

**PROCEEDINGS OF VILLAGE OF FRANKLIN
VILLAGE COUNCIL REGULAR MEETING
MONDAY, FEBRUARY 14, 2005, 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 p.m. at the Franklin Village Hall, Franklin, Michigan.

II. ROLL CALL

Motion by Gallasch supported by Coyer to excuse Trustees Sosin, Harnisch and McElroy in their absence from this meeting.

Ayes: Gallasch, Lamott, Coyer, Jahnke

Nays: None

Absent: Sosin, Harnisch, McElroy

Motion carried.

Present: Mark W. Jahnke, Fred Gallasch, Bill Lamott, Brian Coyer.

Absent: Ralph Sosin (excused), Alan Harnisch (excused), Randy McElroy (excused)

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

III. ADOPTION OF AGENDA

Motion by Coyer supported by Gallasch to approve the agenda as presented.

Ayes: Gallasch, Lamott, Coyer, Jahnke

Nays: None

Absent: Sosin, Harnisch, McElroy

Motion carried.

IV. MINUTES

A. Regular Meeting of January 10, 2005

Motion by Coyer supported by Gallasch to approve the minutes of the regular meeting of January 10, 2005 as presented.

Ayes: Gallasch, Lamott, Coyer, Jahnke

Nays: None

Absent: Sosin, Harnisch, McElroy

Motion carried.

B. Special Meeting of January 18, 2005

Motion by Gallasch supported by Lamott to approve the minutes of the special meeting of January 18, 2005 as presented.

Ayes: Gallasch, Lamott, Jahnke

Abstain: Coyer

Nays: None

Absent: Sosin, Harnisch, McElroy

Motion carried.

V. REPORTS OF VILLAGE OFFICERS AND AGENTS

Chief Ed Glomb referred Council to his written report, and reported that SONIC, the South Oakland Narcotics Intelligence Consortium, (consisting of the Farmington Hills Police Department, West Bloomfield Police Department, Novi Police Department, and Oakland County Sheriff's Department), and its' surveillance unit successfully investigated and arrested suspects, at the beginning of February, solving the 6 different breaking and entering incidences that have occurred around the Village. SONIC had been investigating incidences throughout the County of plasma televisions, new appliances and other items being stolen from new construction sites in over a total of sixty (60) different planned out incidences. Glomb also reported on an incidence occurring on January 14, 2005 in Bingham Farms in which items were stolen from a new office (computers and printers) by breaking the glass and removing the items. Glomb added that on January 13, 2005, a briefcase was stolen from an unlocked car on Drummond Ct. in Franklin, for which Chief added that Villagers should be careful to lock their cars and keep valuables inconspicuous in their cars. Chief commented on the passing of Lester Burton and Phyllis Young, both supporters of the Franklin Police Department.

Chief Tony Averbuch, commented that things had been quite in the Village and that progress on the addition to the Fire Station was still slow. Averbuch thanked the Council for the reimbursement of the building permit fees for the construction work at the station. Averbuch reported that the final arrangements were being completed for the utilities of SBC, Comcast, and Edison after which the carpenters can resume their work on the project. Gallasch commented on the 2004 report summary received stating that the Volunteer Fire Department had responded to 350 incidences with an average response time of 5.38 minutes for which he thanked the chief and the many volunteers that regularly respond.

Dominick Schiano, Treasurer, reported that the list of bills totaling \$226,046.09 for consideration and authorization, which are consistent with the approved 2004-05 Budget, and added that the Village has sufficient funds to meet its current obligations. Schiano reported that the Finance Committee had met twice since the last Council meeting: first on January 18, 2005 to review the results of the audit for Fiscal year 2003-04, with Village Auditors John Foster and Mike Higgins from Janz and Knight, and that the Village had received a positive report with no major finds indicated, with the final Audit Report to be issued shortly which will be made available to the entire Council; secondly on February 1, 2005 to review Village expenditures for the six month period ending December 31, 2004 during which it was determined that no budget amendments were warranted at the time, adding that any appropriate amendments will be recommended after the fiscal third quarter (3/31/05) review. Schiano also reported that the Finance Committee is again meeting on February 16, 2005 for future planning, including long term funding of retirement health insurance costs.

VI. SUBMISSION OF CURRENT BILLS

Motion by Coyer supported by Gallasch to approve the bills list as submitted.

