

**PROCEEDINGS OF VILLAGE OF FRANKLIN
VILLAGE COUNCIL REGULAR MEETING
MONDAY, DECEMBER 11, 2006, 8:00 P.M.
FRANKLIN VILLAGE HALL - BROUGHTON HOUSE
32325 FRANKLIN ROAD, FRANKLIN, MICHIGAN 48025**

I. CALL TO ORDER

The meeting was called to order by President Jahnke 8:02 p.m. at the Franklin Village Hall, Franklin, Michigan.

II. ROLL CALL

Present: Mark Jahnke, Randy McElroy, Fred Gallasch, Dominick Schiano, Brian Coyer, Alan Harnisch, Bill Lamott

Also Present: Jon Stoppels, Administrator
Eileen Pulker, Clerk
Patrick Browne, Police Chief
Tony Averbuch, Fire Chief
Thomas Morrow, Treasurer
John Staran, Hafeli Staran Hallahan Christ & Dudek, P.C., Village Attorney

III. ADOPTION OF AGENDA

Motion by Schiano supported by Harnisch to approve the agenda as published and presented.

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

Nays: None

Motion carried.

IV. MINUTES:

A. Regular Meeting of November 13, 2006

Motion by McElroy supported by Coyer to approve the minutes of the November 13, 2006 Regular Village Council Meeting as presented.

McElroy questioned Jahnke's abstention of the motion regarding the Birmingham Cable Board legislative support question, to which Jahnke replied that in as much as the motion had not been on the agenda; and had not afforded time for review prior to the meeting, he preferred that it would be that way to allow proper time to determine whether to vote for or against.

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

Nays: None

Motion carried.

V. REPORTS OF VILLAGE OFFICERS AND AGENTS

Police Chief Patrick Browne referred Council to his written report and added comments on two incidences that had occurred since the last meeting. Browne stated that Detective Sergeant Castro had been asked to attend a meeting in Canton at which a suspect had been detained, affording Castro an opportunity to interview the suspect regarding the two break-ins in Franklin, and that Chief Browne would report on the outcome of that meeting in a few days. Browne stated that

CPR certification for the department had been completed and conducted by the Fire Department. Browne also reported that Police Officer Crain had been attending a supervisory school. Browne reported that the Mobile Watch meeting held on November 30, 2006, for which he had prepared a commemorative plaque on which all of the Mobile Watch members had been listed, went well and had been taped by the Bloomfield TV Channel 15 group to be broadcast throughout December on Cable Channel 15. Browne reported that the 12 hour shifts were coming along well with only 22% of the time being left with only one officer on duty. Browne stated that as schedules settle in and reserve officers are brought in, the two officer patrolling percentages will go up.

Fire Chief Tony Averbuch referred the Council to his written report and commented on the transport and dispatch changes recently decided by the Franklin - Bingham Farms Fire Department Board as precipitated by the cessation of service by the current carrier AMR. Averbuch reported on the various companies consulted and explained the reasoning behind the choice of Star. Averbuch stated that Star had been chosen as the best firm for transport due to several reasons including geographic considerations (those communities north of the village use Star) the company's reputation, and the experience that the Fire Department has had with that firm. Averbuch added that there would be no cost advantage for one company over another and that there will be no cost to the department. Averbuch outlined the number of calls per year (approximately 200), and explained where the service would originate from and described how other transport companies operate. Averbuch commented that three options were still being investigated by the board: 1) one ambulance dedicated to the Village; 2) one ambulance posted nearby; 3) a possible ambulance purchase for extreme emergency. **Averbuch was asked to provide the various costs for each of the service possibilities and report back to the Council for what budget increases would result.* Star was to begin service on Wednesday December 13, 2006. Averbuch next outlined the decision making process for the dispatch service formally supplied by AMR, noting that the board research had led to the Oakland County Dispatch service as the best solution for the Village, adding that the service would be equal to or better than what had been previously provided at only a slightly higher cost. Averbuch noted that the changes taking place will be seamless for Villagers and assured the Council members and public that there would be no change or interruption of service, having already conducted all necessary tests of the system. Staran commented on the progress of the agreement being proposed by Oakland County that will require the Village's approval, stating that the document provided was fairly typical and that he was currently reviewing it for approval by the Council at their regular January meeting, to which Averbuch replied that that would be sufficient and a Special Village Council meeting would not be necessary to expedite the agreement.

