

PROCEEDINGS OF VILLAGE OF FRANKLIN
VILLAGE COUNCIL REGULAR MEETING
MONDAY, JULY 14, 2003, 8:00 P.M.
FRANKLIN VILLAGE HALL - BROUGHTON HOUSE
32325 FRANKLIN ROAD, FRANKLIN, MICHIGAN

I. CALL TO ORDER

The meeting was called to order by President Jim Pikulas at 8:00 p.m. at the Franklin Village Hall, Franklin, Michigan.

II. ROLL CALL

Present: Jim Pikulas, Florence Saltzman, Fred Gallasch, Ralph Sosin,
Brian Coyer, Randy McElroy, Alan Harnisch

Absent: None

In Attendance: Eileen H. Pulker, Village Clerk
Jon E. Stoppels, Village Administrator
John Staran, Village Attorney, Beier Howlett
Dominic J. Schiano, Village Treasurer
Edward Glomb, Police Chief
Tony Averbuch, Fire Chief
Bill Dinnan, Building Inspector

III. ADOPTION OF AGENDA

Pikulas proposed two amendments to the agenda: Establishment of a Media Contact Policy, at Section X, subsection E, and to move the 46th District Court Report from Section VIII, to Section IV, subsection C.

Motion by Coyer, supported by Sosin, to adopt the agenda as amended.

Ayes: Pikulas, Saltzman, Gallasch, Sosin, Coyer, McElroy, Harnisch

Nays: None

Motion carried.

IV. MINUTES:

A. Budget Public Hearing of June 2, 2003

McElroy proposed a change on page 3, about six lines down, when Coyer questioned what the millage was for the Fire Department, it says one half mil, but it should say five one-hundredths of a mill.

Sosin proposed a change on the motion for the budget amendments, starting on page four and finishes on page seven, that there is no reference of the Council having voted on it.

Motion by McElroy, supported by Harnisch, to approve the minutes of the Budget Public Hearing of June 2, 2003 as amended.

Ayes: Pikulas, Saltzman, Gallasch, Sosin, Coyer, McElroy, Harnisch

Nays: None

Motion carried.

B. Regular Meeting of June 9, 2003

Saltzman referred to the comment about the donation check to the Police Department from the Music on the Green Committee, and asked whether or not the check had been received yet. Saltzman also expressed concerns that the Village never received the financial reports of last year's events for the Music on the Green, as promised.

Pikulas gave an update, stating that the check had been sent, and was never received, that check was subsequently cancelled, and a new check had been drafted and sent to the Police Department, which Chief Glomb stated had been received by the Police Department, but not yet forwarded to the Clerk's Office.

Motion by Sosin, supported by Harnisch, to approve the minutes of the Regular Meeting of June 9, 2003 as presented.

Ayes: Pikulas, Gallasch, Sosin, Coyer, McElroy, Harnisch

Nays: None

Abstain: Saltzman

Motion carried.

C. 46th District Court Report

Pikulas briefly introduced the two judges representing the 46th District Court, Chief Judge Steven C. Cooper, Judge Shelia R. Johnson, and Judge Susan M. Moiseev, who was unable to attend.

Judge Cooper began his presentation with a brief history of the 46th District Court and went into a description of new legislation that has affected the decisions the court now makes, and what effects those changes have had on the type and size of cases they see. He gave an explanation of the statistics of the Court, stating that small claims cases have recently been upgraded to larger amounts. Consequently the workload of the court had doubled in recent years, not just in the number of cases but also the complexity, but with the new technologies in place and a dedicated staff, has managed to keep up. Judge Johnson spoke briefly, echoing

Judge Cooper's sentiments, and thanked the Village for allowing the court to give a presentation and invited Council and Villagers to visit the courthouse in the Southfield Civic Center, while also expressing sentiments of educating young people about the court system.

The Council asked about the purpose and functionality of Magistrates in the court system, and how are they monitored. Judge Cooper gave a brief history on Magistrates, stating that Magistrates are allowed to hear a limited scope of cases, mainly small claims and traffic violations, and that any decision made by a Magistrate can be appealed and heard by a Judge. Judge Cooper also stated that Magistrates are reviewed annually on their performance and all reports of problems are investigated.

