

**PROCEEDINGS OF THE VILLAGE OF FRANKLIN
REGULAR VILLAGE COUNCIL MEETING
MONDAY, NOVEMBER 14, 2005, 8:00 P.M.
FRANKLIN VILLAGE HALL – BROUGHTON HOUSE
32325 FRANKLIN ROAD, FRANKLIN, MICHIGAN**

I. CALL TO ORDER

The meeting was called order by President Jahnke at 8:02 p.m. at the Franklin Village Hall, Franklin.

II. ROLL CALL

Motion by Lamott supported by Schiano to excuse Coyer in his absence from the meeting.

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

Nays: None

Absent: Coyer

Motion carried.

Present: Randy McElroy, Dominick Schiano, Fred Gallasch, Alan Harnisch, Bill Lamott, Mark W. Jahnke, Brian Coyer (arrived 9:02 p.m.)

Also Present: Jon Stoppels, Administrator
Eileen Pulker, Clerk
Bill Castro, Interim Police Chief
Tony Averbuch, Fire Chief
Tom Morrow, Treasurer
John Staran, Village Attorney, Hafeli Staran Hallahan Christ & Dudek, P.C.
Pam Hansen, Planning Commissioner
Mary Hepler, Planning Commissioner

III. ADOPTION OF AGENDA

Jahnke noted that item number XI B, new ordinance to amend Supplementary Regulations of the Zoning Code, was to be referred to the Planning Commission for their review and public hearing before any further consideration by the Council.

Motion by Schiano supported by McElroy to approve the agenda as amended.

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

Nays: None

Absent: Coyer

Motion carried.

IV. MINUTES

A. Regular Meeting of October 10, 2005

Motion by McElroy supported by Gallasch to approve the minutes of the Regular Village Council Meeting of October 10, 2005 as presented.

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

Nays: None

Absent: Coyer

Motion carried.

B. Special Meeting of November 2, 2005

Motion by Schiano supported by Harnisch to approve the minutes of the Special Village Council Meeting of November 2, 2005 as presented.

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

Nays: None

Absent: Coyer

Motion carried.

V. REPORTS OF VILLAGE OFFICERS AND AGENTS

Police Chief Castro referred Council to his written report and added additional information about a number of incidences occurring in the Village, one of which was an unlocked vehicle from which items were taken (a crime of opportunity). Castro also reported on two new incidences occurring in the Village in November; one a theft from a home and the other was items taken from a home under construction. Castro also stated that the MERCER Group evaluation survey had had a good participation rate within the department with all of the officers and staff (except for one of the reserve officers) having completed the survey. Castro noted that Officer Crane had participated in the 3rd Annual National Family Domestic Violence Apprehension Detail, adding that this had been a successful campaign nation wide with over 80 officers in Oakland County participating.

Fire Chief Averbuch referred the Council to his written report and stated that he was working with Frank Yanke (Yanke Designs) with the tree lights and the proper electrical outlets for that purpose. Averbuch stated that the new pumper tanker truck was two weeks away from its final inspection and that the delivery was expected in a month, adding that upon delivery the Fire Department will be holding an open house to highlight the year's work.

Treasurer Morrow referred Council to his written report, noting that the Audit was still under review with minor draft changes to be made, at an additional cost of \$1,900 to \$2,500. Morrow added that the expenditures on the bills list before the Council were consistent with the current year approved budget and that the Village has sufficient funds to meet its obligations. Discussion ensued regarding the need for a Finance Committee meeting to be scheduled in the next week or two to affect the final review of those documents to be provided by the Auditors. In response to questions from Jahnke, Morrow noted that he had received the actuarial report from Gabriel, Roeder & Smith as well as the Tom Traciak of ACI Finance, regarding the debt service payment schedule, and would report on both at the next meeting after review by the Finance Committee.

VI. SUBMISSION OF CURRENT BILLS

TOTALS

General Administration	\$	37,873.39
Building	\$	25,205.78
Insurance & Retirement	\$	62,721.93
Legal	\$	4,061.25
Police	\$	23,874.57
Pressure Sewer	\$	2,195.20
Major Roads	\$	11,499.22
Local Roads	\$	9,254.95
Rubbish	\$	13,671.90
Trust & Agency	\$	39,300.00

Village Hall & Grounds	\$	1,443.56
Waste Water	\$	<u>873.00</u>
ALL FUNDS	\$	231,974.75

Motion by Gallasch supported by McElroy to approve the Bills List as presented.

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

Nays: None

Absent: Coyer

Motion carried.

