

**PROCEEDINGS OF THE VILLAGE OF FRANKLIN
VILLAGE COUNCIL REGULAR MEETING
MONDAY JUNE 12, 2006, 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: Brian Coyer, Fred Gallasch, Alan Harnisch, Bill Lamott, Dominick Schiano, Mark W. Jahnke

Absent: Randy McElroy *(excused)

Also Present: Jon Stoppels, Administrator
Eileen Pulker, Clerk
Tom Morrow, Treasurer
Patrick Browne, Police Chief
Tony Averbuch, Fire Chief
John Staran, Hafeli Staran Hallahan Christ & Dudek, P.C., Village Attorney
Marcia Gershenson, Oakland County Commissioner, District 17

III. Adoption of Agenda

Motion by Gallasch supported by Schiano to approve the Agenda as published and presented.

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

Nays: None

Absent: McElroy

Motion carried.

IV. Minutes

A. Regular Meeting of May 8, 2006

Schiano clarified his comments on page 6, changing the word “advise” to “advice”, and changing after the semicolon on the same line as follows: “an Opinion is another” and the word “opinion” in the second line of that paragraph is to be capitalized as well.

Harnisch changed the next paragraph on page #6 to reword the statement, to read as follows: “Harnisch stated that he had a general question: he was impressed by Emmons, willing to study the issue more, question more Post Smythe firm clients, and obtain references. However, he will support the appointment of Janz and Knight if such a motion is made at this meeting.”

Motion by Schiano supported by Lamott to approve the minutes as amended.

*corrected at July 10, 2006 Regular Village Council Meeting

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

B. Special Meeting, Budget Public Hearing, May 22, 2006

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

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

V. Reports of Village Officers and Agents

Police Chief Patrick Browne referred Council to his written report, and stated that there were a few incidences to report. Browne reported that there had been mail boxes damaged on Romsey, and like incidences in Bingham Farms at about the same time, and also that Farmington Hills had put out a bulletin regarding similar events in that community, and requests have been put out for additional information. Browne stated that on May 31st or June 1st a laptop had been stolen from the Bingham Elementary School and that on June 6th or 7th tools had been taken from a construction trailer on Helmandale. Browne reported that on June 2nd an Alzheimer's patient was found missing from the facility at 13 Mile Road and Telegraph in Bingham Farms at around 10:00 am., and detailed the efforts to find him which resulted in the patient being found safely at approximately 6:00 p.m. Browne also stated that Congressman Joe Knollenberg had presented an award to Detective Sargent Castro in recognition of his service in the community, which Chief presented to Castro. Browne also reported that Police Officer Hirschfeld had obtained shoulder patches for the mounted unit and Hirschfeld provided one to each of the Council members, Stoppels, Staran and Pulker. Harnisch stated that he was proud of the Police Department and their creative effort and diligence in finding the missing patient.

Fire Chief Tony Averbuch referred the Council to his written report, commenting on the continued problem of false alarms due to renovation and remodeling work at homes in the Village, and added that the Fire Extinguisher day was a success on June 6, 2006. Gallasch suggested that a list of alarm system do's and don'ts be provided to contractors when they pulled permits and to be published in an upcoming issue of the Council newsletter, the Quorum.

Treasurer Tom Morrow reported that the bills list submitted for approval by the Council totals \$118,121.77, the expenditures were consistent with the current year budget, and that the Village has sufficient funds to meet the current and anticipated obligations. Morrow also reported that work continues on the five-year budget which upon completion will be reviewed first, by the Finance Committee, and then by the entire Council at the July regular meeting.

VI. Submission of Current Bills

All Funds

General Administration	\$	16,673.21
Building	\$	18,115.05
Insurance & Retirement	\$	34,040.28

Legal	\$	2,794.50
Police	\$	15,234.78
Major Roads	\$	10,048.46
Local Roads	\$	4,936.74
Rubbish	\$	13,671.90
Trust & Agency	\$	800.00
Waste Water	\$	1,806.85
Totals	\$	118,121.77

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

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

Nays: None

Absent: McElroy

Motion carried.

VII. Public Requests and Comments

Jason Katz, an attorney representing Donald & Constance Foss of 31720 Franklin Road, was requesting relief on the Building Permit and Review Fee of approximately \$53,000, feeling that the cost of the permit is disproportionate to the efforts the Village needs to entail in doing the review and providing permits. Jahnke requested that the applicant present a basis for their request; for whatever documentation from other communities granting such requests that they wished to present, and that Stoppels would be the person with whom the applicant should be having this discussion along with the building official, and once investigated could then be presented to the Council.