Council complimented the Judges on the Annual Report they produce. Copies of the Annual Report are available at the Clerk's Office. The Council asked about the finances of the court and who supports the courts. Judge Cooper explained that in 1969 the municipal courts were sectioned into districts, that the salary of the judges were paid for by the state legislature, while the rest of the costs were carried by the communities surrounding each district court. If certain communities could not afford these costs, then the costs are funded by the County or in some other manner. Judge Cooper finished by thanking the Village Council for allowing them to speak and the Council thanked the Judges for their report.

V. REPORTS OF VILLAGE OFFICERS AND AGENTS

Chief Glomb reported on criminal activities around the Village, announcing an arrest made on a Breaking and Entering incident in Bingham Farms, which occurred on June 17, 2003. There were no new reports of scam artists; Glomb attributed this to increased police patrols and mobile watch. The first Music on the Green concert of the summer went well, overall there were good reports made of the police officers, no overtime was used. There was possibly an over abundance of officers, supplemented by the volunteer reserves, but the Council's general sentiment was that the event offered good PR for the Department. Question was asked about progress on some older cases of scam artists and burglaries, and whether any progress had been made as to linking some crimes to a pattern of suspects. Glomb stated that anyone who does not look like they belong probably does not belong, and the first step toward stopping such crime is community awareness.

Chief Averbuch added two items to the presentation of his written report: the first was the installation of the new tornado siren, and the Fire Department had increased its Emergency Medical Services level of licensure to basic non-medical transport. McElroy asked if they could transport people down to the hospital. Averbuch said they are dispatched with a paramedic ambulance, but they are not licensed to transport, however, in an emergency they deal with it at that point.

Treasurer Schiano began his report by stating that the end of the fiscal year is July 30, and Janz & Knight have begun work on the Audit. The items list for the bills of the month all meet the approval of the budget. Schiano is working with the Village Administrator to calendarize the payments for the next year's budget. He finished by stating that the tax bills had been sent out July 1st, and 7% of the tax bills had already been paid. Coyer asked if it would be possible to create an expenditures versus revenue intake timetable for future reference and consideration. Schiano said it was something that could be done and he would work on it. Pikulas asked about money collection when permits for construction work in the Village are issued. Building Official Dinnan says that delinquent bills are being tracked down, and a system to better collect money before issuing permits is being developed. Schiano feels the open receivables, outstanding bills, are minor. McElroy pointed out that a courtesy letter is sent to all taxpayers who are late, to let them know that they still have a window in which to pay without receiving any penalties from the County.

VI. SUBMISSION OF CURRENT BILLS

Gallasch raised a question on the local roads bills, about seal coating on 26875 Irving. Stoppels stated that an extension of the public way, which happens to be in the public way, was seal-coated to match the newly paved road. Village staff will look into the matter. Sosin raised concern with the destruction of asphalt roads at new constructions and additions, concern of who will pay for the repairs required. Dinnan stated that builders who damage roads will not be issued certificates of occupancy or final inspections until the damage is fixed.

Motion by McElroy, supported by Harnisch, to approve the bills as submitted.

Ayes: Pikulas, Saltzman, Gallasch, Sosin, Coyer, McElroy, Harnisch
Nays: None
Motion carried.

VII. PUBLIC REQUESTS AND COMMENTS

Joe Roisman of 30633 North Greenbriar made a complaint about the roadwork crew on his street. One issue was the landscaping problem, which turns the culvert into a pond when it rains, and the other issue was the sloppy workmanship, such as busted concrete left on his property. Roisman had expressed the grievance before, and the attempt by the contractor to fix the problem did not work. Stoppels agreed to look into it and fix the problem.

VIII. SPECIAL REPORTS:

A. Verbal Report, James Pikulas, Council President

The Franklin Community Association, who is in charge of the Labor Day Round Up festivities, is looking for volunteers. Contact the President of the Franklin Community Association for more information. The Music on the Green went well, there are three more concerts, on the next three Wednesdays of the month, all of which are free.

