

**PROCEEDINGS OF VILLAGE OF FRANKLIN
VILLAGE COUNCIL REGULAR MEETING
MONDAY, July 12, 2004, 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 Jahnke at 8:00 pm at the Franklin Village Hall, Franklin, Michigan.

II. Roll Call

Motion by Sosin, Supported by Gallasch, to Excuse Trustee Brian Coyer in his absence from this meeting.

Ayes: Jahnke, McElroy, Lamott, Sosin, Gallasch, Harnisch

Nays: None

Absent: Coyer

Motion carried.

Present: Mark Jahnke, Bill Lamott, Ralph Sosin, Fred Gallasch, Randy McElroy, Alan Harnisch

Absent: Brian Coyer (excused)

Also Present: Jon Stoppels, Administrator
Eileen Pulker, Village Clerk
John Staran, Village Attorney, Beier Howlett
Edward Glomb, Police Chief
Tony Averbuch, Fire Chief

III. Adoption of Agenda

Jahnke stated that the Franklin Athletic Club had withdrawn their application for the Fun Run event due to the proximity to the Ryder Cup event, so the request under item IX. A. was to be removed from the agenda.

Motion by Sosin, supported by Harnisch, to Approve the Agenda as Amended.

Ayes: Jahnke, Lamott, Sosin, Gallasch, McElroy, Harnisch

Nays: None

Absent: Coyer

Motion carried.

IV. Minutes

A. Regular Meeting of June 14, 2004

Sosin stated that on Page 5, the top of the last paragraph, he had said that he “wanted a wireless system in place”, not a master plan.

Motion by Gallasch, supported by McElroy to Approve the Minutes for the Regular Meeting of June 14, 2004 as Amended.

Ayes: Jahnke, McElroy, Lamott, Sosin, Gallasch, Harnisch

Nays: None

Absent: Coyer

Motion carried.

V. Reports of Village Officers and Agents

Chief Glomb reported that someone broke into a doctor's office in Bingham Farms and stole several computers. Glomb also stated that a resident left garage door open and golf clubs had been stolen out of the garage. Glomb reported on a group of solicitors who were calling, supposedly supporting the local police departments, but who were not giving any money to the Franklin Police Department. Glomb stated that he believes the solicitors are no legitimate. Glomb stated that the Police Department would be taking deliver of new vehicles, a Crown Victoria Police vehicle and a SAD vehicle. Glomb continued stating that the Crown Victoria had been purchased by the Village of Franklin and the SAD vehicle had been purchased by the Village of Bingham Farms. Glomb referred to the Year End Report which he felt was in good standing. Glomb stated that the only reason the last year had not been a record low year was the burglar that broke into Franklin residents' homes 11 times, and other communities a combined 40 times. Sosin stated that he liked the report and asked to see photographs of the police officers and reserve officers, so the Council and residents would better recognize the individuals who protect the community. Glomb stated that he would prepare materials for next year's year-end report. Glomb concluded by speaking about the Benevolent Fund and how it was used for a reserve officer that had been injured on duty and could not work for two months.

Chief Averbuch referred to his written report and spoke briefly about the Annual Fire Department Meeting, which would be held on Monday, August 2, at 8:00 pm. All tax paying residents of the Villages of Franklin and Bingham Farms were invited.

The Treasurer's report was read into record by Stoppels in which Treasurer Schiano stated that all bills presented were in line with the approved budget. Stoppels gave the details of the revised bills list and reported on the transfer of \$300,000 from the General Fund to a money market account.

VI. Submission of Current Bills

Motion by Gallasch, supported by McElroy, to approve the Current Bills List as Presented.

TOTALS

General Administration	\$	9,474.43
Tax Fund	\$	1,722.83
Building	\$	16,645.38
Insurance	\$	63,751.51
Legal	\$	7,505.56
Police	\$	9,746.06
Roads	\$	20,844.80
2002 Local Roads	\$	950.00
Cell Tower	\$	607.00
Rubbish	\$	25,855.47
Trust & Agency	\$	7,200.00
Village Hall & Grounds	\$	963.52
Waste Water	\$	500.00
ALL FUNDS	\$	165,766.56

Ayes: Jahnke, McElroy, Lamott, Sosin, Gallasch, Harnisch

Nays: None

Absent: Coyer

Motion carried.