Oakland County Commissioner Marcia Gershenson reported on the Oakland County drug card program reminding everyone that there was no age or financial requirement and that cards were available in the Village Clerk's office or could be received by mail. Gershenson also stated that Federal Community Development Block Grants (CDBG) funding that is used by the Village to support Birmingham Area Seniors Coordinating Council and Center (BASCC) and Birmingham Youth Assistance, has been proposed to be cut by the Bush Administration and that the County Commissioners are fighting these cuts and could use the help of the public; and asked that the public contact their representatives and urge them to maintain the funding for these important programs. Gershenson also reported on the Wireless Oakland Project, stating that the agreement with DTE was now complete, enabling the pilot installations to begin within the next two (2) weeks, and that the program remains on track to complete the installation of Wireless Internet throughout the County by the end of 2007. Gershenson also reported that Business Workshops will be offered in June, July and August and a list of those workshops will be in the Clerk's office. Gershenson urged those who wish to begin their own businesses to attend these workshops. Lamott thanked Gershenson for her efforts in seeing that the dead ash trees along 13 and 14 Mile Road were removed.

Harold Stulberg of the Farbman Group and Franklin Commons LLC, stated that the Planning Commission is conducting a Public Hearing on the Re-Zoning Request for the property along Telegraph Road, south of the LaSalle Bank, on June 21, 2006 at 7:30 p.m. to be held at the Franklin Community Church. Mr. Stulberg urged those listening to the meeting and the Council to attend, and that there will be detailed informative materials available at the meeting.

VIII. Special Reports

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

Jahnke stated that he would report on three (3) items:

- 1) Jahnke had spoken to Village Auditor John Foster of Janz & Knight, and had been advised that he had met with and had a productive meeting with the Administrator, Clerk and Finance Analyst, and had begun to work on preparations for the audit of the soon to end fiscal year (FY2005-2006).
- 2) Jahnke stated that Staran, Stoppels and the Legal Committee had discussed redirecting efforts and increasing focus on long, on going, construction projects throughout the Village. Jahnke added that efforts would be focused on certain builders and that the Building Official would be consulted to increase enforcement, and if necessary, issue citations as they are allowed through Village Ordinances, with the over-all goal of improving physical appearance of the Village.

Schiano agreed, and asked what specifically can be done to speed up those projects, to which Jahnke replied that like what the Council had done at the Gardenway home while not intending to be punitive, but using those ordinances available to enforce maintaining those properties even during construction. Gallasch added that homes for sale are also a problem currently, due to the lack of property maintenance by absentee owners. Stoppels stated that a good neighbor policy had been instituted in many of the instances with some results and that further follow-up would be provided in those instances where the maintenance is still an issue.

- 3) Jahnke stated that a couple of weeks prior, three (3) members of Council, those on the Police Negotiating Team, had met with Chief Browne, and that he had heard about the meeting five (5) days after the meeting which he felt was inappropriate. Jahnke stated that this committee was only an advisory committee and anything that they would consider should be brought to the entire Council first, before they would hold such a meeting. Jahnke also questioned if that committee was still in existence, in as much as the negotiations had been completed. Jahnke opined that the Police Chief Agreement allows for specific discussions and communications which should come first to the full Council, and that advisory committees should circulate their activities to all members of Council.

Harnisch, in response, stated that he had attended a lunch meeting with Lamott, Gallasch, Stoppels and Chief Browne ten days ago, adding that the meeting had not been an official Village meeting of any kind in his view, a casual meeting, and was commensurate with what his understanding of what his responsibilities of what a Trustee is to be; which is to communicate with various people who have an interest in the well being of the community (Village of Franklin) adding that he does speak with Stoppels and Browne on occasion in carrying out his duties and intends to continue to do so in the future. Harnisch reiterated that this particular meeting had not been a committee meeting; that anyone thinking that had been misinformed and was jumping to conclusions. Harnisch opined that he did not need permission to have discussions, that this had not been brought to his attention before just now, and that he was not intimidated or cowed in what he felt was his responsibilities to the citizens of Franklin Village; which is to act in the best interest of the Village and to not ask permission in advance. Harnisch added that he had not done that before and did not intend to do it in the future and did not appreciate his activities being misrepresented in this way.