Consider Proposed Vehicle Use Policy:

Pikulas began by explaining the current cost cutting procedures that are being looked into. Stoppels explained ways the Village Vehicles can be used to allow for maximum usefulness, and possibility of resale when usefulness runs out, specifically the police car fleet. Council asked the Treasurer to look at ways the Village could save money in the way that vehicles are used. Internal Revenue Service procedures are to be followed as the Village has been directed by the Village Auditors.

The Council wished the Village Clerk, Eileen Pulker, well on her upcoming surgery.

IX. BIDS/CONTRACTS/PROPOSALS

A. Consider Contract for Fire Services between the Village and Franklin Village Volunteer Fire Department, Inc.

2003-57
Motion by Coyer, supported by Harnisch, to approve the Contract for Fire Services between the Village and Franklin Village Volunteer Fire Department, Inc.

Ayes: Pikulas, Saltzman, Gallasch, Sosin, Coyer, McElroy, Harnisch

Nays: None

Motion carried.

B. Consider Emergency Response Vehicle Interlocal Agreement.

Chief Averbuch explained that the County had purchased decontaminate equipment and vehicles, after the attacks of 9/11, and all fire departments in the County were required to know how to use the equipment. Council asked about the financial burden the Village would be expected to carry, Averbuch stated that the costs would be around \$20 - \$50 per month and would be carried by the Fire Department budget.

2003-58
Motion by Coyer, supported by Harnisch, to approve the Emergency Response Vehicle Interlocal Agreement between the Village and Oakland County.

Ayes: Pikulas, Saltzman, Gallasch, Sosin, Coyer, McElroy, Harnisch

Nays: None

Motion carried.

C. Consider SMART FY 2004 Municipal Credit and Community Credit Contract.

2003-59

Motion by Coyer, supported by Sosin, to approve the SMART FY 2004 Municipal Credit and Community Credit Contract and to Attribute the Village funds to the Birmingham Area Senior Citizen Center (BASCC).

Ayes: Pikulas, Saltzman, Sosin, Coyer, McElroy, Harnisch

Nays: None

Abstain: Gallasch

Motion carried.

D. Consider Audit Agreement between Janz & Knight and the Village.

Council requested an hourly breakdown of the charges from Janz & Knight for the estimated charges.

2003-60

Motion by Sosin, supported by Saltzman, to approve the Audit Agreement between Janz & Knight and the Village.

Ayes: Pikulas, Saltzman, Gallasch, Sosin, Coyer, McElroy, Harnisch

Nays: None

Motion carried.

X. NEW BUSINESS

A. Consider Sidewalk use Permit for Market Basket and Sidewalk Café and Outdoor Sales.

The Council expressed a concern with the small amount of sidewalk space available in front of the Market Basket, and how it will affect the right-of-way. Leonard Else, the designer for the project, and Robert Esshaki, the owner of the property, explained that the tables can be taken out when not in use, and the produce displays will go right against the building, and will not stick out very far.

2003-61

Motion by Harnisch, supported by Saltzman, to Draft a Negotiated Use Agreement Before Reaching a Final Approval for the Sidewalk Use Permit for Market Basket and Sidewalk Café and Outdoor Sales.

Ayes: Pikulas, Saltzman, Gallasch, Sosin, Coyer, McElroy, Harnisch

Nays: None

Motion carried.

Coyer excused at 9:55 p.m.

B. Consider Appointments of Village Boards and Commissions.

Saltzman presented a list of possible appointees and resignees.

2003-62

Motion by Saltzman, supported by Sosin, to Send a Letter of Appreciation of Robert Hinnant, reappoint Madeline Haddad and a new appointment for Evelyn Plotnick all for the Historic District Commission.

Ayes: Pikulas, Saltzman, Gallasch, Sosin, McElroy, Harnisch

Nays: None

Absent: Coyer

Motion carried.

2003-63

Motion by Saltzman, supported by McElroy to Send Letters of Appreciation to Wendi Peake and Steve Howard, and a New Appointment to Robert Sickles to the Planning Commission.

Ayes: Pikulas, Saltzman, Gallasch, Sosin, McElroy, Harnisch

Nays: None

Absent: Coyer

Motion carried.

