

**PROCEEDINGS OF VILLAGE OF FRANKLIN
VILLAGE COUNCIL REGULAR MEETING
MONDAY, AUGUST 10, 2009, 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 8:05 p.m. at the Franklin Village Hall, Franklin, Michigan.

II. ROLL CALL

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

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

III. ADOPTION OF AGENDA

Motion by Coyer supported by Schiano to approve the Agenda as submitted.

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

Nays: None

Motion carried.

IV. MINUTES

A. July 13, 2009 Special Village Council Meeting.

Motion by Coyer supported by Schiano to approve the minutes of the July 13, 2009 Special Village Council Meeting as written.

Ayes: Coyer, Gallasch, Harnisch, Lamott, Schiano

Abstain: Jahnke, Saltzman

Nays: None

Motion carried.

B. July 13, 2009 Regular Village Council Meeting.

Motion by Lamott supported by Coyer to approve the minutes of the July 13, 2009 Regular Village Council Meeting as revised.

Schiano requested the minutes be revised to include the amounts of the DPW bids with the consensus of Council in agreement.

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

Abstain: Jahnke

Nays: None

Motion carried.

V. REPORTS OF VILLAGE OFFICERS AND AGENTS

Patrick Browne, Police Chief, updated Council as to recent activity in the Village, reminded residents of the importance of keeping entry and vehicle doors locked and of removing appealing items from unoccupied vehicles, noted that the downturn in the economy has caused a reduction in police staffing state-wide which has caused communities to work together to minimize any negative impact, and requested questions regarding the selling of the motorcycle with the consensus of Council being to

proceed as he sees fit. Discussion ensued regarding process/idea of selling the motorcycle and the 2008 Police Annual Report.

Tony Averbuch, Fire Chief, referred Council to his submitted written report and updated Council as to recent activity in the Village. Discussion ensued regarding recent power outage.

Thomas Morrow, Treasurer, reviewed his submitted report and the Bills List, noted that the Village is in the process of finalizing the transfer of accounts, and that a Retiree Fund summary and a comparison of year-to-year spending were included with his submitted report. Schiano noted a typographical error and inquired as to MERS accounting. Discussion ensued regarding MERS funding.

Eddie Delbridge, Main Street Director, referred Council to and reviewed her submitted Monthly Update and e-mail transmitted July 15, 2009, provided an update as to the Main Street Board, noted that 501(c)(3) status paperwork is in process, Bylaws, incorporation paperwork and other documents are drafted and ready for final review, conference call is scheduled for this week to review and finalize all of the paperwork, advised that members are covered by the Village's insurance policy, LaPlante's report is expected, and that core committee members have been contacted and are ready to meet after having received direction from the Board. Gallasch requested the Clerk transmit a letter confirming insurance coverage to the Board/Committee members. Lamott opined, with the concurrence of Council, that the committees should meet and using the National Trust for Historic Preservation guidelines as a starting point, provide input to the Board regarding goals and direction for the Village. Schiano inquired if Board/Committee names have been verified to which Delbridge replied that there are a couple of individuals who have reconsidered so there are a couple of positions to fill, opining that ebb and flow of members is common.

VI. SUBMISSION OF CURRENT BILLS

Motion by Schiano supported by Saltzman to approve the Bills List as presented.

Discussion ensued regarding General Fund: Photo Copier, Rental Car, Auto repair (2), New bank endorsement stamps, and Street Property Flooding Issues; Building Department: Inspections performed; Police: Classified Ad for Police Officer; Wastewater: Storm water and MS4 Permitting Assistance, with Stoppels being requested to review the Judgment.

TOTALS

General Administration	\$	14,520.91
Building	\$	16,771.72
Insurance	\$	51,552.45
Legal	\$	3,781.50
Police	\$	16,865.49
Pressure Sewer	\$	307,037.50
General Debt Service	\$	142,545.00
Major Roads	\$	1,428.00
Local Roads	\$	57.48
Rubbish	\$	16,825.32
Trust & Agency	\$	8,600.00
Tax Fund	\$	72,623.68
Waste Water	\$	<u>1,034.32</u>
<u>ALL FUNDS</u>	\$	653,643.57

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

Nays: None

Motion carried.