Gallasch stated that it was his goal that the Village run as effectively as it can and that in order to do so, and he did not know any manager that would not like to know what transpired with the employees that he manages. Gallasch added that he felt that

that was the Council's function as Council members, to keep employees informed, and as the three of them had talked to the police officers and they needed to keep both Stoppels and Browne well informed of their interests and concerns so that as they go forward they can take those into account ~~*as they move forward~~. Gallasch stated that as was true in any business, any place would want that kind of information transferred to the person in charge. Gallasch explained that the reason all three of them were together for this meeting, was so that as everything was explained in a discussion, there would be elaboration from the other members creating a complete story. Gallasch opined that it was a very appropriate meeting and that the Chief needs to understand what the officers are concerned about.

B. Council Report

1. Report: Naturescaping, Bill Lamott, Council Trustee

Lamott reported that the last of the three working and planning sessions had taken place, and on May 20, 2006 a Wildflower session was held (very informative), and June 2 those in attendance met with the Landscape designer to finalize plans for the Historic Society portion of the property. Funding of \$2500 has been committed from the Garden Club, Franklin Foundation, the Franklin Historical Society and private donations with further funding to come from the Rouge Corridor Project and Michigan Forestry Organization. The emphasis going forward is now on Invasive Plant removals. Lamott explained the removal plan for invasive plantings and the plan for the east portion of the property. Lamott stated that these plans will be an example to Villagers of what plants are indigenous to Michigan and how to eradicate the invasive plants. Lamott added that additional funding would be needed to continue.

Motion by Lamott supported by Coyer to Allocate \$5,000 for the Village to remove invasive plants in the Villages portion of the property (5 acres), and to obtain Bids to perform the work to take place through the fall of 2006.

Schiano asked if funds could be offset in the budget to fund this project, to which Stoppels replied he could do so in as much as it would be early in the Budget Year 2006-2007. Gallasch stated that volunteers could help and reduce some of the costs. Lamott stated that previous funding had been used for education, and now the implementation needed to be enacted, because the work is already being performed on the Historic Society portion of property.

Ayes: Coyer, Gallasch, Harnisch, Lamott, Schiano

Nays: Jahnke

Absent: McElroy

Motion carried.

IX. Bids/Contracts/Proposals

A. Consider Franklin Volunteer Fire Department, Inc. Agreement for Fire Protection Service.

Motion by Coyer supported by Schiano to approve the Franklin Volunteer Fire Department, Inc. Agreement for Fire Protection Service for one year.

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

*corrected at July 10, 2006 Regular Village Council Meeting

Nays: None
Absent: McElroy
Motion carried.

B. Consider Roadside Rubbish and Recyclables Pickup Contract Bids.

Stoppels stated that one firm had responded to the bid advertisement and that was Waste Management, and that a representative from that firm, Brian Conaway, was present at the meeting to answer questions. The term of the contract, whether it would be two years or five years, and concerns regarding transfer of service, the size of waste containers, and oil stains on the roads were discussed. In response Mr. Conaway stated that the size of containers was not a problem due to the small number of larger receptacles in the Village, but new cans purchased should be no larger than 35 gallons, and he agreed that he would investigate the oil stains on the roads. Staran stated that the contractual commitments would not allow for transfer of service.

Motion by Gallasch supported by Schiano to approve the Roadside Rubbish and Recyclables Pickup Contract of Waste Management for five years, subject to continuation of service.

Jim Kochensparger of 3070 Kirk Lane stated that he had left out some construction materials (a few pieces of drywall, and some other items), which had not been picked up. Conaway replied that those items would require a special pickup (for an additional charge) that could be obtained by calling in for one.

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

C. Consider DPW Contract Bids.

Stoppels reported that initially three firms had responded to the request for bids: City Works, Greenscapes and Johnson Landscaping. Stoppels stated that subsequently Greenscapes had withdrawn their bid. The aspects of the bids for Johnson Landscaping and City Works were discussed, with City Works bid the lower of the two (by \$950 per month, saving the Village \$9,000 per year), and the fact that the Johnson Landscaping bid limited the number of tree removals to be included, and City Works did not. Stan Jordan of City Works, and Jerry Johnson of Johnson Landscaping were both present and available for questions. Jordan stated that City Works was a Public Works company with skilled laborers; state registered, and also employed Building Officials and Inspectors should that service be needed. Johnson stated that he was currently handling the tree planting program for the Village and also serves as the Department of Public Works for Bingham Farms.

Motion by Schiano supported by Coyer to approve City Works Contract bid for 24 months, as the Department of Public Works for the Village.

