

**PROCEEDINGS OF VILLAGE OF FRANKLIN
VILLAGE COUNCIL REGULAR MEETING
MONDAY, NOVEMBER 10, 2008, 8:00 PM
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
William Castro, Police Detective Lieutenant
Tony Averbuch, Fire Chief
Trey Brice, Hafeli Staran Hallahan Christ & Dudek, PC, Village Attorney

III. ADOPTION OF AGENDA

Motion by Harnisch, supported by Lamott to move New Business Item E to Agenda VII Public Requests and Comments.

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

Nays: None

Motion carried.

IV. MINUTES

A. October 13, 2008 Regular Village Council Meeting.

Gallasch referred to page 4, paragraph 3, last sentence, and requested that the word "advocates" be changed to "advocate".

Motion by Coyer, supported by Lamott to approve the minutes of the October 13, 2008 Regular Village Council Meeting as revised.

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

Nays: None

Motion carried.

V. REPORTS OF VILLAGE OFFICERS AND AGENTS

Gallasch informed the Council that Detective Lieutenant Castro will be providing the Police Department report in the absence of Chief Browne.

Castro informed the Council that it had been a quiet October. He referred the Council to the submitted report, reviewed it noting that there had been several reports of dogs running loose in several areas throughout the Village for which two (2) dog owners were cited for ordinance violations. Castro added that one of the incidents, which occurred in the Franklin Community Association (FCA) grounds, involved a resident being approached on the path by a dog who bit her on the leg for which the dog owner was cited and the matter was turned over to the 46th District Court. He reported that there was a serious injury accident on 13 Mile Road, just west of Franklin Road, which involved a total of five (5) vehicles, with one driver still hospitalized at

Beaumont Hospital, in stable condition. He added that the officers are spending a lot of time patrolling around the banks and the commercial district, due to an increase in bank robberies throughout the surrounding jurisdictions. Responding to a question from Coyer, he advised the Council that due to Officer Vanlacken's injuries, the Department does not know if or when he will return to duty, but as reported last month, the Department is in the process of looking at alternative staffing to fill the position, while he is on medical leave. The Department has interviewed three (3) candidates, all very good possibilities, and he acknowledged that Chief Browne will have a difficult decision to make.

Fire Chief Averbuch summarized the report as provided to Council, and added that the Department is continuing to maintain inspections. He added that last Saturday, as part of an annual inspection, all ground ladders and aerial ladder, had been inspected, which will provide safe equipment, as well as, a history on each ladder, resulting in maximum points in those areas of the Village for review by the Insurance Services Office (ISO) for their rating of the department. He informed the Council that he has moved, is still in the vicinity, and another firefighter will be moving into the house next door to the fire department this week, so the same level of participation will be maintained from that house. Responding to a question from Gallasch, he stated that multiple malfunctions of a residential alarm system may indicate a need for education, but it also may be associated with the change of the seasons, dust, or a faulty sensor, and that any concerns will be brought to Administrator Stoppels' attention.

Averbuch continued, advising the Council, that he had conducted a preliminary test of the Huda School's underground water storage tanks, and while the tests were okay, he had made a couple of recommendations to maximize their potential for the Village's use of that water, should it be required at the Huda School facility. He stated that the tests, intended to rate availability of water supply, had been run on one (1) of three (3) tanks, which each hold approximately 11,000 gallons, and that the tanks are not full. Responding to questions from Jahnke, he added that the tanks are located under the driveway (not in the circular area), up the access ramp, west of the playground, on the upper level, and a fire truck responding to an incident would go to the riser, and probably no closer. He advised that the water is not intended to be used for any other structures in the Village because of loss of efficiency due to the tanks location, and that the tanks are interconnected. He added that he has requested a change in the diameter of the pipes entering the most eastern manhole cover from 4" to 6", and has requested signage be added to that non-bolted manhole, indicating in some way, that it is a confined space.

Gallasch reported that the Treasurer Thomas Morrow was unable to attend the meeting but had provided a written report for the Council.

Jim Kochensparger, Greenscapes, Inc., DPW reported that the Department had been working on general maintenance and tasks requested by Administrator Stoppels. He commented, regarding the Council's discussion at the last Council meeting, for the possibility of speed bumps on Woodside, that waiting until Spring would be best as it would not interfere with snow removal. He also urged residents to remind their contractors that they are not allowed to spill snow into the streets, there is a state law against it, and to encourage the contractors to push it completely off the roadway

Discussion ensued regarding snow removal.

