

**PROCEEDINGS OF VILLAGE OF FRANKLIN
VILLAGE COUNCIL REGULAR MEETING
MONDAY, JANUARY 11, 2010, 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, Alan Harnisch, Mark Jahnke, Jim Kochensparger, Bill Lamott, Steve Rosenthal

Also Present: Jon Stoppels, Administrator
Eileen Pulker, Clerk
Thomas 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 Lamott supported by Kochensparger to approve the Agenda as amended.

Stoppels requested adding consideration of a resolution in recognition of Arbor Day as agenda item X (B) and consideration of contractor's payment for the installation of the mechanical doors at BASCC as agenda item X (C).

Kochensparger requested that agenda item 10 (B) be moved to 5 (A) and noted he would like to recognize the property owners of 31090 Franklin Road for cleaning up their property with Gallasch advising he could do so under Special Reports.

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

Nays: None

Motion carried.

IV. MINUTES

A. December 14, 2009 Regular Village Council Meeting.

Motion by Gettel supported by Lamott to approve the minutes of the December 14, 2009, Regular Village Council Meeting as submitted.

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

Nays: None

Motion carried.

V. REPORTS OF VILLAGE OFFICERS AND AGENTS

Patrick Browne, Police Chief, referred to his previously submitted written report and updated Council as to recent activity in the Village and also referred to a community letter regarding the requirement for dogs to be leashed while on property other than its owner's which was generated in a desire to be proactive and with the intent to bring about voluntary compliance.

Gettel inquired if the speed monitor recently installed is operating properly as it is flickering when it probably shouldn't be. Browne noted that the flickering could be due to the change to LED lighting, advised that he will contact the vendor to ensure that it is operating properly, sign is prepped for electrical, and thanked Council for its efforts in this regard.

Tony Averbuch, Fire Chief, referred to his submitted written report and provided a brief update as to recent activity in the Village.

A. Consider Participation in the Michigan Emergency Management Assistance Compact (MEMAC).

Averbuch briefly reviewed the submitted sample resolution and the historical perspective and noted the agreement would enable the Village to provide or request assistance from another participating agency as well as the ability to bill for services rendered. Discussion ensued regarding the resolution, Legal Committee's consideration, and timing.

#2010-01 Motion by Harnisch supported by Kochensparger to adopt the authorizing resolution for the MEMAC as follows:

**Resolution Authorizing Village Participation in the
Michigan Emergency Management Assistance Compact**

WHEREAS, the State of Michigan Emergency Management Act, Act 390 of the Public Acts of 1976, as amended M.C.L. 30.401 et.seq, authorizes the State and its political subdivisions to provide emergency aid and assistance in the event of a disaster or emergency; and

WHEREAS, the statutes also authorize the State to coordinate the provision of any equipment, services, or facilities owned or organized by the State or its political subdivisions for use in the affected area upon request of the duly constituted authority of the area; and

WHEREAS, this Resolution authorizes the request, provision, and receipt of interjurisdictional mutual assistance in accordance with the Emergency Management Act, Act 390 of the Public Acts of 1976, as amended among political subdivisions within the state.

NOW, THEREFORE, be it resolved by the Village of Franklin that in order to maximize the prompt, full and effective use of resources of all participating governments in the event of an emergency or disaster we hereby adopt the Michigan Emergency Management Assistance Compact which is attached hereto and incorporated by reference.

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

Nays: None

Motion carried.

Thomas Morrow, Treasurer, referred to his submitted written report, noted the packet contains a revised list of account balances and an updated Retiree Healthcare Funding Trust summary, and advised that the Village will have to start increasing its millage to cover the pressure sewer bond payments which will have to be carefully calculated as the Village can only set the millage rate once per year. Discussion ensued regarding budgeting process, Finance Committee's plan to address the millage increase as part of the budget process, and remaining time left on bonds.

Ray Majacz, Great Lakes Landscaping, Public Services Coordinator, Stoppels advised that Majacz could not be in attendance.

Eddie Delbridge, Main Street Director, referred to her submitted report, provided a brief update as to the Main Street resource team arriving in April and the Main Street 101 training sessions in February to be held at the Franklin Grill, noted she will pass information along as it comes forward and reservations are needed to attend the February sessions.

