

**PROCEEDINGS OF VILLAGE OF FRANKLIN
VILLAGE COUNCIL REGULAR MEETING
MONDAY, MAY 14, 2007, 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 at 8:04 p.m. at the Franklin Village Hall, Franklin, Michigan.

II. Roll Call

Motion by Lamott, supported by Coyer, to excuse Trustee Schiano in his absence from this meeting.

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

Nays: None

Absent: Schiano

Motion carried.

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

Absent: Dominick Schiano (excused)

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

II. Adoption of Agenda

Coyer asked to remove VIII C #2 Wireless Committee as it will be covered later in the agenda.

Gallasch asked to add an item under VIII D #4 Property Maintenance Issues.

Motion by Gallasch supported by McElroy to adopt the agenda as amended.

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

Nays: None

Absent: Schiano

Motion carried.

III. Minutes

A. Regular Meeting of April 9, 2007

Motion by Coyer, supported by Gallasch, to approve the minutes of the Regular Village Council meeting of April 9, 2007 as presented.

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

Nays: None

Absent: Schiano

Motion carried.

B. Special Meeting of April 11, 2007

Motion by Gallasch, supported by McElroy, to approve the minutes of the Special Village Council meeting of April 11, 2007 as presented.

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

Nays: None

Absent: Schiano

Motion carried.

IV. Reports of Village Officers and Agents

Police Chief Patrick Browne referred Council to his written report and provided details for a couple of items including an instance of a residential break-in that occurred on Carol Street. The individual stole some jewelry and some watches out of the master bedroom. A surveillance team apprehended a suspect while doing a residential break-in in Farmington Hills. The individual has been arrested before by the Franklin Police. Chief Browne also mentioned an arrest for a hit and run accident on Thirteen Mile Road and Telegraph Road. Browne then announced that Sergeant Bill Castro had graduated from Northwestern University School of Police Staff and Command.

Fire Chief Tony Averbuch referred Council to his written report and announced that June 6th, 2007 is the date for the annual Fire Extinguisher Day from 9:00 a.m. until noon and all residents and businesses are encouraged to bring their extinguishers in, and for a nominal charge, it will be inspected and replaced if necessary. In light of the upcoming Fire Extinguisher Day, Averbuch requested placement of a banner to be put on the Fire Department property indicating the date of the fire extinguisher activities. Averbuch also requested a banner for Memorial Day.

#2007-20 Motion by Gallasch, supported by Harnisch, to approve the placement of the requested banners for the annual Fire Extinguisher Day and for Memorial Day.

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

Nay: None

Absent: Schiano

Motion carried.

Treasurer Thomas Morrow referred the Council to his written report and reviewed the Bills List with the Council, stating that the Village has sufficient funds to meet its current and anticipated obligations.

V. Submission of Current Bills

TOTALS:

General Administration	\$17,498.74
Building	9,707.50
Insurance	29,614.12
Legal	6,765.50

Police	19,586.96
Pressure Sewer	400.00
General Debt Service	0.00
Major Roads	7,162.90
Local Roads	7,130.53
Rubbish	15,578.94
Trust & Agency	3,100.00
Village Hall & Grounds	0.00
Waste Water	<u>2,278.00</u>
ALL FUNDS	\$118,823.18

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

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

Nay: None

Absent: Schiano

Motion carried.

VI. Public Requests and Comments

Pat Burke, 32965 Franklin Court, Historic District Commissioner, a member of the Committee to Preserve Franklin and that they are looking for a continuing preservation plan for the Village. The Committee sent out a mailing asking if there would be support of a half mill property tax increase earmarked specifically for historic preservation. Burke explained that they received an 18% return on this question and the results are 46% support and 54% against. The Committee to Preserve Franklin will continue to work towards historic preservation in the Village of Franklin.

