

**PROCEEDINGS OF THE VILLAGE OF FRANKLIN
REGULAR VILLAGE COUNCIL MEETING
MONDAY SEPTEMBER 12, 2005, 8:00 P.M.
FRANKLIN VILLAGE HALL – BROUGHTON HOUSE
32325 FRANKLIN ROAD, FRANKLIN, MICHIGAN**

I. Meeting Called 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

Motion by Coyer supported by McElroy to excuse Harnisch in his absence from this meeting.

When asked by Jahnke what the reason for the absence was, Coyer replied that he knew Mr. Harnisch would arrive shortly, and that it was customary to excuse Council members in those circumstances. Jahnke replied that the Council Rules and Procedures required a reason for the excused absence, to which Coyer replied that he believed that there were pressing professional responsibilities.

Amendment approved by Coyer and McElroy:

Motion by Coyer supported by McElroy to excuse Harnisch in his absence from this meeting due to professional responsibilities.

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

Nays: None

Absent: Harnisch

Motion carried:

Present: Randy McElroy, Dominick Schiano, Fred Gallasch, Brian Coyer, Bill Lamott, Mark W. Jahnke

Absent: Alan Harnisch (excused)

Also Present: Jon Stoppels, Administrator
Eileen Pulker, Clerk
John Staran, Village Attorney, Hafeli Staran Hallahan Christ and Dudek, P.C.
Bill Castro, Interim Police Chief
Tony Averbuch, Fire Chief
Pam Hansen, Planning Commissioner
Mary Hepler, Planning Commissioner

III. Adoption of Agenda

Motion by Gallasch supported by Schiano to approve the Agenda as presented.

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

Nays: None

Absent: Harnisch

Motion carried.

IV. Minutes

A. Regular Meeting of August 8, 2005

Motion by Gallasch supported by Lamott to approve the minutes of the Regular Meeting of August 8, 2005 as presented.

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

Nays: None

Absent: Harnisch

Motion carried.

B. Special Meeting of August 18, 2005

Coyer noted one correction, (on page 8, in the first line) to amend his comments to read as follows: "Coyer added that in his own experience as an academic, was involved in the International Studies Association group, on accountability in large scale organizations, with his own studies in the area of Police Administration."

Motion by McElroy supported by Lamott to approve the minutes of the Special Meeting of August 18, 2005 as amended.

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

Nays: None

Absent: Harnisch

Motion carried.

V. Reports of Village Officers and Agents

Interim Police Chief Bill Castro referred Council to his written report and added that the transition between his term and that of former Police Chief Glomb continues to progress smoothly. Castro stated that there was a robbery at the Standard Federal Bank on August 16, 2005, at approximately 11:40 am, during which two armed gunmen entered the bank, with several patrons inside, asking tellers to surrender cash and subsequently fled the building. Castro added that the suspects made their getaway in the neighborhood south of the bank, adding that these same suspects are believed to be the same individuals who have robbed several Standard Federal Banks in Oakland County recently. Castro noted that the FBI and several area departments are working together to solve this series of crimes and have received some leads. Castro reported that a larceny of construction equipment had occurred on Wellington on August 9 or 10. Castro further reported that a number of incidences of opportunistic crimes have occurred in the Village during the last month. Castro elaborated on several incidences involving unlocked vehicles with keys, purses, wallets, cell phones and other devices left in the vehicles and stolen by thieves during nighttime hours. Castro stated that a stolen vehicle had been located in the Village, then abandoned, and another vehicle stolen by suspects making their escape and cell phones that had been stolen from Franklin residents were recovered. Castro added that Farmington Hills, Beverly Hills and Southfield Police departments had assisted in both incidences. Castro also stated that the Franklin Police department had assisted the Franklin Bingham Farms Department with a fire in Bingham Farms on September 7, 2005. Castro concluded stating that Reserve Officer Major and Sgt. Girardot had collected supplies, including police equipment and uniforms, and had made a trip down to New Orleans.

Schiano stated that he wished to personally commend those two officers, and noted that many other people had also volunteered to help those evacuees from the Hurricane affecting the Louisiana area. Coyer asked if the costs for the trip were being

reimbursed and not paid for by the two officers, to which Castro replied that the van they were using had been loaned by General Motors and that the officers had a gasoline credit card to use. Several Council members commented that reimbursements for food and gas expenses should be sought, a report should be made of the travel expenses and a report should be made available for use in the Quorum so that the rest Village would also know. Coyer added that, in reference to the robbery at the Bank, he had been in contact with the manager, Ms. Johnson, who made it clear that the officers responding had been very quick, thorough and professional.