VII. Public Requests and Comments

Sheldon Stern, 26125 Woodlore, suggested that the Council set up a Committee to create easements and preserves to try to preserve some of the undeveloped areas in the Village. Staran stated that North Oakland County already had an agency for this, and mentioned an agency in Washington DC which works as an umbrella agency for land preservation. Stern brought up the idea of the possibility of tax breaks for property owners who leave significant portions of their lots undeveloped. Staran stated that the Oakland Land Conservancy was the Oakland County group in charge of land conservation. Staran continued stating that most of these conservation agencies are private organizations and many of the easements for land conservation that are provided by the state are given to this agency. Staran stated that he could bring in one of his colleagues to speak about OLC to the Village Council at a later meeting. Lamott stated that there were many ways to conserve property and that he supported Stern's suggestion. Staran stated that some communities have brought the subject to vote with mixed results.

Connie Ettinger, 25600 River Drive, asked a question about a bill on the bills list for tree inspection and replacement. Stoppels stated that an inspection charge was for

compliance with the Tree Ordinance and would be reimbursed by the developer working on the property.

VIII. Special Reports

A. Cell Tower Advisory Committee

Lamott stated that the Committee had received a detailed proposal for a route to a Master Plan from Ted Kreines, of Kreines and Kreines Inc. The Committee then requested an Action Plan for an Ordinance instead of a Master Plan. Lamott stated that the Council would need to get a strategic plan in place before an ordinance could be written. Lamott stated that the Village had received a new proposal from Sprint and another proposal from Clear Links. Lamott continued stating that SBC has also communicated about some technologies. Lamott stated that the Committee should have a concrete action plan by next Council meeting. McElroy stated that the action plan would be a quick process.

Staran stated that there have been some administrative discussion with Clear Linx, and he believed that they had resolved the legal issue of how the company would be regulated. DAS systems are regulated under the Metro Act as telecommunications facilities, not as a wireless coverage plan, but under right of way ordinance. The amount of eventual revenue for the Village would drop off substantially with the Clear Linx plan.

IX. Bids/Contracts/Proposals

A. Consider DPW Contract Bids

Stoppels gave a report and update on the process of creating a contract as directed by Council at the last meeting. Stoppels recommended using City Works.

#2004-63 Motion by Sosin, supported by Harnisch, to Approve the DPW Contract Bid from City Works, and the staff be directed to develop a contractual agreement for a two year period.

Harnisch stated that he felt it would be smarter to have snow removal closer to home, and that it was important to work with the Village businesses. McElroy stated that due to the concerns expressed by Council, the Village residents and by current contractors and because of the drastic difference in the bids, that the contract be very specific and that there be an out clause for the Village.

Jim Kochensparger, owner of Greenscapes, stated that he had two comments, extra and preloaded. Kochensparger stated that the work done by City Works over the last couple of months had been extremely high and costly to the Village. Kochensparger stated that the Council should hold the contract to include the costs of the two previous months in consideration.

Connie Ettinger, 25600 River Drive, stated that she had recent experience with City Works and Greenscapes. Ettinger also stated that she felt Greenscapes did a far better job, wherein her experience with City Works was a bad experience. Ettinger suggested making a one year contract, not two year, and that she does not think that City Works can do the job.

Stoppels stated that the Village would see almost a 100% decrease in cost. Stoppels also stated that the last two months bills were not necessarily the two highest bills of the year, merely a circumstance of weather, the area having received a higher amount of rain than in recent years. Stoppels continued stating that City Works did not create their own work; every work order was requested by the Administrators office and billed out accordingly. Stoppels stated that he was very confident in the bid and the quality of the work that would be performed.

Ayes: Jahnke, McElroy, Lamott, Sosin, Harnisch

Nays: Gallasch

Absent: Coyer

Motion carried.

X. New Business

**A. Consider Recommendation of Personnel Committee for 2004-2005
Non-Union Employee Wages and Benefits**

Administrative and Supervisory Staff

Position	Current Salary	Adjustment	Recom. Salary
Police Chief	\$72,071	3%	\$2,162.13 (Bonus Pay)
Village Clerk	\$38,354	5%	\$40,271.70
Administrator	\$73,500	3%	\$75,705.00

Support Staff

Administrative Clerk	\$30,826	5%	\$32,367.30
Building Clerk	\$36,049	3%	\$37,453.89
Finance Clerk	\$36,049	3%	\$37,130.47
Assistant Clerk (pt)	\$14.33/hr	3%	\$14.76/hour

**Police Clerk (pt) \$12.36/hr 5% \$12.98/hr
(2)**

Jahnke noted that a study of the Village staff had not been performed since 1999, and directed the Administrator look into the possibility of updating that study.

