

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

II. ROLL CALL

Present: Fred Gallasch, Brian Gettel, Mark Jahnke, Jim Kochensparger, Steve Rosenthal, Alan Harnisch (arrived at 8:05 p.m.)
Absent: Bill Lamott (excused)
Also Present: Jon Stoppels, Administrator
Eileen Pulker, Clerk
Patrick Browne, Police Chief
Tony Averbuch, Fire Chief
Eddie Delbridge, Main Street Director
Ray Majacz, Great Lakes Landscaping, Public Services Coordinator
John Staran, Hafeli Staran Hallahan & Christ, P.C., Village Attorney

III. ADOPTION OF AGENDA

Motion by Jahnke supported by Gettel to approve the Agenda as amended.

Kochensparger requested that VIII(B)(5) be deleted as there is nothing new to report and that a discussion regarding the speed sign be added as IX(C).

Ayes: Gallasch, Gettel, Harnisch, Jahnke, Kochensparger, Rosenthal

Nays: None

Absent: Lamott

Motion carried.

IV. MINUTES

A. October 12, 2009 Regular Village Council Meeting.

Motion by Jahnke supported by Rosenthal to approve the minutes of the October 12, 2009 Regular Village Council Meeting as submitted.

Ayes: Gallasch, Gettel, Harnisch, Jahnke, Rosenthal

Nays: None

Absent: Lamott

Abstain: Kochensparger

Motion carried.

V. REPORTS OF VILLAGE OFFICERS AND AGENTS

Patrick Browne, Police Chief, advised as to recent police activity in the Village, Department training activities, Nixle status, and speed trailer status, and noted the Village was able to borrow a speed trailer.

Tony Averbuch, Fire Chief, referred to his written report.

Gallasch advised that Morrow was not able to be present and referred to his submitted report.

Eddie Delbridge, Main Street Director, advised that the Village has received a Preservation Special Award from Main Street Oakland County for its Kreger Farm rescue/relocation project, thanked all involved, especially Bill and Ann Lamott and Eileen Pulker, and provided a brief overview of a recent conference she attended.

Robert Borgon, Birmingham Area Cable Board Administrator, referred to the submitted Annual Report and provided an update regarding recent data relative to cable activity and legislation, requested Pulker to provide additional detail in reports, and complimented the Village on its representation over the years. Discussion ensued regarding payment to the Village, Plante Moran financials, other cable providers, potential for on-demand or live Village broadcasts, State legislation, potential for lower PEG fees in the future, and Cable Board's judicious use of funds.

Lew Eads, Birmingham Area Cable Board Member, noted the Board recently held a strategic long-term planning conference, details of which he will provide in the near future, local control is in danger down the road due to changes in State legislation, and his term is up in March and it would be his pleasure to continue to serve the Village in this capacity if requested

Ray Majacz, Great Lakes Landscaping, Public Services Coordinator, advised as to recent activity. Discussion ensued regarding last day for leaf pickup, leaf pile on Rosemont Drive, and other matters such as attending to gravel and potholes.

VI. SUBMISSION OF CURRENT BILLS

Motion by Gettel supported by Jahnke to approve the Bills List as amended.

General Administration	\$25,107.89
Building	4,731.35
Insurance	35,886.17
Legal	3,542.00
Police	19,294.41
Pressure Sewer	50,223.65
General Debt Service	425.00
Major Roads	10,327.12
Local Roads	5,717.76
Rubbish	16,749.61
Trust & Agency	20,000.00
Tax Fund	1,454.26
Waste Water	<u>132.94</u>
ALL FUNDS	\$193,592.15

Discussion ensued regarding the following line items: AT&T, Sue Goldsworthy, McKenna Associates, Oakland Press, Pressure Sewer, and Mike's Tree Surgeons.

Ayes: Gallasch, Gettel, Harnisch, Jahnke, Rosenthal

Nays: Kochensparger

Absent: Lamott

Motion carried.

Discussion ensued with Kochensparger requesting payment for Mike's Tree Surgeons be omitted until additional clarification is provided with the consensus of Council in agreement.

VII. PUBLIC REQUESTS AND COMMENTS

Marcia Gershenson, Oakland County Commissioner, District 17, provided an update relative to H1N1 vaccines. Discussion ensued regarding potential for grant funding for MS4 testing.

VIII. SPECIAL REPORTS

A. President's Report

Gallasch thanked all involved in the Kreger Farm events and the Eagle for its coverage of the events.

B. Council Reports

1. Kreger House Report, Bill Lamott - Trustee

No report provided.

2. Legal Committee Report

No report provided.

3. Finance Committee Report

Jahnke noted that the Committee has met and discussed the June 30, 2009 audit, 2-year budget, MERS actuary reports, and opined there is a good framework in place to assist the Village as it moves forward.

4. Personnel Committee Report

Rosenthal advised that the Committee met and reviewed Kelda's and the Building Official's positions.

5. Website Committee Report

No report provided; Memorandum from Pulker submitted.

IX. UNFINISHED BUSINESS

A. Consider Planning Commission Liaison Appointment

Gallasch noted that he is seeking a volunteer for this appointment.

