

**PROCEEDINGS OF VILLAGE OF FRANKLIN
VILLAGE COUNCIL REGULAR MEETING
MONDAY, DECEMBER 14, 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 and Council wished the viewing audience "Happy Holidays".

II. ROLL CALL

Present: Fred Gallasch, Brian Gettel, Alan Harnisch, Mark Jahnke, Jim Kochensparger, Bill Lamott, Steve Rosenthal

Also Present: Jon Stoppels, Administrator
Eileen Pulker, Clerk
Patrick Browne, Police Chief
Eddie Delbridge, Main Street Director
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 submitted.

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

Nays: None

Motion carried.

IV. MINUTES

A. November 9, 2009 Regular Village Council Meeting.

Motion by Jahnke supported by Harnisch to approve the minutes of the November 9, 2009 Regular Village Council Meeting as amended.

Kochensparger noted that the intent of his motion relative to the speed limit sign was to finish the project. Gettel inquired if the requested changes had been incorporated into the Demolition Application paperwork process with Pulker and Stoppels answering in the affirmative.

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

Nays: None

Motion carried.

B. December 3, 2009 Special Web Committee Meeting.

Motion by Gettel supported by Jahnke to approve the minutes of the December 3, 2009 Special Web Committee Meeting as revised.

Gallasch noted the listing of proposed costs on page 2 needs to be corrected as (A) is the total cost and the other items are sub-elements of that total. Kochensparger provided a brief overview of the proposed product and asked that the minutes be changed to provide his preferred opinion for the Govoffice.com template package.

Ayes: Gallasch, Gettel, Jahnke, Kochensparger, Rosenthal

Nays: None

Abstain: Harnisch, Lamott

Motion carried.

V. REPORTS OF VILLAGE OFFICERS AND AGENTS

Patrick Browne, Police Chief, reviewed his previously submitted written report and updated Council as to recent activity in the Village, reviewed incidents regarding parked vehicles, reminded of the

importance of removing valuables from sight and vehicles and of contacting the Department regarding any suspicious activity, noted that crime tips will be included in upcoming advisory notices, advised that the new part-time police clerk started last week, and the Department is interviewing for Reserve Officer positions. Discussion ensued regarding the process for seeking Reserve Officers.

Tony Averbuch, Fire Chief, Stoppels noted that Averbuch was unable to attend the meeting and referred to Averbuch's submitted written report.

Thomas Morrow, Treasurer, referred to his submitted written report, briefly reviewed the Liability Insurance item (slight, expected increase over last year) and Sewer Tax Collection item, and noted that the transitions on accounts is almost completed. Discussion ensued regarding Saltzman Fund (funds spent on Kreger Fund) and Liability Insurance with it being noted that only the MMRMA and MML offer municipal liability insurance coverage.

Ray Majacz, Great Lakes Landscaping, Public Services Coordinator, Stoppels referred to Great Lakes submitted written report and noted that the majority of the anticipated road work has been completed and advised as to road salting incidences and process.

Eddie Delbridge, Main Street Director, summarized an update e-mail that was transmitted to Council prior to the meeting and advised as to upcoming Main Street events to be held in the Village (Main Street 101 in February and Team meeting in April), she is gathering information relative to grant opportunities, and noted that Main Street was well-represented in the Oakland County parade.

VI. SUBMISSION OF CURRENT BILLS

Motion by Jahnke supported by Kochensparger to approve the Bills List as submitted.

Discussion ensued regarding the following line items: McKenna & Associates, Legal Notices, MERS, Police Legal Matters, HRC fees, Bill Dinnan – Inspections, Electrical Bill, Major/Local Roads – seal coating, with it being noted that Planning Commission has been closely monitoring McKenna line item, mailing of Legal Notices is still required as a matter of law, Stoppels will request break-down of HRC fees, and the seal coating fees were evenly split between the two accounts.

TOTALS

General Administration	\$23,214.71
Building	\$ 7,059.17
Insurance	\$56,004.95
Legal	\$ 3,410.00
Police	\$14,302.37
General Debt Service	\$ 137.50
Major Roads	\$ 4,761.28
Local Roads	\$ 4,365.00
Rubbish	\$16,535.08
Trust & Agency	\$ 725.00
Tax Fund	\$ 7,564.27
Waste Water	<u>\$ 567.11</u>
ALL FUNDS	\$ 138,646.44

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

Nays: None

Motion carried

VII. PUBLIC REQUESTS AND COMMENTS

- **Marcia Gershenson, Oakland County Commissioner, District 17**, noted that the League of Women Voters has a census related PSA contest, H1N1 vaccines are now available (pre-register online or use 800

hotline number), and encouraged shoppers to buy local. Discussion ensued regarding census forms/response time frame for those residents currently out of state and Oakland County Business Symposium with Stoppels referring to his submitted memorandum.

- **Chuck Moss, State Representative**, provided an update as to budget challenges in Lansing. Discussion ensued regarding budget challenges, revenue sharing, and budget process

VIII. SPECIAL REPORTS

A. President's Report

Gallasch noted that Harnisch and Staran are mentioned in DB Magazine, the Chamber of Commerce is a great opportunity which will be leveraged to assist Franklin's businesses, Eccentric had a nice article regarding businesses in Franklin, and correspondence was received from Michael Van Ende regarding site lines. Discussion ensued regarding Van Ende correspondence/matter.