VII. PUBLIC REQUESTS AND COMMENTS

Marcia Gershenson, Oakland County Commissioner, District 17, reported on the progress of the Wireless Oakland project, noting that while Franklin had not been chosen as a pilot community the service would be made available to the Village in the second or third phase of the project. Gershenson further explained that of the communities chosen; all had a previous relationship with the vendor Mich Tel, and subsequently had the bulk of the equipment, band width, and infrastructure necessary and in place. Gershenson also reported on the Oakland County budget citing an \$18,000,000 shortfall, commenting on many grants having been cut and that budgets will be cut in the future. Gershenson reported on Prescription Relief Plans available through the County for uninsured and underinsured County residents, and also asked that if any Vendors wanted to placed on Oakland County vendor lists, to please contact her for information and the proper procedure to accomplish this. Gershenson reported that she had attended a presentation by the Green Building Council on lead certification, provided ways in which to save energy and expenses. Gershenson had also ridden a hybrid bus made by General Motors, but not used in Michigan, although has been in many other states.

Jim Kochensparger, 30670 Kirk Lane, Franklin, commended the Council for the purchase of the used Harley Davidson motorcycle, the Tree City USA certification and the subsequent plan to plant trees, and the fact that mounted patrols continue noting that they are good for morale and enjoyed by the community. Kochensparger opined that there had been a great downfall with the snow removal contractor last year, asked what was being done to remedy that and also inquired about the tree contract awarded to Johnson Landscaping to plant trees, stating that he felt that those plantings would be covered by the normal DPW contract, and that the cost of the planting labor should be deducted from the DPW contract. Jahnke replied that his concerns would be addressed and he would hear about them in the near future.

VIII. SPECIAL REPORTS

A. President's Report, Mark Jahnke, Village President

Jahnke reported that the Council, at last month's meeting, had addressed a temporary fence that had been installed on Village owned property on Wellington, which has subsequently been removed. Jahnke further stated that the Police and Mobile watch patrols will be on the lookout for dumping on the property. Jahnke stated that a Quorum was to be published in the next couple of weeks, and wanted to mention that the last days for yard waste pickup will be November 28 & 29, with no further pickups after November 30, 2005. Jahnke opined that the Finance Committee has much to report back to Council on, namely the Gabriel, Roeder and Smith Actuarial Report on Retiree Health

Care, noting that they will need to be addressed soon to plan the necessary budgetary changes.

B. Council Report

No report at this time.

C. Finance Committee Report

McElroy reported that while additional work was to be completed on the Audit, none of the changes are of a substantive nature, all are minor issues to be dealt with and that as always it will be an excellent audit.

D. Police and Public Safety Committee Report

Stoppels reported that, as previously mentioned, the MERCER group has begun their survey of the Police Department and its organization, and had interviewed members of both Councils, the administrators of both communities, police officers and the police clerks, Mobile Watch members from both communities, local business people and other residents. The MERCER representative, Stephen Egan had looked at organizational details, community needs, and developing a police chief profile. Simultaneously, the Police Chief search with the Michigan Municipal League, by Bob Hamilton, has begun having been advertised in the Police Chief magazine and the Michigan Municipal League publications as well as on both organizations' web sites.

E. Cable Board Report, Municipal and Community Access Channels, Fred Gallasch

Gallasch reported that there is much negotiations taking place at both the state and federal levels regarding local control of franchise agreements with new providers, so there are pleas to urge residents to contact their representatives to let them know how best to proceed. Gallasch continued stating that the revenues received from the use of the Village's Rights-of-Way, and Channel 18 (public access) and Channel 15 (municipal) are provided to the Village, in using the funding, on which emergency notices can be placed, should they need to be.

IX. PUBLIC HEARING:

A. PY 2006 Community Development Block grant (CDBG) Funds to receive citizen participation and review of the Proposed Program Year 2006 CDBG projects for the Village of Franklin, the estimated amount of \$8,000.

Jahnke opened the public hearing at 8:32 p.m.,

Stopples stated that, as had been the case for several years, the Village receives the minimum amount for Community Block Grant Funds due to the demographics of the Village, wherein not a lot of residents meet the requirements for assistance, as required by the grant. Stopples noted that the majority of the funding received had been provided to the Birmingham Area Seniors Community Center, as their programs help seniors throughout the Birmingham community, including Franklin. Stopples suggested that the Council make their appropriations as provided on the memo before them in which the \$8,000 total amount is to be spread between \$1,600 for administration, \$3,200 for BASCC and \$3,200 for Birmingham Youth Assistance Program.