B. Consider Community Development Block Grant Funds (CDBG) for Proposed Program Year (PY2010) CDBG Projects for the Village of Franklin, in the estimated amount of \$8,000.00.

Stoppels provided a review of the matter and referred to his submitted memorandum. Discussion ensued regarding 3 CDBG categories with it being noted that the recommended request to allocate \$2,400 to the Birmingham Youth Assistance for Kids Camp, \$4,000 to the Birmingham Area Senior Citizens Council for public facilities and improvements, and Administrative costs will exhaust the CDBG PY 2010 funds.

#2009-121 Motion by Gettel supported by Harnisch to expend funds as recommended by Stoppels in his Memorandum to Council dated November 5, 2009, in which he stated the amounts to be allocated as follows:

\$2,400 to Birmingham Youth Assistance

\$4,000 to BASCC

\$2,600 to Administrative costs

Ayes: Gallasch, Gettel, Harnisch, Jahnke, Kochensparger, Rosenthal

Nays: None

Absent: Lamott

Motion carried.

C. Speed Limit Sign

Stoppels provided an overview of his submitted report. Gettel advised that he met with Representative Moss regarding potential grant funding. Kochensparger noted that he is looking for Council to support the \$2,200 option for the repair and conversion to AC power of the current sign and added that he would like to utilize a downtown residence (Hudson) as the power source which the Village would reimburse for reasonable costs which he has discussed with the property owner. Discussion ensued regarding reimbursement, options, ACT 51 funds, potential to attain or lose grant funding, and legal considerations.

#2009-122 Motion by Kochensparger supported by Rosenthal to approve the \$2,200 option to repair and convert to AC power the existing speed limit sign contingent upon obtaining multiple bids and a contractual agreement with property owner providing power.

Ayes: Gettel, Jahnke, Kochensparger, Rosenthal

Nays: Gallasch, Harnisch

Absent: Lamott

Motion carried.

D. NEW BUSINESS

A. Consider Request that the Village be Named as an Honorary Member of the Birmingham-Bloomfield Chamber of Commerce.

Stoppels advised that the Chamber is seeking to formalize a bit more the relationship between itself and the Village.

Carrie Zarotney, President, and John M. Roberts, Chairman, of the Birmingham Bloomfield Chamber of Commerce, provided an overview of the purpose and member benefits of the Chamber. Discussion ensued regarding benefits associated with inclusion in the Chamber with it being noted that all member communities are honorary members with no membership costs assessed.

#2009-123 Motion by Harnisch supported by Gettel to accept the Honorary Membership to the Birmingham Bloomfield Chamber of Commerce.

Ayes: Gallasch, Gettel, Harnisch, Jahnke, Kochensparger, Rosenthal

Nays: None

Absent: Lamott

Motion carried.

B. Consider Demolition Application for the Property Located at 27201 Wellington.

Discussion ensued regarding the form, worksheet, omissions, ownership, and question of completeness of application.

#2009-124 Motion by Kochensparger supported by Harnisch to approve the Demolition Application for the property located at 27201 Wellington contingent upon staff ensuring that all is in order and to approve the Fire Department's request to utilize the structure for training to include live fire exercises as outlined by Averbuch.

Ayes: Gallasch, Gettel, Harnisch, Jahnke, Kochensparger, Rosenthal

Nays: None

Absent: Lamott

Motion carried.

Discussion ensued regarding trees and form template to include date of form and date of application. Averbuch requested approval to use structure for training to include live fire exercises and noted that in addition to Council approval a demolition permit would be obtained, an agreement would be executed by both the Fire Department and the homeowner, and activities would be coordinated with the demolition company to ensure that demolition is timely accomplished post training activities. Discussion ensued regarding use of structure for fire department training with Kochensparger and Harnisch amending the motion to include use of structure for Fire Department training.

C. Consider Village Meeting Dates for Village Council and Commissions January thru December 2010.

#2009-125 Motion by Jahnke supported by Gettel to approve the Village Meeting Dates for Village Council and Commissions January thru December 2010

Ayes: Gallasch, Gettel, Harnisch, Jahnke, Kochensparger, Rosenthal

Nays: None

Absent: Lamott

Motion carried.

D. Consider Bid to Repave Certain Sections of Franklin Road, South of Thirteen Mile Road.

Stoppels referred to his submitted memorandum and correspondence from the Village's Engineers, HRC, dated 11/5/2009, and noted that upon approval work could begin almost immediately. Discussion ensued regarding location, testing/inspection, price, and potential other costs, with it being noted restriping is important.

#2009-126 Motion by Gettel supported by Rosenthal to authorize the repaving of Franklin Road south of Thirteen Mile at a cost not to exceed \$9,950.00.

Ayes: Gallasch, Gettel, Harnisch, Jahnke, Kochensparger, Rosenthal

Nays: None

Absent: Lamott

Motion carried.

E. Consider Obtaining Required Actuary Report for Retiree Health Care Funding Account. Jahnke provided an overview and noted this is a GASB 34 requirement. Discussion ensued regarding cost, timing, finance committee to identify what the report should entail, report to identify the minimum contribution, and additional information to be provided to the Actuary. Gallasch requested this be brought back as a proposal at the December meeting.