<u>Totals:</u>	
General Administration	\$ 25,931.72
Tax Funding	\$ 5,219.57
Building	\$ 19,987.40
General Debt	\$ 71,994.38
Insurance	\$ 43,198.48
Legal	\$ 3,600.78
Police	\$ 16,586.47
Pressure Sewer	\$ 840.00
Roads	\$ 19,345.04
2002 Local Road	\$ 71.55
Cell Tower	\$ 34.50
Rubbish	\$ 13,497.00
Trust & Agency	\$ 3,000.00
Village Hall & Grounds	\$ 1,254.58
Waste Water	<u>\$ 1,484.62</u>
All Funds	\$ 226,046.09

Ayes: Gallasch, Lamott, Coyer, Jahnke

Nays: None

Absent: Sosin, Harnisch, McElroy

Motion carried.

VII. PUBLIC REQUESTS AND COMMENTS

No comments were stated at this time.

VIII. SPECIAL REPORTS

A. Long Term Planning

Jahnke reported that a long term or long range planning meeting had been held on January 18, 2005, at which there were approximately 25 participants, broken into four (4) groups during which ideas for a comprehensive list of items to consider for long term planning. Jahnke further reported that the Finance Committee is meeting on Wednesday February 16, 2005, as well as the Historic District Commission and the Planning Commission all three of which have also addressed the subject and developed more ideas for planning strategies. Jahnke stated that the next phase would be that a priority list was being developed with input from these groups and others, which will be brought back to Council. Jahnke read from a summary list provided, listing: tree survey, tree plantings, Rouge River enhancement, shared municipal services, financial planning, downtown enhancement, historic preservation, ordinance revision and enforcement, and Broughton House improvements. Stoppels added that a listing of those items most frequently mentioned which can also be found in the recent Quorum issue. Council further discussed a number of items including access from the Northeast corner of the Village, which involves building a bridge and creating a path along Fourteen Mile Road just east of Franklin Road, which was included in the Robertson Brothers plan to develop the Cressbrook property, which has been delayed slightly by the Oakland County Drain Commission work along Fourteen Mile Road.

B. Village Special Election to be held February 22, 2005, to change council term lengths from 2 years to 4 years for the Purpose of Maintaining Staggered Terms of Office as Provided by the Existing Village Charter.

Jahnke reported that, as has been mentioned at the last several Council Meetings, there will be a Special Election held in the Village on Tuesday, February 22, 2005, at the Village Hall, Broughton House from 7:00 am to 8:00 pm, and the purpose of this election is so that the Villagers can decide whether Council term lengths should be changed to four (4) years in lieu of the current (2) year terms due to changes in the State of Michigan election laws, in order to maintain staggered terms as indicated in the Village Charter. Jahnke continued, stating that the Village will hold the first of their newly mandated biennial elections on September 13, 2005. Front-page articles have run in many local newspapers including the "Eagle", "The Observer Eccentric", "The Detroit Free Press" and the Village Council's publication "The Quorum".

C. 14 Mile Road Sewer Line Construction.

Stoppels reported that he had been in contact with the Oakland County Drain Commission who is installing the line along Fourteen Mile Road for the Detroit Water and Sewerage Department. Stoppels explained that the project is currently in the Village, by three or four blocks, but has no determination when the job will be completed. The Drain Commission is directly in contact with the neighbors affected by the project, and advises when driveway closures are necessary.

D. Land Conservancy

Lamott reported that plans were being prepared, with other Villagers including Pam Hansen from the Planning Commission, for public educational seminars to be held at the Village Hall to which Villagers will be invited. Lamott stated that subjects covered will be: Native Landscaping- What is it? What are the benefits of it?, Invasive, Noxious Weeds - What are they?, Lawn care, soil testing, earth friendly fertilizing, and tree issues. Lamott stated their intention to use those knowledgeable Villagers to instruct classes, as well as a plan to develop native planting demonstration garden on the grounds of the Franklin Historical Museum co-sponsored by SOCWA's healthy lawn and garden program and the Historical Society. Lamott stated that additional help is still being sought and a visioning session is planned to further clarify sources of grant money and support from the community. Lamott concluded stating that the Historical Society Plant Sale on May 13, 2005 at the Franklin Community Association Gazebo will feature native plants and afford Villagers an opportunity to purchase those plants that they have learned about in the ensuing educational sessions.

E. Discuss Options for Village to Promote Coordinated Blighted Tree Removals.

Lamott reported that he had recently attended a meeting with Bill Shultz of the north east corner of the Village (Dorchester) in which it was revealed that nine (9) residents of that neighborhood had consolidated their tree removal issues and had affected a good savings in the amount charged for tree removals, and after further speaking to Walt Banacki, who had coordinated the efforts, it was proposed that the entire Village may benefit from this type of cooperation. Discussion ensued regarding how involved the Village government and staff might become in such a project while searching for volunteers to head up such an effort. While sensitive to the timing, winter being a better time to address the tree removals, many questions still need to be addressed regarding the amount of service to be provided by the village and as such, further research of the resources needed, how to distribute the responsibilities, and to receive input from those members of Council not in attendance at this meeting. Discussion continued citing concerns over proper wording of

the mailing, the need to contact neighborhood associations to allow them the opportunity to seek these offers on their own, and with Spring arriving shortly the problems with trees will be even more evident and a bigger response would be received at that time. Stoppels stated that in working with Staran he would provide a revised letter to be reviewed prior to the next (March 2005) Village Council meeting.