Phillip Schmitt introduced himself to the Council and the community as the new Southfield Township Supervisor and explained that there are a couple vacancies on the Southfield Township Planning Board and the Board of Review. Schmitt would like to see some representation from Franklin and asked if anyone is interested or knows anyone who is interested to please contact the Southfield Township office.

Marcia Gershenson, County Commissioner explained that the commissioners had their annual economic forecast lunch where two University of Michigan economists predicted a slight turn around for Oakland County in 2008 and a little bit more significant in 2009. Gershenson explained that there was a debate regarding the new HPV virus vaccine and the outcome was, at the recommendation of the Health Department, that the County will be offering the HPV virus vaccine to families at cost and low income families will get a break on the cost. Gershenson reported that the funding for the anti-bullying program was cut and Cobo Hall has become quite a contentious issue regarding how much if any that Oakland County is prepared to contribute to the proposed expansion. Gershenson explained that she has been working with Franklin resident Walter Banacki regarding the issues on Haverford Road and the standing water. The Road Commission decided that since there is no road or health hazard presented it is not a priority. Gershenson did get them to agree to remove a rusty sign pole, to clean the vegetation, to take care of the dead trees and cut the tree stumps down flush.

Walter Banacki, 32844 Chatham Lane, spoke about meeting with the Superintendent and the Engineer in charge of that area along 14 Mile Road, about moving the water as he is concerned about the mosquitoes coming in this year. Banacki continued by saying that during this meeting on site, they found on the north side of the road the water is flowing as there is an underground pipeline there and he inquired about getting a lateral tie there so they can move the water.

Jahnke asked Stoppels to address Banacki's concerns with Village Engineer Tom Biehl to determine the best course of action.

Lamott announced that there is a need for Round Up volunteers and anyone who is interested in helping out should contact Jane Polan.

It was also announced that Hazardous Waste Day this year will be Saturday, June 2nd, 2007 from 8:00 am to noon and will take place in front of the Village Green on the street.

VII. Special Reports

A. Judge William J. Richards, 46th District Court

After being introduced to the Council by Harnisch, Judge Richards greeted everyone present and explained that all the crimes that occur in Franklin, such as those described in Chief Browne's report, will go through the 46th District Court where he is now one of three judges.

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

1. Main Street Oakland County Program, update – meeting held on May 8, 2007

Jahnke briefed Council on the meeting that they had with Oakland County Main Street representatives on May 8, 2007 explaining that they laid out a framework that should be successful in Franklin. It was decided that they need to look at a Main Street Board rather than a DDA (Downtown Development Authority) and Bob Donahue from Oakland County Main Street talked about the four points that are needed to get set up. Jahnke reiterated that Franklin is presently a mentor community and not in the program yet and may not be for one or two more years.

2. Franklin Cemetery Association, land transfer, 1995

Jahnke reminded the Council that the additional land that was sold to the cemetery by the Village back in 1995, that there is a restriction on that land sale that in the public interest the Cemetery Association will agree that the lots of this parcel will be sold to residents of Franklin only. Jahnke prepared a letter for the Cemetery Association as a reminder of that transaction.

Lamott explained that he has been on the Cemetery Association Board for six months and did not know that this was an issue until he received his packet for this council meeting. Because of this, he had not had a chance to properly research this concern however there have been no lots sold to non residents that he knows of. Lamott expressed his offense that this item was on the agenda.

McElroy echoed Lamott's concern and added that this is a very sensitive subject and he would have liked to have seen it handled more respectfully.

Jahnke assured the Council that he is in no way meaning to disrespect Lamott, he just wanted to remind the Association that there is a restriction that the lots may not be sold to non residents.

3. Franklin River Clean-up

Stoppels stated that the County indicated that they are through doing all the work that they are going to do. There is additional flooding into the parking lot at the Cider Mill which the County is addressing. Stoppels stated that the culverts need to be cleaned out as well.

Gershenson stated that she understood that there are no permits for more work there and Stoppels stated that he is being told via the telephone that the County is not going to do anymore. Stoppels will follow up with Gershenson regarding this clean-up.