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

X. Proclamations/Resolutions/Ordinances

- A. Consider an Ordinance to Amend Section 1042.13 of Chapter 1042, Sewer use and User Charges, of Part Ten, Title Four of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Modify Sewage Disposal System Rates for Charges, and Repeal Conflicting Ordinances (first reading).**

Motion by Coyer supported by Gallasch to waive the first reading, and adopt in its second reading the Ordinance to Amend Section 1042.13 of Chapter 1042, Sewer use and User Charges, of Part Ten, Title Four of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Modify Sewage Disposal System Rates for Charges, and Repeal Conflicting Ordinances to, the new rates to be effective July 1, 2006.

Discussion ensued regarding the continuing investigation of the rates being charged, and the costs of running the sewer system in the Village, the not as yet completed analysis, and the fact that the most recent increase is due to an increase in rates from the City of Detroit Water and Sewerage Department.

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

XI. New Business

- A. Consider Southfield Township Metro Act Fund Payment Guidelines**

Staran stated that the METRO ACT funds received by the Township are to be spent on specific, permitted expenses and in as much as Southfield Township does not control any of the roads in their jurisdiction, the Township has decided to distribute the funds to each of the three Villages; i.e. Franklin, Bingham Farms and Beverly Hills. Staran continued stating that due to the need to track specifically what the funds are used for, the Township is asking that the Village submit bills to the Township to be paid by them, rather than distributing the allocated funds to the Villages directly.

Lamott added that the Tree/Public Works Committee has a number of projects targeted to be completed, some of which may be eligible to use this funding in order to complete.

Motion by Coyer supported by Lamott to approve the adoption of the Southfield Township Metro Act Fund Payment Guidelines, allowing the Village Administrator to administer the fund payments of \$12,000 as directed.

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

- B. Consider New Building Clerk Appointment**

Stoppels stated that he was recommending Ms. Angie Eby to be the new building clerk for the Village, adding that she was a strong standout based on her experience,

knowledge and personality, from the other approximately fifty resumes received in response to the advertisements for the position.

Motion by Gallasch supported by Harnisch to ratify the appointment by Village Administrator Jon Stoppels of Angie Eby as the New Building Clerk for the Village with the First Day of Employment to be June 26, 2006.

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

C. Consider Recommendation of Personnel Committee for FY 2006-2007 Non-Union Employee Wages and Benefits.

Lamott, a member of the personnel committee, presented a chart listing each of the non-union employee positions in the Village, and the current as well as the proposed salaries for each. Lamott stated that recommendations had been developed by the committee and were based on performance of each of the employees to be effective 7/1/06. Stoppels stated that the chart included the percent of market average for each of the listed positions. Stoppels added that the Police Chief and Finance Analyst, as both are new employees, will be evaluated at six months and one year with a possible increase to be considered for the year beginning July 1, 2007. Lamott noted that the Administrator's salary is to be reviewed in the next month as it would require a more in depth evaluation by the personnel committee and would require input from all Council members, to be considered at the July meeting and that any increase to be considered would be retroactive to the July 1, 2006 date. ~~*Jahnke noted that his previous annual evaluations of Stoppels are available for review, which he had conducted as per the Village Ordinances.~~

Motion by Gallasch supported by Lamott to improve the salaries of the non-union employees for the Village as listed in the provided chart to be effective July 1, 2006, as follows: Village Clerk increase at 5% for a new annual salary of \$44,399; Administrative Clerk increase at 5% for a new hourly rate of \$16.83 for annual rate of \$35,012; Assistant Clerk increase at 3% for a new hourly rate of \$15.66; and Police Clerk increase at 3% for a new hourly rate of \$13.77.

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

D. Consider Application for Civic Events Permit for the Franklin Community Association "Movies on the Green" to take place August 2, 9, 16 of 2006.

Motion by Gallasch supported by Schiano to approve the application for Civic Events Permit for the Franklin Community Association "Movies on the Green" to take place August 2, 9, 16 of 2006.

Ayes: Coyer, Gallasch, Harnisch, Lamott, Schiano, Jahnke
Nays: None

*corrected at July 10, 2006 Regular Village Council Meeting

Absent: McElroy
Motion carried.

E. Consider Appointments to Village Boards and Commissions.
Tabled for July Regular meeting.

XII. Adjournment

Motion by Gallasch supported by Schiano to adjourn the meeting.

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

There being no further business, the meeting adjourned at 9:52 p.m.

Respectfully submitted,

Eileen H. Pulker, Clerk

Mark W. Jahnke, President