

**PROCEEDINGS OF VILLAGE OF FRANKLIN
VILLAGE COUNCIL REGULAR MEETING
MONDAY, MARCH 8, 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
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 Gettel supported by Lamott to approve the Agenda as submitted.

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

Nays: None

Motion carried.

IV. MINUTES

A. February 8, 2010 Regular Village Council Meeting.

Motion by Kochensparger supported by Gettel to approve the minutes of the February 8, 2010, 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, updated Council as to recent activity in the Village, reminded residents to call regarding any suspicious activity, advised that Mike Sanders has been added to the Department as a Reserve Officer, noted that due to weather improvements there appears to be greater incidents of unleashed dogs in the park, advised that information relative to the leash law will continue to be provided to residents, and provided a status update as to cost-reduction options/discussions relative to phone costs.

Discussion ensued regarding repeater lines and the leash law with Rosenthal noting that park signage could be better and Harnisch suggesting that information regarding the leash law be posted on the Village's website.

Tony Averbuch, Fire Chief, followed up on his written report and advised that the Commission is working on the budget and Steven Croyle has left the Department due to a job change noting that he was an active volunteer who will be missed, and provided an update as to the upcoming Telegraph Road construction project noting that west bound I4 Mile Road will be closed, emergency vehicles will have access, and the Fire Department website has been updated to include relevant information.

Discussion ensued regarding budget, staffing levels, Telegraph Road construction project, and the desire to show appreciation to Steven Croyle for his years of service to the Village.

#2010-15 Motion by Jahnke supported by Kochensparger to issue a proclamation in appreciation of Steven Croyle's public service to the Village, as follows:

**PROCLAMATION
Steven Croyle
In appreciation of his Public Service to the Village of Franklin**

WHEREAS **Steven Croyle** has served as a Planning Commissioner and a Volunteer for the Franklin Bingham Farms Fire Department during the time he resided in the Village; and,

WHEREAS **Steven Croyle** has resided in the Village for sixteen years; and,

WHEREAS **Steven Croyle** served as a Planning Commissioner from September 2009 until January 2010; and,

WHEREAS **Steven Croyle** served as a Firefighter with the Franklin Bingham Farms Fire Department from October 21, 1996 until February 15, 2010; and,

WHEREAS **Steven Croyle** was promoted to Lieutenant in the Franklin Bingham Farms Fire Department on July 21, 2008; and,

WHEREAS **Steven Croyle** served in many positions while serving with the Franklin Bingham Farms Fire Department, including:

Firefighter II, Medical First Responder, Hazardous Materials Fire Responder Operations Level, Certified Drivers Training, Arson Awareness Certificate, Fire Commissioner, Fire Department personnel Officer, Department Apparatus Orientation Program Coordinator, Initiated department seat belt pledge program; and,

WHEREAS **Steven Croyle** was granted the Top Responder Award every year from 1997 through 2009.

NOW THEREFORE BE IT RESOLVED that the Franklin Village Council hereby publicly recognize, commend and thank Lieutenant Steven Croyle for his outstanding service to the Village.

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

Nays: None

Motion carried.

Thomas Morrow, Treasurer, Gallasch advised that Morrow was unable to be present and referred to the submitted written report.

Ray Majacz, Great Lakes Landscaping, Public Services Coordinator, Stoppels advised that Majacz was unable to be present.

Eddie Delbridge, Main Street Director, referred to her submitted report and handouts, provided an overview/update as to the April Resource Team meeting, MSOC 10th Anniversary Press Conference, Main Street 101 program, and reminded of the upcoming Design Cents workshop.

VI. SUBMISSION OF CURRENT BILLS

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

TOTALS

General Administration	\$ 32,009.09
Building	\$ 6,727.19
Insurance	\$ 36,306.39
Legal	\$ 2,070.00
Police	\$ 11,030.43
Pressure Sewer	\$ 40,497.71
General Debt Service	\$ 73,520.00

Major Roads	\$ 4,008.00
Local Road	\$ 4,008.00
Rubbish	\$ 16,811.79
Trust & Agency	\$ 1,600.00
Tax Fund	\$ 3,630.15
Waste Water	\$ 581.23
Unassigned Fund	\$ 2,000.00
ALL FUNDS	\$234,799.98

Discussion ensued regarding the following items: Unassigned Fund-Franklin Community Church and Local Road-Italia Construction.