VI. SUBMISSION OF CURRENT BILLS

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

Discussion ensued regarding the following items: Oakland County Treasurer – BS & A tax support and citrix connection fee covered period; telephone costs in general; and request to add column for budgeted

amount of consultant's fees. Discussion ensued regarding the benefit of adding an allocation column relative to consultant's fees for cost comparisons with Stoppels noting that can be added and potential to lower phone costs by utilizing other carriers, with Stoppels noting that over the last few years the Village has implemented strategies to reduce the overall cost and he will provide a report to Council as to what has been done.

TOTALS

General Administration	\$	7,550.87
Building	\$	8,315.54
Insurance	\$	51,827.85
Legal	\$	1,713.50
Police	\$	14,921.05
General Debt Service	\$	450.00
Major Roads	\$	14,684.17
Local Roads	\$	4,084.17
Rubbish	\$	17,040.75
<u>Tax Fund</u>	\$	<u>8,523.15</u>
ALL FUNDS	\$	129,111.04

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

Nays: None

Motion carried

VII. PUBLIC REQUESTS AND COMMENTS PRESIDENT'S REPORT

- **Marcia Gershenson, Oakland County Commissioner, District 17**, advised that "snow birds" need to fill out the census form in Michigan and enter a zero on a census form in their other area of residence, employment positions are available in the Community Mental Health Department, and interested candidates for the appointment to the Citizen Advisory Council for Cobo Hall should contact the Commission as the deadline for consideration is quickly approaching.
- **Chuck Moss, State Representative**, updated Council as to recent activity at the State level and commended the Village for its budget management practices.
- **Hon. Bill Richards, Magistrate 46th District Court**, was introduced by Harnisch and provided an overview of the 46th District Court ("46th D.C.") as follows: All crime in the Village is prosecuted at least initially through the 46th D.C.; 46th D.C. has 3 Judges; Due to recent economic challenges there are increasing numbers of people doing without legal counsel in court proceedings; and 46th D.C. is utilizing and expanding use of internet and video conferencing technology to further reduce costs and stretch resources. He further noted that he is impressed with the cases put together by the Village's Police Department in terms of presentation, investigation and follow-up.

A. Relay For Life, American Cancer Society

Amber Finkbeiner, explained the Relay For Life 24-hour event scheduled for May 22-23, 2010 at Inglenook Park in Southfield and noted information will be provided and registration available at the Kick-off Celebration to be held February 24, 2010 in the Southfield Public Library Meeting Room from 6:30 p.m. to 7:30 p.m.

VIII. SPECIAL REPORTS

A. Birmingham Area Cable Board Annual Report

- **Lew Eads, Birmingham Area Cable Board ("BACB") Member**, provided an update as to BACB's recent actions, Mission Statement and Upcoming Actions/Goals as outlined in the submitted written report, and noted that a strategic plan is currently being considered, BACB is well-respected throughout the region, State and Country, and it is vital that the Village is well-represented in the upcoming

community survey. Discussion ensued regarding potential methods to distribute the survey and get the word out.

Elaine McLain, Chairman, Birmingham Area Cable Board, provided a legislative update including the Community Access Preservation Act which the Board is requesting support of, summarized a resident's (Jim Stevenson) experience with the complaint process which is mandated to begin with BACB who then forwards it to the MPSC, and noted the February issue of Consumer Reports has an article on cable providers. Discussion ensued regarding the potential for getting on-demand coverage of Village's Council Meetings and listing of community programming on government access channel with McLain advising that at this time the providers platforms do not support on-demand, though she is confident at some point there will be sufficient incentive to do so, and programming information is available on the website as well as the scrolling menu.

B. President's Report

Gallasch noted that January 17th is Benjamin Franklin's 304th birthday and introduced Lisa MacDonald of Fitness Driven Personal Training Studio. MacDonald noted that the business will be located above the Market Basket, is currently undergoing property improvements, hopes to be open for business in February, explained her passion for fitness and experience as a trainer, and noted that she highly values the tight-knit community of the Village. Continuing, Gallasch advised of an upcoming filming event by Oakland County Main Street to promote business activity in the area and noted this will be a good trial run for the Village's Motion Picture Ordinance and the event will present an opportunity for Villager's to be in a movie as the event is requesting Village activity in the film.

