

**PROCEEDINGS OF VILLAGE OF FRANKLIN
VILLAGE COUNCIL REGULAR MEETING
MONDAY, JULY 9, 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 8:00 p.m. at the Franklin Village Hall, Franklin, Michigan.

II. Roll Call

Present: Mark Jahnke, Randy McElroy, Dominick Schiano, Fred Gallasch, Brian Coyer, Bill Lamott, Alan Harnisch (arrived at 8:01 p.m.)

Absent: None

Also Present: Jon Stoppels, Administrator
Eileen Pulker, Clerk
Patrick Browne, Police Chief
Tony Averbuch, Fire Chief
Tom Morrow, Treasurer
John Staran, Village Attorney (arrived at 8:52 p.m.)

Motion by Lamott, supported by McElroy to excuse Harnisch in his absence from the meeting.

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

Nays: None

Absent: Harnisch

Motion carried.

III. Adoption of Agenda

Gallasch asked that item *IX C Consider Recommendation of Personnel Committee for 2007-2008 Administrator and Police Chief Wages and Benefits* be postponed due to the further review required.

Harnisch arrived at 8:01 p.m.

McElroy asked to add item *VIII B 2 Detroit Edison*.

Motion by Gallasch, supported by McElroy, to approve the agenda with the requested changes.

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

Nays: None

Absent: None

Motion carried.

IV. Minutes

A. June 11, 2007 Regular Village Council Meeting

Gallasch referred to page two under *Reports of Village Officers and Agents* and asked that in the Fire Chief's report that the last two sentences be reworded to improve readability.

Gallasch then referred to page 4 *Recognition/Tribute – Florence "Jo" Saltzman* and asked that there be more comments in the minutes and more documentation of the specific comments made by the public and Council.

Coyer concurred noting that documentation of all who were at the meeting and who spoke about her should be reflected in the minutes.

Motion by Coyer, supported by McElroy, to approve the minutes of the Regular Village Council Meeting of June 11, 2007 with additional comments provided at the meeting to be included in the minutes by the Clerk.

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

Nays: None

Absent: None

Motion carried.

V. Reports of Village Officers and Agents

Police Chief Patrick Browne referred Council to his written report and provided details on a few items including:

- A residential theft on North Cromwell where a garage door was left open and a weed whipper, snow blower and several other items were stolen.
- A medical building on Telegraph Road was broken into and various items were stolen including a small safe.
- A larceny from an automobile on Telegraph Road for which the windows were broken out and a global positioning system was stolen.
- Six arrests since the last meeting from routine traffic stops one of which wherein the driver was found to have a suspended license.

Browne explained that he is still in the process of choosing a replacement for Sergeant Girardot however he is planning on making a conditional offer of employment with one candidate very soon.

Gallasch referred to the Chief's annual report, specifically the special assessment district, and asked if it would be possible to get an accurate number of people that it refers to rather than an approximation.

Fire Chief Tony Averbuch referred Council to his written report and when asked explained what the Troy Special Response Unit Hazmat call was referring to in his report. Averbuch stated that the Fire Department is part of two different special response teams: 1) Troy Regional Team; and 2) the West Oakland County Mutual Aid Hazmat Association. Averbuch further explained that these organizations began in 1999 based on the idea to gather expertise, education and ability locally without having to spend the funds that would be necessary to put together a separate team. When either location has an event and needs assistance, he sends his team to assist.

Jahnke asked to discuss item *IX A Consider Fire Service Agreement between the Village of Franklin and the Franklin Volunteer Fire Department Inc* at this point in the meeting so that Averbuch would not need to stay until the end of the meeting.

Stoppels stated that there is some language in the Agreement that Staran would like to opine on and suggested that Jahnke direct that he work with Staran, Averbuch and Bingham Farms' attorney to clean up the language after which the agreement would be provided to the Council for approval.

Averbuch asked for a resolution to reflect an extension of the prior contract to continue the current agreement for fire protection until such time as a new contract is agreed upon.