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

Nays: None

Motion carried

VII. PUBLIC REQUESTS AND COMMENTS PRESIDENT'S REPORT

- **John Calene- 30744 Helmindale Drive**, reviewed correspondence/proposal submitted to Council from the Helman Woods Subdivision Homeowners Association "HWSHA" dated July 28, 2009, discussed the difficulty of HWSHA to sustain its efforts to defend the enforcement of deed restrictions, outlined a potential means for the Village to join in the defense by acquiring a partial interest in HWSHA property, and offered the Board's willingness to sit down and discuss the issue. Discussion ensued with Jahnke suggesting the Legal Committee consider the proposal.
- **Marcia Gershenson, Oakland County Commissioner, District 17**, provided information relative to earned income tax credits and Oakland County Grants, and advised that she is scheduling the first clean up day for 14 Mile Road. Discussion ensued with Gallasch noting the potential for the Telegraph Road construction project to impact timing of clean up day for 14 Mile Road and Jahnke requesting information as to how families with college students living on campus should complete the census.
- **Elaine McLain, Chairman, Birmingham Area Cable Board "BACB"**, provided an update and information relative to BACB's ongoing survey and advised of the Google ultra high-speed initiative, noting that BACB will offer assistance to member communities desiring to apply. Discussion ensued regarding the Google initiative, timing, Lew Eads unavailability, with Gallasch presenting options as to how the Village could consider the initiative and with the consensus of Council being to task the Wireless Committee to consider this issue. Lamott offered to assist the Clerk in completing the required documentation.

VIII. SPECIAL REPORTS

A. President's Report

Gallasch noted that he attended Lisa MacDonald's grand opening of the new business "fitness driven" and encouraged people to drop in and see this great facility and reminded of the upcoming Design Cents Workshop.

B. Council Reports

1. Kreger House Report, Bill Lamott - Trustee

Lamott noted that the team is working on upcoming events.

2. Legal Committee Report

Gettel advised that the Committee met and had discussions relative to Bingham Farms long-term agreement, and Franklin Commons/HWSHA, noting that Staran is looking for feedback from Council. Staran provided a brief overview of Franklin Commons/HWSHA and noted there are legal issues and

policy issues that Council needs to address perhaps by tasking an advisory committee to review and make recommendations. Discussion ensued regarding desire to be supportive, master plan, need to define and limit risk and cost, define ability to lawfully participate, potential for setting precedent, economic challenges, and timing, with the consensus of Council being to have the Legal Committee review with Staran and other relevant parties and provide a written privileged communication for Council's consideration at a closed session before or after the April meeting.

Continuing, Gettel advised that bills were introduced at the state level to allow for publication of legal notices and official communications in mediums other than newspapers with Staran providing an overview of one of the bills that would meet the needs of the Village if passed.

Stoppels advised that the Village received an unexpected bill from the Oakland County Water Resource Commission regarding a river/water quality study SAD proposed in 2002 and completed in 2004/2005, provided a brief overview, noted the Village is in the process of assembling relevant facts and discussing with other parties similarly effected, and summarized concerns relative to due process, procedure, costs, and timing. Staran provided an overview and advised that the County will be contacted to request an extension on the deadline to agree or object and noted that the request is for Council to authorize appropriate legal measures be taken to protect the Village's interests.

Discussion ensued regarding timing, other communities, potential for conflict if joining other communities in formal legal action, potential for waiver of right to appeal, need for additional facts, pros and cons of formally objecting, and need for input from other affected communities.

#2010-16 Motion by Harnisch supported by Rosenthal to authorize the Village Attorney and Administrator to preserve the Village's right to object or appeal by filing or joining in legal action, authoring correspondence, or any other means deemed necessary.

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

Nays: None

Motion carried.

Discussion ensued with it being suggested that County Commissioner Gershenson should be contacted.

3. Finance Committee Report

Jahnke advised that the committee met, discussed primarily the 2-year budget proposal and noted that the Building Department Fund Study is progressing.

4. Personnel Committee Report

Rosenthal provided a brief overview/update relative to the Administrator employment agreement. Discussion ensued regarding process, impact, and timing, with Lamott opining that this matter be resolved quickly.

5. DPW – Road Administrator Committee Report

Stoppels referred to and briefly reviewed the submitted Report and advised that due to projected adequate salt supply for the remainder of the winter, he is recommending Council revisit the recent policy change regarding salting of roads and return to prior procedures (clear wet roads) for the remainder of the winter with the consensus of Council being to return to the prior clear wet road policy. Discussion ensued regarding salt application and plowing with Kochensparger advising that the Committee will be discussing procedural changes with the Road Administrator at a meeting scheduled for tomorrow and with Jahnke noting that the Police Department should be involved in making plowing determinations and Stoppels advising a Department representative will be at the meeting.

6. Report on Fleet Management, Administrator Stoppels and Chief Browne

Stoppels referred to his submitted Memorandum which summarizes cost-savings related to fleet management practices, provided an overview of past and current practices, and provided an overview of

other potential options. Discussion ensued regarding refurbishing of patrol cars, typical problems associated with older vehicles, and current/future budget constraints

IX. UNFINISHED BUSINESS

A. Consider Sewer System Liability Insurance

Gallasch introduced this item, noting that it has been discussed at the last 2 Council meetings. Stoppels referred to and briefly reviewed the submitted Memorandum. Discussion ensued regarding timing, pros and cons of continuing to maintain sewer system liability insurance, liability, risk, coverage, maintenance, ownership, dialers Administrative approval, and indemnification clauses, with Stoppels directed to incorporate this insurance coverage into next year's budget.