Treasurer Morrow referred Council to his written report noting that the Village had sufficient funds to meet its current and future obligations, and that the current bills list totaled \$148,564.12 was generally consistent with the current year budget. Morrow also reported on the current interest rates (4.84% to 4.92%) and noted that further discussion regarding the configuration of bank accounts were to be discussed later in the agenda.

VI. SUBMISSION OF BILLS LIST

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

General Administration	\$ 10,105.39
Building	\$ 24,031.16

* changed at 1/8/07 Village Council meeting

Insurance	\$ 33,222.84
Legal	\$ 3,279.49
Police	\$ 8,299.66
Major Roads	\$ 6,884.88
Local Roads	\$ 9,120.00
Rubbish	\$ 15,425.05
Trust & Agency	\$ 9,400.00
Tax Fund	\$ 28,326.22
Waste Water	\$ <u>469.43</u>
All Funds Total	\$148,564.12

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

VII. PUBLIC REQUESTS

There were no public comments, but Jahnke introduced the three members of Boy Scout Troop 1699 who were present at the meeting as a requirement of their Citizenship in the Community Merit Badge.

VIII. SPECIAL REPORTS

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

1. Consider Motion Regarding Cable TV Revenues

Jahnke reported that the Birmingham Area Cable Board, of which Franklin is a member, has accumulated over \$900,000 in revenue, and proposed that the communities of Bingham Farms, Beverly Hills, and Birmingham receive a letter from Franklin encouraging the discontinuation of the payments to the board, which are a portion of the funds received from Comcast.

Gallasch, Franklin's representative on the Cable Board, responded stating that with the legislation currently before the state legislature, the funding for the cable board may soon cease, and the balance remaining would enable the board to continue to fund the cable channels that provide programming such as the broadcast of municipal meetings like this one.

Jahnke noted that the Master Plan that is being revised will require funding for implementation, and this could be one source of the needed revenue. Discussion ensued regarding the legality of breaking the agreement currently in place with the Cable Board and the inappropriateness of referring to the Master Plan funding while discussing Cable Board funding. Staran noted that the contract with the Cable Board does not specify the percentage amount to be paid to the cable board.

Gallasch noted that Bob Borgan, the President of the Birmingham Area Cable Board, was present at the meeting and available to address the Council's questions. Borgan thanked the Council for the opportunity to speak with them and stated that the Cable Board receives funding from the four (4) communities with which there is an inter-local agreement, having been negotiated with Comcast. Borgan explained the Cable Board's need for the monies currently in a fund balance in their funds. The uses intended included, as follows: several projects at each of the Birmingham Public Schools High School buildings (Wylie E. Groves & Seaholm) both of which are in the midst of construction projects and had not received their usually allocated funds for 2006, and; the operation of cable Channels 15 and 18, which broadcast municipal meetings and local

access programs, respectfully. Discussion ensued regarding the upcoming vote on Cable legislation that the State of Michigan is considering. Borgan shared the Council's concern regarding the loss of local control for problems with cable service and reiterated that the Cable Board only addresses Cable Television issues, not internet or telephone services. The matter of competition of cable television services was discussed, to which Borgan replied that other carriers have been requested to provide those services in the past and opined that cable rate comparisons have not shown any decrease in pricing when competition is available. Gallasch added that satellite service is available in the Village and is competitive with Comcast.