C. Council Report

1. Police Landscape Report – Bill Lamott, Trustee

Lamott reported that he had met with a landscape designer regarding the Police Station building and how to make it look better and he will be working with Stoppels to get things going. Lamott also reported that 240 trees were planted and the Tree Committee is now in the process of checking the health of the trees to see which ones need to be replaced. Lamott then proposed that the Council work on some of the stone walls that were built in the 1920's along Franklin Road as it could enhance the road character and he will be working with Stoppels on that as well. Lamott also thanked the students from Lawrence Tech who pulled about thirty bags of garlic mustard weeds, at no cost to the Village.

D. Administrator Report

1. Status of following agreements

a. Fire Department Dispatch

Coyer explained that this item is in regards to the contract with the Oakland County Sheriff Department between the Franklin Fire Department and Emergency Dispatch Services. Franklin entered into a verbal contract with Oakland County in December of 2006 and the services are being provided and have been provided but there is no written contract. Coyer went through the process with the Council and stated that as it stands now there will be two agreements that will be proposed by the County. One will be the agreement that will stand with any other community for the dispatch services and the second agreement will be a stand alone indemnification agreement in which the Village will indemnify the County for such risk. Coyer stated that the Fire Department should be receiving their documents to consider the agreements and they will then need to send it on to Council for approval.

Discussion took place regarding having one agreement with Bingham Farms Fire Commission and it was decided to have the Legal Committee address this at their next meeting.

b. DPW Agreement

Stoppels reminded Council that the Village is currently under an interim verbal agreement that has been in effect since November 2006 and will run through June of this year and they cannot come to terms on an agreement. Stoppels reported that there should be several bids coming in for these services and the current contractor will be bidding as well.

2. Proposed Budget Report, FY2007-2008

Stoppels gave a brief PowerPoint presentation showing the proposed Budget for Fiscal Year 2007-2008.

Discussion took place regarding waste water management and the deficit showing on the proposed budget. It was decided that Stoppels will explore looking at the pressure sewer fund for any relief and any other options available.

a. Budget Public Hearing scheduled for May 21, 2007 at 8:00 p.m.

Jahnke announced that the Budget Public Hearing will take place at the Village Office on May 21, 2007 at 8:00 p.m. and encouraged anyone who is interested to come to the hearing.

3. Village Election, September 11, 2007

Janhke announced that the Village Election will take place on Tuesday, September 11, 2007 and anyone who wants to run for any open position will need to have their Nominating Petition and Affidavit of Identity into the Clerk's office no later than June 19, 2007 at 4:00 p.m. Petitions and Affidavits are available from the Clerk and may be obtained during regular business hours.

4. Property Maintenance Issues

Stoppels provided an update on what staff has been doing regarding the vacant homes and properties with tall grass and noxious weeds. Staff has been sending letters out to the property owners indicating that they need to consistently maintain their property or the Village will need to cut the grass and bill the homeowner for it. Stoppels explained that there have been several properties that the Village has had to cut already.

Discussion took place regarding a property on Haverford and the ordinance violations occurring there. Stoppels explained that this has been an ongoing issue dating back to the late 1980's and due to residential concern it has been revisited.

McElroy asked for copies of the file and suggested getting a small subcommittee together to address the matter.

Jahnke cautioned that the property owner should be present at the next discussion.

Walter Banacki, 32844 Chatham Lane, pointed out that the neighborhood association for this property is very concerned and would like Council's help in resolving this ongoing issue. Banacki stated that there are 14 homes for sale in that area and realtors have told him that they purposely avoid that area due to the tall grass, knocked over mailboxes, the swamp on Fourteen Mile Road, boats and campers parked in the yards, and commercial vehicles parked on the weekends.

VIII. New Business

A. Consider Referral to the Planning Commission of the Construct Site Improvements and Building Addition application for Huda School at 32220 Franklin Road.