VI. SUBMISSION OF CURRENT BILLS

General Administration	\$	24,726.59
Building	\$	4,744.04
Insurance	\$	29,184.63
Legal	\$	2,980.50
Police	\$	15,511.45

Pressure Sewer	\$	100.00
General Debt Service	\$	287.50
Major Roads	\$	4,614.58
Local Roads	\$	4,616.18
Rubbish	\$	17,157.67
Trust & Agency	\$	26,222.00
Tax Fund	\$	4,396.82
Waste Water	\$	1,022.29
ALL FUNDS	\$	135,564.25

Motion by Jahnke, supported by Lamott, to approve the bills list as presented.

Jahnke referred Council to page one, Franklin Historical Society – Kreger Fund, expenditure in the amount of Two Thousand Dollars, and inquired as to whether Council had pre-approved this expenditure a few months ago.

Administrator Stoppels clarified that the Historic District Commission had pledged Two Thousand Dollars to the Historical Society for the purpose of locating the Kreger House in the District, the engineering and architectural services required to move the buildings. Discussion ensued regarding the legalities of this expense and the Village Attorney was directed to research the issue and bring the results back to Council.

Schiano asked if the Saltzman Trust Fund was a static number, or if some of the funds had been used. Lamott clarified that the Village had used some of it for landscaping at the Police Station as it had originally been designated for. Schiano commented that this was an intended use, and Saltzman commented that the landscaping looks great.

Gallasch inquired as to whether the Village would be reimbursed for the Cable Board expense item, to which Village Clerk Pulker, stated yes. He also inquired as to the credit card fees associated with the payment of local taxes to the County, to which Village Clerk Pulker replied that this is currently being discussed with the Treasurer, and will be resolved after a change in banks.

Coyer inquired as to fuel costs, stating that there is a fuel re-escalation and de-escalation clause in the contract with Waste Management of Michigan. Administrator Stoppels concurred, and added that while gas in general has gone down, this has not been the case with diesel fuel, but that he and the finance clerk are watching it each month.

#2008-63 Motion by Jahnke, supported by Lamott, to amend his motion to approve the bills list to hold the Franklin Historical Society-Kreger Fund check in the amount of Two Thousand Dollars in abeyance until the next meeting.

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

Nays: None

Motion carried.

VII. PUBLIC REQUESTS AND COMMENTS

X. NEW BUSINESS, ITEM E. Consider Proposed Franklin Community Church Parking Lot Agreement

Rex Critzer, Chairman of the Administrative Council, Franklin Community Church, advised the Council that he was appearing before Council to submit a proposal of a shared parking lot agreement, as outlined in correspondence sent to Council, dated October 29, 2008. He reviewed the proposed agreement, and stated that while it is their parking lot, it is also used by residents of the Village of Franklin for park access, as well as ball fields, etc. They are proposing that the Village take over the maintenance of the parking lot in terms of salt application and snow

removal. He further stated that the parking lot will need complete renovation in 2009 or 2010 at an approximate cost of Ninety Thousand Dollars, and they are, therefore, planning to take out a low-cost loan from the United Methodist Church to fund this renovation and are requesting sharing of the costs between the Village, Franklin Baseball League, the FCA, and the Church, as well as joint fundraising efforts.

Harnisch commented that there are liabilities/risks associated with maintaining the parking lot in terms of snow removal, and is unsure if the Village's insurance would cover a lot owned by a private party. Mr. Critzer commented that he had not researched this issue.

Gallasch commented that sidewalks are an area of risk also.

Critzer stated that the Church will be maintaining the sidewalks.

Discussion ensued regarding insurance and liability.

Coyer stated that he appreciated getting the letter, that it will provide an opening for a discussion involving liability, cost sharing, appropriate proportion to the parties involved, including Music on the Green, etc., that it has a spirit of openness, and that he would suggest referring it to the Finance Committee.

#2008-64 Motion by Coyer, supported by Jahnke, to refer the Proposed Franklin Community Church Parking Lot Agreement to the Finance Committee for their report to Council after discussion with all of the parties involved at the next meeting following said discussions.

Schiano inquired as to whether the FCA and the baseball league had been approached.

Critzer stated that they had been approached, but there have been no agreements made, and that for the renovation, they have time.

Mike Seltzer, FCA President, stated he had personally seen the letter, but the FCA Board had not officially received the letter yet, so he had no comment at this point.

Enid Brown, 30666 Oakleaf, stated, as a member of the Arts Council, that Music on the Green had not heard anything yet, either.

Critzer stated that when the letter was drafted, they did not envision contacting those parties.

Jahnke asked Mr. Critzer, from the Church's perspective, with winter arriving early, if they had set anything up in terms of plowing.

Critzer answered no, and that if this is deferred they will have to do that.

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

Nays: None

Motion carried.

VIII. PUBLIC HEARING

A. 2009 Community Development Block Grant (CDBG) Funds to receive citizen participation and review of the following:

2008-65 Motion by Harnisch, supported by Jahnke, to open the Public Hearing to receive public comments on the following two proposals.