C. Council Reports

1. Kreger House Report, Bill Lamott - Trustee

Lamott noted that Consumer's Power and the Drain Commission will be out tomorrow for directional borings to facilitate natural gas and pressure sewer connections, furnace, electrical, and plumbing are all coming along, Pancake Breakfast/5K Run will be held June 12th 2010, Barn Dance will be held in late September or early October, and the next work meeting is a week from tomorrow (1/19/10).

2. Legal Committee Report

Rosenthal noted that signage will be discussed later in the agenda, an agreement is being discussed regarding Brody v. City of Farmington Hills, and Council could see something as early as February, and HUDA School does not yet have a final C of O.

3. Finance Committee Report

Jahnke advised that the Committee and staff are working on a 2 year budget (current year plus 2 out years) but are waiting on a couple of numbers from the County and noted this can hopefully be ready for presentation to Council in March which would give Council some time for consideration.

4. Personnel Committee Report

Kochensparger advised that the Committee did not meet.

5. DPW – Road Administrator Committee Report

Stoppels noted that though the Village is approximately 40% through winter according to the calendar salt consumption is around 45%-50%, advised that procedural changes need to be implemented to ensure cost-effective delivery of services, and provided a brief overview of those changes including increased plowing, decreased use of salt, and recalibration of salt spreader. He further noted that clear wet streets might not be doable, the benefits of a "white-road policy", the dangers of clear wet streets, and that safety is a key concern. Discussion ensued regarding number of winter events (10 as of today), salt application concerns, benefits of pre-wetting, benefits of and challenges associated with salt and other substances such as salt brine, calcium chloride/salt mixture, and dirt/salt mixture, and need to rely on County for storage/mix.

6. Website Committee Report

Kochensparger advised that the Committee is looking at one more meeting to consider proposals and hopes to bring a recommendation to Council soon.

Kochensparger advised that the owners of 31090 Franklin Road are to be recognized for their property improvements and encouraged others to bring forth names of those who have improved their property to the benefit of all for similar recognition. Discussion ensued with Moenck noting that the new owner is the Assistant Pastor for Mariner's Church in Detroit and the property improvements have greatly benefitted the Village especially those living on Meadow Drive.

IX. UNFINISHED BUSINESS

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

Jahnke referred to the submitted Memo dated January 8th, 2010, and noted that 4 years ago Council decided to start funding its retirement health insurance benefits with an actuary report obtained in 2005 to determine funding levels. He further advised that the Village can meet the requirement to obtain an actuary report in 2 different ways (in-house or Actuary). In-house would be the combined efforts of staff and the CPA at a cost of approximately \$1,000.00. The recommendation of the Committee is to advise the Actuary of the in-house option and cost and request an updated quote. Another option considered by the Committee is to obtain the in-house option this year, review it, and pursue the Actuarial Report at a later date, if needed. Discussion ensued regarding costs, benchmarks, and size of Village is not a good fit with some of the formulas, with the consensus being to follow the recommendation of the Finance Committee and revisit this at the February meeting after obtaining an answer from the Actuary.

X. NEW BUSINESS

A. Consider Sewer System Liability Insurance.

Stoppels advised that the MMRMA has recommended sewage overflow insurance to cover any potential sanitary sewer backups, though the Village has previously declined due to cost and its closed system not being susceptible to the same problems as gravity feed systems, however, due to the low current cost, the insurance might be of benefit. He further noted that while the Village and County do have coverage, this money might be well-spent for the peace of mind obtained if there were to be some sort of claim. Discussion ensued regarding liability, coverage, claims in other pressure sewer systems, lack of significant claim history in the Village, back-flow preventers at each property offering some protection, and need for more information relative to pressure sewer systems and potential for claims, with Staran advising that there is no governmental immunity for an event that is caused by malfunction or defect related to the public sewer system.

#2010-2 Motion by Kochensparger supported by Jahnke to postpone discussion of Sewer System Liability Insurance until more information is obtained.

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

Nays: None

Motion carried.

B. Consider Resolution in Recognition of Arbor Day.

Stoppels advised that the submitted Resolution is necessary for the Village to be awarded the distinction of "Tree City USA" and noted the Village has moved from a ceremonial Arbor Day celebration to tree preservation instruction.