Fire Chief Tony Averbuch referred Council to his written report and apologized for not being present at the "Round Up" on Labor Day, when he and three other members of the fire department had been in Louisiana and Mississippi as members of the DHS medical teams. Averbuch reported that the four of them had seen over 6,000 patients as part of two different teams helping with hurricane relief. Averbuch also reported on the Bingham Farms fire, (that had since been ruled accidental), adding that the fire had been discovered by neighbors, while the home was under renovation with no one living there, and with no fire alarm system in the house, the fire went undetected for too long and the home was a complete loss. Averbuch opined that all Franklin residents should find the means to have an alarm system in their homes which would make it possible for the Fire Department to have an opportunity to save more structures. Averbuch added that in regards to the hurricane relief efforts in Louisiana and Mississippi, many people had been impacted and as a leader of medical teams responding to their issues, he wished to stress that everyone should have a plan, have supplies, have contact information, immunizations up to date, and be ready for emergencies. Averbuch also reported that the building expansion at the Fire Department has been completed, the certificate of occupancy had been issued by the Village, for which he thanked the Council. Averbuch added that the new Fire Truck is on its way, with an expected arrival date of the end of November 2005.

Gallasch asked if the Averbuch could provide a list of those things necessary that could be provided in the next Quorum, to which Averbuch replied yes adding that excellent information is available on the websites for the American Red Cross and the Department of Homeland Security.

Jahnke noted that Treasurer Morrow was unable to attend the meeting but had provided a written report for the Council, in which Morrow stated that the bills list to be considered includes the \$1,075,000 Sewer Bond payoff that has been discussed at many previous meetings and that the Village has sufficient funds to meet its current and anticipated obligations. Jahnke concluded stating that Morrow had reported that he, Stoppels and Pulker had met with Plante Moran over the draft of the Audit for Fiscal Year 2004-2005, which will be ready for presentation to the Council at the October meeting. Jahnke added that he would like the finance committee to meet to discuss the draft audit report before Plante Moran makes their presentation to the entire council to which Gallasch agreed.

VI. Submission of Current Bills

Jahnke noted that he knew that there were administrative details to be attended to by Stoppels and Pulker, regarding the year to date totals ordinarily provided in the bills list each month. Jahnke added that the Plante Moran bill includes both the progress bill on the audit and several items not included in the audit. Jahnke added that while he would recommend paying the audit portion of the bill, he would like further review to take place by the finance committee and hold off paying the additional amount until reported on by the finance committee (possibly at the October meeting). Jahnke added that a more complete explanation of those charges, for what specifically the charges were made, and how the Village may perform these tasks ourselves in the future to avoid the additional

charges. Schiano added that much of the additional charges appear to be those items for which Janz & Knight had previously performed and also charged the Village for, however, the amount currently charged seems in excess of what was expected and had been provided by the previous audit firm as generally provided in preparation of the annual audit. Stoppels added that he had already asked Plante Moran to provide a more complete explanation and to provide an idea of what future audits would run based on Plante Moran's experience with the Village this year. McElroy asked why the charges for GASB 34 work were again being charged, when that work had already been provided and charged for by the previous auditors. Gallasch added that in looking back over previous years, the audits would seem to be running twice as much as they had in years previous to last year.

Motion by McElroy supported by Gallasch to approve the bills list subject to the account allocations to be refined by the Clerk and the Administrator with the understanding that the bill from Plante Moran, less the \$12,500.00 audit progress portion billing, be held until further review.

TOTALS:

General Administration	\$ 331,568.79
Building	20,716.78
Insurance	43,073.21
Legal	4,582.50
Police	35,366.92
Pressure Sewer	1,160,721.44
General Debt Service	249,547.67
Major Roads	13,850.05
Local Roads	6,103.66
Rubbish	13,722.93
Trust & Agency	23,900.00
Village Hall & Grounds	1,028.41
Waste Water	2,162.64
ALL FUNDS	<u>\$1,906.345.00</u>

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

Nays: None

Absent: Harnisch

Motion carried.

VII. Public Requests and Comments

There were no comments made at this time.

VIII. Special Reports

A. President's Report, Mark Jahnke, Village President

1. Appointment of New Police Chief, Search process.

Jahnke reported that he had asked the administrator to compile a community profile, a candidate profile and an advertisement for the position. Jahnke noted that he had provided a synopsis of the procedure at the last couple of meetings and that he continued to speak with individuals from the law enforcement community to continue to use resources to move forward on the issue.

