as a "negotiating team". These appointed *advisory committees* would, presumably, advise the full council, which then may act only if the required 4 votes are attained. Webster's definition of advisory is: "Empowered to advise <an advisory council>." Again, **NOT** empowered to act or manage.

Above for discussion at this month's LLC meeting and June 13 council meeting.