VII. PUBLIC REQUESTS AND COMMENTS

Marcia Gershenson, Oakland County Commissioner, District 17, thanked volunteers, in particular Walter Banacki and David Goldberg, who assisted with the last clean-up at 14 Mile Road, advised that a free vulnerability scan service is available through MI Department of Information Technology, U of M is holding a hands-on math and science workshop, Lawrence Technology has introduced 36 new training/retraining career programs, Michigan Public Service Commission's Website has green job postings, and encouraged residents to visit the 'Think Michigan Made' website.

Hy Safran, Gary Peters' Congressional Liaison, reminded Council that Gary Peters' Office can assist with Village specific matters and requested they contact Peters' Office if and when assistance is needed. Discussion ensued regarding closing of Post Offices with Gallasch encouraging residents/business owners to utilize the Village's Post Office when possible to increase volume.

VIII. UNFINISHED BUSINESS

A. Consider Letter of Understanding, Janz & Knight, P.L.C., for Village Audit FY2008-2009.

Gallasch advised that this item was postponed at the last meeting to provide for Finance Committee review with Schiano advising that the Finance Committee has met and has recommended moving forward with this Letter Agreement.

#2009-75 Motion by Schiano supported by Jahnke to enter into a Letter Agreement with Janz & Knight, P.L.C. for audit of Village Books for years ending June 30, 2009, 2010, and 2011.

Discussion ensued regarding the consistency of the fees as provided below:

June 30, 2009 (not to exceed) \$15,200

June 30, 2010 (not to exceed) \$15,500

June 30, 2011 (not to exceed) \$15,800

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

Nays: None

Motion carried.

IX. NEW BUSINESS

A. Discussion, Summer Quorum.

Lamott advised that he had requested this item be placed on the agenda as he had concerns over the normal process for writing the Quorum not being followed as a citizen had contacted Stoppels to provide input. Discussion ensued regarding the pros and cons of providing drafts to individuals not on Council with the consensus of Council being that the normal process of Council and Administration being the only people involved in composition of the Quorum be followed. Jahnke stated that he was not in agreement as seeking input from those in a position to provide knowledgeable feedback is helpful in ensuring the accuracy of the final document. Trustee Schiano disagreed with Trustee Jahnke's comments and suggested that while it was appropriate for Council members to solicit comments from the community, it was wrong to forward the draft Quorum to selective private citizens and have them provide their edits directly to the Village staff. He further said that if Council members wish to solicit comments, they themselves should take the responsibility to provide the suggested edits to the staff.

B. Consider Planning Commission Appointment.

Gallasch advised that Bruce Blanton had declined to be reappointed to the Commission and that he will bring forth a candidate at the next meeting for Council's consideration.

C. Consider Main Street Appointments.

Gallasch advised that he will bring forth candidates at the next meeting for Council's consideration.

D. Consider Public Meeting for Village Pathways on September 3, 2009, 7:00 p.m. at Franklin Community Church.

Gallasch advised that this is a public announcement of the date and noted that the meeting date has changed since the minutes were prepared.

Pam Hansen, Planning Commission Chairman, 32028 Wing Lake, speaking on behalf of the Planning Commission, advised that Planning Commission is actively involved in preparing a proposed agenda and arranging speakers. She further advised that it is the Commission's expectation that this will be a Council led meeting, Hughes and Moenck will make a presentation, Coyer is requested to moderate, a robust discussion is anticipated, the Commission will be looking to Council to thoroughly address each question raised, and the Commission has requested Stoppels to facilitate the Village Attorney's attendance. Discussion ensued regarding speakers, need of a financial update just prior to the meeting, importance of televising the meeting, importance of the Village Attorney and Treasurer being present, and publication of notice of the meeting as a Special Village Council Meeting.

E. Consider SMART Municipal Credit and Community Credit Contract for FY2010.

Gallasch introduced this item and summarized how the process works. Discussion ensued regarding funds.

#2009-76 Motion by Lamott supported by Saltzman to accept and execute the SMART Municipal Credit and Community Credit Contract for FY2010 with the understanding that monies received will be reallocated to Birmingham Area Seniors Coordinating Council (BASCC) transportation program.