2. Village Plan of Government.

Jahnke noted that the Village Government as it is currently situated is ripe for a couple of changes; one would be to reconsider the position of Village Manager, which several years ago based on the counsel of the Village Attorney, it was decided that the Village should have an administrator, and he thought that that should be looked at again. Jahnke stated that in some of the neighboring communities the Council is elected at large, and subsequently among themselves they elect a President as well as the President Pro Tem. Jahnke added that in conversation with Village Attorney Staran, he was informed that in the Village Home Rule Act states that the Village must specifically elect a President, Clerk and the rest of the Council Trustees. Staran added that that was his interpretation. Jahnke stated that recently appointments had been made to committees, including a union negotiating committee and a police and public safety study committee and that those two committees do not have any mutual members, adding that he thought it would be essential for the Village Administrator to be included in those discussions or some common member of those committees, as some common themes are being discussed, and possibly the personnel committee could be utilized in addressing those personnel issues. Jahnke added that the finance committee should be meeting prior to the Organization Meeting and since there are currently four qualified members for the finance committee, he would like council to come to the meeting with an idea of how to configure that committee, and other committees, as well as set-up and plan of government.

Jahnke asked about an item not on the agenda, regarding a site on the north side of 14 Mile Road, questioned whether the lot could be large enough to build on and Stoppels replied that he and Dinnan had made inquiries to the Bloomfield Twp office and would report their findings.

3. Status of Final Compensation Agreement with Former Police Chief, Edward Glomb.

Staran reported that the agreement between the Village and former Police Chief Edward Glomb should be executed this week, and is now nearly complete, requiring only a few minor changes, and an issue to be clarified with MERS. Staran added that the termination date of August 8, 2005 is problematic, and that if the effective date of the termination would be changed to August 31, 2005 which would change no other terms of the agreement, then MERS would be able to accept any funding to be provided by both the Village and Glomb to fund the additional service credit agreed upon.

#2005-86 Motion by Schiano supported by Lamott to approve the additional credited service provision, as provided by the MERS Plan Document, is granted to this member, Edward Glomb, by resolution is adopted by the Village of Franklin Council at its Meeting on September 12, 2005 and it is understood that calculation of the actuarial cost is based on the assumptions approved by the retirement board based on the date the calculation was prepared. Actual future events and experience may result in changes different than those assumed and liability different than that estimated.

Staran, responding to questions, stated that there would not be any additional amounts due by the Village, in fact the document to be signed indicating the above resolution including exact requirements for the funds to be contributed by the Village and those to be contributed by Glomb, and that the Village's contribution can be paid over several years as amortized, the figures for which are to be received from MERS.

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

Nays: None

Absent: Harnisch

Motion carried.

B. Council Report

Coyer reported that the Police Administrator and Public Safety Committee did meet on one occasion with Stoppels to generally discuss issues associated with the resolution passed by Council at their August 18, 2005 Special Meeting. Coyer added that Jahnke had been selected as the Chairman of that committee and that another meeting is to be scheduled shortly, adding that the committee is to discuss the process by which a new Police Chief is to be selected, and that the process will be subject to the recommendations of this committee.

C. Consumers Energy and DTE Tax Tribunal Determination.

Jahnke noted that as discussed at the last meeting, the public utility companies have been successful in seeking tax relief from the state tax tribunal, the specifics of which are yet to be determined.

D. Southfield Township Election Facility (HAVA, Help America Vote Act).

Jahnke reported that Sharon Tischler, Clerk of Southfield Township, having met with election officials, has found that the Franklin Community Church, the Villages' polling located for all elections under the new election laws, is in need of modifications to become compliant with the Help America Vote Act. Jahnke noted that a ramp will be necessary for future elections, and grant money is being requested for the installation of a ramp at the main entrance, not the sanctuary entrance, and different options for ramps are being looked at. Stoppels added that CDBG monies will be looked at for their possible use in providing the ramp.

E. Wireless Facility Update.

Stoppels stated that the Distributed Antenna System has been installed by ClearLinx and is operational with the Cingular service having been installed. Dave Schnieder of ClearLinx has reported that there are modifications necessary to the equipment, and additional nodes may be necessary however, any such changes must be made by DTE employees who are busy currently with Hurricane relief, and are not available for this type of routine work. Stoppels added, that while not at optimum levels, many villagers have commented on their increased service with Cingular within the Village with the new system in place. Stoppels added that no plans have been received from Sprint or NextG.

