

**PROCEEDINGS OF VILLAGE OF FRANKLIN
VILLAGE COUNCIL REGULAR MEETING
MONDAY, APRIL 11, 2011, 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: Lew Eads, Fred Gallasch, Brian Gettel, Jim Kochensparger, Bill Lamott, Steve Rosenthal, Mike Seltzer

Also Present: Amy Sullivan, Village Administrator
Eileen Pulker, Clerk
Patrick Browne, Police Chief
Tony Averbuch, Fire Chief
John Staran, Hafeli Staran Hallahan & Christ, P.C., Village Attorney
Vivian Carmody, Administrator, Main Street Franklin

III. ADOPTION OF AGENDA

Motion by Seltzer supported by Eads to approve the Agenda as submitted.

Ayes: Eads, Gallasch, Gettel, Kochensparger, Lamott, Rosenthal, Seltzer

Nays: None

Motion carried.

IV. MINUTES

A. March 14, 2011 Regular Village Council Meeting

Motion by Seltzer supported by Kochensparger to approve the minutes of the March 14, 2011, Regular Village Meeting as submitted.

Ayes: Eads, Gallasch, Gettel, Kochensparger, Lamott, Rosenthal, Seltzer

Nays: None

Motion carried.

B. March 26, 2011 Special Village Council Budget Meeting

Motion by Seltzer supported by Eads to approve the minutes of the March 26, 2011, Special Village Council Meeting as submitted.

Ayes: Eads, Gallasch, Gettel, Kochensparger, Lamott, Rosenthal, Seltzer

Nays: None

Motion carried.

C. March 31, 2011 Village Council Workshop Meeting

Motion by Gettel supported by Eads to approve the minutes of the March 31, 2011, Village Council Workshop Meeting as submitted.

Ayes: Eads, Gallasch, Gettel, Kochensparger, Lamott, Rosenthal, Seltzer

Nays: None

Motion carried.

D. April 5, 2011 Special Village Council Budget Meeting

Motion by Eads supported by Gettel to approve the minutes of the April 5, 2011, Special Village Council Budget Meeting as submitted.

Ayes: Eads, Gallasch, Gettel, Kochensparger, Lamott, Rosenthal, Seltzer

Nays: None

Motion carried.

V. REPORTS OF VILLAGE OFFICERS AND AGENTS

Patrick Browne, Police Chief: Browne provided an update as to recent activity in the Village, reminded Villagers of the importance of locking vehicles, removing valuables, activating car alarms, parking in a secure area (garage, carport, etc.), and communicating any suspicious activity to the Department and advised that an alert had been transmitted via Nixle. Browne noted the Department will be transitioning to an Oakland County alert messaging system, north-bound construction on Telegraph has begun, the Department was awarded a \$6,000.00 grant from the Michigan Municipal Risk Management Association (“MMRMA”) for the replacement of in-car cameras, and training is ongoing. Gallasch inquired if larceny type crimes are on the increase with Browne advising these types of crimes are increasing in surrounding communities, the Departments meet to keep better informed and share information, and noted the more eyes and ears on the alert– the better the chance to apprehend a suspect. The Department was congratulated on the grant from the MMRMA.

Tony Averbuch, Fire Chief: Averbuch referred to the submitted report and noted the 2011 apparatus annual maintenance program is underway, thanked the church for the use, once again, of its parking lot for this effort and advised due to the parking lot replacement in the summer of 2011, a new location will need to be found for testing. Gallasch congratulated Tony on his recent marriage.

Thomas Morrow, Treasurer: Gallasch advised that Morrow was not able to be in attendance and referred to his submitted report.

Vivian Carmody, Administrator, Main Street Franklin: Carmody advised a new custom spice business is locating in the Village and thanked the property manager for his efforts, tracking of volunteer hours shows the Village has received a return on its investment of 900 volunteer hours by approximately 50 volunteers during 4Q 2010 of approximately \$17,811 in efforts totally focused on downtown revitalization, the volunteer base continues to grow, it is anticipated that 1Q 2011 figures will be even more substantial, MSF is working with multiple property owners on possible façade improvements through the County, other potential renovations are also being considered, reminded Villagers as to the upcoming Farmers Market and noted discussions are underway with Comerica on parking and possible Farmers Market location, noted the Merchants and Events Guide will be coming out soon, reminded Villager’s of MSF’s first official fundraiser, the Great Lobster Drop, which is scheduled for June 19th for which they are encouraging families/neighborhoods to get together and create their own special event, and thanked the many community partners MSF has in the Village.