Coyer inquired if there are other organizations that might benefit from the program with the consensus of Council being to reach out to other organizations to ensure they are aware of the program prior to the FY2011 contract. Pulker advised that the contract provides for the Village's free use of one bus for a bus trip each year.

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

Nays: None

Motion carried.

F. Consider MMRMA Joint Powers Agreement Renewal

Staran advised that this is an inter-local agreement which pertains to the self-insurance pool that the Village and many other communities utilize which the MMRMA discovered has not been executed by the Village since 1984. He further advised that it is consistent with forms that he has seen previously and recommended approval provided Council's desire is to continue with the program.

#2009-77 Motion by Coyer supported by Harnisch to adopt and execute the MMRMA Joint Powers Agreement, as provided.

Discussion ensued regarding mutuality, whether prior agreement had similar duration and amending sections, past resolution experience, and whether the resolution for member disputes as updated helps or hurts the Village with Staran advising that it helps the Village and is basically an appeals process.

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

Nays: None

Motion carried.

G. Consider Civic Event Permit for Farmers Market.

Lamott advised that no one specific organization is sponsoring the Farmers Market though several see it as doable, and that volunteers are needed. He further advised that this would entail holding Saturday Farmers Markets on the Village Green through the end of October which could start in a month or so and that a couple of vendors have already signed up. Discussion ensued regarding coordination with Franklin Church regarding parking issues, utilizing the MI Dept of Agriculture and Oakland County as a resource,

clean-up, insurance, cost to Village, Vendor fees, contacting Market Basket and Cider Mill for their support and the potential of involving Main Street.

#2009-78 Motion by Lamott supported by Coyer to accept the Civic Event Permit for Farmers Market.

Charles Dunn, 30870 Kirk Ln., inquired if there is an estimate as to anticipated revenue to which Lamott replied revenue would be minimal as, traditionally, Farmers Markets are not large revenue generators though they are good community involvement events. Mr. Dunn wished Council good luck and offered his assistance.

Marcia Gershenson, Oakland County Commissioner, District 17, advised that Oakland County oversees the Farmers Market and offered her assistance as she has considerable experience with Oakland County's Farmers Market.

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

Nays: None

Motion carried.

H. Consider Civic Event Permit for Kreger Farm dinner and barn dance, October 10, 2009.

Lamott advised that this is part of the Kreger fundraising efforts and is a dinner to be held adjacent to the Kreger buildings and a barn dance to be held in the Kreger barn. Discussion ensued regarding insurance and the need to coordinate parking with Franklin Church.

#2009-79 Motion by Coyer supported by Schiano to accept the Civic Event Permit for Kreger Farm dinner and barn dance, October 10, 2009.

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

Nays: None

Motion carried.

I. Consider Civic Event Permit for Franklin Community Association "Round Up" and "Art in the Village" including a banner to be strung over Franklin Road.

#2009-80 Motion by Schiano supported by Lamott to accept the Civic Event Permit for Franklin Community Association "Round Up" and "Art in the Village", Sept 7, 2009 and that the banner be allowed across Franklin Road.

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

Nays: None

Motion carried.

J. Discussion regarding 32667 Haverford – dangerous building

Stoppels referred Council to his submitted memo and the Village's ordinance regarding dangerous buildings, provided a brief summary of the situation, advised that the Village is moving forward with some enforcement efforts, and noted that it has been suggested recently to look at 32667 Haverford as a dangerous building and to hold a public hearing to that effect. Continuing, he referred Council to the Village's ordinance regarding dangerous buildings and summarized the criteria that would have to be met to classify a building as dangerous.

Discussion ensued regarding dangerous building process, ordinance regarding dangerous buildings, communications between the Village and the mortgage company, previous experience with dangerous building in the Village, process regarding tree ordinance, other parties requiring notice, status on taxes owed the Village, ramifications to property owner, sewer, safety, aesthetics, and Oakland County's annual

revolving tax fund reimbursements with the consensus of Council being to move forward with the dangerous building process.

Jim Kochensparger, 30670 Kirk Lane, suggested contacting the mortgage company in person if it is local and opined that the DPW contract allows for tree removal if access to the property is granted and that it would take a couple of hours to put up the garage door.

