

**PROCEEDINGS OF THE VILLAGE OF FRANKLIN
REGULAR VILLAGE COUNCIL MEETING
MONDAY OCTOBER 10, 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

Present: Randy McElroy, Dominick Schiano, Fred Gallasch, Alan Harnisch, Brian Coyer, Bill Lamott, Mark W. Jahnke

Also Present: Jon Stoppels, Administrator
Eileen Pulker, Clerk
Bill Castro, Interim Police Chief
Tom Morrow, Treasurer
John Staran, Village Attorney, Hafeli Staran Hallahan Christ & Dudek, P.C.
Jim Stevens, Planning Commission Chairman

III. ADOPTION OF AGENDA

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

Ayes: McElroy, Schiano, Gallasch, Harnisch, Coyer, Lamott, Jahnke

Nays: None

Motion carried.

IV. MINUTES:

A. Regular Meeting of September 12, 2005

Motion by Gallasch supported by Schiano to approve the minutes of the Regular Meeting of September 12, 2005 as presented.

Ayes: McElroy, Schiano, Gallasch, Coyer, Lamott, Jahnke

Abstain: Harnisch

Nays: None

Motion carried.

B. Organization Meeting of September 26, 2005

Motion by Harnisch supported by Lamott to approve the minutes of the Organization Meeting of September 26, 2005 as presented.

Ayes: McElroy, Schiano, Gallasch, Harnisch, Coyer, Lamott, Jahnke

Nays: None

Motion carried.

C. Special Meeting of September 26, 2005

Discussion ensued in which it was decided that Gallasch should be indicated as excused for this meeting.

Motion by Coyer supported by Schiano to approve the minutes of the Special Meeting of September 26, 2005 as corrected.

Building	18,240.77
Insurance	27,447.88
Legal	3,641.50
Police	11,083.67
Pressure Sewer	103,041.88
General Debt Service	
Major roads	5,056.07
Local Roads	4,554.38
Rubbish	16,485.57
Trust & Agency	10,300.00
Village Hall & Grounds	1,299.12
Waste Water	<u>1,438.62</u>
ALL FUNDS	\$ 278,127.69

Motion by Schiano supported by Coyer to approve the bills list as presented.

Ayes: McElroy, Schiano, Gallasch, Harnisch, Coyer, Lamott, Jahnke

Nays: None

Motion carried.

VII. PUBLIC REQUESTS AND COMMENTS

Randy Brakeman of 27390 Wellington cited his objections to the temporary fence recently installed on the Village owned property located across the street from his home. Brakeman noted that upon the installation of that fence he had investigated how and why the fence had been installed and had found that no permit had been taken out for that fence. Brakeman stated that he had contacted the Village office and had a discussion with Village Administrator Stoppels during which it had been explained that this was a temporary fence to prevent dumping on the Village owned property. Brakeman stated that his concern was not just the aspect of the existence of the fence, but also that as a Village with Ordinances, a government entity and village government officials, there is an obligation to follow and support the regulations that have been supported by the populace of this community, and there are proper procedures to follow that every citizen must follow, or receive correspondence or a violation. Brakeman further cited specific instances where temporary trailers or other temporary construction items may be installed, adding that any violation undermines all of the ordinances. Brakeman added that the fence was of the wrong material, was in the right-of-way, and put up without a permit; all of which is in flagrant disregard of the ordinances which are, as members of Council and public officials, the Council's responsibility to support. Brakeman added that the Planning Commission works hard to develop the ordinances, for which there is a designated need, holds public hearings, and many other procedures, if approved are referred to Council for their approval, and if passed they become part of the regulations. Brakeman asked that this situation be rectified on a timely basis, thanking the Council for the time and opportunity to express his concerns.