#2004-64 Motion by McElroy, supported by Sosin, to Approve the Recommendation of Personnel Committee for 2004-2005 Non-Union Employee Wages and Benefits, with said changes to be retroactive to July 1, 2004.

**Ayes: Jahnke, McElroy, Lamott, Sosin, Gallasch, Harnisch
Nays: None
Absent: Coyer
Motion carried.**

B. Consider Appointments to Village Boards and Commissions

#2004-65 Motion by Harnisch, supported by Gallasch to Affirm the Re-Appointment by President Jahnke of Jim Stevens to the Planning Commission for a term to end in July 2006.

**Ayes: Jahnke, McElroy, Lamott, Sosin, Gallasch, Harnisch
Nays: None
Absent: Coyer
Motion carried.**

#2004-66 Motion by Lamott, supported by Sosin, to Approve the Re-Appointment of Marc C. Marcelli and Lisa Martin to the Historic District Commission for a term to end in July 2007.

**Ayes: Jahnke, McElroy, Lamott, Sosin, Gallasch, Harnisch
Nays: None
Absent: Coyer
Motion carried.**

#2004-67 Motion by Gallasch, supported by McElroy, to Approve the Re-Appointment of J. Hailey and George Haddad to the Zoning Board of Appeals for a term to end in July 2007.

**Ayes: Jahnke, McElroy, Lamott, Sosin, Gallasch, Harnisch
Nays: None
Absent: Coyer
Motion carried.**

XI. Proclamations/Resolutions/Ordinances

A. Consider Proposed Resolution to Revise the Approved MPSC Metro Act Safe Harbor Telecommunications Right-of-Way Unilateral Permit Filed by Michigan Bell Telephone, d.b.a. SBC, Removing the Conditions Attached Thereto.

Staran gave an update on the condition of the proposal, stating that this was for a five year term after which SBC would have to get approval from the Village again. Gallasch stated that he did not believe in this type of regulation on a philosophical level.

#2004-68 Motion by Sosin, supported by McElroy, to Approve the Resolution to Revise the Approved MPSC Metro Act Safe Harbor Telecommunications Right-of-Way Unilateral Permit Filed by Michigan Bell Telephone, d.b.a. SBC, Removing the Conditions Attached Thereto, as follows:

WHEREAS, the State of Michigan recently enacted the Metropolitan Extension Telecommunications Rights-of Way Oversight Act, Act No. 48 of the Public Acts of 2002 (the "Act"); and

WHEREAS, the Act, among other things, provides for a uniform permit and permit fee for access to and use of the public rights-of-way by telecommunications providers; and

WHEREAS, the Act further provides, among other things, for the Village to approve or deny access to the rights-of-way within 45 days of receiving the Safe Harbor Application from a telecommunications provider; and

WHEREAS, the Village, on October 29, 2003 received an Application for Access to and Ongoing Use of Public Ways by Telecommunications Providers under Metropolitan Extension Telecommunications Rights-Of-Way oversights Act and a Safe Harbor Unilateral Permit, both pursuant to the Act; and

WHEREAS, the Village held a public hearing on December 8, 2003 and approved the Michigan Public Service Commission METRO ACT Compliant Unilateral Safe Harbor Telecommunications Right-of Way permit between the Village of Franklin and Michigan Bell Telephone d.b.a. SBC; and

WHEREAS, the Village complied with the requirements of the Act by approving or denying this Application and Safe Harbor Unilateral Permit on the 40th day from the date it was originally received;

WHEREAS, that the Michigan Public Service Commission METRO ACT Compliant Unilateral Safe Harbor Telecommunications Right-of-Way Permit between the Compliant Unilateral Safe Harbor Telecommunications Right-of-Way Permit between the Village of Franklin and Michigan Bell Telephone

d.b.a. SBC was approved with the condition that the deficiencies were to be rectified by SBC within 180 days of the approval of their permit.