K. Consider Election Inspectors for the September 15, 2009 Village Election

#2009-81 Motion by Harnisch supported by Jahnke to appoint Carol Fisher (Chairperson), Gail Beke, Al Beke, Bonnie Cook, Rose Galley (Alternate) as Election Inspectors for the September 15, 2009 Village Election.

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

Nays: None

Motion carried.

X. ORDINANCES/RESOLUTIONS

A. Consider Ordinance to repeal Section 1268.28 of Chapter 1268 Supplementary Regulations, of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, and Replace it with new Section 1268.28 Regulating Fences in the Village of Franklin, repeal Conflicting Ordinances and Prescribe a Penalty for violations.(second reading)

Gallasch advised that this is the fence ordinance that Council approved for first reading at the July meeting.

#2009-82 Motion by Coyer supported by Lamott to approve the Ordinance to repeal Section 1268.28 of Chapter 1268 Supplementary Regulations, of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, and Replace it with new Section 1268.28 Regulating Fences in the Village of Franklin, repeal Conflicting Ordinances and Prescribe a Penalty for violations, in its second reading.

Discussion ensued regarding maintenance of a fence at 13 Mile Road and Franklin Road and enforcement.

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

Nays: None

Motion carried.

XI. SPECIAL REPORTS

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

Gallasch advised that the Village has received a refund from the Birmingham Area Cable Board, thanked Mary Beth Almond for her article in the Eagle regarding Main Street, thanked Donna Agusti for her article and pictures in the Eagle regarding Kreger House, and complimented the Police Department for its many successes and for the 2008 Annual Report.

B. Council Reports

1. Wireless Report, Brian Coyer - Trustee

Coyer advised that the goal of the Committee is to bring high speed wireless for internet connections to the Village which also could be linked to other services down the road, discussions are continuing with Beverly Hills and Bingham Farms, the Committee has a vendor, who is currently serving the Village in another capacity, who is willing to provide a demonstration of wireless service, noted there are financial viability model issues for further consideration, and provided a Wireless Oakland update. Discussion ensued regarding connection speed and power outage issues.

2. Kreger House Report, Bill Lamott – Trustee

Lamott advised that the barn and shed are on foundations, the plan is to have the house looking great for Round Up (basement poured, holes blocked up, waterproof exterior, install drain tiles, paint), quotes will be sent out for restrooms, and provided a fundraising update. He further noted that he would like to move forward with the special use permit which, due to parking requirements, would require Council to agree on a parking agreement with Franklin Church. Discussion ensued regarding fundraising results.

3. Negotiating Committee Report of Negotiations with the Police Union

Lamott advised that discussions between the Committee and the Police Union and a potential offer need consideration by Council. Discussion ensued regarding scheduling a discussion regarding labor negotiation strategies with Coyer suggesting to hold a closed session at Village Hall on September 3rd at 6:00 p.m. just prior to the Special Village Council Meeting to be held at Franklin Church, with the consensus of Council in agreement.

4. Actuarial Evaluation, Mark Jahnke – Trustee

Jahnke noted that the annual actuarial report transmitted to the Finance Committee will be distributed to Council. Continuing, he advised that assumptions that govern the report are developed by the MERS Board and are based on a study from 1998 – 2003 which is not necessarily reflective of 2008 and cautioned that the assumptions are likely to change in the near future which is critical as the Village's contribution is based on the assumptions. He further advised that the Village needs to take a hard look at this for a few years out and that a meeting needs to be held with the actuary. Discussion ensued regarding meeting with actuary, assumptions, need for contract that balances cost with competitive compensation, with Pulker directed to circulate Jahnke's memo to everyone and schedule a meeting with the actuary for the next Finance Committee meeting.

XII. ADJOURNMENT

Motion by Coyer supported by Lamott to adjourn the meeting.

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

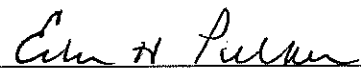
Nays: None

Motion carried.

There being no further business, the meeting adjourned at 10:20 p.m.

Respectfully submitted,

Lori Rich, Recording Secretary



Eileen H. Pulker, Clerk

H. Frederick Gallasch, President