X. NEW BUSINESS

A. Consider Sign Application, Franklin Community Church Rummage Sale, 4/23 & 4/24, 2010.

#2010-17 Motion by Harnisch supported by Rosenthal to approve Franklin Community Church's request to post temporary signage beginning on 4/2/2010, for their Rummage Sale to take place on 4/23 & 4/24, 2010.

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

Nays: None

Motion carried.

B. Consider Potential Grants for Invasive Plant Removal and Other Environmental Issues.

Lamott advised that he does not yet have enough information regarding these grants.

C. Consider Planning Commission Appointment.

Gallasch advised that he is recommending Calvin Cupidore be appointed to the Planning Commission to replace Steven Croyle who resigned and provided a brief overview of his resume.

#2010-18 Motion by Harnisch supported by Kochensparger to appoint Calvin Cupidore to the Planning Commission to replace Steven Croyle.

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

Nays: None

Motion carried.

D. Review Proposed Budget FY2010-2011, Proposed 2 Year Budget FY 2010-2012.

Gallasch inquired if this is to be acted on or is provided for information purposes with Jahnke advising that staff and the Finance Committee assembled this information to document the Village's past and projected finances for Council's consideration. Discussion ensued regarding whether a workshop session is necessary, suggestion for Council to forego compensation, Carlisle Wortman information, and timing of workshop, with the consensus of Council being to review proposed 2-year budget at televised workshop on March 31, 2010.

#2010-19 Motion by Jahnke supported by Harnisch to schedule a workshop session to be held Wednesday, March 31, 2010, 7:00 p.m. to consider the proposed FY 2010-2011 and proposed 2 Year Budget.

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

Nays: None

Motion carried.

E. Consider Sewer System Non-Connections.

Gallasch introduced this item and advised that 2 addresses mandated to connect to the sewer system have not connected to the system. Discussion ensued regarding hardship question, owner occupied properties, and Village communications.

#2010-20 Motion by Harnisch supported by Gettel to adopt the following resolution authorizing the Village Administrator and Attorney to take whatever action is necessary to compel 25305 Canterbury and 30790 Birchway to connect to the Village sewer system.

WHEREAS, there remain two addresses located in the Village's mandated area that have not connected to the Village's sanitary sewer system despite repeated requests and notices from the Village to the owners;

THEREFORE, the Franklin Village Council authorizes and directs the Village Administrator and Village Attorney to undertake and institute any necessary legal action to compel the owners of 25305 Canterbury and 30790 Birchway to connect to the Village sewer in accordance with State law, Village ordinances and applicable court orders.

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

Nays: None

Motion carried.

XI. PROCLAMATION/RESOLUTION/ORDINANCES

- A. 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. (second reading).**

Gettel inquired if this is the same version as what was reviewed for first reading with Staran answering in the affirmative.

#2010-21 Motion by Gettel supported by Harnisch to adopt the Amendment to Section 1474.12 of Chapter 1474 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, subject to sandwich signage maximum height be changed to 4', in its second reading.

Lamott noted a concern relative to the 5' maximum height for sandwich Signage with Hanson noting that the Commission changed that to 4' and with Gettel amending his motion accordingly.

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

Nays: None

Motion carried.

- B. Consider an Ordinance to Amend Section 1268.30 of Chapter 1268, Supplementary Regulations, of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, and Replace with New Section 1268.30 Governing Site Plan Review Procedures, Repeal Conflicting Ordinances, and Prescribe a Penalty for Violations. (first reading).**

Gallasch introduced this item and provided a brief overview.

#2010-22 Motion by Lamott supported by Kochensparger to approve for first reading the ordinance to amend Section 1268.30 of Chapter 1268, Supplementary Regulations, of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, and Replace with New Section 1268.30 Governing Site Plan Review Procedures Repeal Conflicting Ordinances, and Prescribe a Penalty for Violations in its first reading.

Staran noted the proposed ordinance provides for pre-application conferences with staff and Village Planner, optional conceptual reviews by Planning Commission, authorizes Planning Commission to conduct public hearing on site plans as opposed to Council, and changes the entity an applicant would

first appear before regarding a site plan from Council to Planning Commission. Discussion ensued regarding impact on staff workload, conceptual reviews, pre-application conferences, and potential to expedite process.

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

Nays: None

Motion carried.

XII. ADJOURNMENT

Motion by Harnisch supported by Jahnke to adjourn the meeting.

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

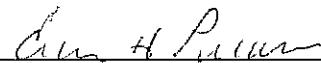
Nays: None

Motion carried.

There being no further business, the meeting adjourned at 10:15 P.M.

Respectfully submitted,

Lori Rich, Recording Secretary



Eileen H. Pulker, Clerk

H. Frederick Gallasch, President