Pam Hansen of 32820 Wing Lake questioned the use of the CDBG funds, requesting that uses within the Village be considered rather than supporting those organizations, while nearby, which are outside of the Village pointing out that there would be a number of uses of the funding, suitable projects, right in the Village. Hansen added that due to the inability to use the money in the Village for our own projects, perhaps the Village should not accept the money.

Stopples replied that the grant had originally been designed for those communities in distress, communities with lower income residents, and commercial districts requiring improvements. Stopples added that there are not many residents in the Village considered to be at the poverty income level, however there are uses for this grant

money beyond described as in poverty, such as seniors and handicapped accessibility. Stoppels stated that the requirements of federally funded projects, in which architectural, design, and engineering plans necessary for any project, are expensive and exceed the amount necessary to complete the projects, minus the federal funding. Stoppels stated that he had been innovative in devising ways to use the funding, benefiting the entire community by purchasing picnic tables to be used on the Village Green and the Franklin Community Association grounds. Stoppels added that passing the grant money to these community organizations (i.e. BASCC and the Birmingham Youth Assistance Program) allows Franklin residents to avail themselves of services through these organizations, should they need to.

Jahnke added that while the first name of both organizations is Birmingham, Franklin residents are members of BASCC, and probably the Youth Assistance Program also, and noted that all of the surrounding communities are involved in these organizations as well, which provide good programs for residents.

Jahnke closed the public hearing at 8:44 p.m.

X. NEW BUSINESS

A. Consider the Proposed Program Year (PY) 2006 CDBG projects for the Village of Franklin, the estimated amount of \$8,000.

#2005-129 WHEREAS, the Village of Franklin has duly advertised a public hearing for the purpose of receiving comments regarding the proposed use of 2006 Program year Community Development Block Grant funds in the approximate amount of \$8,000, and;

WHEREAS, the public hearing was held on November 14, 2005;

NOW, THEREFORE BE IT RESOLVED, THAT AT A REGULAR METING OF THE Village of Franklin Village Council held on November 14, 2005 at the Village of Franklin municipal offices, 32325 Franklin Road, Franklin, Michigan, that the 2006 Program Year Community Development Block Grant Application in the approximate amount of \$8,000 be approved and submitted along with the required signature page and Sub recipient Agreement signed by the Village President as follows:

<u>Account</u>	<u>Project Name</u>	<u>Amount</u>
Administration	To fund Village administrative service costs for the implementation of CDBG projects	\$1,600.00
BASCC	For production of the Senior Center newsletter which services senior citizens in the Birmingham area	\$3,200.00
Birmingham Youth Assistance Program	To provide recreational service for low-income families	\$3,200.00

Lamott questioned the recent fund distributions to which Stoppels replied that money had been provided to BASCC for office furnishings and newsletter production, and that in recent years money had not been distributed to the Birmingham Youth Assistance

Program. Lamott added that many services are available to Franklin residents through BASCC including transportation, and noted that not everyone was aware of the many services offered, and encouraged residents to contact BASCC for more information.

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

Nays: None

Absent: Coyer

Motion carried.

**#2005-130 Resolution offered by Schiano supported by McElroy as follows:
To approve the waiver to recapture the Program Year 2003 funds, to continue to use the funds for the Birmingham Senior Center for the purchase of book cases and the monthly newsletter in 2005.**

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

Nays: None

Absent: Coyer

Motion carried.

B. Consider Application to Demolish Structures at: 31625 Franklin Road, Franklin.

Jahnke noted that the application was complete and that the Historic District Commission had reviewed this request and had not found any historic significance in this property. Sean Gardello, of Gardello Homes, representing the owner of the property, Kenneth Lesson, was present to answer any questions.

#2005-131 Motion by McElroy supported by Harnisch to approve the application for demolition for the property located at 31625 Franklin Road, Franklin, subject to the requirements of the Building Official and a \$5,000 bond.

Sheldon Stern of 26125 Woodlore, Franklin, inquired how long the demolition might take and asked which structures specifically were to be removed, citing his concern with the appearance of the property during the demolitions and construction. Gardello replied that the auxiliary buildings and tennis courts are to be demolished and that building plans would be submitted following those demolitions. Staran stated that the property would need to be properly and safely maintained and that is guaranteed by the bond required for the permit.

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

Nays: None

Absent: Coyer

Motion carried.

C. Consider Application to Demolish Structures at: 32480 Wing Lake Road, Franklin.

Jahnke noted that the application was complete and that the Historic District Commission had reviewed this request and had not found any historic significance in this property.