Treasurer Morrow referred the Council to his written report and to the bills list totaling \$126,977.63, stating that the list is consistent with the current year budget. Morrow added that the Village has sufficient funds to meet its current and anticipated obligations. Morrow updated the Council on Retiree Medical Care Funding explaining that the initial investment had been made for the last fiscal year and recommended that the council begin funding the current fiscal year investment in six equal monthly installments beginning in July 2007. Morrow added that this would be an accelerated dollar averaging method that provides money invested sooner to take advantage of the earning potential of the market.

Schiano stated that he would rather see it spread out longer because the market is at an historic high right now. Schiano suggested that the Village put equal monthly installments in for this year and not to try to time the market.

#2007-47 Motion by Schiano, supported by Gallasch, to provide for the annually budgeted amount for the Retiree Medical Care Funding vehicle to be divided into twelve equal monthly installments.

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

Nays: None

Abstain: Harnisch

Motion carried.

Morrow then announced that Oakland County has advised the staff that a property in the Village has been foreclosed on and the Village has the opportunity to acquire the property for municipal purposes only by paying off the taxes which amount to \$3,800. Morrow stressed that if the property is purchased by the Village; it can only be used for municipal purposes and could not be resold and if the Village does not exercise its rights to purchase the property by July 23, 2007 then Southfield Township would be given the opportunity to acquire the lot. Morrow explained that a council resolution would be required to purchase the property.

Jahnke suggested having a special council meeting before July 20, 2007 regarding purchasing this property as there would be a determination by the State of Michigan and additional information available at that time.

#2007-48 Motion by Coyer, supported by McElroy, to refer the possibility of land acquisition related to this foreclosure to the Administrator and Legal Counsel to report back to Council and the President as soon as possible including making a recommendation as to whether a special meeting would be appropriate.

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

Nays: None

Motion carried.

Jahnke asked Stoppels and Pulker to find out why the dates do not add up on the notices and timetable given by the County.

VI. Submission of Current Bills

<u>TOTALS:</u>	
General Administration	\$14,382.72
Building	18,864.74
Insurance	29,467.65
Legal	4,406.60
Police	11,029.38
Pressure Sewer	400.00
General Debt Service	0.00
Major Roads	5,742.04
Local Roads	4,515.00
Rubbish	15,578.94
Trust & Agency	19,300.00
Village Hall & Grounds	0.00
Tax Fund	973.65
Waste Water	<u>2,316.91</u>
ALL FUNDS	\$126,977.63

Motion by Schiano, supported by Harnisch, to approve the bills list as submitted.

Jahnke referred to the Accounting Services performed by Andrea Paulsen and announced that she is averaging 18.5 hours per week which is less than what was budgeted adding that her annualized cost to the village is looking good and comes very close the last two finance clerks' costs.

Jahnke also pointed out that the Building Official's June payment when annualized is consistent with the year to date total of \$145,000.

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

Nays: None

Motion carried.

VII. Public Requests and Comments

Christopher Pray, 26011 German Mill, requested that the village website be updated as he did not find any links to specific meeting minutes. Pray also suggested beginning a subscription process that residents can sign up to receive electronic newsletters and updates. Pray also requested to have "children playing" signs placed in the Historic District and asked if the speed limit could be enforced more regularly on Franklin Road, Scenic and Wellington as he had witnessed many speeding vehicles through those streets.

Marsha Gershenson, County Commissioner, invited everyone to the Oakland County budget hearings on Wednesday, July 11, 2007 at 7:00 p.m.

Staran arrived at 8:52 p.m.

Gershenson announced that the Commissioners would be having their national conference in Washington in July. Gershenson also reported that they will be celebrating Catalpa Park becoming the twelfth county park in the Oakland County system on August 16, 2007 at 1:00 p.m. at Catalpa Park. Gershenson stated that there will be a meeting on discussing the planning and management of the park on July 19, 2007.

VIII. Special Reports

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

1. Main Street

Jahnke stated that he received an e-mail from Julie Courtney from the Oakland County Planning and Economic Development office requesting a meeting with the Council to talk about the benefits of the mentoring program. Jahnke noted that in her e-mail she advised that if the Village would like to prepare the Main Street application this year there would need to be a letter of intent submitted to the County no later than July 12, 2007. Jahnke suggested that the Council and Planning Commission meet again to talk about what the next steps are in the mentoring program and the possibility of forming a non-profit corporation as well as to discuss timetables and merchant participation.