Jahnke commented that the Wireless Oakland project has not yet named their pilot communities, possibly awaiting word from Lansing on the pending legislation regarding municipal ownership of any such systems.

F. Master Plan Update, Planning Commission.

Pam Hansen, Planning Commissioner began her report stating that she wished to update the Council on the progress of the commission on the Master Plan. Hansen stated that the PC has completed their review of the current 1997 Master Plan document and had incorporated the Council comments received into the PC priorities document that is awaiting additional input from the community. Hansen added that the committee, consisting of herself, Mary Hepler and Mike Hoyt, had worked with Chris Doozan of

McKenna Associates, Inc., planning consultant, and have found that the timeline takes more than a year to complete the process, hoping to complete the task by the end of 2006. Staran stated that notification to neighboring communities is a requirement of the new laws in place for the enactment of the revisions of the Master Plan. Hansen stated that the first community meeting will be held on October 6, 2005 at the Franklin Community Church at 7:00 pm, lasting about two (2) hours, a notice to the community will be mailed toward the end of the next week, and that posters will be developed with the same information to help notify people and encourage people to come. The new Master Plan will be based on the 1997 document however, the new version will be a more streamlined, stand alone document that will be available on the Village website as well as in print.

IX. Proclamations/Resolutions/Ordinances

A. Consider an Ordinance to Amend Section 1040.10 of Chapter 1040, Waste Water Management District, of Title Four, part Ten, of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan to Add subsection (f) Authorizing the Village Administrator to Grant a Two (2) – Year Extension of the Biennial Operating Permit Requirement for On- Site Septic Systems based on Financial Hardship, to Repeal Conflicting Ordinances, and Prescribe a Penalty for Violations (second reading).

Jahnke explained that this was the second reading of this Ordinance. Stoppels responding to questions, stated that there are Villagers on fixed incomes that also have proof from pump out firms that the use of their system does not necessitate pumping out the tank every two years, and a variance could be granted when the environmental issues are not a problem, thus saving the more than \$200.00 charge for a pump out. Discussion ensued regarding possible changes in permitting requirements to every three years instead of two, and based on environmental need, what would be the appropriate, justifiable span of time between pump outs.

#2005-87 Motion by Coyer supported by Schiano to table the Ordinance to Amend Section 1040.10 of Chapter 1040, Waste Water Management District, of Title Four, part Ten, of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan to Add subsection (f) Authorizing the Village Administrator to Grant a Two (2) – Year Extension of the Biennial Operating Permit Requirement for On-Site Septic Systems based on Financial Hardship, to Repeal Conflicting Ordinances, and Prescribe a Penalty for Violations.

Jahnke stated that this had been brought to the Council's attention by Villagers on fixed incomes, and having received statements from pump out companies that their services were not yet required, with only one or two people using the system, and that while the environmental issue would be addressed first, after which financial difficulties could be addressed. Jahnke added that he would not like to leave this as it is, and hopes that the Ordinance can be amended to accommodate those few who need the assistance.

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

Nays: None

Absent: Harnisch

Motion carried.

X. New Business

A. Consider Application to Demolish Structures at 24880 Riverwood.

Jahnke stated that the application appeared complete with copies of minutes from both the Historic District Commission and the Zoning Board of Appeals, which was necessary to address the fact that the shed was to be left on the property during the construction of the new dwelling. Stoppels added that the ZBA had granted a two (2)- year variance to allow time for the dwelling's completion.

#2005-88 Motion by Coyer supported by Schiano to approve the application for demolition of structures for the property located at 24880 Riverwood subject to the usual \$5,000 performance bond and the usual requirements of the Building Official.

Gallasch suggested an additional bond amount to \$7,000 to provide for the extra structure being left on the property, which was agreed to by both Coyer and Schiano.

Motion by Coyer supported by Schiano to approve the application for demolition of structures for the property located at 24880 Riverwood subject to a \$7,000 performance bond and the usual requirements of the Building Official.

Property owner, Susan Petros was present to address questions and concerns of Council, her only comment being that she was asking permission to demolish the structures on her property, but for the shed that will be demolished after the new dwelling is constructed.

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

Nays: None

Absent: Harnisch

Motion carried.