#2010-03 Motion by Gettel supported by Jahnke to adopt the resolution in recognition of Arbor Day as follows:

ARBOR DAY PROCLAMATION

Whereas, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

Whereas, the holiday, called **Arbor Day**, was first observed with the planting of more than a million trees in Nebraska; and

Whereas, **Arbor Day** is now observed throughout the nation and the world; and

Whereas, trees can reduce the erosion of our precious topsoil by wind and water, lower our heating and cooling cost, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

Whereas, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

Whereas, trees in our Village increase property values, enhance the economic vitality of business areas, and beautify our community; and

Whereas, trees, wherever they are planted, are a source of joy and spiritual renewal.

NOW, THEREFORE, I, H. Frederick Gallasch, do hereby proclaim April 24, 2009 as Arbor Day in the Village of Franklin, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands.

Further, I urge all citizens to plant and care for trees to gladden the heart and promote the well-being of this and future generations.

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

Nays: None

Motion carried.

C. Consider Payment due Contractor for Installation of Mechanical Doors at BASCC.

Stoppels referred to his submitted Memo and noted that BASCC does not currently have the funds to cover the contractor's payment for the authorized installation of mechanical doors under the CDBG program and is requesting the Village to pay the contractor directly with reimbursement from the County's CDBG program within 30 days. Discussion ensued regarding timing of payment, zero risk of not being repaid, formal bids were obtained, difficulty in utilizing CDBG funds for Village projects, and need for future consideration of not utilizing CDBG funds due to its restrictive rules and regulations.

#2010-04 Motion by Lamott supported by Harnisch to approve payment to the contractor for installation of mechanical doors at BASCC with reimbursement by County's CDBG program.

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

Nays: None

Abstain: Kochensparger

Motion carried.

XI. PROCLAMATION/RESOLUTION/ORDINANCES

A. 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. (second reading).

Staran noted that a schedule of fees for both Birmingham and Bloomfield Township have been submitted for consideration with the ordinance and Council can still waive or reduce the fees. Discussion ensued regarding the submitted fee schedules with the consensus being to utilize Bloomfield Township's.

#2010-05 Motion by Gettel supported by Kochensparger to adopt the 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 in the second reading.

The Franklin Village Council resolves to charge a \$125 processing/monitoring fee under Section 880.04(b) of the ordinance. Property use fee will be determined on a case by case basis depending on the nature and extent of public property usage. To the extent monitoring by Village personnel, contractors or consultants is required beyond initial processing and review of the permit application, a monitoring fee to cover the actual cost of such monitoring shall be charged.

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

Nays: None

Motion carried.

B. Consider an Ordinance to Amend Section 1474.12 of Chapter 1747, Signs and Outdoor Display Structures, of Part Fourteen, Title Six of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, To Modify Regulations Governing Sandwich Signs for the Category of Temporary Business Signs, Repeal Conflicting Ordinances and Prescribe a Penalty for Violations. (first reading).

Gallasch advised that many committees have looked at this revision and Main Street wants to consider this ordinance as a whole. Staran provided a brief overview of the modifications. Discussion ensued regarding interest of businesses for this signage, need for Main Street Design Committee to review this revision, suggestion that Main Street review prior section relating to streamers, etc., suggestion that they review the ordinance as a whole, process, issues related to enforcement of current temporary sign, and zoning classifications, with the consensus being to send this to Main Street for review and recommendation and to revisit this at the February meeting. The item was postponed.

Staff was directed to refer the ordinance language to the Historic District Commission for their review of materials, and to allow the Main Street Franklin Design Committee to review the materials and suggest a possible uniform design idea for the commercial district of the Village.

XII. ADJOURNMENT

Motion by Lamott supported by Rosenthal to adjourn the meeting.

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

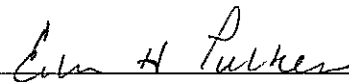
Nays: None

Motion carried.

There being no further business, the meeting adjourned at 10:06 P.M.

Respectfully submitted,

Lori Rich, Recording Secretary



Eileen H. Pulker, Clerk

H. Frederick Gallasch, President