Bill Finnicum, 25885 German Mill, stated that he has been on the Main Street Advisory Board for a couple years and sat on three selection committees for the Main Street Program. Finnicum advised that whether it happens this year or next, Franklin needs to apply. Finnicum described how the mentoring program and Main Street can be very beneficial to the Village but advised not to apply until the Village is absolutely ready.

2. Franklin Cemetery Association, sale of land, 1995

Jahnke reminded everyone that the Village Council sold the last acreage to the cemetery back in 1994/1995 pursuant to a council resolution that had some restrictions on the sale of the property; the restriction being that the lots would be sold to Franklin residents only. Jahnke stated that it was suggested at a recent Cemetery Board Association meeting that there is a letter of understanding dated March 22, 1995 that supercedes the council resolution. Jahnke then submitted that it was nothing more than a letter of understanding and it does not supercede any council resolution.

Gallasch asked to have legal council review this as there seems to be a conflict over the understanding.

Schiano stated that he did not want to spend a lot of money on what he feels is a non issue.

Discussion ensued between council members regarding whether or not to pursue this item. No motion was made.

3. DPW Contract

Jahnke reported that there is an agreement that was signed by Stoppels and the Principal of Greenscapes, Jim Kochensparger, but upon review there is a date that needs to be corrected and then it can be signed by the Village President. Jahnke anticipated that he would be able to sign the agreement the following day.

Jahnke then commented that he was disappointed to hear that within twelve hours of the last council meeting on Monday, June 11, 2007 Council Members, Lamott, Coyer and Gallasch

created a subcommittee to meet with Stoppels on the DPW contract the following Thursday. Jahnke referred to the Village Administrator Ordinance and the Village Charter, and pointed out that there should have been an appointment of an advisory committee to do that or they should deal with the Village Administrator individually.

Harnisch opined that there is absolutely nothing wrong with a member of council involving themselves with any particular issue that concerns them and is important to them. Harnisch stated that there is absolutely no reason why any member of Council should not be able to meet with the Administrator, President and/or Village Officers and provide input on an issue.

Lamott explained that he had become involved shortly after the meeting as the council had taken action that was against Stoppels' recommendation and he felt obligated to help him through it. Lamott stated that several issues were addressed and resolved and he was glad he could help out.

Jahnke noted that his concern stems from the minutes of the last council meeting as the council resolution specifically called for it to be brought back to the council if there were any issues.

Coyer commented that there is now a substantially better contract than the Village had with City Works. Coyer stated that he felt that the collaborative effort that was had was excellent. Coyer explained that Stoppels asked for assistance, and he got it, and the end result is good.

4. 14 Mile Road

a. maintenance

Jahnke stated that due to the collaborative efforts of Stoppels and Dave Payne at Bloomfield Township there have been many comments from 14 Mile Road residents who believe that the shape of the road is better than it has ever been. Jahnke noted that due to the dry weather there may be some washboard effects forming on the road and asked that Stoppels and Payne continue their successful efforts on the maintenance of 14 Mile Road.

b. stop signs

Jahnke reported that Chief Browne has been checking with the Oakland County Road Commission regarding stop signs being placed on 14 Mile Road. Jahnke expects a report at the next regular council meeting.

Browne stated that the Road Commission is currently doing a study on 14 Mile Road; looking at various criteria such as volume of traffic, speed, accidents that have occurred there and other various things that will help them make a determination on what the recommendation will be. Browne has been told by the Road Commission that they expect to have their recommendation ready for the August Council meeting.

B. Council Report

1. Police Landscape Report – Bill Lamott, Trustee

Lamott reported that the Landscape Committee is scheduled to meet Wednesday evening July 11, 2007 and one of the issues on the agenda will be the Police Landscape. Local landscape designer, Leslie Jakobs has agreed to help create a plan for the police department landscaping.

Lamott also mentioned that Boy Scout Will Ashbaugh, in pursuit of his Eagle Ranking, continued work started several years ago by Jeff Pulker in building a path on the Historical Society property on Kirk Lane. There is now approximately 250 – 300 feet of new pathways. Lamott thanked Jeff and Will for their work on the pathways and encouraged everyone to utilize them.

