

**PROCEEDINGS OF VILLAGE OF FRANKLIN
VILLAGE COUNCIL REGULAR MEETING
MONDAY, OCTOBER 13, 2008, 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 Gallasch at 8:00 p.m. at the Franklin Village Hall, Franklin, Michigan.

II. Roll Call

Present: Mark Jahnke, Dominick Schiano, Brian Coyer, Fred Gallasch, Alan Harnisch, Bill Lamott, Amie Saltzman

Absent: None

Also Present: Jon Stoppels, Administrator
Eileen Pulker, Clerk
Patrick Browne, Police Chief
Tony Averbuch, Fire Chief
Tom Biehl, Village Engineer, Hubbell, Roth & Clark, Inc.
John Staran, Village Attorney, Hafeli Staran Christ & Dudek, P.C.

III. Adoption of Agenda

Coyer requested to amend the agenda to place the recognition of Paul Mullin at the time of the Village Officers' reports to coincide with the time of Chief Averbuch's report.

Motion by Schiano, supported by Lamott, to approve the agenda as revised.

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

Nays: None

Motion carried.

IV. Minutes

A. September 8, 2008 Regular Village Council Meeting

Gallasch referred to page 6, fourth sentence, and asked for it to be replaced as follows: *Gallasch noted that the Oakland County Road Commission had approved the 14 Mile Road from Franklin Road to Beverly Hills limit to be adopted into the "Adopt-a-Road" program and it was in large part due to the work of Marcia Gershenson.*

Motion by Saltzman, supported by Lamott, to approve the minutes of the September 8, 2008 Regular Village Council meeting as revised.

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

Nays: None

Motion carried.

B. September 30, 2008 Special Workshop with Planning Commission

Motion by Saltzman, supported by Lamott, to approve the minutes of the September 30, 2008 Special Workshop with Planning Commission meeting as presented.

Ayes: Jahnke, Schiano, Lamott, Saltzman, Gallasch

Nays: None

Abstain: Coyer, Harnisch

Motion carried.

V. Reports of Village Officers and Agents

Police Chief Patrick Browne referred Council to his written report and added that tires and wheels were stolen off of a new Cadillac that was parked in a driveway overnight on Helmandale Drive. He encouraged those who may be concerned to purchase lock nuts for the wheels which help to prevent that type of crime from occurring. Browne stated that there was also a GPS system stolen from a vehicle on Telegraph Road for which the perpetrators have confessed to the crime and have been arrested. He then mentioned that his officers will be doing some firearms training again at the end of October at Canton Township's Range. Browne referred to his memo to Council regarding Officer Vanlacken's off duty injury and explained that he is looking at alternative staffing plans to avoid any additional costs to the Village while also maintaining the quality of service to the public.

Fire Chief Tony Averbuch referred Council to his written report and advised Council that during the fall months, the Fire Department has been focusing on fire safety education and making sure that the apparatus are ready for the winter months. He added that he and Fire Marshall Al Fine are working with Building Official Bill Dinnan and the State of Michigan to wrap up inspections and any outstanding issues in the Village of Franklin.

A. Consider Resolution in Honor of Dr. Paul Mullin

Coyer referred to a proposed resolution to honor Dr. Paul Mullin who has been a long time volunteer and participant in the Village's fire protection and many other activities.

Averbuch introduced Mullin explaining that he has been a member of the fire department for many years and in many different capacities. He added that Mullins has been instrumental in a number of activities with regard to the fire department and the Village itself. Averbuch stated additionally that Mullins has been very involved with many activities involving the fire station as far as repairs and upkeep.

Coyer read the proposed resolution into the record, as follows:

RESOLUTION

Paul Mullin, D.D.S.