IX. NEW BUSINESS

A. Consider Metro Act Permit Application and Bilateral from for NextG Networks.

Coyer introduced the proposed application explaining that this company, much the same as the previous applicant ClearLinx, is a Distributed Antennae System (DAS) that provides a system, installed within the right-of-way in the Village, to which cell phone carriers can subscribe and provide the coverage they require throughout the Village. Coyer continued explaining the time restraints of this type of application and also noted that the application was not complete. Staran clarified many of the concerns including amounts necessary for bonds, which will be based on the routes and amount of cable and other materials used in installation, and if poles owned by the Village are used in this installation, separate arrangements for additional permitting and revenue to the Village will be made. Staran also stated that this permit would not be issued until such time as the conditions within the resolution had been met.

#2005-08 The following resolution was offered by Coyer and seconded by Gallasch:

**RESOLUTION APPROVING WITH CONDITIONS THE METRO ACT COMPLIANT
MPSC SAFE HARBOR BILATERAL PERMIT FILED BY NEXTG NETWORKS OF
ILLINOIS, INC**

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

WHEREAS, the Metropolitan Extension Telecommunications Rights-of-Way Oversight 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 Metropolitan Extension Telecommunications Rights-of-Way Oversight 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 Metro Act Compliant MPSC Safe Harbor Application for Access To and Ongoing Use of Public Ways by Telecommunications Providers; and

WHEREAS, the Village, on January 26, 2005 received an Application for Access To and Ongoing Use of Public Ways by Telecommunications Providers under Metropolitan Extension Telecommunications Rights-Of-Way Oversight Act; and

WHEREAS, the Village, on January 26, 2005 received a Metro Act Compliant MPSC Safe Harbor Bilateral Right-of-Way Telecommunications Permit, pursuant to the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act; and

WHEREAS, the Village has complied with the requirements of the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act by approving or denying this Metro Act Compliant MPSC Safe Harbor Application for Access To and Ongoing

Use of Public Ways by Telecommunications Providers and Metro Act Compliant MPSC Safe Harbor Bilateral Right-of-Way Telecommunications Permit on the 19th day from the date the Application was received;

NOW, THEREFORE, it is hereby

RESOLVED, that the Village of Franklin hereby determines that the Metro Act Compliant MPSC Safe Harbor Application for Access To and Ongoing Use of Public Ways by Telecommunications Providers and the Metro Act Compliant MPSC Safe Harbor Bilateral Right-of-Way Telecommunications Permit filed by NextG Networks of Illinois, Inc., are deficient, incomplete; and

FURTHER RESOLVED, that the deficiencies contained in the Metro Act Compliant MPSC Safe Harbor Application for Access To and Ongoing Use of Public Ways by Telecommunications Providers and the Metro Act Compliant MPSC Safe Harbor Bilateral Right-of-Way Telecommunications Permit are matters that can be rectified by NextG Networks of Illinois Inc. through clerical means, and that the deficiencies are not serious enough to reasonably deny the issuance of the Metro Act Compliant MPSC Safe Harbor Bilateral Right-of-Way Telecommunications Permit that NextG Networks of Illinois Inc. has applied for; and

FURTHER RESOLVED, that the Metro Act Compliant MPSC Safe Harbor Bilateral Right-of-Way Telecommunications Permit between the Village of Franklin and NextG Networks of Illinois Inc. is approved with the condition that NextG Networks of Illinois Inc. provide, pursuant to the Act:

1. Satisfactory evidence of a certificate of insurance that meets the requirements of the Act, including the requirement of Accidental Environmental Contamination Insurance, pursuant to Section 6.1.2 of the Metro Act Compliant MPSC Safe Harbor Bilateral Right-of-Way Telecommunications Permit, and Michigan Compiled Law §484.3106(1);
2. Provide to the Village, for its review and approval, the statutorily required route maps and documents for the proposed facilities within 180-days from the approval of this permit;
3. Provide the Village with either the statutorily required bond or letter of credit pursuant to M.C.L.A. §484.3115.

FURTHER RESOLVED, the above conditions shall be satisfied prior to commencing the installation and/or construction of the system in the Village's Rights-Of-Way.