2. Detroit Edison

McElroy referred to the power outage that took place last week due to a wind storm and reported that his house lost power for four days. McElroy reported that the problem is not with the line crews; the problem is with the dispatching at Detroit Edison. McElroy thanked the Franklin Police Department and their efforts with Detroit Edison to get his power back on. McElroy asked Gershenson and anyone else who might know someone at Detroit Edison to remind them that when Franklin loses their power, they lose their water as well which could be considered a health hazard.

C. Administrator Report

1. Code Review Report

a. Modification

Stoppels explained that he has been looking at a number of current ordinances in the Village that relate to many things including property maintenance. Stoppels handed out an Ordinance Analysis to the Council and asked them to review it within the next few weeks, and provide their comments to him for further review.

b. Adoption Schedule

Stoppels reported that Noxious Weeds has already been addressed, and he proposed that within the next few months there will be some revised ordinances for review and for comments so that he can come up with some finalized versions that can be adopted later on in the year.

Schiano asked if there was anything that could be done regarding the construction site management and asked for that to be looked at.

Stoppels pointed out that unfortunately the Village cannot enact an ordinance that supersedes the state law. If a builder shows any level of progress within a six month period, the Village would have no right to rescind their permit to force them to take some action which ultimately would be contrary to what the Village wants to achieve anyway. Stoppels explained that he had been finding out that the Village may have better success with gearing the ordinances around a "Good Neighbor" policy.

McElroy referred to a property that was recently split and asked if there was any way the staff could go back and make sure that all the promises that were made are being kept regarding the maintenance of the property.

Stoppels agreed to provide a report to Council the following day.

Harnisch stated that he would like to see penalties attached to the completion time of some of the bigger construction projects in an effort to motivate them to finish their project in a reasonable amount of time so as to prevent years of blight in the neighborhoods.

2. Audit Schedule FY 2006-2007

Stoppels reported that on July 24, 2007 he will have a preliminary meeting with the staff and the auditor. Stoppels added that he plans to announce when the audit will be presented to the Finance Committee at the end of September, after which it will be presented to the Council.

3. Huda School Project

Stoppels updated the Council on the status of the Huda School project pointing out that the Village does not have jurisdiction over their renovation in that it is a school and the permitting for the building work is governed by the state. The state will not delegate the responsibility to Franklin unless all the inspectors are full time employees, which is not currently the case. Stoppels assured the Council that the changes taking place on the outside of the building have been approved by the Historic District Commission.

Jahnke asked that staff obtain the names of the people at the State office who are overseeing the construction and request something from them in writing so everyone understands where the Village's responsibility ends and where the State's begins. Jahnke also asked to get copies of the State's inspection logs on the Huda School property so that the Village can stay on top of what is going on and where they are in the process.

When asked, Staran explained that there is a state law for school construction and the authority is assigned to the Department of Labor and Economic Growth who oversee the project and are responsible for the administration and enforcement. Staran opined that when it comes to applying the land use regulations and zoning code, that they are submitted to the Village's standard site plan review process; which includes traffic patterns, site layout, use, and environmental considerations.

Jahnke asked Staran to review and comment on Stoppels' handout.

Finnicum expressed concern that the work being done at Huda School is approved by the proper Village channels and that they are actually doing what they agreed to do. Finnicum talked about the asbestos removal, noting that if it is not done properly, it can blow over the whole Historic District and settle there. Finnicum stated that he would like answers to all the questions that the residents have been asking in their letters. Finnicum also wanted to know what the anticipated growth of the school population is, as well as the traffic increase, and maintenance of the building and grounds. Finnicum also asked whether anyone really knows what the building will be used for such as a school, a mosque, a community center, or all of those things. Finnicum explained that depending on what the actual use will be, that will determine who has jurisdiction over it and what the Village's role needs to be.

Pray noted that there is a regular Saturday activity that goes on all day at the school every week. Pray suggested that the questions and answers document be posted on the Village website so that all of the Villagers could have easy access to the ongoing information. Pray stated that he is also concerned about the trees, as they are currently in need of pruning. Pray continued adding that the maintenance of the property is a real concern as well because there has not been any maintenance or upkeep on the property in the twelve years that he has lived in the Village.