Stoppels addressed the Council reporting that the ordinance does not fit this particular situation and that temporary fences are referenced in several areas of the Village. Stoppels added that the Village does own the lot on Wellington, and that the lot is a wetland area that is posted "No Dumping", that continues to be used for that purpose by area contractors who have dumped cement, branches, dirt, leave, and tree trunks all of which hamper the drainage and could cause flooding in the area. Stoppels noted that the Village and all of the communities within the Rouge River drainage area are further

restricted from dumping these type of materials in any wetland area. Stoppels continued stating that the Village has taken steps to stop the illegal dumping including posting of signs, placing of natural wood obstructions, growth of vegetation, removal of man made trails created to facilitate the dumping, and noticed neighbors of the problem, and the dumping continues. Stoppels added that he had notified the chairman of the Zoning Board of Appeals of his action, and the fence will be removed later this fall when the leaf season is over. Stoppels cited several other types of temporary fences allowed in the Village for construction and other purposes.

Discussion ensued regarding police patrol of the area, mobile watch participation, possible review by Village Attorney Staran of the procedure, and placement on the next Council agenda for further resolution of the problem due to its urgency. Further the health, safety and comfort of the Villagers is of first concern, as well as the cost to alleviate the problem, while everyone noted that neither the sign, fence or dumping is appropriate and that it needs to be monitored.

Brakeman noted that the fence while there will continue to collect leaves blown there by the wind, which will worsen the problem, and that he would like the fence removed immediately.

VIII. SPECIAL REPORTS

A. President's Report, Mark Jahnke, Village President – Council Committees – Goals and Objectives for 2006.

Jahnke stated that as a continuation of what was discussed at the Organization Meeting, he would ask that the Finance Committee and Personnel Committee provide the Council with developed written goals and objectives for 2006. Jahnke noted that the draft audit report and draft management letter both from Plante Moran the new auditors for the Village, were full of good ideas and opined that when new auditors are utilized it creates an opportunity for new input and a fresh look which provides an opportunity to address those types of items. This year the Personnel Committee, with Ed Glomb leaving, has a unique opportunity to look at other situations, personnel issues, that could be looked at to plan for in 2006, and although there is a personnel policy in place, possibly adjustments could be made. Jahnke stated that Tom Morrow certainly can help with the Finance committee bringing a fresh look, and that he would be passing along additional ideas to the Personnel Committee also.

B. Council Report

Coyer noted that also at the Organization Meeting there had been comments regarding communication between the Legal Committee and the rest of Council and how best that could be remedied, noting that several ideas had been discussed to convey informally such information discussed, even while some of those items would not quite be ready for the Council Agenda, and added that those suggestions of how better to communicate would still be welcome.

C. Finance Committee Report

Jahnke noted that having already heard Treasurer Morrow's report and the audit and bond payment having been discussed already, all he would add is that in having read the draft financial report and management letter from Plante Moran, he felt that they were excellent and hoped that they could be accepted, noting that although there are numbers to be questioned, that that could be settled and agreed upon by the November Council meeting. Jahnke stated that there were several good ideas for the Finance Committee and

that internal control, which we may have taken for granted, is now receiving a fresh look and some good comments on things that can be done in the Village office. Schiano responded that the Finance Committee had debated somewhat over the accuracy of some of the comments made by the auditors and the genesis of those remarks in the letter, to which McElroy agreed that there were several good ideas and adjustments to be made to several accounts none of which was of a material nature, and that the Village is in good financial hands.

IX. NEW BUSINESS

A. Consider Request of Franklin/Bingham Farms Fire Department for Training at 31625 Franklin Road.

Jahnke stated that Council has allowed this before, and in this case the Fire Department is requesting that training be allowed prior to the complete demolition of the outbuildings at this location. Castro stated that the Police Department also planned to be part of the exercise in order to implement their own emergency training while assisting the Fire Department in their training. The Council asked that they be provided the date chosen for the training so that they might be able to observe.

#2005- 116 Motion by Coyer supported by McElroy to sanction the Fire Department training at 31625 Franklin Road and to encourage the Police Department to take advantage of that activity to enjoin in the training also.

Staran was asked if the Village takes on any responsibility for any damage as a result of sanctioning this activity, to which he replied that any time the Village would take on this type of responsibility there would be a potential for damage or injury were the Village if they were to do so negligently or recklessly, but presuming that appropriate safeguards are observed, there would not be any liabilities that would otherwise be attendant to that, (force majeure). Staran added that the proper insurances are in place.