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

Nays: None

Motion carried.

1. The proposed Program Year (PY) 2009 CDBG projects for the Village of Franklin, the estimated amount of \$8,000.00.

Administrator Stoppels reviewed the proposed disbursement of funds as submitted in his Memorandum to Council. He further stated that this has been the standard rule, for how we have applied this money in past years; we don't retain a lot of it, although we did look at one time to use the money towards revamping our barrier-free bathrooms, but the costs were prohibitive due to the rules that go along with it. He added that essentially, over the last several years, we have given the money to these three groups, and that we only qualify for the bare minimum of CDBG funds.

Harnisch asked if this was roughly proportional to what we have done in the last year or two.

Administrator Stoppels stated that this is almost identical to what was done last year.

No public comments were received.

2. Request to change description of PT 2006 CDBG funds in the amount of \$,2800.00.

Administrator Stoppels advised that the Senior Center does not always spend their money as quickly each year. He further added that because HUD has changed the rules regarding what those funds can be spent on, and since this money is still outstanding, the Birmingham Area Seniors Coordinating Council (BASCC) will put these funds towards the new use of building maintenance (door and window improvements and signage around building). He stated that they are asking to have the money reallocated as suggested here.

No public comments were received.

#2008-66 Motion by Schiano, supported by Lamott, to close the Public Hearing.

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

Nays: None

Motion carried.

IX. OLD BUSINESS

A. Consider Renewal Contract for Andrea Paulsen.

Administrator Stoppels advised the Council that this item was tabled at last month's Council meeting, at which time it had been referred to the Finance Committee. The Finance Committee had met and is recommending the renewal based upon the consultant agreeing to hold her hourly rate for a full two (2) years of the agreement, extending it for two years, Ms. Paulsen has agreed to this, and the contract is ready for their approval tonight.

Gallasch inquired as to the term of the contract to which Administrator Stoppels replied that it goes from July 1 of this year to two years from that date.

Jahnke stated that the Finance Committee had looked at this, and providing some background, he stated that hiring Ms Paulsen as an Independent Contractor has provided considerable cost savings when looked at from what the Village paying for the same function prior to hiring Ms. Paulsen. He stated that he encouraged Pulker and Stoppels to continue to manager Ms. Paulsen as an Independent Contractor as opposed to an employee; that the goal is to keep that annual number as low as we can. He added that this has been a winner for the Village and that it is working out very well for Ms. Paulsen as well.

Schiano added that while the year-end audit had always been good, there was a marked improvement this year, which is a credit to the new system, and that we are happy to have her.

#2008-67 Motion by Jahnke, supported by Schiano, to approve and accept the two-year contract with Andrea Paulsen at the new rate of fifty dollars (\$50) per hour, to commence July 1, 2008 and run until June 30, 2010.

Schiano requested clarification as to whether this was a two year contract agreement to which Administrator Stoppels replied that it is a two year agreement with standard outs for either side.

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

Nays: None

Motion carried.

B. Consider E-mail Retention policy.

Gallasch stated that this item had been tabled at last month's Council meeting and referred to Legal Counsel adding that Coyer and Pulker have worked on it as well.

Coyer stated that based on comments from Council at the last meeting and from the Legal Liaison Committee, there have only been some minor changes made to the proposed policy. It was suggested that we create one e-mail address to which all electronic communications could go. He has spoken, briefly, with Village Attorney John Staran, who indicated that there would be no objections related to the policy as it mirrored the policy developed by Michigan Municipal League (MML), and he recommended to adoption to enable proper record retention as required. He directed Council's attention to the second page of the policy where the changes have been made in the draft and to ensure that everyone was clear and the issues have been addressed, he read the relevant section. He further stated that Pulker's Memorandum to Council has suggested an email address of records@franklin.mi.us be utilized for this purpose.

#2008 68 Motion by Coyer, supported by Schiano, to adopt the Proposed E-mail Retention Policy, incorporating the reference to the e-mail address to which messages will be sent (attachment #1).

Schiano stated that reminders to copy "records" would help everyone to get used to doing that, when we forget to do so.

Coyer inquired if Legal Counsel or Administrator Stoppels had any comments.

Attorney Brice stated that the use of the created e-mail address should serve the purpose as intended, as long as this body uses it, but that the last draft he had, did not clarify the storage options as referenced on page two, bullet two, within the brackets.

Coyer stated that this is an administrative matter though we may not have stated it as such.

Attorney Brice stated that is correct and necessary to give employees the full understanding of what they were supposed to do.

Schiano inquired if language indicating they would be copying this e-mail address on all official communications, would be inserted in the brackets, or something to that effect, to which Attorney Brice replied, yes.