Brian Gettel, 26030 Romany Way, explained that he lives right next to the school and has witnessed activities going on there Saturdays and Sundays well past 11:00 p.m. Gettel submitted a letter to Council outlining his concerns regarding the property.

David Goldberg, 32850 Romany Way, pointed out that he attended a Planning Commission meeting where the applicant significantly minimized the amount of activity that goes on during weekends and in the prayer rooms. Goldberg stated that he would like to see some kind of an investigation done to determine what the actual use is of the property and what is really going on there.

Jahnke announced that there will be a Zoning Board of Appeals meeting on Thursday, July 12, 2007 and Huda School is on their agenda.

It was determined that the zoning ordinances need to be enforced at the school by the Village and once Staran reviews all of the questions, the comments will be placed on the Village website and updated as necessary.

Stoppels reminded Council that the applicant will not get approval for a site plan that allows a use there that exceeds the parking lot use and exceeds what the roads can support. At some point they will be required to declare what goes on there at the building or else the site plan would be approved with a condition that says this is what they can and cannot do. Therefore, anything that goes beyond that which then becomes a hindrance to the neighborhood would be an issue that the Village can enforce. Stoppels assured the Council that it is fully his intention to make sure that every use of that building beyond the school is disclosed and that that becomes part of the approval process.

IX. New Business

A. Consider Fire Service Agreement between the Village of Franklin and the Franklin Volunteer Fire Department, Inc.

Coyer reported that the contract for the Franklin/Bingham Fire Department essentially goes through June 30, 2007 which means currently there is no contract with the Bingham/Franklin Fire Department. Coyer pointed out that the new contract will be for five years rather than one and there are a few outstanding issues that need to be agreed upon yet. In the absence of an agreement he suggested that it would be appropriate to extend the contract with the Fire Department until the next month so they can take the time necessary to resolve the issues.

#2007-49 Motion by Coyer, supported by Gallasch, that the Council contract between the Franklin Volunteer Fire Department, Inc. and the Village of Franklin be extended to August 13, 2007 contingent upon a resolution of other contract matters.

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

Nays: None

Motion carried.

Staran stated there are a couple of areas in the new contract that they are looking for some direction on, such as the length of the agreement and when the payments are required. Staran pointed out that Franklin Village right now picks up the liability that the Fire Department does not and it needs to be determined between the two villages (Franklin and Bingham Farms) how exactly they allocate the responsibility.

Schiano asked that Coyer, Stoppels and Averbuch meet and work on an agreement and then present it before Council.

Jahnke asked for this item to be discussed at the next Legal Committee Meeting.

B. Consider Sign Agreement for the property located at 32750 Franklin Road.

#2007-50 Motion by Gallasch, supported by McElroy, to approve the sign application at 32750 Franklin Road.

The reason for the Council's approval was discussed, as the placement of the sign is more than five (5) feet from the building and is necessary due to the large tree that would otherwise obscure it.

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

Nays: None

Motion carried.

C. Consider Electrical Permitting fees

Stoppels explained that this is merely a housekeeping issue as there are certain items on the Electrical Permit Application that are not well defined and the request is to clarify those items.

#2007-51 Motion by Gallasch, supported by McElroy, to approve the changes to the Electrical Permit Application as well as the definition of the fees.

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

Nays: None

Motion carried.

D. Consider Request of the Franklin Community Association to conduct "Movies on the Green"

#2007-52 Motion by McElroy, supported by Gallasch, to approve the Civic Events Permit for "Movies on the Green" to take place on the evenings of August 1, 8, 15 and 22, 2007 at dusk for free, outdoor movies

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

Nays: None

Motion carried.

E. Consider Appointments to Village Boards and Commissions

#2007-53 Motion by McElroy, supported by Schiano, to approve J. Hailey and George Haddad to three year terms on the Zoning Board of Appeals to be effective until July 2010.

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

Nays: None

Motion carried.