In Appreciation of his Public Service to the Village of Franklin

WHEREAS, **DR. PAUL MULLIN** has been a property and business owner in the Village of Franklin Historic District for 44 (forty four) years, from 1964 to 2008;

WHEREAS, **DR. PAUL MULLIN** has served on the Franklin-Bingham Farms Volunteer Fire Department, Michigan, for 42 (forty two) years, since 1966 until his retirement in 2008;

WHEREAS, **DR. PAUL MULLIN** has served on the Franklin-Bingham Farms Volunteer Fire Department as an active Fire Fighter and on the Board of Commissioners;

WHEREAS, **DR. PAUL MULLIN** has served on the Franklin Community Association as a member and its' President;

WHEREAS, **DR. PAUL MULLIN** has now resigned from the Franklin-Bingham Farms Volunteer Fire Department and retired from his dental practice in the Village of Franklin.

NOW, THEREFORE, BE IT RESOLVED, on this 13th day of October 2008 that the Village Council of Franklin desires to express their appreciation for such dedicated public service by **DR. PAUL MULLIN** and to thank him for his legacy of constructive involvement which has made such a profound and positive impact upon the Village of Franklin. **DR. PAUL MULLIN** is to be commended for his dedication and skill at performing the duties required of each organization he has served.

BE IT FURTHER RESOLVED that a copy of this resolution and expression of civic appreciation be presented to **DR. PAUL MULLIN** on behalf of the undersigned.

#2008-57 Motion by Coyer, supported by Schiano, to approve the resolution honoring Dr. Paul Mullin.

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

Nays: None

Motion carried.

Gallasch stated that Treasurer Morrow was not present at the meeting and referred Council to his previously provided written report.

VI. Submission of Current Bills

<u>TOTALS:</u>	
General Administration	\$12,531.18
Building	6,607.78
Insurance	109,664.85
Legal	4,333.02
Police	17,702.63
Pressure Sewer	712.99
General Debt Service	0.00
Major Roads	4,465.60
Local Roads	4,365.00
Rubbish	17,157.67
Trust & Agency	3,600.00
Village Hall & Grounds	0.00
Tax Fund	41,230.82
Waste Water	0.00
ALL FUNDS	\$222,371.54

Motion by Harnisch, supported by Coyer, to approve the bills list.

Gallasch questioned why Public Storage was listed under General Fund and Police when there is only one storage unit.

Stoppels explained that the cost is split between the two line items in the budget.

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

Nays: None

Motion carried.

VII. Public Requests and Comments

A. Elaine McLain, Chairman of the Birmingham Area Cable Board

Elaine McLain introduced herself to Council as the new Chairman of the Birmingham Area Cable Board and reviewed the Birmingham Area Cable Board's Annual Report for FY 2007-2008 with Council.

Dean Moenck, Resident, Planning Commissioner and Manager – AT&T Operations, stated that he was very amazed at how one-sided McLain's presentation was regarding AT&T and Comcast. He then stated that AT&T does serve about 70% of Franklin with U-verse and asked that if anyone is interested in the internet and television service available from AT & T to contact him.

McLain responded that she personally is an AT&T U-verse customer, that she is not pro Comcast, that the Board is a volunteer Board, that Comcast is the incumbent provider and not the only provider available, that there is an AT&T representative that will be attending the next Cable Board meeting and that the Cable Board has asked for the facts and figures and all the information from AT&T which they would like to provide to the public. She added that the question/complaint that the Board gets on a regular basis is that people really want U-verse but when they go to the website and inquire, they still cannot get the service. McLain stated that the answer the Board gets from their solo AT&T representative is that "its coming but we cannot tell you when". She then pointed out that under contract the AT&T build-out is only planned to be 20%. McLain stressed that the Board does not advocate for anyone and providing the consumer with a choice is the reason for their being.

Jahnke agreed with McLain as he had served on the Cable Board at one time and assured the public that the Cable Board is not for or against Comcast. He added that during the time he had served on the Board, the Board had invited an AT&T representative to several meetings and they did not send anyone. Jahnke pointed out that he contacted AT&T personally as a box was installed four houses down from his and he was told that he still couldn't get their service.