Gallasch inquired if his assumption that this would be circulated to all our Boards and Commissions, as they would be under the same rules, was correct, to which Attorney Brice replied, yes, as would any other body which falls under the Open Meetings Act.

Enid Brown, 30666 Oakleaf, stated that any communications, unless privileged, would be accessible to the public, through a Freedom of Information Act request (F.O.I.A.) Text messages, official or unofficial business, it still should be retained without exclusions, except for legal exclusions, and this should be a consideration to look at.

Coyer stated that this policy expressly urges public officials, appointed officials, and employees, to delete personal messages; the record that is being kept is a record related to public functions.

Jahnke inquired of Counsel if this policy comports with what other communities are doing.

Attorney Brice stated that this is in general, the form that most communities are using.

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

Nays: None

Motion carried.

C. Consider Personnel Committee Recommendation for Selecting the Main Street Director.

Gallasch referred Council to the packet of material submitted for this item.

Schiano provided Council with an overview of the Personnel Committee's discussion relative to this item and their recommendation of Ms. Eddie Delbridge, subject to all applications being forwarded to Council. He stated that through their review of the applications they determined that Ms. Delbridge was the overwhelmingly best-qualified applicant. He added that they also wanted to lock in on the job description and terms of employment/engagement, and asked the Village Attorney to do that.

Administrator Stoppels stated that he had met with her; she is very knowledgeable and excited, has a background in volunteerism, small businesses, Lawrence Technology, and currently sits on the Main Street Board, which makes her even more qualified. He added that Council is free to consider all of the applicants.

#2008-69 Motion by Schiano, supported by Lamott, to engage Ms. Eddie Delbridge for the Main Street Director position, to adopt the job description as provided, and to adopt the terms of the agreement, as provided.

Jahnke stated that he is concerned that the Personnel Committee is taking over Council responsibilities. He stated that when the Police Chief was hired there was more inclusiveness, the process took a little longer, and furthermore, he still has questions, such as: when does she start, who does she report to, and what is she going to be doing. He added that we do not yet have a Corridor Improvement Authority Board or a Main Street Board, and we are taking resources and applying it to this position. He also felt that there might have been other applicants for consideration.

Discussion ensued regarding the process of filling this position, the description of duties, who this person will report to, and when the position will start

Jahnke stated that he had been a part of this process since day one, and that he recognizes that we need a part-time independent Director, but that he still has a concern that we do not have the Boards he mentioned earlier, and that his preference would be to have the infrastructure of the Boards set up first.

Schiano stated that this is basically a case of the chicken and the egg, which comes first -- resource or infrastructure - and further opined that neither approach is right or wrong.

Coyer requested clarification as to what documentation is meant to be the job description. He added that he agrees with Jahnke that we are ahead of ourselves in terms of process, that the duties are not clear, and that we do not have a Corridor Improvement Board (CIA), yet under the statute, that Board will decide who their director is. He added that since the incremental financing is relatively small, it is likely that the CIA Director and the Main Street Director will be the same person.

Schiano agreed that it does pre assume the existence of the CIA. He would recommend limiting language, such as “should a CIA be enacted by Council, it will...”

#2008-70 Motion by Coyer supported by Schiano, to amend the previous motion to delete the third sentence (from “In addition to “successful” in the paragraph headed Appointment of a Part-time Program Director.

Discussion ensued regarding the duties of this position, the appropriateness of putting in the resource before the Boards, the proposed contract, and the need to have a Director.

Lamott added that he sees this person as a mentor and that she has the qualifications and can get the Village through the initial setup and then jump in further.

Coyer clarified that the motion is to adopt the job description as amended and to negotiate an agreement/contract in substantially this form with this person.

Jahnke asked if this motion includes hiring her, adopting the job description and terms of employment and entering into an agreement substantially in the form as drafted by the Village Attorney.

Harnisch stated that one open unresolved item is the term.

Discussion ensued as to the term of the position and the start date.

Lamott proposed adding words to paragraph one to include the term as being from the present date through June 30, 2009.

Attorney Brice stated that the clarified job description would be attached to the Agreement as Exhibit A.

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

Nays: Jahnke

Motion carried.

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

Gallasch advised the Council that the Finance Committee had met earlier to discuss doing a revision to our actuarial evaluation for the Retiree Health Insurance Funding Vehicle, and that they have talked to us about it on several occasions.

Schiano advised the Council that the Finance Committee has decided to defer engaging the actuaries because of the expense. Schiano added that this is a procedure that needs to be done once every 3 years with the auditors, and this accounting principle that needs to be adopted in a phased basis will not be required until the 2010 fiscal year, so the actuarial report will not be required until 2009. To save funds they are recommending deferring it this year and spending it next year, as of December 31, 2009. It was determined that the next year’s budget would contain an increase in the funding for this line item, just as had occurred in the current fiscal year.