Regarding the Planning Commission, Jahnke explained that given that Gallasch is running unopposed for Village President and he will have appointive powers over Planning Commission, Jahnke wanted to make sure from the Village's perspective that they are not creating an issue if he appoints the Village President's spouse to the Planning Commission. Due to this, Jahnke asked to appoint Dean Moenck and Al Beke for three year terms ending July 2010 and discuss Mary Hepler's appointment at the August meeting. Jahnke stated the Hepler will continue her role on the Commission until she is replaced or chooses to end her term.

Harnisch stated that he preferred to appoint Hepler to another term on the Planning Commission at this meeting rather than August as she is a dedicated member of the Planning Commission and a concerned active citizen. Harnisch urged Jahnke to appoint all three Commissioners at this time.

McElroy pointed out that they are desperately trying to get active, smart, hardworking volunteers and Hepler fits that description and has for the last fourteen years. McElroy claimed that there would be far less of a conflict if Jahnke appoints her now then if Gallasch does so in 60 days and it would also be much less of an insult to Hepler as well.

Schiano explained that he does not see any conflict whatsoever with appointing Hepler at this meeting and urged Jahnke to reconsider his position on the matter.

Coyer added that he does not see any conflict of interest regarding appointing Hepler, complimented Hepler on her dedication, and implored Jahnke to appoint all three members to the Commission.

Lamott stated that he does not see what the difference would be whether she is appointed now or 30 days from now then he asked Jahnke to appoint all three at this meeting.

Pam Hansen, 32820 Wing Lake Road, Planning Commission Chairman, stated that she did speak to Jahnke regarding this issue and she let him know that her strong preference was to retain all three individuals on the Planning Commission. Hansen pointed out that Hepler has unfinished business on the Planning Commission such as contextual zoning, she had also been the writer of the chapters of the downtown revitalization section of the newly revised Master Plan, and she would like her to continue being active in that role.

Staran stated that he has researched the state law and local laws of nepotism and conflicts of interest and found nothing from a legal standpoint to prevent Hepler from being appointed. Staran mention that he is mindful of the appearance of impropriety.

Harnisch added that the appearance would be much better if the appointment were at this meeting rather than waiting until October.

McElroy pointed out that Gallasch has been the President Pro Tem for the last three years and there was no conflict there in the few times that he had to act as President.

Jahnke made the two appointments for Beke and Moenck and asked to bring Hepler back in August.

#2007-54 Motion by Harnisch, supported by Coyer, to ratify the appointment of Dean Moenck and Al Beke for three year terms on the Planning Commission to be effective until July 2010.

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

#2007-55 Motion by Lamott, supported by Coyer, to reappoint Pat Burke to a three year term on the Historic District Commission ending July 2010.

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

Pulker reminded Council that the Construction Board of Appeals board members need to meet current state requirements. Pulker explained that Building Official, Bill Dinnan, would like to make sure that the Board is ready and compliant with state requirements should they be called upon. Pulker stated that she will be investigating what the actual requirements are and will bring this item back to Council in August.

F. Consider Ballot Language for September 11, 2007 Village Regular Election

#2007- 56 Motion by Schiano, supported by McElroy, to approve the ballot language for September 11, 2007 Village regular election as submitted by the Clerk.

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

Nays: None

Motion carried.

G. Consider Election Workers for the September 11, 2007 Village Regular Election

#2007-57 Motion by Lamott, supported by Schiano, to approve Carol Fisher, as Chairman, with Rose Galley and Lorie Carswell to be election workers at the September 11, 2007 Village regular election.

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

Nays: None

Motion carried.

H. Consider Additional Fees for Planning Consultant Services

Jahnke explained that this item is regarding fees from McKenna and Associates related to the Master Plan. Jahnke stated that McKenna is \$6,356.33 over what the agreed amount to complete the Master Plan was and they have asked that the Village split the overage with them.

#2007-58 Motion by Gallasch, supported by Coyer, to adjust the General Fund Budget FY2007-2008 to allow for the payment and authorize Jon Stoppels to pay the suggested amount of \$3,178.76, as the agreed one-half portion of the charges for additional costs in producing the Village's Master Plan.

Stoppels assured Council that there is an understanding in place now between the Planning Commission and McKenna and Associates that they will, from now on, take direction from the Commission and/or the Chairman through the Administrator.