2003-64

Motion by Saltzman, supported by Harnisch to Send a Letter of Appreciation to Tom Kienbaum, to reappointment Randy Brakeman, and to Appoint Rob Cornillie to the Zoning Board of Appeals.

Ayes: Pikulas, Saltzman, Gallasch, Sosin, McElroy, Harnisch

Nays: None

Absent: Coyer

Motion carried.

C. Consider Planning Commission Report on Contextual Zoning.

Pikulas gave a summary of the report on Contextual Zoning, and expressed need to setup a subcommittee, and announced that Jon Stoppels, John Staran, Dave Nicholson and Bill Dinnan would be on that subcommittee.

E. Consider Establishment of a Media Contact Policy.

The policy would make the Village Administrator the media contact for the Village. Council wondered if there should be a Media Contact Policy in place for the Council as well. Stoppels stated that the policy is mute on whether or not Council will speak to the media.

2003-65

Motion by Sosin, supported by McElroy, to adopt the Media Contact Policy as follows:

- “ • All media inquiries received by employees are to be directed to the Village Administrator.
- Requests for Village documents especially those items that fall under the Freedom of information Act must be directed to the Village Clerk. Employees are not to provide any Village document to the media or citizen without contacting or referring the matter to the Village Clerk.
- The Village Clerk and Village Administrator will meet and confer with the Village attorney (where deemed necessary) in responding to Freedom of Information requests.
- It is the intent of this policy that the Village employee or department director whose primary responsibilities relate to the subject at hand, be directly involved with the Village Administrator in responding to any media inquiries.”

Ayes: Pikulas, Saltzman, McElroy, Gallasch, Sosin, Harnisch

Nays: None

Absent: Coyer

Motion carried.

XI. PROCLAMATIONS/RESOLUTIONS/ORDINANCES

- A. Consider Ordinance to Amend Chapter 1480, BOCA National Property maintenance Code, of Title Eight Part Fourteen of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Adopt the 2000 Edition of the International Property Maintenance Code, Repeal Conflicting Ordinances, and prescribe a Penalty for Violations (second reading).

2003-66

Motion by Sosin, supported by Harnisch, to adopt the Amendment to Chapter 1480, BOCA National Property maintenance Code, of Title Eight Part Fourteen of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Adopt the 2000 Edition of the International Property Maintenance Code, Repeal Conflicting Ordinances, and prescribe a Penalty for Violations.

Ayes: Pikulas, Saltzman, McElroy, Gallasch, Sosin, Harnisch

Nays: None

Absent: Coyer

Motion carried.

- B. Consider Ordinance to Repeal Chapters 1420, 1422, 1424 and 1426 of Title Two, part Fourteen of the codified ordinances of the Village of Franklin, Oakland County, Michigan, and to Adopt New Chapter 1420 in order to Replace the Current Building, Plumbing, Mechanical and Energy Conservation Codes with the State Construction Code; to Repeal Conflicting Ordinances; and to Prescribe a Penalty for Violations (second reading).**

2003-67

Motion by McElroy, supported by Gallasch, to adopt the Amendment to Repeal Chapters 1420, 1422, 1424 and 1426 of Title Two, part Fourteen of the codified ordinances of the Village of Franklin, Oakland County, Michigan, and to Adopt New Chapter 1420 in order to Replace the Current Building, Plumbing, Mechanical and Energy Conservation Codes with the State Construction Code; to Repeal Conflicting Ordinances; and to Prescribe a Penalty for Violations.

Ayes: Pikulas, Saltzman, McElroy, Gallasch, Sosin, Harnisch
Nays: None
Absent: Coyer
Motion carried.

XII. ADJOURNMENT

Motion by Gallasch, supported by Sosin, to adjourn the meeting.

Ayes: Pikulas, Saltzman, McElroy, Gallasch, Sosin, Harnisch
Nays: None
Absent: Coyer
Motion carried.

There being no further business, the meeting adjourned at 10:25 p.m.

Respectfully submitted,

John C. Pulker
Recording Secretary



Eileen H. Pulker
Village Clerk

Jim Pikulas
Village Council President