2. Sweep Account Set up at Comerica

Jahnke stated that due to changing interest rates, it had again been time to examine the various Village accounts at Comerica Bank, and reported that he and Clerk Pulker had met with local and main branch representatives of Comerica Bank to discuss the various types of accounts. Jahnke added that a subsequent report had been received from Comerica and that decisions to be made about which type of funds to use are to be made by the Treasurer Tom Morrow. Morrow stated that he was in agreement with Jahnke and had reviewed the materials provided at the meeting and also those received via e-mail. Morrow reported that now that the sweep account interest rates were closer to the money market rates available, it was now advisable to move funds into the municipal sweep accounts to take advantage of the lower fees paid to Comerica for servicing the various accounts. Morrow added that he would provide the necessary signatures to affect the changes by the January 1, 2007 date recommended by Comerica. Jahnke noted that the additional interest expected to be received is estimated at \$18,000, which is a welcome revenue source in light of the Master Plan implementations soon to be determined.

3. Master Plan Funding

Jahnke stated that with the upcoming adoption of the Master Plan revisions, there would also be planning for implementation of the various items covered by the plan, and he would continue to look out for additional ways to fund the various proposed projects and urged the rest of the Council to continue in their own efforts to do the same.

B. Council Report

1. Coyer reported that the newly formed Quorum committee had met and that plans were underway for an issue to be published in January 2007, consisting of five to seven articles as follows: 1) Police and public safety; 2) Fire Department regarding necessary changes in transport and dispatch services due to the cessation of service from AMR (reported on earlier in the meeting by Fire Chief Tony Averbuch); 3) environmental and MS4 permit required educational piece; 4) report on Village Mounted division. Coyer asked the Council to provide any additional story ideas and noted that the target size of the publication will typically be two (2) to four (4) pages. Coyer also reported on the Fire Board meeting and the changes being made in dispatch and transport services. The sale of Police Department mounted division t-shirts was also announced.
2. Gallasch reported that due to the changes for the Police Department to 12 hour shifts, and to show support of the staff, the Personnel Committee was suggesting that gift certificates for \$25 be distributed to all eighteen employees.

#2006-89 Motion by Gallasch supported by McElroy to authorize the Village Administrator to purchase and present \$25 gift certificates to each of the Village employees.

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

Nays: None

Motion carried.

C. Master Plan Report

1. Schedule Joint Meeting with Planning Commission

Jahnke announced that the tentative date for a joint Planning Commission and Village Council Master Plan workshop was January 16, 2007, and that the Public Hearing date for public review of the Master Plan Revisions is scheduled for January 24, 2007 and will be held at the Franklin Community Church at 7:00 p.m. Jahnke noted that the Planning Commission is meeting in December and following that meeting, the workshop date will be verified. Jahnke urged Council members to forward their questions and comments to Planning Commissioners, adding that Oakland County had reviewed the revisions and had already provided their response to the Village.

Stoppels reported that he would be meeting with Bob Donahue at Oakland County on December 19, 2006, to discuss the Main Street Mentoring Program that the Village had recently been accepted into.

IX. NEW BUSINESS

A. Consider 14 Mile Road Pedestrian Pathway Easement Agreement.

Jahnke stated that this agreement was to sign over the easement to the Village for the property in front of the office building at 26111 Fourteen Mile Road. Jahnke explained that this matter had been discussed previously in the Legal Committee meeting, and that with Staran's review having been completed this was now ready for the Council's consideration. Jahnke further commented that the agreement between the Cressbrook residents and the Village will complete the paperwork necessary for the entire pathway between Franklin Road and the Robertson Brother's Cressbrook development.

#2006-90 Motion by McElroy supported by Lamott to approve the improved pedestrian pathway easement agreement for the pathway from Franklin Road to the footbridge along Fourteen Mile Road as presented.

Discussion ensued regarding sidewalks in the Village, to which Stoppels replied that this roadway was on the perimeter of the Village and the road is owned by Oakland County. Stoppels added that the Village Charter refers to no sidewalks within Village neighborhoods.

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

Nays: None

Motion carried.