Ayes: McElroy, Schiano, Gallasch, Harnisch, Coyer, Lamott, Jahnke

Nays: None

Motion carried.

B. Consider Civic Event Application for the Franklin Community Church Rummage Sale (October 28 & 29, 2005).

#2005-117 Motion by Harnisch supported by Lamott to allow the Franklin Community Church to display signs throughout the Village for their Rummage Sale to be held on October 28 & 29, 2005.

Ayes: McElroy, Schiano, Gallasch, Harnisch, Coyer, Lamott, Jahnke

Nays: None

Motion carried.

C. Consider Application to Demolish Structures at 31040 Crestwood, Franklin.

Property owner Scott Aldrich was present to answer questions and the application was determined to be complete.

#2005-118 Motion by McElroy supported by Schiano to approve the demolition application for the property located at 31040 Crestwood, Franklin, subject to the usual \$5,000 bond and the building official's requirements.

Ayes: McElroy, Schiano, Gallasch, Harnisch, Coyer, Lamott, Jahnke

Nays: None

Motion carried.

D. Consider Proposed Changes to Landscaping Plan for Cressbrook, Robertson Franklin LLC.

Doug Smith of Robertson Brothers, Robertson Franklin LLC, was present to provide information. Stoppels stated that when the original landscaping plan for the Cressbrook development was approved that was prior to the Ash Tree problem in the State. Stoppels added that the many ash trees on the property, many of which were along 14 Mile Road, have fallen to the ash borer, which has necessitated the changes to the landscape plan. Stoppels stated that the plan before Council is one that had been approved by the Planning Commission including a common 20% to 80% split of deciduous to conifer trees. Doug Smith stated that the plan presented is a representation of new trees and shrubs in addition to what was already approved and executed. Smith continued stating that this material would be added to the site to replace and to try to come close to more of a natural mix of trees and shrubs for the property. Smith in response to a question that the pathway along 14 Mile Road could be extended east should the Village wish to do so, because Robertson Brothers has allowed the easement for it to do so.

#2005-119 Motion by Coyer supported by Gallasch to approve the proposed revised Cressbrook landscape plan as presented on the memorandum of October 6, 2005 from the Building Department.

Ayes: McElroy, Schiano, Gallasch, Harnisch, Coyer, Lamott, Jahnke

Nays: None

Motion carried.

E. Consider Proposed Easement Location for the Site Plan Approval for Cressbrook, Robertson Franklin LLC.

Jahnke stated that there was no sketch or legal description provided, but that there had been a recommendation by the Planning Commission, which was conditional. Jim Stevens, Planning Commission Chairman added that the conditional terms were based on the need to have the path delineated on based on a legal description that would be suitable for recording as an easement, to be provided by Robertson Brothers. Jahnke replied that a legal description would be necessary for the Council to make any determination this evening. Stoppels stated that the item was on the Agenda tonight in the interest of moving along the issue as a legal description had been expected to be received in time for the meeting and in absence of that information this item could be tabled until such time as the additional information could be obtained. Stevens commented that individual property owner easements would need to be obtained before any such path could be developed. Stevens further explained that while this plan may never be enacted, the Planning Commission had sought the easement while Robertson Brothers still owns the property, as it is a condition of the site plan approval.

Bill Finnicum, 25885 German Mill, Franklin, stating that his property adjoined the German Mill Property stated that he opposed the plan for the footpath for five reasons, as follows:

1. safety
2. environmental impact

3. security
4. high cost of construction
5. breach of privacy

Finnicum added that he had not wanted to stand between Robertson Brothers and their final realization of their site plan obligations. Finnicum added that he had urged the Planning Commission to rescind this footpath from the site plan, but they refused. Finnicum stated that he did not wish to obstruct the development but rather that there is a better alternative, that being the footpath along 14 Mile Road which if extended further eastward would also benefit those residents on the east side of the river. Finnicum opined that pursuing a path that may never be constructed is a waste of time and effort that could be better spent on the other path along 14 Mile Road. Finnicum further cited the Master Plan and the need to keep pathways along major roads, not through private property, and if implemented this would be the only paths through private property, and he cited the wetland and floodplain issues that would need to be considered, and pedestrian safety issues

F. Consider Proposed Revised Plan, Cressbrook Condominium Site Plan – Single Family PRDO, Robertson Franklin LLC, to remove the German Mill property from the approved site plan and possible Referral to Planning Commission.