Marcia Gershenson, Oakland County Commissioner, District 17, reported that the adoption of the Franklin segment of 14 Mile Road has been approved. She announced that the first community clean up will be November 1st from 10am – 12pm and added that anyone who wishes to join in the clean up should meet at West Haverford and 14 Mile Road with gloves and pruning shears. Gershenson then reported that the Detroit Zoo announced the special benefits for the three counties that passed the initiative to develop a zoo authority. There are several benefits which are posted on their website. She also noted that she received an e-mail from Oakland Livingston Human Service Agency (OLHSA) stating that they have setup dates for their lower income residents to apply for their weatherization program.

Miad Konja, 30535 Woodside Drive, expressed concern regarding a "No Left Turn Between 4pm – 6pm" sign that is posted at the entrance of Woodside Drive off of Franklin Road. She argued that there are two other options a non-resident would have to cut across to 13 Mile Road (Kincardine and North Greenbriar) and she doesn't understand why she needs to note the time of day to turn onto her drive where she's been paying taxes for years. She requested that the sign be removed or changed to allow residents of Woodside access at all times.

Browne responded that a "Local Traffic Only" sign would be extremely difficult if not impossible to enforce.

Konja suggested placing speed bumps on the drive to prevent the numerous speeders that cut through their neighborhood rather than prohibit the residents of the drive from turning onto their own drive.

Gallasch stated that Browne will look into a solution for Woodside Drive.

Chuck Moss, State Representative 40th District, reported that the State passed HJR111 which was supposed to be a wonderful thing that was going to give property tax relief to hard pressed citizens however, he announced that he now feels it was a mistake to vote for it as it will only serve to diminish the income that goes to the Village and other municipalities.

VIII. New Business

A. Pathways Report, Brian Hughes and Dean Moenck, Planning Commissioners

Brian Hughes, Planning Commissioner, explained that he and fellow Planning Commissioner Dean Moenck as well as Village Engineer Tom Biehl, Hubbel, Roth and Clark Inc (HRC), have worked together to progress the Master Plan's direction for Safety Paths in the Village. He then referred to the Village of Franklin Safety Path Master Plan Final Report handout, a copy of which is on file in the Village Clerk's office, and he, Moenck and Biehl gave an informational presentation to Council on what they are working on as far as Safety Path Design Criteria, Safety Path Routes, Summary of Project Costs, Project Cost Thoughts and Financing Options.

Pam Hansen, Planning Commission Chair, stated that they will review the proposed plan at the next Planning Commission meeting and will provide additional information at the next Village Council meeting.

B. Consider Renewal Contract for Andrea Paulsen

Stoppels asked Council to table this item until next month to provide an opportunity for the Finance Committee to discuss this item.

Schiano expressed concern regarding the 11% increase and how such a large increase is justified.

Jahnke noted that the Finance Committee should look at the agreement and he would like to hear input from Janz and Knight, Village Auditors as well.

#2008-58 Motion by Jahnke, supported by Coyer, to table the Renewal Contract for Andrea Paulsen until the Finance Committee can make a recommendation.

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

Nays: None

Motion carried.

Harnisch requested that any future agreement requests be submitted to Council prior to the effective date so as to review and comment before implementation of an increase in pay occurs.

C. Consider E-mail Retention Policy

Coyer stated that he and Pulker worked together to provide a policy to give guidance on the electronic communications regarding Village business. He referred to a memorandum dated October 9, 2008 which detailed several items including a draft of the Electronic Mail (E-Mail)

Retention Policy, possible implementation procedures and a number of explanatory e-mail responses from Coyer and spoke briefly of each.

Discussion ensued regarding how to retain e-mails regarding Village business.

David Goldberg, 32850 Romsey Road, asked the following questions; What constitutes the communications that are at question here? Is Council talking about communications amongst an entire board whereby it was amongst a group of people that would otherwise have constituted a quorum whereby it should have been held in a public meeting therefore the public should have been aware of it? If Goldberg were to talk about pathways or any other Village business item with a Council member in passing, is that conversation required to be documented and retained?

Staran explained that any record that may be created and is written is considered a public record.

Jahnke suggested that this item be addressed by the Legal Liaison Committee and have them address any issues and then make a recommendation to Council.