B. Consider Tree Variance Request for the Property Located at 30033 Hickory Lane.

Staran noted that this was not a Tree Variance Request but more precisely a de novo review to which Council is free to arrive at their own conclusion, citing Tree Protection Ordinance § 1232.07 (a.) (3) Review and Decision, not specifically § 1232.12 Variance.

Stoppels provided background information on the Tree Permit application received by the Village from the applicant Roberto Leao, explaining that initially the trees on the

property had not been protected as required by the Village Tree Protection Ordinance, and as such the Village Arborist, Mike's Tree Surgeons, Inc., had been requested to examine the situation. Stoppels continued to report on the progress of the negotiations between himself and the applicant, for which there had not been an agreement established, and that he had directed Mr. Leao to appeal the decision to the Village Council for resolution. Stoppels added that Leao had provided the additional bond that had been required but had disagreed with the number of trees to be provided and had proposed alternate remedial actions for replacement and protection of the trees on the site that Leao had presented to the Council.

The applicant Roberto Leao and his arborist William Pickhardt were present to respond to the questions and concerns of the Council. Leao and Pickhardt both spoke to the plan they had developed for the site and responded to questions from Council.

Discussion ensued during which the Village's requirements were referenced as well as the care and expense that Leao had taken to correct/and or remove the soil fill that had been placed near trees.

#2006-91 Motion by Coyer supported by Schiano that the Council return the tree application to Village Administrator Stoppels to confer with both arborists, Mike's Tree Surgeons, Inc. and Mr. Pickhardt, to negotiate an agreement for the tree protection and replacements during the construction of the new home at 30033 Hickory Lane.

Stoppels was directed to report back to the Council in January.

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

Nays: None

Motion carried.

X. PROCLAMATIONS/RESOLUTIONS/ORDINANCES

A. Consider Resolution for the Oakland County Hazard Mitigation.

Stoppels stated that the Hazard Mitigation agreement was in response to a request from Fire Chief Averbuch, as a necessary component of the inter-local agreements with Oakland County.

#2006-92 Motion by Gallasch supported by Schiano to approve the resolution for the Oakland County Hazard Mitigation agreement as follows:

ADOPTION OF THE OAKLAND COUNTY HAZARD MITIGATION PLAN

WHEREAS, the Charter of the Village of Franklin includes the charge to protect the health, safety, and general welfare of the people of the Village of Franklin; and

WHEREAS, the Village of Franklin, Michigan is subject to flooding, tornadoes, winter storms, and other natural, technological, and human hazards; and

WHEREAS, the Oakland County Local Emergency Planning committee, comprised of representatives from the County, municipalities, and stakeholder

organizations, has prepared a recommended Hazard Mitigation Plan that review the options to protect people and reduce damage from these hazards; and

WHEREAS, the Village of Franklin has participated in the planning process for development of this Plan, providing information specific to local hazard priorities, encouraging public participation, identifying desired hard mitigation strategies, and reviewing the draft Plan; and

WHEREAS, the Oakland County Emergency Response & Preparedness Office (ERP), wit the Oakland County local Emergency Planning Committee (LEPC), has developed the OAKLAND COUNTY HAZARD MITIGATION PLAN (the “Plan”) as an official document of the County and establishing a County Hazard Mitigation Coordinating Committee, pursuant to the Disaster Mitigation Act of 2000 (PL-106-390) and associated regulations (44 CFR 210.6); and

WHEREAS, the Plan has been circulated for review by the County’s municipal officials, and state, federal, and local review agencies and has been revised to reflect their concerns; and

NOW THEREFORE BE IT RESOLVED by the Village of Franklin Council that the Oakland County Hazard Mitigation Plan is hereby adopted as an official plan of the Village of Franklin.

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

Nays: None

Motion carried.

XI. ADJOURNMENT

Motion by McElroy supported by Harnisch to adjourn the meeting.

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

Nays: None

Motion carried.

There being no further business, the meeting adjourned at 10:32 p.m.

Respectfully submitted,

Eileen H. Pulker, Clerk

Mark W. Jahnke, President