Stevens commented that the application was currently before the Planning Commission, and still requiring additional information for their consideration, and it was determined that a lot split application should be prepared and presented to the Planning Commission for consideration at their next meeting for which a Public Hearing is already scheduled on October 19, 2005 to receive public comment and address the site plan changes.

Staran stated that the lot split application needs to be submitted and if received in time, will be included in the agenda for the Planning Commission as there is no public hearing necessary for the lot split. Staran noted that the lot split and easement legal description will need to be discussed together in as much as the easement was possibly planned to cross the German Mill property, which would raise privacy issues for the proposed new owner of that property.

Lamott noted that the Historic District Commission had discussed this German Mill property many times, and supports the lot split allowing the perspective buyer to purchase the property and continue to keep this property as a contributing property to the Historic District.

Finnicum asked if this parcel was an originally plated parcel or would it be a newly created parcel, to which it was determined that a new lot would be created and the lot split plan would be submitted.

G. Consider Application for Lot Split/Combination at Lots 4 & 5 Willowgreen Hills.

Stoppels stated that the applicant has applied for a reallocation of lots, not creating any new lots. Stoppels continued stating that one of the two lots, as they are currently configured, is not buildable but with the changes requested each of the two lots will be buildable. Sean Gardella of Gardella Homes, representing the applicant, was present to answer questions and was asked about the demolitions to take place on the property. Gardella stated that the buildings being used by the Fire Department for training include a summer house, barn, and tennis court (accessory buildings) and that the main house was to remain on the third lot owned by Mr. Lesson at this location. Staran stated that this is a lot reallocation, not a lot split, because no additional lots are being created, merely the

redrawing of property lines in these contiguous lots, both of which are owned by the same individual, Mr. Lesson. Jim Stevens commented on the completion of the requirements set forth in a previous Planning Commission meeting, stating that with those items completed the Planning Commission now determined that the application was complete and as such was able to provide their approval to Council.

#2005-120 Motion by Schiano supported by McElroy to approve the Lot Split/Combination application for the property described as Lots 4 & 5 Willowgreen Hills Subdivision, Franklin, subject to the Planning Commission recommendations, the removal of the tennis court, and those requirements of the Building Official.

Ayes: McElroy, Schiano, Gallasch, Harnisch, Coyer, Lamott, Jahnke

Nays: None

Motion carried.

H. Consider Purchase of Police Motorcycle.

Castro stated that the Village had participated in the Harley Davidson Police Motorcycle lease program for the last two years, with Police Officer Brian Crane having been trained to operate the motorcycle and use it for patrols. Castro added that the motorcycle afforded Officer Crane with the ability to better navigate in traffic situations, good gas mileage, and that the motorcycle provided a great deal of positive public relations for the Village. Castro noted that the original lease costs were only \$1.00 per year each year for 2003, 2004, 2005 and the cost to equip the motorcycles was donated by Harley Davidson, but that now the motorcycle would need to be leased for a regular price of \$4,000 per year for two years, and the Village would also be required to pay for the equipment to be installed on the new unit. Discussion ensued regarding possible funding noting that the budget was tight, that a good source for the purchase of this equipment is the forfeiture fund, and that the price being offered is good.

#2005-121 Motion by Gallasch supported by McElroy to approve the purchase of the currently leased motorcycle using the Forfeiture Funds Account for \$13,500.00

Ayes: McElroy, Schiano, Gallasch, Harnisch, Coyer, Lamott, Jahnke

Nays: None

Motion carried.