VI. SUBMISSION OF CURRENT BILLS

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

Discussion ensued regarding General Fund Sto-Cote Products – Ice Rink (reimbursable expense) and Police Fund Joseph Kovac – Reimburse for concealed weapon permit (Village carries the cost in light of the village’s requirement to do so and the significant time reserve officers donate to the Village).

Discussion ensued regarding budgeting strategies to not go over budget.

TOTALS

General Administration	\$	18,834.40
Building	\$	2,817.50
Insurance	\$	40,734.64
Legal	\$	4,186.00
Police	\$	13,232.32

Pressure Sewer	\$	34,356.88
General Debt Service	\$	-
Major Roads	\$	4,807.44
Local Road	\$	4,253.81
Rubbish	\$	18,305.33
Trust & Agency	\$	7,600.00
Tax Fund	\$	-
Waste Water	\$	245.61
ALL FUNDS	\$	149,373.93

Ayes: Eads, Gallasch, Gettel, Kochensparger, Lamott, Rosenthal, Seltzer

Nays: None

Motion carried.

VII. PUBLIC REQUESTS AND COMMENTS

Gallasch advised as to the 3 minute time-limit and requested those speaking on an agenda item to bring forth their comments at that time.

- **Marcia Gershenson, Oakland County Commissioner, District 17**, provided an update/overview of the Medical Marihuana Act ("MMA"), noting it is an exemptive statute which protects people from prosecution only if they meet certain criteria, there has been some confusion as to how the MMA would be implemented, communities have not received much direction from the State, the State is being requested to provide clarification, and many communities have adopted a moratorium and extension while waiting for clarification. She further advised that new driving regulations for teen drivers have gone into effect. Gallasch extended his congratulations on her being awarded the Taubman fellowship to attend Harvard this summer.

VIII. SPECIAL REPORTS

A. President's Report

Gallasch noted that Jeff Pulker's wedding announcement was in the paper and congratulated the family, publically thanked those who served on the budget committee, noting the committee met multiple times, reviewed complex budget numbers, and contributed valuable insight, thanked the Eagle for its recent articles explaining the budget process and the upcoming Farmer's Market, advised that Volunteer Police Officer Kovac's mother passed away, noted the Village recently received two grants (DTE - \$2,000.00 to plant trees; Oakland County - \$500 for mosquito control products), and the census data is in.

B. Council Report

Kochensparger communicated his thoughts on the benefits of working with developers, investors, and property owners to encourage residential building, green buffer, and green building practices (smaller and more dense structures, more density) for the property in the Helman Woods subdivision along Telegraph Road, noting that this is supported by the goals in the Master Plan and can lead to long-term success. Lamott advised the public restroom facility in the Kreger House will be operational at the end of the month, thanked the Committee, volunteers, and contributors and noted the team is charging ahead with other work.

IX. NEW BUSINESS

A. Consider Request of Riverwood Subdivision Association

Arthur Mardigian, Franklin Park Drive, provided an overview as to the legal challenges the Association has faced noting that the deed restrictions were upheld with the remaining issue, changing environment, still unsettled. He noted the issue may proceed to court, the Association needs all the help and support Council can give it as being in the SE corner of the Village they are bearing the brunt of an attack that

will impact the Village as a whole, and the Association is doing everything possible to keep Franklin a residential community. Gallasch noted the benefits of Homeowner's Associations meeting and staying active in order that Deed Restrictions remain in force.

B. Consider Budget Advisory Committee Recommendation for Headlee Override Ballot Issues for General Fund and Fire Fund

Sullivan noted the submitted memo/draft budget reflects changes as discussed at Council's Budget Workshop meeting and noted Council is still at the decision phase of the Headlee override issues which could be handled jointly or separately. Discussion ensued regarding procedure and timing with it being noted a decision needs to be made as to whether Council will pursue one or both options, renaming the General Services Millage will require a Charter amendment, benefits of bringing the override proposals to the voters, economic challenges, need to monitor expenditures, and potential ill-effects of employing a cut only strategy.