FURTHER RESOLVED, the Village Administrator and Village Clerk are hereby authorized and directed to sign the Metro Act Compliant MPSC Safe Harbor Bilateral Right-of-Way Telecommunications Permit on behalf of the Village.

Ayes: Gallasch, Coyer, Lamott, Jahnke

Nays: None

Absent: Sosin, Harnisch, McElroy

Motion Carried.

B. Consider Demolition Application for the property located at 31250 Inkster Road.

Questions arose regarding discrepancies between the statements submitted regarding tree removals and the site plan indicating several different trees to be removed. Karen Wiand of Hunter-Roberts Homes and the owner of the property were present to answer questions of Council.

#2005-09 Motion by Coyer supported by Gallasch to table the application for demolition for the property located at 31250 Inkster until the next Council meeting, of March 14, 2005.

Jahnke stated that the motion had not passed and as such he added that he would like to hear the applicants comment. Coyer stated that according to the Village's rules that with a quorum present, it only requires a majority of the quorum to conduct the business of the body, to which Staran agreed.

Subsequent to meeting, Jahnke asked Staran to provide specific support for ruling that simple majority of 4 trustees was enough to pass a motion. Attorney Staran researched and found that under Section 221, council rules of procedure, that a majority vote of at least 4 votes is required to pass a motion.

Ayes: Gallasch, Lamott, Coyer

Nays: Jahnke

Absent: Sosin, Harnisch, McElroy

Motion carried.

C. Consider Cost proposals to Perform Village Tree Survey.

Stoppels began his report by referring Council to the memo he provided in their packet, detailing the proposals received from three (3) different contractors, recommending ACRT in the amount of \$3,500.00 to conduct a tree survey for Village owned properties along Franklin Road, and also the Franklin Community Association property, the Cemetery, and the Derwich property, encompassing approximately 20% of the road right-of-ways in the Village, with input from the contractor indicating a good representation of the Village. Lamott added that GIS & GPS would be utilized which could be easily translated and used by other contractors helping to implement additional components of the planned tree replacement program.

#2005-10 Motion by Lamott supported by Coyer to accept the proposal of ACRT to conduct a tree survey in the following areas of the Village: Village owned properties along Franklin Road, the Franklin Community Association property, the Cemetery, the Derwich property, and other areas also in the road right-of-way as deemed necessary by the contractor, encompassing approximately 20% of the road right-of-ways.

Ayes: Gallasch, Lamott, Coyer, Jahnke

Nays: None

Absent: Sosin, Harnisch, McElroy

Motion carried.

X. PROCLAMATION/RESOLUTION/ORDINANCE

A. Consider Ordinance to Approve the Editing and Inclusion of Certain Ordinances and a Resolution as Part of the Codified Ordinances (first reading).

Pulker introduced this item, stating that it was more of a housekeeping measure, to enable the inclusion of the latest codification by American Legal Publishing to include all of the ordinances approved and accepted by the Council for the previous year.

#2005-11 Motion by Coyer supported by Gallasch, to approve the Ordinance to Approve the Editing and Inclusion of Certain Ordinances and a Resolution as Part of the Codified Ordinances and to waive the second reading, as stated in the following resolution:

WHEREAS, American Legal Publishing has completed its annual updating of the Codified Ordinances of the Village; and

WHEREAS, various ordinances and resolutions of a general and permanent nature have been passed by Council since the date of the last updating of the Codified Ordinances (August 1, 2003) and have been included in the Codified Ordinances of the Village; NOW, THEREFORE:

THE VILLAGE OF FRANKLIN ORDAINS:

Section 1. The editing, arrangement and numbering or renumbering of the following ordinances are hereby approved as parts of the Codified Ordinances of the Village, so as to conform to the classification and numbering system of the Codified Ordinances:

<u>Ord. or Res. No.</u>	<u>Date</u>	<u>C.O. Section</u>
2003-06	11-10-03	1265.03
2003-07	11-10-03	1440.03
2003-08	12-8-03	1225.04, 1225.06, 1225.11
2004-01	1-12-04	Zoning Map
2004-02	1-12-04	1264.02
2004-03	6-14-04	1042.13

Ayes: Gallasch, Coyer, Lamott, Jahnke

Nays: None

Absent: Sosin, Harnisch, McElroy

Motion carried.

XI. ADJOURNMENT

Motion by Gallasch supported by Lamott to adjourn the meeting.

Ayes: Gallasch, Lamott, Coyer, Jahnke

Nays: None

Absent: Sosin, Harnisch, McElroy

Motion carried.

There being no further business, the meeting was adjourned at 9:38 p.m.

Respectfully submitted,

Eileen H. Pulker, Village Clerk

Mark W. Jahnke, Village President