I. Consider Report and Recommendation of the Police and Public Safety Committee.

Coyer stated that following former Police Chief Ed Glomb's resignation, the committee was formed to conduct a limited organizational review of the police department to see if a number of objectives could be obtained including: 1) the replacement of the chief, and 2) in the context of whether or not any limited changes or supplement to police activities would be subject to this review and study. Coyer added that the committee has met three times, and the committee had determined that its recommendation would be to move forward with the joint organizational review and search for a new Police Chief. Coyer stated that the objective of the committee was to assure residents of Franklin of the highest quality of police protection as possible in the most cost effective way. Coyer noted that the consensus of the committee was to have the same firm perform both the organizational review and the search in a coordinated effort. However, Coyer continued, MML was not able to perform both tasks, so the other bids and proposals have been examined and found that the MERCER Group would be the best review firm and MML

would be the best search firm. Schiano stated that he echoed Coyer's comments and felt that it was incumbent upon Council to move on this recommendation to continue in the current status of the Police Department in that it is second to none, effective and operates well.

#2005-122 Motion by Schiano supported by Coyer to engage MERCER group to conduct the organizational study as proposed not to exceed \$4,500 and to engage Michigan Municipal League as proposed to conduct the search process, both to commence immediately and authorize the Village Administrator to interact with both firms to complete each task.

McElroy thanked those members of the committee for their time, and that they made a good and fiscally responsible choice, and that this will help the Village strengthening the department and strengthening the village.

Harnisch stated that he also appreciated the work done by the committee, adding that the Council was moving along in an appropriate way and opined that Castro has done a terrific job as interim chief and has acted in a proactive way, and having the time and this opportunity to look at the Police Department at this crossroad, without missing a beat with Castro acting as Chief.

Lamott commented that he had spoken with Castro to better understand which firm would best provide a nonbiased opinion and added that he hoped that Castro would have a major role in working with this group to enable him to share his many good ideas.

Coyer stated that he echoed Harnisch's comments, and agrees that the administrative staff and the Police Department continue to work well without missing a beat, and that the review may tell the Village what we already know. Coyer added that this is an opportunity, one that the Village has not had for a long time, to improve ourselves in an already good situation.

Jahnke stated that as he had commented before, if Council feels that this study is necessary for Council to get its arms around the Police Department, to get this input, and that he is skeptical of this organizational review, and opined that the incoming chief would have a lot to say about how the department will function. Jahnke added that it has already been two months after Chief Glomb's departure and the Council need to get moving on this.

Discussion ensued regarding whether there should be two motions to separate the study and the search, and if the search may not even be necessary, however it was determined that in the interest of time, the Council should proceed as constructed in the current motion.

Ayes: McElroy, Schiano, Gallasch, Harnisch, Coyer, Lamott, Jahnke

Nays: None

Motion carried.

X. BIDS/CONTRACTS/PROPOSALS

A. Consider Proposed Broughton House Roof and Chimney Repair Bids.

Stoppels stated that the roof on the Broughton House currently had been installed 12 years ago, and was not done correctly, but the new roof work being requested would

warranty their work and their materials, and the roof replacement will last for a good many years.

#2005-123 Motion by Harnisch supported by Lamott to approve the bid by International Development Company in the amount of \$19,300.00 to re-roof Broughton House.

Ayes: McElroy, Schiano, Gallasch, Harnisch, Coyer, Lamott, Jahnke

Nays: None

Motion carried.

B. Consider Tree Planting Bids.

Stoppels stated that both the Village Council and the Planning Commission have discussed for several years the implementation of a tree planting program on the heels of a tree survey. Stoppels reported that ACRT has conducted a study of 20% of the Village in the beginning of a multi year project, and assumptions have been derived from that in terms of where trees are needed within the area surveyed. Stoppels noted that the current year budget contains \$30,000 for tree plantings and that grants have been applied for that could provide additional funds.

#2005-124 Motion by Lamott supported by Coyer to approve the bid of \$247.00 per tree for planting trees, a total of approximately 121 trees at a total cost of \$30,000.00 as stated in the tree replacement plan by Johnson Landscaping.