Discussion ensued as to what should be budgeted, funded, and the deferment.

E. Consider Planning Commission Proposed Pathway Plan.

Gallasch advised Council that Brian Hughes and Dean Moenck, Planning Commissioners, had provided Council details of their proposal at the last meeting, and that Planning Commission has requested Council to take some action relative to this proposal.

Hughes stated that they had made a presentation to Council last month, and have three items for discussion: 1) Is this a good time for bonds – is bond money available; 2) has Finance Committee reached any decision yet; and 3) do you have any input or direction on that.

Schiano stated that Finance Committee had had a discussion about it, but agreed that if it was today, it would not be a good time, but they also considered a timeline.

Administrator Stoppels advised that the first opportunity for an election for the voters to decide this issue, would be in May or Spring of 2009. That leaves the Summer of 2009 for planning and design work, bidding presumably in Fall or Winter, bonds right about that time, and construction could start as early as Spring of 2010.

Discussion ensued regarding the timeline, costs, bonds, and the election.

Jahnke stated that, as a member of the Finance Committee, we need to point towards the Village election in 2009, schedule a public hearing with Hubbell Roth and Clark (HRC) Village Engineers, and the Planning Commission to communicate with the voters, and draft the language for the ballot.

Hughes inquired if the public meeting/hearing would be Council, Planning Commission or a joint meeting. He added that they want public input on the final design before they bring a final proposal to Council.

Jahnke stated that Planning Commission could absolutely do that, however, it is Council's responsibility to have a public hearing at the time we approve the ballot language.

Discussion ensued regarding the public hearing, approval of ballot language, timing, and the concurrence that Planning Commission should get public input.

Hughes stated that they would be back sometime in the early Spring and would work with Pulker on language for the ballot based on public input from that meeting.

Jahnke clarified that the Planning Commission's role is to bring a recommendation to Council. Council's role is to create ballot language and to get that through the system to place that on the ballot for September 2009 Village Election.

X. NEW BUSINESS

- A. Consider the Proposed Program Year (PY) 2009 CDBG projects for the Village of Franklin, the estimated amount of \$8,000.00.**

#2008-71 Motion by Lamott, supported by Schiano to approve the PY 2009 CDBG project funds for the Village of Franklin, in the estimated amount of \$8,000.00 for the designated project as follows:

Administration -	\$1,600 to fund Village administrative service cost for the implementation of CDBG Projects
BASCC -	\$2,800 Senior Center Projects \$1,500 Senior Center Newsletter
Birmingham Youth Assistance Program -	\$2,100 to provide recreational services for low-income families in the Birmingham School District

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

Nays: None

Motion carried.

- B. Consider the Request to Change description of PY2006 CDBG funds in the amount of \$2,800.00.**

#2008-72 Motion by Lamott, supported by Saltzman to reallocate the PY 2006 CDBG funds in the amount of \$2,800.00 to BASCC for general repairs to the building.

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

Nays: None

Motion carried.

C. Consider Civic Event Permit application for “Franklin Winter Festival”.

#2008-73 Motion by Schiano, supported by Saltzman, to approve the Application for Civic Event Permit request for the Annual Franklin Winter Festival.

Discussion ensued regarding the paperwork and parking.

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

Nays: None

Motion carried.

D. Consider Proposal to Establish Ice Rink in Village Green.

Gallasch referred Council to Administrator Stoppels' Memorandum.

Administrator Stoppels summarized his Memorandum.

Discussion ensued regarding maintenance, costs, source of water, and insurance/liability.

Gallasch inquired if the Village would need to establish hours of use.

Administrator Stoppels advised that we would not provide supervision, per se. He added that from a liability standpoint, more signage is better, but if you are not supervising it, you run the risk of people using it at odd hours.

Coyer inquired as to whether we can get a larger size, adding that 20 x 40 is small.

Administrator Stoppels advised that is not possible if purchasing as a kit; we would have to buy each piece separately. He added that Les Gorback of Gorback Photography wanted to pursue this as an experiment and he did not want anything too big.

Discussion ensued as to the best size, the work required to assemble and disassemble the rink, the need for a flat-level surface, the usage of the tennis courts in the past for this purpose and the pros and cons of that use, and the ability of staff to add this to their work load.

Gallasch asked Council what their preference is on this issue.

Discussion ensued as to weather, timing, size of rink, placement, and costs.

Jahnke suggested that Administration could research it and come back to Council with more information as to the costs of increasing the size.

Administrator Stoppels advised that he had done extensive online research on this prior to this evening to try to find a larger kit, and that there are no larger kits available. He added that you could go larger, but that would mean buying heavier plastic, more lumber, and additional design work at a cost 4 – 5 times that of this kit.