B. Consider Scheduling a Special Council Meeting for September 14, 2005 at 7:00 p.m.

Gallasch stated that the Police Negotiating Committee, in an effort to keep the entire Council informed, would like to schedule a special meeting at which the strategy will be discussed. Gallasch added that two of the three committee members will be present at each of the dates being considered.

#2005-89 Motion by Coyer supported by McElroy to schedule a Special Meeting to be held on September 26, 2005 immediately following the Organization Meeting for the purpose of holding a closed session with Dennis DuBay, Legal Representative.

Roll Call Vote:

McElroy Aye

Schiano Aye

Gallasch Aye

Lamott Aye

Coyer Aye

Jahnke Aye

Motion carried

C. Consider Scheduling the Organization Meeting for September 26, 2005 at 7:30 p.m.

#2005-90 Motion by Gallasch supported by Lamott to Schedule the Organization Meeting for September 26, 2005 at 7:00 p.m.

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

Nays: None

Absent: Harnisch
Motion carried.

XI. Bids/Contracts/Proposals

A. Consider Tree Inventory report and Management Plan.

Lamott reported that ACRT had provided a Tree Inventory and Management Plan last Thursday, September 15, 2005, and a copy of the executive summary was provided to the Council. Lamott stated that 20% of the streets in the Village were inventoried and it was found that there were 806 trees on those particular streets for which five (5) different categories have been created. Copies of the entire report are available at Village Hall. Lamott explained that GPS technology will be used to designate trees and what is to happen to them, with City Works employees removing those trees that need to come down immediately.

Stoppels continued outlining how the work is to progress and noted that he was pleased to find that 80% to 90% of the trees surveyed are in good to fair condition and also a healthy stock of younger trees about to mature into canopy trees. Stoppels stated that while \$30,000 is in the current fiscal year budget, an application has been made for an additional \$20,000 that would also be used for that purpose, which will provide about 200 trees for planting this year. Stoppels when asked remarked that twelve (12) trees could be notated at a time (and marked), to avoid mixing up trees in the project.

Gallasch asked about Ash trees, none having been noted in the report, and also remarked on the decimation of evergreen trees in Colorado, adding that he knew that many varieties were to be planted.

Lamott stated that he had heard of "Pine Decline", noting that many trees along Scenic that do not look very good, and with no prevention plans yet available, Lamott also stated that more specifics on tree types will be forthcoming as the plan progresses.

Coyer asked if further action would be required of the Council, to which Jahnke replied that he felt that the Planning Commission should oversee this type of Vegetation Management under the Master Plan and will be discussed in regard to the update of the plan currently underway. Jahnke added that Lamott would make a good liaison between the Council and the Planning Commission in the implementation of this plan.

Mary Hepler, Planning Commissioner, added that she agreed with Jahnke, adding that the Planning Commission feels that the tree preservation is a significant part of the Planning Commission's responsibilities.

Stoppels added that ACRT had been provided with the Master Plan Vegetation supplement and the materials provided two or three years ago when the tree committee was beginning work on this project, and as such parallel what the Planning Commission had determined a few years ago.

#2005-91 Motion by Gallasch supported by Coyer to appoint Trustee Lamott as the Council Liaison for Vegetation Management for the Planning Commission.

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

Nays: None

Absent: Harnisch

Motion carried.

B. Consider Broughton House Improvement Bids.

Stoppels noted that \$30,000 had been budgeted this year, for improvements to the Broughton House, and while it has withstood its 175 years well, constant maintenance is required to keep it in good shape and to continue to serve well. Stoppels continued

stating that bids were sought for re-roofing, insulation, tuck pointing, foundation brick, chimney and roof work, and HVAC replacement, some of which were rejected due to high costs. Cappy Heating and Cooling provided a fair estimate with many ideas on how to save energy, and Stoppels added that there would be substantial savings in utility costs through more efficient systems.

#2005-92 Motion by Schiano supported by Coyer to approve the bid as recommended for the Heating and Cooling system to be installed in the Broughton House by Cappy Heating and Cooling at a cost of \$13,000.00.

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

Nays: None

Absent: Harnisch

Motion carried.

XII. Consider Whether to Meet in Closed Session to Discuss Union Negotiations with the Police Officer's Association of Michigan.

Postponed to September 26, 2005.

XIII. Adjournment

Motion by Gallasch supported by Lamott to adjourn the meeting.

There being no further business, the meeting adjourned at 9:40 p.m.

Respectfully submitted,

Eileen H. Pulker, Clerk

Mark W. Jahnke, President