#2005-132 Motion by Harnisch supported by Schiano to approve the application for demolition for the property located at 32480 Wing Lake Road, Franklin, subject to the requirements of the Building Official and a \$5,000 bond.

Jay Dillon of 32430 Wing Lake Road, which is next door to this property, shared his concern for this project, adding that this project was to be presented to the Zoning Board of Appeals later this same week. Dillon expressed his concern over the delays possible due to the applicant's decision to have an architectural restoration firm perform much of the demolition, enabling the reuse of many of the materials in the present home. Dillon shared his concern that if there were delays in the project due to denials of the Zoning Board or the Building Official, that the property could become an eyesore in the neighborhood with boarded up windows and doors, adding that he had no problem with the demolition permit, but felt that no approval should be given until a building plan was approved.

Staran and Stoppels replied that once the permit was issued, the applicant would be required to complete the demolition within ninety (90) days, and that the demolition application and the building permit were two separate issues to be considered.

Michael Poris of McIntosh Poris Associates, the architect of the project, representing the property owners, Bruce and Michelle Skolnik, stated that while there is a Zoning Board meeting scheduled for later this week to discuss the building plan, the demolition would go forward, if it were to be approved. Poris noted that this demolition process differs from the usual demolition in that the property is dismantled by hand, not by machine, which means the materials will be donated and reused, and may take longer but may also be cleaner than an ordinary demolition.

Shirley Jeffrey of 32555 Suzanne, questioned the placement of surveying markers, stating that they appear to be on her property. Poris assured her that a registered surveyor would do the required survey and that her property would not be affected.

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

Nays: None

Absent: Coyer

Motion carried.

D. Consider Planning Commission Recommendation for the Proposed Revised Plan and Land Division Application for the Cressbrook Condominium Site Plan – Single Family PRDO, Robertson Franklin LLC, to remove the German Mill Property from the approved Site Plan.

Brian Coyer arrived at 9:02 p.m.

#2005-133 Motion by Gallasch supported by Lamott to approve the Proposed Revised Plan and Land Division (lot split) Application for the Cressbrook Condominium Site Plan – Single Family PRDO, Roberson Franklin LLC, to remove the German Mill property from the approved Site Plan.

James Clarke of Robertson Franklin LLC was present to address questions.

Staran stated that he had been in contact with Mr. Clarke and had found that the final agreement had not yet been executed by the Village or Robertson Brothers LLC.

Amendment proposed and approved by Gallasch and Lamott that the approval be conditioned upon execution of the PRDO agreement.

Clarke added that the agreement is in the Discloser statements, the Master Deed, and the By-Laws, so it does just need to be signed and recorded.

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

Nays: None
Absent: None
Motion carried.

E. Consider Planning Commission Recommendation for the Proposed Easement for Foot Path for the Cressbrook Condominium Site Plan.

Stoppels stated that the only path that has been staked was done by Hubbell, Roth & Clark, while not based on any survey, was merely done to illustrate a route for practicality. Stoppels added that the easement document before the Council is slightly different than what had been staked previously, at the urging of the Planning Commission based upon their review of the plans and their recommendation. Jahnke clarified that two plans were before the Council, one being the plan drawn by HRC, and the other is the one prepared by Atwell Hicks, including a legal description, which the Planning Commission had approved. McElroy questioned how many different property owners would need to grant their approvals should this be constructed, to which Stoppels replied that either path would require two property owners to grant their approvals and easements.

Motion by Coyer supported by McElroy to approve the plan described as the west side of the River as described in the Atwell Hicks document, and the east side of the River as described in the Hubbell Roth & Clark document to be referred back to staff for legal description.

Motion withdrawn.

Discussion ensued regarding the history of this issue which was explained as that in years past there had been paths over the river, prior to permitting requirements of the Michigan Department of Environmental Quality, and the difficulty in grades.

Mary Hepler, Planning Commissioner, commented that the Planning Commission had reviewed these options and had determined that the recommended path would suffice, and that leaving this option available will satisfy the number one requested item at the Master Plan meeting held in October.

David Levitt, 25741 River Drive, spoke in opposition to either plan, noting that his driveway was only nine feet from the paths.

Bill Finnicum, 25885 German Mill spoke in opposition to the plans for any easement for a path, citing many reasons for not doing so. Finnicum explained that he had implored the Planning Commission to abandon this idea and remove it from the Site Plan, noting that the path and bridge currently under construction at 14 Mile Road will serve the same purpose and be on public, not private, land.

Staran stated that if an actual path were to be developed it would require application, reviews, and approvals before anything could be built.