Discussion ensued as to storage in the off-season.

Christopher Prey, 26011 German Mill, stated that he thought this was a great idea and fits in with the Kreger House discussions - the barn being out here, the doors being open, and an ice skating rink. He acknowledged that it is very small, but is an opportunity to look at it as an experiment. For a cost of \$500.00 we can see whether it works before we spend the money to put in a big rink.

He asked if the tennis courts can be lit, and requested that the rink somehow be lit, so that it could be used in the evening hours.

Coyer stated that he would like to see this happen, but that he would like to see more research on a bigger kind of arrangement – it is pretty small and those who skate will be frustrated by the size.

Administrator Stoppels advised that we are also limited by the amount of water that we are able to generate, adding, that if we go much larger, we would have to find an alternate water source.

Discussion ensued regarding source of water.

Motion by Schiano, supported by Lamott that the Ice Rink as proposed be established.

Discussion ensued regarding the uses by size of rink, and the dollar amount involved.

#2008-74 Motion by Schiano, supported by Lamott to amend the motion to allow for the purchase of the proposed rink kit at an approximate cost of \$500.00, for the purpose of using this as a trial system.

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

Nays: None

Motion carried.

E. Consider Proposed Franklin Community Church Parking Lot Agreement.

Moved to VII – Public Requests and Comments

F. Consider Meeting Calendar Dates for Village Council and Commissions for January 2009 through December 2009.

Saltzman asked what highlights are on the copy provided as a draft.

Village Clerk Pulker advised that these are the corrections to the draft copy submitted to Council several weeks ago.

#2008-75 Motion by Lamott, supported by Saltzman to accept the proposed meeting schedule for 2009 as provided.

Jahnke asked when the election date would be in September.

Clerk Pulker advised that September 8th, 2009 is the next Village Election.

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

Nays: None

Motion carried.

G. Consider Scheduling Special Meeting at Huda School on December 18, 2008, at 7:00 p.m.

Gallasch summarized the request to conduct a meeting at Huda School citing the Village's request to meet with the school officials.

Coyer asked what the agenda would be.

Administrator Stoppels advised that we have asked them in the past to detail what their activities are, both school and/or non-school related, evening or weekend activities, so that we, as well as the neighborhood, can get a better feel of what it is they do there.

Coyer inquired if we are determining the agenda – items that they need to respond to there, or is it that formal.

Gallasch stated that it will be an official Council meeting and we would ask them to respond to certain suggested questions. He added that they want to be more informative about what they do and what the school consists of.

Coyer inquired if the location is at their invitation, to which Administrator Stoppels and Gallasch answered in the affirmative.

Jahnke stated that this is an Open House and a special Council meeting.

Gallasch stated that the first 30 minutes is a tour of the facility followed by a Council meeting at which they would present material to us.

Jahnke asked if the agenda would be determined by Administrator Stoppels and the Huda School between now and then, to which Administrator Stoppels answered in the affirmative.

Discussion ensued as to the agenda and the open house.

Jahnke inquired if this is an interactive session with them or if the public would be invited as well.

Administrator Stoppels advised that this would be a public meeting, advertised like we would any other special public meeting.

Discussion ensued regarding the tour, the proceedings of the meeting, and who speaks when and to whom.

Gallasch advised that the Council can help in disciplining things so that the meeting can run efficiently and effectively.

Discussion ensued as to how this meeting could best be run so that the end result is constructive.

Jahnke inquired if Huda understands that this is a special Council meeting, to which Administrator Stoppels answered in the affirmative.

Coyer stated that this meeting would be subject to all of the F.O.I.A. and Open Meeting Act's requirements, including the maintenance of minutes. He added that the statements made there will be made on an official record.

Saltzman asked how far ahead we can expect to receive an Agenda

Administrator Stoppels stated that he is looking at a week or two to put it together, so depending upon when we start, it could be prior to December 1st.

Discussion ensued regarding the timing of the approval of the agenda.

Coyer stated that the other party needs to share the same understanding that Council has. He added that one of the issues that will be addressed by Council is the form of a special use permit that will be required, and the questions that we might ask will be very specific, and wondered if the guests would be prepared to respond as specifically as we might wish. He further asked if this is a fact-finding activity and how open the discussion is going to be, though he certainly wants to encourage the discussion.

Administrator Stoppels stated that very pointed and difficult questions will be asked not only by Council but also by the public and that we want them to have advance knowledge of what we anticipate might be the most difficult questions and how they need to address those.

Dean Moenck, Planning Commission, asked how this will overlap because the Planning Commission has asked them for the special use application for the site plan; we have a lot of activities on the table with the Planning Commission that would normally be handled before it comes to Village Council.