Elisabeth Knibbe from Quinn Evans Architects gave a brief presentation of what they are proposing and explained that there are two phases with this project, Phase 1 and Phase 2. This summer they will be focusing on Phase 1A which consists of enclosing the area under the prayer hall to use for classrooms, cleaning up the landscaping, room configurations and all new interior finishes as well as new plumbing. Knibbe continued on with the second part of the project, Phase 1B, which is to reconfigure the site. Knibbe showed an aerial view pointing out the current issues with driving and parking and explained that they are proposing a continuous loop to simplify the traffic and provide additional parking on site. Knibbe went on to point out that they will be replacing the gym and adding classrooms. The back of the building will become the front of the building.

#2007-21 Motion by Coyer, supported by McElroy, that the Construct Site Improvements and Building Addition application for Huda School at 32220 Franklin Road be referred to the Planning Commission for its review and recommendation of the proposal to modify the site plan for Huda School.

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

B. Consider Planning Commission Recommendation for the Proposed Rezoning Application for 5.27 Acres/W. Side of Telegraph, S. of 13 Mile Road – Franklin Commons LLC

#2007-22 Motion by Coyer, supported by Lamott, that Council adopt the recommendation of the Village Planning Commission to deny the application for rezoning of the property on Telegraph Road, 5.27 acres/W. of Telegraph, S. of 13 Mile Road by Franklin Commons LLC, from residential R-2 to Office R-O.

Tom Kalas from the Law Firm of Kalas Kadian PLC, 43928 Mound Road, Sterling Heights, explained that he represents the applicant and then introduced the property owner, Jimmy Garmo and Harold Stulberg who is from the Farbman Group which has been marketing this project. Kalas proceeded to give his presentation to the Council requesting the rezoning of the property. Kalas showed location of the property on a map and pointed out the surrounding areas. Kalas pointed out that there is no other property in the Village available to develop as an R-O. Kalas explained that there has been information sent to the surrounding residents which shows the proposed landscaping and the proposed birm that will be built. Kalas stated that they are asking for the rezoning because there was no interest for residential however there has been a significant amount of interest for the offices.

Stulberg referred to McKenna's review dated November 30, 2006 in which it mentioned that the Master Plan said to leave the peripheral of the Village in its natural state and disagreed that that should apply to an arterial highway such as Telegraph. Stulberg opined that leaving the site residential is not the proper thing to do for Telegraph Road.

Garmo stated that there would only be professional offices in the building and that there can be conditions and restrictions put on the rezoning approval that will only allow for certain types of businesses and offices.

Staran clarified that the Council is voting on the application that has been presented to them and pointed out that there are no additional amendments that include restrictions on hours or particular uses.

Kalas agreed that there are no additional amendments being presented at this time.

Jahnke pointed out that there is a motion on the floor and asked for a role call vote.

Roll Call Vote:

McElroy Aye
Gallasch Aye
Harnisch Aye
Coyer Aye
Lamott Aye
Jahnke Aye

Nay: None

Absent: Schiano
Motion carried.

C. Consider Land Fill Permit application for the property located at 26377 Willowgreen.

Sean Gardella explained that this permit was submitted to comply with the building permit and the application is consistent with the originally approved plans. Gardella stated that he has already applied for an Oakland County Soil Erosion Permit and his Tree Permit and bond are current and his vehicle route has been reviewed by Building Official Bill Dinnan.

#2007-23 Motion by Coyer, supported by McElroy, to approve the land fill application subject to the demonstration of a soil erosion permit and that there be a tree permit that has been approved and a performance bond related to the tree permit and a \$5,000 bond be posted related to the land fill, and that the route be approved by Village Administration.