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

Nays: None

Motion carried.

I. Consider Budget Amendment FY2007-2008

Stoppels asked Council to consider a budget amendment which would carry over \$8,000 from fiscal year 2006 – 2007 and transfer it to the current fiscal year. Stoppels explained that this is the amount left over for tree replacements in both the major and local road funds and it is needed in order to comply with the Department of Natural Resources grant requirements.

#2007-59 Motion by Harnisch, supported by McElroy, to adopt the budget amendment as follows:

WHEREAS: The Village must assure that expenditures in each account do not exceed those budgeted. A review of the Village 2007/2008 Major Road Fund indicates an account where a budget amendment is required. We resolve that the following budget amendment be made to the 2007/2008 Major Road Fund budget with funds coming from the appropriation of the FY2006/2007 Fund Balance account number Major Road Fund 468818.

Accounts (Expenditures)

468181 – Trees and shrubs: Increase expense account to a new total of \$19,000 (original \$15,000).

WHEREAS: The Village must assure that expenditures in each account do not exceed those budgeted. A review of the Village 2007/2008 Local Road Fund indicates an account where a budget amendment is required. We resolve that the following budget amendment be made to the 2007/2008 Local Road Fund budget with funds coming from the appropriation of the FY2006/2007 Fund Balance account number Local Road Fund 468818.

Accounts (Expenditures)

468181 – Trees and shrubs: Increase expense account to a new total of \$19,000 (original \$15,000).

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

Nays: None

Motion carried.

X. Proclamations/Resolutions/Ordinances

- A. Consider 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 Require Waste Water System Operating Permit Issuance and Pump-Out Every Three Years, to Repeal Conflicting Ordinances, and Prescribe a Penalty for Violations (second reading)**

#2007-60 Motion by Coyer, supported by Harnisch, to adopt 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 Require Waste Water System Operating Permit Issuance and Pump-Out Every Three Years, to Repeal Conflicting Ordinances, and Prescribe a Penalty for Violations, in its second reading.

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

Nays: None

Motion carried.

- B. Consider Ordinance to Add Chapter 1480, Weed and Grass Growth Control, to Part Fourteen, Title Six of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Provide for Control and Eradication of Certain Noxious Weeds and Grass in the village, Repeal Conflicting Ordinances and Prescribe a Penalty for Violations (second reading)**

#2007- 61 Motion by Coyer, supported by Harnisch, to adopt the Ordinance to add Chapter 1480, Weed and Grass Control, to Part Fourteen Title Six of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Provide for Control and Eradication of Certain Noxious Weeds and Grass in the village, Repeal Conflicting Ordinances and Prescribe a Penalty for Violations in its second reading.

McElroy expressed concern that there may not be enough “teeth” in the ordinance as there is continued non-compliance in the Village and other areas have a far stiffer incentive regarding maintaining their property. McElroy stated that he did not want to see people relying on the Village to maintain their private property because the penalty for doing so is not strong enough.

Stoppels explained that there would be a 10% administrative fee on top of an hourly rate which would be doubled that should come to approximately \$125 per hour.

Jahnke opined that it should be a cost plus arrangement. There should be a number of lawns that are included on the base fee in the DPW contract and anything over that amount would be charged time and materials as well as an administrative percentage.

Staran advised that the cost can be determined at another time administratively.

Jahnke suggested that Stoppels develop some kind of a schedule that is reasonable and protects the Village; it will address McElroy’s concern about running a lawn cutting service, and; thirdly it will address the concern that a burden is not placed on the DPW workers by keeping them from their normal regular duties.

#2007-62 Motion by Harnisch, supported by Lamott, to amend Chapter 1479.04 both parts A and B to a 20%, in lieu of the originally stated as 10%, administration charge.

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

Nays: None

Motion carried.

Jahnke then asked who was in favor of Coyer’s motion with the 20% amendment.

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

Nays: None

Motion carried.

XI. Adjournment

Motion by McElroy, supported by Gallasch, to adjourn the meeting at 11:03 p.m.

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

Nays: None

Motion carried.

Respectfully Submitted,

Angie Eby, Recording Secretary

Eileen H. Pulker, Clerk

Mark W. Jahnke, President