WHEREAS, the deficiencies, omissions and inaccuracies contained in the Safe Harbor Application and Safe Harbor Unilateral Permit were matters that were rectified on June 17, 2004 by SBC; and

NOW, THEREFORE,

IT IS HEREBY RESOLVED, that the conditions contained in the Village's Resolution of December 8, 2003 have been satisfied by Michigan Bell Telephone d.b.a. SBC.

FURTHER RESOLVED, that the conditions contained in the Village's Resolution of December 8, 2003 are hereby removed as a requirement of the Safe Harbor Application and Safe Harbor Unilateral Permit that was granted to SBC on December 8, 2003.

FURTHER RESOLVED, that the revised Safe Harbor Application and Safe Harbor Unilateral permit are on file with the Village and shall control from the original date of approval, December 8, 2003.

Ayes: Jahnke, McElroy, Lamott, Sosin, Harnisch

Nays: None

Abstain: Gallasch

Absent: Coyer

Motion carried.

B. Consider Proposed Resolution Authorizing West Nile Virus Fund Expense Reimbursement Request

#2004-69 Motion by Sosin, supported by Lamott, to Approve the Resolution Authorizing West Nile Virus Fund Expense Reimbursement Request, as follows:

WHEREAS, upon the recommendation of the Oakland County executive, the Oakland County Board of Commissioners has established a West Nile Virus Fund Program to assist Oakland County cities, villages and townships in addressing mosquito control activities; and

WHEREAS Oakland County's West Nile Virus Fund Program authorizes Oakland County cities, villages and townships to apply for reimbursement of eligible expenses incurred in connection with personal mosquito protection measures/activity, mosquito habitat eradication, mosquito larviciding or focused adult mosquito insecticide spraying in designated community green areas; and

WHEREAS the Village of Franklin, Oakland County, Michigan as incurred expenses in connection with mosquito control activities believed to be eligible for reimbursement under Oakland County's West Nile Virus Fund Program.

NOW THEREFORE BE IT RESOLVED that this Council authorizes and directs its Administrator, as agent for the Village of Franklin, in the manner and to the extent provided under Oakland County Board of Commissioner Miscellaneous Resolution 03060, to request reimbursement of eligible mosquito control activity under Oakland County's West Nile Virus Fund Program.

**Ayes: Jahnke, McElroy, Lamott, Sosin, Gallasch, Harnisch
Nays: None
Absent: Coyer
Motion carried.**

C. Consider Proposed Resolution Urging Regulation of Cable Television Rates.

Gallasch, the Village's representative to the Birmingham Area Cable Board, stated that the Cable Board was urging the communities' governments to pass a resolution to regulate the prices of the Cable Television Rates. Gallasch stated that he was opposed to the resolution.

#2004-70 Motion by McElroy, supported by Sosin, to Approve the Resolution Urging Regulation of Cable Television Rates, as follows:

WHEREAS, in an effort to bring effective competition to the market, Congress deregulated cable television rates with the Telecommunications Act of 1996; and

WHEREAS, evidence for the General Accounting Office (GAO) indicates that when an incumbent cable operator faces competition from another cable provider, rates are approximately 15% lower, service levels higher and new services are added without an increase in cost to subscribers; and

WHEREAS, such competition is not available for most cable subscribers; and

WHEREAS, the 2004 annual report on the Status of Competition in the Market for Delivery of Video Programming by the Federal Communications Commission (FCC) describes regulatory and other barriers that limit the ability of prospective video program distributors to compete with incumbent cable operators with long-term and/or exclusive contracts; and

WHEREAS, those barriers include a significant infrastructure investment that potential competitors regard as a high-cost expenditure with little or no assured return; and

WHEREAS, between April 2000 and April 2004 cable prices for subscribers in Birmingham Area Cable Board communities rose 50.3%, while the Consumer Price Index (CPI) increased 9.5%;

NOW, THEREFORE, be it resolved that the Village of Franklin urges Congress to reinstate cable rate regulation;

BE IT ALSO RESOLVED that a copy of this resolution be sent to Michael Powell, Chairman of the FCC; to the Honorable Congressman Joseph Knollenberg and Sander Levin; to the Honorable Senators Carl Levin and Debbie Stabenow; to the chairs of appropriate House and Senate Committee and to the government officials in neighboring communities.

Ayes: Jahnke, McElroy, Lamott, Sosin, Harnisch

Nays: Gallasch

Absent: Coyer

Motion carried.