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

D. Consider Certified Local Government Program application – Jennifer Lovell, Historic District Commission Consultant

Jennifer Lovell, Historic District Commission Consultant, referred to the information and draft application that she supplied to the Council and explained that the Historic District Commission had unanimously agreed that they would like to move forward with this. Lovell summarized the program explaining that it is sponsored by the National Parks Service, managed by the State Historic Preservation office and it is designed to ensure that local governments are managing their historic district according to Michigan's Local Historic District Act which is the enabling legislation that allows for local governments to establish a Historic District. Lovell pointed out the benefits of becoming a Certified Local Government include opportunities to apply for grants.

Gary Roberts, Historic District Commissioner, explained that they have identified thirty properties that need to be preserved and this program would be very helpful.

#2007-24 Motion by Lamott, supported by Harnisch, to authorize President Jahnke to sign the application for the Certified Local Government Program on behalf of the Village.

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

E. Consider Renewal of Liquor License for Franklin Grill

It was decided that that the Village Liquor Control Commission consisting of Coyer, McElroy and Jahnke, will meet separately regarding this issue and then report back to the Council.

F. Consider County Cost Proposal to Re-Gravel Fourteen Mile Road, 50% cost share with Bloomfield Township

Stoppels referred to his memo dated May 10, 2007 summarizing that Fourteen Mile Road is not in the Village of Franklin's jurisdiction however there are residents that live on that road and are affected by the lack of proper maintenance that occurs there. Stoppels proposed that the Village share the cost with Bloomfield Township to re-grade the road and apply new gravel to help stabilize the road's condition as Oakland County does not have the funds to do such work.

Burt Farbman, 27272 West Fourteen Mile Road, Southfield Township, referred to his letter dated May 14, 2007 and touched on some of those points such as his safety concern on that road. Farbman strongly suggested that a series of stop signs be installed to deter through traffic traveling at high speeds. Farbman stated that the dust created from the road can be unbearable and at one point he felt he needed to hire people to water the road daily. Farbman stated that he would like to see the communities come together and address this matter. Farbman said that he would also be more than happy to lend his support and time and money to help resolve this issue.

Robert Hojna, 27401 West Fourteen Mile Road, Southfield Township, pointed out that when the road is graded there are speeding vehicles driving 40 – 50 miles per hour on that road creating a non-stop dust bowl. He showed samples and pictures of the amount of dust and dirt that is on his driveway, his vehicles, his deck and in his home because of this road. When asked, Hojna said he would be in favor of contributing money pavement on this road. He expressed concern regarding this road causing great amounts of dust, health problems, and dangerous situations for pedestrians and people retrieving their mail as well as drainage issues needing to be addressed. Hojna agreed that there should be at least two stop signs installed on that road to keep the dust down and create a safer environment. Hojna also suggested that the road be designated a natural beauty road.

Harold Marderosian, 27360 Fourteen Mile Road, Southfield Township, explained that he has witnessed people slowing down through the bad parts of the road and then excessively speeding after that. Marderosian stated that he agrees with Mr. Farbman and Mr. Hojna and wanted that council to know that he would be willing to pay for paving as well as the dust caused from the road keeps him from being able to open his windows as well as the safety issues going on there. Marderosian said he was in favor of stops signs going in on Fourteen Mile Road as well.

Discussion took place regarding investigating stop signs and the cost of paving Fourteen Mile Road.

McElroy cautioned that there are many people in Franklin that do not want Fourteen Mile Road paved.

#2007-25 Motion by Coyer, supported by McElroy, to approve the proposed \$6,000 Village portion contingent on Bloomfield Township and Southfield Township's approval and looking into the possibility of the County implementing speed control.

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

Nay: None

Absent: Schiano

Motion carried.

Motion by Coyer, supported by McElroy, to extend the meeting past 11:00 p.m.

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

Nay: None

Absent: Schiano

Motion carried.