Hepler stated that the Planning Commission had thoroughly reviewed all of the options for paths.

#2004-134 Motion by Lamott supported by Harnisch to approve the plan drawn by Atwell Hicks as recommended by the Planning Commission.

Roll Call Vote:

McElroy	Yea
Schiano	Nay
Gallasch	Yea
Jahnke	Nay
Harnisch	Yea

Lamott Yea
Coyer Yea
Motion carried.

F. Consider Application for Event Permit for the Franklin Community Association “Winter Festival”, including Banner to be Placed over Franklin Road.

#2005-135 Motion by Gallasch supported by Schiano to approve the application for Event Permit for the Franklin community Association “Winter Festival”, including Banner to be Placed over Franklin Road.

Ayes; McElroy, Schiano, Gallasch, Harnisch, Lamott, Coyer, Jahnke
Nays: None
Motion carried.

XI. PROCLAMATIONS/RESOLUTIONS/ORDINANCES

A. Consider the Ordinance to Amend Section 1256.02 of Chapter 1256, C-1 Commercial District, and Appendix B., Schedule of Regulations for Area, Heights, Bulk and Placement Requirements, of Part Twelve – Planning and Zoning Code, Title Four – Zoning, of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Modify Off-Street Parking Regulations for the C-1 Zoning District, repeal Conflicting Ordinances, and Prescribe a Penalty for Violations (second reading).

#2005-136 Motion by Coyer supported by Harnisch to approve the Ordinance to Amend Section 1256.02 of Chapter 1256, C-1 Commercial District, and Appendix B., Schedule of Regulations for Area, Heights, Bulk and Placement Requirements, of Part Twelve – Planning and Zoning Code, Title Four – Zoning, of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Modify Off-Street Parking Regulations for the C-1 Zoning District, repeal Conflicting Ordinances, and Prescribe a Penalty for Violations in its second reading.

Ayes; McElroy, Schiano, Gallasch, Harnisch, Lamott, Coyer, Jahnke
Nays: None
Motion carried.

B. Consider Referral to Planning Commission of an Ordinance to Amend Section 1268.14 of Chapter 1268, Supplementary Regulations, of Part Twelve, Title Four of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Modify Provisions Governing Parking and Storage of Automobiles, Boats, Campers, Trailers, travel Homes, Travel Trailers, or other Vehicles, Materials or Equipment, to Repeal Inconsistent Ordinances; and to Prescribe a Penalty for Violations.

#2005-137 Motion by Gallasch supported by Coyer to refer the Ordinance Amendment to Section 1268.14 of Chapter 1268, Supplementary Regulations, of Part Twelve, Title Four of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Modify Provisions Governing Parking and Storage of Automobiles, Boats, Campers, Trailers, travel Homes, Travel Trailers, or other Vehicles, Materials or Equipment, to Repeal Inconsistent Ordinances; and to Prescribe a Penalty for Violations, to the Planning Commission for their review.

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

#2005-138 Motion by McElroy supported by Coyer to convene a closed session to discuss union negotiations with the Police Officer's Association of Michigan.

Roll call vote:

McElroy	yea
Schiano	nay
Gallasch	nay
Jahnke	yea
Harnisch	nay
Lamott	nay
Coyer	nay

Motion failed.

XIII. CONSIDER NEW CONTRACT BETWEEN THE VILLAGE OF FRANKLIN AND THE POLICE OFFICER'S ASSOCIATION OF MICHIGAN.

Harnisch explained briefly the procedures followed by the negotiating committee and outlined those changes proposed in the new agreement.

#2005-139 Motion by Harnisch supported by Gallasch that the Village Council accept and approve the Contract, as stated in the Settlement Agreement Language document dated 1/11/05, between the Village of Franklin and the Police Officer's Association of Michigan (POAM) the term of which is four (4) years.

Jahnke stated that he disagreed with the process by which the committee was chosen reiterating that he felt that the Village President should be a part of the committee.

It was noted that the contract document would be prepared by POAM, and subsequently reviewed and approved by the Village.

Ayes: McElroy, Schiano, Gallasch, Harnisch, Lamott, Coyer
Nays; Jahnke
Motion carried.

XIV. ADJOURNMENT

Motion by McElroy supported by Schiano to adjourn the meeting.

Ayes; McElroy, Schiano, Gallasch, Harnisch, Lamott, Coyer, Jahnke
Nays: None
Motion carried.

There being no further business, the meeting adjourned at 10:27 p.m.

Respectfully submitted,

Eileen H. Pulker, Clerk

Mark W. Jahnke, President