F. Consider Acceptance of the Report of the Audit of Accounts FY2008-2009.

Stoppels provided an overview and noted that despite challenges in recent years this is a very good Report and commended staff that provided assistance.

#2009-127 Motion by Gettel supported by Harnisch to accept the Report of the Audit of Accounts FY2008-2009.

Ayes: Gallasch, Gettel, Harnisch, Jahnke, Kochensparger, Rosenthal

Nays: None

Absent: Lamott

Motion carried.

Discussion ensued regarding need to define what the Building Department Fund Balance should be to cover permits in process and long-term debt service.

X. PROCLAMATION/RESOLUTION/ORDINANCES

A. Consider an Ordinance to Amend Section 1238.30 of Chapter 1268, Supplementary Regulations, of Part Twelve, Title Four, of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Modify Processing Requirements for Site Plan Review, Repeal Conflicting Ordinances, and Prescribe a Penalty for Violations. (First Reading).

Staran provided an overview and noted the purpose is to close a perceived loophole. Discussion ensued regarding procedure and importance of proposed change.

#2009-128 Motion by Rosenthal supported by Gettel to amend Section 1238.30 of Chapter 1268, Supplementary Regulations, of Part Twelve, Title Four, of the Village of Franklin, Oakland County, Michigan, to modify processing requirements for site plan review, repeal conflicting ordinances, prescribe a penalty for violations, and waive second reading.

Ayes: Gallasch, Gettel, Harnisch, Jahnke, Kochensparger, Rosenthal

Nays: None

Absent: Lamott

Motion carried.

B. Consider an Ordinance to Add Chapter 1620 Emergency Response Cost Recovery, to the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Provide for Recovery of Costs for or in Connection with Emergency Responses and Non-Emergency "Citizen Assist" Services by Emergency Service Providers, Repeal Conflicting Ordinances, and Prescribe a Penalty for Violations. (First Reading).

Staran provided an overview of the draft submitted by e-mail dated 11/9/2009, noted the intent is to enable the Village to recover costs in specified situations, and an additional item which could be included in the second reading would be to enable the Village to recover costs associated with down power lines

when there is an unreasonable delay in response from the utility provider. Averbuch provided additional input and noted that an additional change could be to enable the Village to recover the direct cost of obtaining water from a neighboring municipality when necessary. Discussion ensued regarding potential for homeowner's insurance to cover cost of obtaining water, delayed responses by utility companies to down power lines, billing homeowners for direct cost of obtaining water, and potential for reserve fund within the Fire Department to cover necessary direct water costs.

#2009-129 Motion by Harnisch supported by Jahnke to add Chapter 1620 Emergency Response Cost Recovery, to the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to provide for recovery of costs for or in connection with emergency responses and non-emergency "Citizen Assist" services by emergency service providers, repeal conflicting ordinances, and prescribe a penalty for violations in its' first reading.

Ayes: Gallasch, Gettel, Harnisch, Jahnke, Kochensparger, Rosenthal

Nays: None

Absent: Lamott

Motion carried.

Staran advised that he will bring back for second reading a revised version that would authorize recovery of costs for unreasonable delays in response to down power lines by utility providers.

C. Consider an Ordinance to Amend Section 1042.13 of Chapter 1042, Sewer Use and User Charges, of Part Ten, Title Four of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Modify Sewage Disposal System Rates and Charges, and Repeal Conflicting Ordinances (First Reading).

Staran provided an overview and noted that this includes the modification of industrial waste charges as well as rate mitigation measures that Council had adopted by Resolution. Discussion ensued regarding intent of rate mitigation measures and prior Resolution.

#2009-130 Motion by Jahnke supported by Harnisch to amend Section 1042.13 of Chapter 1042, Sewer Use and User Charges, of Part Ten, Title Four of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to modify sewage disposal system rates and charges, and repeal conflicting ordinances in its' first reading.

Ayes: Gallasch, Gettel, Harnisch, Jahnke, Kochensparger, Rosenthal

Nays: None

Absent: Lamott

Motion carried.

D. Consider an Ordinance to Add Chapter 880, Motion Picture, Television, Radio or Photographic Production, to Part Eight of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, Repeal Conflicting Ordinances, and Prescribe a Penalty for Violations. (First Reading).

Discussion ensued regarding procedure, potential exemption for FCA and Franklin Church, purpose of registering and obtaining permit, non-revenue generating, with it being recommended that this be brought back to Council at a later date.

XI. ADJOURNMENT

Motion by Kochensparger supported by Gettel to adjourn the meeting.

Ayes: Gallasch, Gettel, Harnisch, Jahnke, Kochensparger, Rosenthal

Nays: None

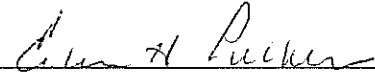
Absent: Lamott

Motion carried.

There being no further business, the meeting adjourned at 10:14 p.m.

Respectfully submitted,

Lori Rich, Recording Secretary



Eileen H. Pulker, Clerk

H. Frederick Gallasch, President