Jahnke commented that input from the Planning Commission in their overview of the Master Plan, to which Stevens noted that the subcommittee would be meeting to provide community education and to make the community aware of the good tree pricing to Villagers from this contractor. Discussion ensued regarding Planning Commission involvement, what type of trees will be planting, the time table for installation, and the delineation of local roads and major roads to broaden the impact of the trees and to comply with the budget, and also that the Planning Commission and the Franklin Foundation representatives have been consulted and involved in the tree selections while relying upon the contractor to provide good advice about the type of trees needed. Stoppels remarked that a Fall Quorum issue is currently in development within which information about the study, plantings, and tree purchases will be included.

Ayes: McElroy, Schiano, Gallasch, Harnisch, Coyer, Lamott, Jahnke

Nays: None

Motion carried.

XI. PROCLAMATIONS/RESOLUTIONS/ORDINANCES

A. Consider Resolution to Execute the Agreement to Finalize Participation in the Oakland County Radio System.

#2005-125 Motion by Harnisch supported by Lamott to approve the execution of the Agreement to Finalize Participation in the Oakland County Radio System.

Castro stated that the radio system, an 800 mh county wide system, would improve communication between departments for both the Police Department and the Fire Department. Castro added that the only issue remaining is future funding which may be

covered by federal government approval of use of homeland security funds, the current funding will be covered by 911 surcharge monies, all with no interruption in service.

Ayes: McElroy, Schiano, Gallasch, Harnisch, Coyer, Lamott, Jahnke

Nays: None

Motion carried.

B. Consider Ordinance Amendment to Revise Codified Ordinances of the Village to Section 1256.02, sub-section (q), to clarify that the new provisions apply to new parking and loading and, the proposed maximum setback is changed to 35 feet, with a reference to Special Approval Criteria (first reading).

Jahnke stated that the Planning Commission had already reviewed and approved the wording of the Ordinance amendment, and that public hearings had been conducted at the Planning Commission level to which all of the business owners had been invited.

#2005-126 Motion by Coyer supported by Schiano to approve the Ordinance Amendment to Revise Codified Ordinances of the Village to Section 1256.02, sub-section (q), to clarify that the new provisions apply to new parking and loading and, the proposed maximum setback is changed to 35 feet, with a reference to Specials Approval Criteria in the first reading.

Stevens explained that there were currently some non conforming uses for parking in the business area of the Village zoned C-1, and the Planning Commission had worked for a number of months to address the concerns of the property owners and seek the acceptable solution presented to the Council now.

Ayes: McElroy, Schiano, Gallasch, Harnisch, Coyer, Lamott, Jahnke

Nays: None

Motion carried.

XII. CONSIDER WHETHER TO MEET IN CLOSED SESSION TO DISCUSS UNION NEGOTIATIONS WITH THE POLICE OFFICER'S ASSOCIATION OF MICHIGAN.

#2005-127 Motion by Coyer supported by Harnisch to Meet in Closed Session to Discuss Union Negotiations with the Police Officer's Association of Michigan.

Roll Call Vote:

McElroy Aye

Schiano Aye

Gallasch Aye

Jahnke Aye

Harnisch Aye

Coyer Aye

Lamott Aye

Motion carried.

Regular meeting closed at 10:45 p.m. John Staran was excused.

Closed session convened at 10:50 p.m.

Regular meeting re-opened at 11:34 p.m.

Motion by Coyer supported by Harnisch to extend the meeting beyond 11:00 p.m.

Ayes: McElroy, Schiano, Gallasch, Harnisch, Coyer, Lamott, Jahnke

Nays: None

Motion carried.

XIII. ADJOURNMENT

Motion by Lamott supported by Gallasch to adjourn the meeting.

Ayes: McElroy, Schiano, Gallasch, Harnisch, Coyer, Lamott, Jahnke

Nays: None

Motion carried.

There being no further business, the meeting adjourned at 11:34 p.m.

Respectfully submitted,

Eileen H. Pulker, Clerk

Mark W. Jahnke, President