Gallasch stated that he does not anticipate Council making any decisions at all, but they would serve as facilitators of a meeting which would, hopefully, get some of the answers which everyone has been seeking for a number of months, including the Planning Commission.

Dean Moenck asked if Planning Commission could be there in attendance as well, to which Gallasch answered in the affirmative.

Christopher Prey, 26011 German Mill, stated that he has two (2) concerns: 1) What may be considered by someone who hasn't been following all of the meetings, as Council's endorsement of the some of the activities that have gone on by holding the meeting at the school. He added that there still is no special use permit at all. He added that he is not objecting to Villagers going through an open house, but he is concerned with Council having a meeting over there, when Stoppels has continued to ask for additional detail for the special use permit, and none of that information has come back. 2) The lack of control that could possibly come out of the meeting.

Gallasch stated that there is no endorsement of this by Council and acknowledged that this will be difficult to manage, but suggested that it is best if we can collectively get the questions we want answered and by a delegated spokesperson at the meeting.

Christopher Prey stated that most of the questions had already been submitted to Stoppels. He added that most of the Villagers recognize that we are not just speaking about the Huda School but what appear to be other entities using the school, and that most of the concerns are related to Saturdays, Saturday evening activities, or some of the activities that appear to be all night long.

Discussion ensued regarding the proposed meeting.

Gallasch stated that if Council can openly communicate with Huda School officials, it would be a good result.

#2008-76 Motion by Lamott, supported by Saltzman to schedule a Special Village Council meeting at the Huda School on December 18th, 2008, at 7:00 p.m.

Schiano asked why this has to be a Council meeting and wondered if there are other types of avenues that could be explored.

Discussion ensued as to the benefits of having a public meeting, as opposed to simply having an open house/social event, and the need to make sure that we all have the same understanding of the meeting.

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

Nays: None

Motion carried.

Gallasch commented that we will get an agenda by the next Council meeting, and that this will be passed along to the Huda School.

XI. SPECIAL REPORTS

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

Gallasch expressed his congratulations to Marcia Gershenson, Oakland County Commissioner, District, District 17, on being reelected and complimented her on setting up the clean up of the Haverford rights-of-way, adding that there were six or seven Villagers there, including Mary and Walt Banacki, Lou and Margaretta Hoy, and David Goldberg. He also thanked Richard Rubin for helping get the debris out and lending equipment to do the clean up. He added that, hopefully, next time there will be more publicity so that we can get more participants. Finally, he commented on how well done was Walter Banacki of Dorchester Hills Neighborhood

Association's newsletter, and that it would be great if other community groups would do that as well.

B. Council Reports

1. Wireless Report, Brian Coyer – Trustee

Coyer stated that as he had indicated at the last meeting, he had met with Mr. McNamara of Great Lakes Internet and had a wide ranging discussion about the phasing of improved wireless service in the Village, not necessarily mobile phone, but the kind we use for internet and e-mail, and the possibility of his company providing television. Coyer added that in essence, looking at the competitive environment involving Comcast, U-Verse, AT&T, and maybe even services provided by other companies that we could work with, such as Great Lakes Internet. Coyer stated that McNamara has agreed, as a first step, to set up a wireless network that could extend for two miles in our Village, on a temporary basis. McNamara is going to meet with the Wireless Committee soon to discuss this, and we will bring that proposal to Council as there may be some small expenditure required to set it up.

Discussion ensued as to the proposed area, connectivity issues, and the benefits of this endeavor, including a survey.

2. Kreger House Report

Lamott advised the Council that the team continues to meet here at 7:00 p.m. on Tuesdays and stated that if anyone is interested, to please join us. He added that last Wednesday, the Planning Commission scheduled a special meeting and went through a conceptual plan, a copy of which was provided to Council. The Planning Commission has scheduled a public hearing for November 19th, 2009 contingent upon the team putting together more specific engineering drawings, which are being worked on right now. He added that there are lots of issues, the costs are being refined, where revenue is coming from they are still working on, and they are still moving forward. He is not asking for any action from Council. He appreciated any input. Checks are payable to the FHS Kreger Fund, PO Box 250007 Franklin which is tax deductible. He added they have put stakes out to the West of Village Hall to mark out the approximate location of the buildings, and that this has lots of potential but lots of work, too.

Discussion ensued as to the boundaries, and which parcels are owned by the Village vs. FCA.

C. Administrator's Report

Administrator Stoppels had nothing specific to report but offered to answer any questions that Council may have pertaining to any issue or project. No questions were provided.

XII. ADJOURNMENT

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

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


Nays: None

Motion carried.

There being no further business, the meeting adjourned at 10:23 p.m.