#2008-59 Motion by Coyer, supported by Saltzman, to table the E-mail Retention Policy and refer it to the Legal Liaison Committee for recommendations.

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

Nays: None

Motion carried.

D. Consider Personnel Committee Recommendation for the Process for Selecting the Main Street Director

Stoppels reported that the Personnel Committee recently met with staff to discuss the process for hiring a Main Street Director which is under exclusive authority of the Village Council. He added that the Committee will be making a recommendation to Council on suggested ways of soliciting candidates, reviewing resumes and interviewing/selecting a Director.

Discussion ensued regarding what the job description should be, number of hours, wages, and selection procedure and requirements.

Jahnke reiterated to the Personnel Committee that they are an advisory committee only and in the end Council directs Stoppels as opposed to the Personnel Committee directing him. Jahnke opined that it's critical that the Personnel Committee make all résumé's available to everyone on Council for their input.

The Personnel Committee will meet again and report back to Council at their next meeting in November.

E. Consider Budget Amendment Correction for Road Fund Transfers (FY2007-2008)

Gallasch referred to a memorandum from Stoppels dated October 8, 2008 that explains that in the review of the Village finances for the fiscal year ending June 30, 2008, the auditors (Janz and Knight) found that one of the budget amendments made on April 14, 2008 involved a transfer of funds from the Major Road Fund to the General Fund in the amount of \$10,000. The fact that it was labeled a transfer rather than administrative fees necessitates the change needed now.

#2008-60 Motion by Jahnke, supported by Harnisch, to approve the Budget Amendment Correction for the Road Fund Transfer, as follows:

At the Village Council meeting held on April 14, 2008, budget amendments were approved by the Council to increase the Transfer to General Fund in the Major Street Fund by \$15,500, increase the Transfer to General Fund in the Local Street Fund by \$10,000 and increase Transfer from Other Funds in the General Fund by \$25,500. Council's intention with these budget amendments was for the General Fund to assess admin fees to the Major Street Fund and Local Street Fund and not as a transfer between funds.

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

Nays: None

Motion carried.

F. Consider Finance Committee Recommendation for the Proposed Gabriel Roeder Smith & Company Actuarial Evaluation

Jahnke stated that he advocates the Actuarial Valuation of the Village of Franklin Retiree Health Care Plan but would like to understand what exactly the Village is getting for the proposed fees of \$5,000.

#2008-61 Motion by Jahnke, supported by Harnisch, to table this item until the Finance Committee comes back with a recommendation.

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

Nays: None

Motion carried.

G. Consider Concept Plan to Relocate the Kreger Farm Buildings to Village Property

Lamott reported that a proposed site plan application has been filed with the Planning Commission. He added that due to time constraints and funding issues the Kreger Home Relocation planning group is requesting a proposed resolution by Village Council.

Jahnke asked Staran in terms of asset acquisition, can Council acquire buildings via resolution and move them to a specific location in the Village?

Staran answered that the Charter does have some limitations as far as price, which does not apply to this item as the buildings are being donated to the Village free of charge. He added that he agrees that it is essential that Council is confident where the property lines are and that there are no restrictive covenants that stand in the way and that \ site plan approval is required. Staran further stated that there are no other restrictions in the way of doing this if that is Council's inclination.

Discussion ensued regarding property line location, setbacks, and other concerns such as use, maintenance and funding.

Council showed a general support for the project to continue.

IX. Proclamations/Resolutions/Ordinances

A. Consider Resolution of Intent for a Corridor Improvement Authority

When asked, Staran explained that the only thing Council would be committing to by adopting the proposed resolution is to schedule a public hearing.