G. Consider Bid for Police Chief Vehicle

Council referred to Chief Browne's memo dated May 10, 2007 and provided the following motion:

#2007-26 Motion by Harnisch, supported by Gallasch, to approve the bid proposal for a 2007 Chrysler Sebring for a 36 month lease, 12,000 miles per year, for a cost of approximately \$282 a month with approximately \$300 due at signing.

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

Nay: None

Absent: Schiano

Motion carried.

H. Consider Video Service Local Franchise Agreement for AT&T Michigan.

Coyer updated Council regarding the meetings that he had had with AT&T and stated that he saw no reason for disapproval of this agreement.

#2007-27 Motion by Coyer, supported by McElroy, to approve the Video Service Local Franchise Agreement for AT&T Michigan.

Coyer stated that the principal concern is regarding the boxes that AT&T has been putting in. There will be seven locations that are in the County's road right of way. Coyer went on to explain that they will be using the copper wire in the Village so the Village can have high speed internet service.

Stoppels pointed out that he spoke to AT&T and they guaranteed that everyone in the Village would be able to use the service.

Coyer continued by saying that AT&T has agreed to use nice looking boxes and the AT&T engineer has assured that the color, landscaping, size and location would be agreeable with the Village.

When asked, Stoppels said that AT&T has indicated their willingness to go along with the Village's landscaping ideas.

Gallasch expressed caution regarding working with AT&T as there have been complaints from other communities in how AT&T left their boxes there.

Ayes: McElroy, Harnisch, Coyer, Lamott, Jahnke

Nay: Gallasch

Absent: Schiano

Motion carried.

I. Consider Wireless Oakland Agreement

Coyer gave a brief background regarding the Wireless Oakland saying that it is an initiative by Oakland County to contract with a private provider for wireless internet services for the entire county. The service would be freely available to everyone who lives in Franklin if the community signs up.

#2007-28 Motion by Coyer, supported by Lamott, to approve the Wireless Oakland Agreement.

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

Nay: None

Absent: Schiano

Motion carried.

J. Consider Civic Event Permit for the Franklin Historical Society, to hold an Ice Cream Social on June 10, 2007, 2:00 p.m. to 4:00 p.m., on the Village Green

#2007-29 Motion by Gallasch, supported by McElroy, to approve the Civic Event Permit for the Franklin Historical Society to hold an Ice Cream Social on June 10, 2007 from 2:00 pm to 4:00 pm, on the Village Green.

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

Nay: None

Absent: Schiano

Motion carried.

K. Consider Civic Event Permit for the Franklin Arts Council to hold Music on the Green, July 11, 18, 25 and August 1st, 2007 from 7:00 p.m. to 8:30 p.m., on the Village Green

#2007-30 Motion by McElroy, supported by Coyer, to approve the Civic Event Permit for the Franklin Arts Council to hold Music on the Green, July 11, 18, 25, and August 1st, 2007 from 7:00 pm to 8:30 pm, on the Village Green.

Coyer read a statement from Amy Parker to the Council saying that the Chiefs of the Police and Fire Departments do not oppose to the closing of the street in front of the church and she also wished to thank the Council, the residents, the fire fighters, and police officers who make Music on the Green possible.

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

Nay: None

Absent: Schiano

Motion carried.

IX. Proclamations/Resolutions/Ordinances

A. Consider an Ordinance to Approve the Editing and Inclusion of Certain Ordinances and a Resolution as Parts of the Codified Ordinances (first reading)

#2007-31 Motion by McElroy, supported by Coyer to adopt in its first reading, waiving the second reading of the proposed Ordinance to approve the editing and inclusion of certain ordinances and a resolution as parts of the Codified Ordinances.

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

Nay: None

Absent: Schiano

Motion carried.

X. Adjournment

Motion by McElroy supported by Gallasch to adjourn the meeting at 11:44 p.m.

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

Nay: None

Absent: Schiano

Motion carried.

Respectfully Submitted,

Angie Eby, Recording Secretary

Eileen H. Pulker, Clerk

Mark W. Jahnke, President