D. Consider Scheduling a Public Hearing for the Consideration of the Proposed Charter Amendments and Ballot Language, Chapter III, Plan of Government, Sections 4 and 5

Jahnke stated that the days of the annual March election are gone, and the Village now has to start a timeline to prepare for the new State laws on the regulation of voting. Staran stated that the new law affects the Village in two significant ways, the annual March election is gone, there were only bi-annual elections. Staran continued stating that the elections would either be held in November of even years, during time of general elections, or held in September of odd years, which would match up with September primary election dates. Staran stated that the law also affected the length of terms for the Council trustees and president, and that the Council should amend terms to four year terms, instead of two year terms, to allow for staggered elections. McElroy asked whether the clean up legislation being considered would affect the Village. Staran stated that it would not, the law would still affect the Village the same way.

#2004-71 Motion by Harnisch, supported by McElroy, to Schedule the Public Hearing for the Consideration of the Proposed Charter Amendments and Ballot Language, Chapter III, Plan of Government, Sections 4 and 5 to be held during the Regular Council Meeting on September 13, 2004.

WHEREAS, the Franklin Village Council is considering a proposed amendment to the Village Charter relating to Chapter III, Plan of Government, Sections 4 and 5, that would change the terms of office for the Village President and Trustees from two (2) years to four (4) years, commencing with the next election;

WHEREAS, pursuant to Section 17 of the Village Home Rule Act, MCL 78.17, it is necessary for the proposed Charter amendment to be published and remain on the table for thirty (30) days before the Village Council takes action thereon;

THEREFORE, the Franklin Village Council resolved that further deliberations on the proposed Charter amendment shall be tabled until the Village Council's September 13, 2004. It is further resolved that the Village Clerk is directed to publish a notice in the newspaper at least thirty (30) days prior to that Council meeting setting forth the proposed Charter amendment and notifying villagers that the Charter amendment may be acted upon by the Village Council at that meeting, and, if approved by Council, the proposed amendment be presented to the electorate for a majority vote.

Ayes: Jahnke, McElroy, Lamott, Sosin, Gallasch, Harnisch

Nays: None

Absent: Coyer

Motion carried.

E. Consider Scheduling a Public Hearing for the Consideration of the Proposed Resolution adopting the odd-year September date for the Village's regular municipal elections.

#2004-72 Motion by Sosin, supported by Harnisch, to Schedule a Public Hearing for the Consideration of the Proposed Resolution adopting the odd year September date for the Village's regular municipal elections.

WHEREAS, the enactment of the Hammerstrom Election Consolidation Law, 2003 PA 298 et seq, will significantly affect Village elections held after January 1, 2005; and

WHEREAS, the Election Consolidation Law supercedes the Village Charter, eliminates the Village's annual March regular municipal election date and requires the Village to hold its regular municipal elections on the even-year November general election date. Alternatively, the law authorized the Village Council to decide to hold the Village's regular municipal elections on the first Tuesday after the second Monday in September in odd-number years; and

WHEREAS, in order to adopt the odd-year September date for the Village's regular municipal elections, the Election Consolidation Law requires the Village Council to, after notice and public hearing, approve the odd-year September election date by resolution adopted between September 1, 2004 and December 31, 2004.

THEREFORE, the Franklin Village Council resolves:

- 1. The Village Council shall hold a public hearing, at the Village Council's September 13, 2004 regular meeting, on the issue of whether to schedule the Village's regular municipal election on the first Tuesday after the second Monday in September in odd-number years and that, if a resolution to do so is not adopted, the Village's regular municipal election will be held at the even-year November general election date.**
- 2. The Village Clerk shall give notice of the public hearing in accordance with MCL 168.642.**

Ayes: Jahnke, McElroy, Lamott, Sosin, Gallasch, Harnisch

Nays: None

Absent: Coyer

Motion carried.

XII. Adjournment

Motion by McElroy, supported by Sosin, to Adjourn the meeting.

Ayes: Jahnke, McElroy, Lamott, Sosin, Gallasch, Harnisch

Nays: None

Absent: Coyer

Motion carried.

There being no further business, the meeting adjourned at 9:56 pm.

Respectfully submitted,

John C. Pulker
Recording Secretary

Eileen Pulker
Village Clerk

Mark W. Jahnke
Village Council President