#2011-23 Motion by Eads supported by Gettel to rename the General Services Millage the Police and Administration Millage.

Ayes: Eads, Gallasch, Gettel, Kochensparger, Rosenthal, Seltzer

Nays: Lamott.

Motion carried.

#2011-24 Motion by Kochensparger supported by Gettel to present a Headlee override proposal to the Village on the Fire Millage which if passed would reset the millage to its original 1.5 mills.

Ayes: Eads, Gallasch, Gettel, Kochensparger, Lamott, Rosenthal, Seltzer

Nays: None.

Motion carried.

#2011-25 Motion by Gettel supported by Rosenthal to present a Headlee override proposal on the Police and Administration Millage which if passed would reset the millage to its original 3.5 mills.

- **Dominick Schiano, Oakleaf Lane, member of Budget Committee**, noted the Budget Committee's recommendation was not unanimous, he is not in favor of the police and administration override (formerly General Services), provided an overview of budget numbers, and opined in terms of the general fund the issue is not lack of revenue it is a spending discipline issue. Discussion ensued regarding the Headlee overrides with Schiano noting his concern is it is being communicated that the Village needs this money and it his belief it can be managed by keeping expenditures at budgeted amounts, benefit of letting Villagers decide, and budgetary concerns regarding expenses the Village has no control over such as rising costs on health insurance, gasoline, and liability insurance etc.

Ayes: Eads, Gettel, Kochensparger, Rosenthal, Seltzer

Nays: Gallasch, Lamott.

Motion carried.

Discussion ensued regarding whether the Headlee overrides would be pursued separately or jointly.

#2011-26 Motion by Lamott supported by Kochensparger to have separate ballot proposals for the Fire and Police and Administration Headlee Amendment override issues.

Ayes: Eads, Gallasch, Gettel, Kochensparger, Lamott, Rosenthal, Seltzer

Nays: None.

Motion carried.

C. Consider Franklin Grill Liquor License Renewal

Kochensparger recused himself from the meeting. Browne advised the Department performed its annual investigation and found everything to be in order and is recommending approval of the license renewal. Pulker advised the Building Official and Fire Department also found everything to be in order. Staran

clarified the action, noting the MLCC approves the renewal and the Village's role is to raise any objections it may have.

#2011-27 Motion by Gettel supported by Seltzer to support the Liquor License Renewal request for the Franklin Grill.

Ayes: Eads, Gallasch, Gettel, Lamott, Rosenthal, Seltzer

Absent: Kochensparger

Nays: None

Motion carried.

Sullivan brought to Council's attention a glitch with Franklin Grill's MLCC paperwork, noting that at some point in time a previously approved Sunday Sales Permit had not carried forward which they are in the process of remedying as the Franklin Grill is looking to begin Sunday sales again in May.

D. Consider Scheduling Hazardous Waste Day, Saturday June 4, 2011

Kochensparger returned to the meeting. Sullivan noted this is funded via a rubbish millage levy, not from the General Fund. Kochensparger requested this be tabled to afford the Village time to survey the community to determine the extent to which this program is needed and investigate more economical methods of performing this service. Discussion ensued regarding benefits of removing hazardous waste from residences, survey concerns, and funding.

#2011-28 Motion by Kochensparger supported by Eads to table consideration of scheduling a hazardous waste day.

Ayes: Eads, Gettel, Kochensparger, Rosenthal, Seltzer

Nays: Lamott, Gallasch

Motion carried.

E. Consider Scheduling Budget Public Hearing (May 2011).

#2011-29 Motion by Lamott supported by Gettel to schedule a Budget Public Hearing on May 9, 2011 as part of the regularly scheduled Village Council meeting.

Discussion ensued regarding location and which proposed budget to utilize for the Hearing with the consensus being to use the latest draft.

Ayes: Eads, Gallasch, Gettel, Kochensparger, Lamott, Rosenthal, Seltzer

Nays: None

Motion carried.

- **Judy Moenck, 26148 Meadow Drive**, addressed Council regarding funding of Main Street, opining there seem to be discrepancies along the way between the amount it was communicated MSF would be funded and the actual funds allocated to MSF as well as the time-frame for funding, provided a recap of the time-frame and funding commitments, noted the tangible results that MSF is realizing and the consequences of reducing funding, advised that MSF is moving forward with its 501c3 application which would enable it to seek grants and preservation funds the Village cannot pursue, and requested MSF be funded at its current level in the upcoming budget.