#2008-62 Motion by Schiano, supported by Harnisch, to adopt the Resolution of Intent for a Corridor Improvement Authority with the Public Hearing date of December 8, 2008, as follows:

**RESOLUTION OF INTENT TO ESTABLISH
A CORRIDOR IMPROVEMENT AUTHORITY**

WHEREAS, Public Act 280 of 2005 (MCL 125.2871 et seq), the Corridor Improvement Authority Act, was enacted to provide for the establishment of a corridor improvement authority, correct and prevent deterioration in business districts, encourage historic preservation, and promote economic growth; and

WHEREAS, the Village Council of the Village of Franklin, in accordance with 2005 P.A. 280 (MCL 125.2871 et seq.) intends to establish a Corridor Improvement Authority.

THEREFORE, THE VILLAGE COUNCIL RESOLVES:

1. It is necessary and in the best interests of the public to establish and operate a corridor improvement authority in the Village of Franklin, and the Village Council declares its intention to create and provide for the operation of a corridor improvement authority.
2. The boundaries of the proposed corridor improvement authority's development area are preliminarily designated on the attached Development Area Description Exhibit.
3. The development area meets all the criteria under Section 5 of 2005 PA 280 for the establishment of a corridor improvement authority, in that:
 - A. It is adjacent to or is within 500 feet of Franklin Road, which is classified as an arterial or collector road according to the Federal Highway Administration manual;
 - B. It contains at least 10 contiguous parcels or at least 5 contiguous acres;
 - C. More than ½ of the existing ground floor square footage in the development area is classified as commercial real property under section 34c of the General Property Tax Act, 1893 PA 206, MCL 211.34c;
 - D. Residential use, commercial use, or industrial use has been allowed and conducted under the zoning ordinance or conducted in the entire development area, for the immediately preceding 30 years;
 - E. It is presently served by municipal sewer; and
 - F. It is zoned to allow for mixed use that includes high-density residential use.
4. The Village of Franklin agrees to: (1) expedite the local permitting and inspection process in the development area, and (2) modify its master plan to provide for walkable nonmotorized interconnections, including sidewalks and streetscapes throughout the development area; and,

5. The Village Council shall hold a Public Hearing on December 8, 2008 on the adoption of a proposed resolution creating the authority. Notice of the Public Hearing shall be given in accordance with MCL 125.2876(2).

Coyer expressed several concerns and stated that he is not convinced that the resolution is bringing the Village any further other than sending up a flag that the Village is serious about development in the area and there may be other ways to do that without adding the administrative and political issues that the resolution brings along with it.

Staran added that the resolution does designate the development area but only on a preliminary basis and it is not a final designation which cannot happen until after the public hearing.

After discussion, it was agreed that the public hearing will begin at 7:00 p.m.

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

Motion by Coyer, supported by Lamott, to extend the meeting beyond 11:00 p.m..

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

X. Special Reports

A. President's Report, Fred Gallasch, Village President

Gallasch reported that Oakland County did a testing of the Village's sirens and reported that they all work appropriately. He then thanked Eric Czamik of the Birmingham-Bloomfield Eagle, for the article on the Village being accepted into the Main Street Program.

B. Council Reports

1. Wireless Report, Brian Coyer – Trustee

Coyer reported that he had nothing to report at this time as he will soon be meeting with Mr. McNamara regarding options for wireless service in the Village, and expects to provide a report at the next meeting.

2. Update on June 30, 2008 financial statements, Mark Jahnke – Trustee

Jahnke stressed that the Finance Committee needs to meet soon to discuss several items including the draft, the actuary and Andrea Paulsen's agreement.

C. Administrator's Report

Stoppels reported that Huda School will be installing three water tanks tomorrow and that the Huda School officials have devised a plan for more safely bringing children in and sending them home. The police department will continue to monitor congested periods at the school to ensure that everything moves smoothly.

XI. Adjournment

Motion by Schiano, supported by Harnisch, to adjourn the meeting.

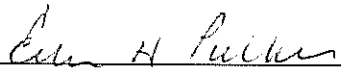
Ayes: Jahnke, Schiano, Coyer, Harnisch, Lamott, Saltzman, Gallasch

Nays: None

Motion carried.

There being no further business, the meeting adjourned at 11:09 p.m.

Respectfully Submitted,


Eileen H. Pulker, Clerk

Fred Gallasch, President