Respectfully submitted,

Lori Rich, Recording Secretary



Eileen H. Pulker, Clerk

H. Frederick Gallasch, President

Attachment #1

**VILLAGE OF FRANKLIN, MICHIGAN
Electronic Mail ("E-mail") Retention**

POLICY

In order for village government to function administratively, undergo periodic audits, provide for its legal requirements and document its heritage, it must manage its electronic records properly. Therefore, the Village of Franklin requires its employees and public officials to retain and destroy electronic messages that are sent and received in the course of conducting official business in accordance with an approved records Retention and Disposal Schedule.

PROCEDURES

Definitions:

- **Electronic mail (e-mail):** is a means of exchanging messages and documents between "senders" and "recipients" using telecommunications equipment and computers. A complete e-mail message not only includes the contents of the communication, but also the transactional information (dates and times that messages were sent, received, opened, deleted, etc.; as well as aliases and names of members of groups), and any attachments. Transactional information can be found and printed or saved from the e-mail system (see the relevant software manuals for instructions).
- **Records Retention and Disposal Schedules:** are listings of records or records series that are maintained by government agencies in the course of conducting their official business that identify how long the records must be kept, when they may be destroyed and when certain records can be sent to the Archives of Michigan for permanent preservation. In accordance with Michigan law, records cannot be destroyed unless their disposal is authorized by an approved Retention and Disposal Schedule. Retention and Disposal Schedules are developed by the Department of History, Arts and Libraries, Records Management Services, through consultation with an agency about its records. These schedules are then approved by the Michigan Historical Center, and other State of Michigan agencies.

Employee and Public Official Responsibilities:

- Senders and recipients of e-mail messages shall evaluate each message to determine if

they need to keep it as documentation of their role in a business process. The Village Clerk and Administrator will provide guidelines to assist the sender and recipient on which e-mail messages must be retained and which can be deleted.

- Senders are generally considered to be the person of record for an e-mail message. However, if recipients of the message take action as a result of the message, they should also retain it as a record.
- Employees and public officials need retain only the final message in a communication string that documents and includes the contents of all previous communications. This is preferable to retaining each individual message, containing duplicate content.
- The employee or public official
 - shall evaluate the content and purpose of each e-mail message to determine which Retention and Disposal Schedule defines the message's approved retention period.
 - shall retain e-mail sent or received within the legally-mandated retention period by: e-mailing to records@franklin.mi.us,
 - shall retain transactional information (see definition of e-mail above) with the e-mail message if there is a substantial likelihood of relevancy to litigation.
 - shall organize their e-mail messages so they can be located and used.
 - shall dispose of transitory, non-record and personal e-mail messages from the e-mail system.
 - shall dispose of e-mail messages that document the official functions of the agency in accordance with an approved Retention and Disposal Schedule. Note: Records, including e-mail, shall not be destroyed if they have been requested under FOIA, or if they are part of on-going litigation, even if their retention period has expired.
 - shall provide access to their e-mail for a Michigan Freedom of Information ("FOIA") request in accordance with the FOIA or direction from the Village Administrator or Village Clerk.
 - shall retain all work-related appointments, tasks and notes stored in the e-mail system for 2 years.
- Recognizing that e-mail messages that are sent and received using the Village's e-mail system, deliberating on or making the Village's public policy, or in the implementation of the Village's policies are not private, employees and public officials are encouraged to manually delete personal appointments (such as sick leave or annual leave) or personal messages from the e-mail system after the event takes place. Elected or appointed officials of the Village of Franklin are directed to forward electronic messages pertaining to all matters relevant to their official functions and related subject matter. The Village of Franklin shall create a stand-alone system for the keeping and maintenance of all such electronic messages including but not limited to e-mails, meetings, appointments, and notes created in

direct connection with the making and of implementing the Village's policies. Such system shall include a means by which such electronic information may be retained within the Village's electronic records system.

The Village of Franklin's Responsibilities:

- Shall ensure that its records are listed on an approved records Retention and Disposal Schedule.
- Shall ensure that all employees and public officials with e-mail accounts are aware of and implement this policy.
- Shall ensure that the e-mail messages (and other records) of former employees are retained in accordance with approved Retention and Disposal Schedules.
- Shall notify the litigation or FOIA coordinator when an agency becomes involved in litigation or receives a FOIA request.
- For Village employees, exceptions to the procedures in this document may be granted in writing by the Village Administrator.

Village Administrator and Village Clerk Responsibilities, Acting upon a FOIA Request:

- Shall identify if the records that are requested by the public are stored in e-mail, even if the public does not specifically request e-mail.
- Shall notify affected employees or public officials that a FOIA request involving e-mail was received to prevent the destruction of relevant messages.
- Shall identify all records relevant to litigation to which the agency is a party that are stored in e-mail.
- Shall notify the employees or public officials that e-mail related to litigation cannot be destroyed until after the case is closed.