B. Council Reports

1. Kreger House Report, Bill Lamott - Trustee

Lamott advised that the full basement under the house is in, buildings have stone perimeter, 2 parts of the house have been reconnected, new roof on back of house is on, grading is finished, culverts are in, porches on house have been modified, roof has been raised, ADA access compliant, kitchen has been reconfigured to allow separate access to basement, floor plan for restrooms have been developed, thanked Les Gorback, Jim Best, and Sherwin Williams for their contributions/discounts, volunteers are still needed, and fundraising is ongoing. Discussion ensued regarding need to acknowledge/recognize donors with Lamott noting a recognition plan is in the works.

2. Legal Committee Report

Gettel/Rosenthal noted the Committee has met and discussed proposed ordinances, speed sign, signage, and *Brody v City of Farmington Hills*, with Stoppels referring to his submitted memorandum regarding the speed sign. Discussion ensued regarding speed sign with the consensus being to move forward as outlined in Stoppels' memorandum.

3. Finance Committee Report

Jahnke noted a 2-year budget is in the works and encouraged Stoppels to refine his projections for potential presentation to Council in March.

4. Personnel Committee Report

Kochensparger noted the Committee has met and discussed police issues and information will be forthcoming on a potential health care savings plan.

5. DPW – Road Administrator Committee Report

Stoppels noted that information relative to this Committee has been provided in the packet, reviewed the road salting incident and subsequent responses, and advised he is confident the Village will have a good season with this contractor. Discussion ensued regarding prioritization of roads, response time, salt storage with it being noted that a comprehensive plan has been provided and appropriately discussed, daily communication is in place, and salt is primarily stored at the County's facility in Southfield with the contractor keeping a minimal supply on site.

6. Website Committee Report

Kochensparger advised the Committee has met and provided an overview of the website product the Committee is considering (Govoffice.com), noting that it appears to be a great product and a good fit for the Village and more information will be forthcoming. Discussion ensued regarding cost.

7. Waste Water Testing, Mark Jahnke – Trustee

Jahnke noted that the storm water drainage testing (MS4) is an unfunded mandate from the State which previously had been primarily covered by grant funds received from the County and user fees and encouraged Stoppels to continue to research this matter and network with other communities to get out

from under this mandate as the general fund will have to cover any associated costs not covered by the wastewater fund. Stoppels noted that litigation has been filed at the State level involving a number of communities and a potential class action suit which indirectly could potentially benefit Franklin. Discussion ensued regarding cost-reduction strategies with it being suggested that the issue continue to be researched locally to minimize impact to the Village under current law, seek other engineering firms to potentially reduce costs, negotiate fees with HRC, and research a cost-sharing arrangement with other local units of government who are required to perform and report on the same testing data. Stoppels advised that he will review the budget with a goal of reducing this item by 50%.

IX. UNFINISHED BUSINESS

A. Consider Planning Commission Liaison Appointment

Gallasch requested a volunteer to fill this appointment with no Council Member responding.

B. Consider Obtaining Required Actuary Report for Retiree Health Care Funding Account.

Jahnke noted that 2 proposals are anticipated for the Actuary Report – one from the consultant the Village utilized in 2005 and one prepared in-house supplemented by guidance from Janz and Knight and added that the specifics on this proposal still need to be fleshed out. Discussion ensued regarding the proposals and pension actuary report status.

X. PROCLAMATION/RESOLUTION/ORDINANCES

A. 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 (second reading).

Gallasch noted this was approved by Council subject to modifications being incorporated into final document by Staran. Staran provided a brief review of the modifications.

#2009-131 Motion by Gettel supported by Rosenthal to approve for second reading 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 as presented and amended.

Discussion ensued regarding inclusion of some sort of appeal process with Staran proposing language to be included as follows: “(c) A person who is assessed the cost of an emergency response, citizen assist or public utility protection may appeal to the Village Council which may affirm, modify or waive the cost”.

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

Nays: None

Motion carried

B. 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 (second reading).

#2009-132 Motion by Lamott supported by Jahnke to approve for second reading 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.

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

Nays: None

Motion carried

C. 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).

Gallasch noted this item was postponed at the last meeting to afford the Legal Committee an opportunity to review. Staran provided a brief overview and noted the purpose is to provide a means of oversight not to be prohibitive or obstructive and fees are designed to cover associated administrative costs. Discussion ensued regarding fees with it being suggested that the Legal Committee review fee structure and terminology prior to submission to Council for second reading and with the numbering scheme (numbers instead of letters) being corrected in section 80.04 for consistency.

#2009-133 Motion by Lamott supported by Harnisch to approve for first reading 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.

Discussion ensued regarding fees for still photographs on private property.

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

Nays: None

Motion carried

XI. ADJOURNMENT

Motion by Lamott supported by Jahnke to adjourn the meeting.

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

Nays: None

Motion carried.

There being no further business, the meeting adjourned at 9:51 P.M.

Respectfully submitted,

Lori Rich, Recording Secretary



Eileen H. Pulker, Clerk

H. Frederick Gallasch, President