- **Elena Costello, property owner and professional in the Village since 2003**, noted as a newcomer she was able to objectively feel the business climate in the downtown which since MSF came on board is characterized by positive energy/attitude, spirit, excitement, and increased involvement, which she opined, is the meaning of revitalization.

F. Consider Wireless Review Services Agreement

#2011-30 Motion by Eads supported by Seltzer to expand the contract with Mckenna to include designating McKenna as the sole reviewer on wireless services agreements as submitted.

Sullivan provided a brief overview noting that in exchange for McKenna providing the sole review on these applications, McKenna will update the Village's ordinance at no cost to the Village. Discussion ensued regarding McKenna's level of expertise in this field with it being noted their credentials are more than adequate as evidenced in a recent conference call, McKenna was not utilized in the Village's cell tower concerns, and Hansen will bring this to the PC.

Ayes: Eads, Gallasch, Gettel, Kochensparger, Lamott, Rosenthal, Seltzer

Nays: None

Motion carried.

G. Consider Revision to Master Fee Schedule

#2011-31 Motion by Gettel supported by Eads to adopt the submitted revision to the Master Fee Schedule.

Sullivan provided a brief overview noting this is to set up permit fees and the escrow account in conjunction with the Wireless Review Services Agreement as recommended by McKenna. Gallasch noted when wireless comes in they would be required to pay a fee up front to fund the hiring of Village consultants to do the analysis.

Ayes: Eads, Gallasch, Gettel, Kochensparger, Lamott, Rosenthal, Seltzer

Nays: None

Motion carried.

H. Consider Proposal for Professional Traffic Review of Huda School.

#2011-32 Motion by Rosenthal supported by Gettel to accept the proposal to engage Hubbell, Roth and Clark for a professional traffic review of Huda School at a cost not to exceed \$3,500.00 with funds derived from the Major/Local Road Funds.

Sullivan provided a brief overview, noting the Village is compiling a list of comments for Huda School, this request is to obtain an independent/objective 3rd party analysis of the physical viability of redesigning the Franklin Road parking lot to provide for both pick up and drop off of students, a certified traffic engineer with HRC would perform the review with the Village paying a cost not to exceed \$3,500.00 (Major/Local Road funds). Discussion ensued regarding impact on funds, pros/cons of sharing the fee for the study, need to move forward, and purpose of study.

Ayes: Eads, Gettel, Kochensparger, Rosenthal, Seltzer, Gallasch

Nays: Lamott

Motion carried.

I. Written Attorney/Client Privileged Communication

#2011-33 Motion by Rosenthal supported by Seltzer to meet in closed session at the conclusion of this meeting to discuss a written attorney/client privileged communication.

Roll Call Vote:

Eads	Aye
Gallasch	Aye
Gettel	Aye
Kochensparger	Aye
Lamott	Aye
Rosenthal	Aye
Seltzer	Aye

Motion carried

X. ORDINANCES/RESOLUTIONS/PROCLAMATIONS

A. Consider Arbor Day Proclamation.

#2011-34 Motion by Seltzer supported by Kochensparger to adopt the Arbor Day Proclamation as submitted.

Sullivan noted this is a prerequisite for a Tree City USA designation, which enables the Village to apply for grants.

Ayes: Eads, Gallasch, Gettel, Kochensparger, Lamott, Rosenthal, Seltzer

Nays: None

Motion carried.

XI. ADJOURNMENT

Motion by Eads supported by Rosenthal to adjourn the meeting.

Ayes: Eads, Gallasch, Gettel, Kochensparger, Lamott, Rosenthal, Seltzer


Nays: None

Motion carried.

There being no further business, the meeting adjourned at 9:41 P.M.

Respectfully submitted,

Lori Rich, Recording Secretary



Eileen H. Pulker, Clerk

H. Frederick Gallasch, President



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, this 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, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving 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 city 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, Mayor of the ~~City~~ of Village of Franklin, do hereby proclaim April 29, 2011 as

Arbor Day

In the ~~City~~ of Village of Franklin, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

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

Dated this 11th day of April
Mayor H. Frederick Gallasch