

**PROCEEDINGS OF VILLAGE OF FRANKLIN
VILLAGE COUNCIL REGULAR MEETING
MONDAY, JULY 10, 2006, 8:00 P.M.
FRANKLIN VILLAGE HALL - BROUGHTON HOUSE
32325 FRANKLIN ROAD, FRANKLIN, MICHIGAN 48025**

I. Call to Order

The meeting was called to order by President Jahnke at 8:05 p.m. at the Franklin Village Hall, Franklin, Michigan.

II. Roll Call

Present: Randy McElroy, Fred Gallasch, Mark Jahnke, Alan Harnisch, Brian Coyer, Bill Lamott

Absent: Dominick Schiano (excused)

Also Present: Jon Stoppels, Administrator
Eileen Pulker, Clerk
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

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

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

Nays: None

Absent: Schiano

Motion carried.

III. Adoption of Agenda

President Jahnke asked to remove the legal issues update item regarding Northwestern Highway/Inkster Road as it is still under review by the village attorney.

Motion by Coyer supported by Gallasch to adopt the agenda excluding E 2 under VIII Northwestern Highway/Inkster Road Property.

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

Nays: None

Absent: Schiano

Motion carried.

IV. Minutes

A. Regular Meeting of June 12, 2006

Coyer referred to page 8 paragraph C last sentence "Jahnke noted that his previous annual evaluations of Stoppels are available for review, which he had conducted as per Village Ordinances." and asked that it be stricken from the minutes due to no memory of that being said.

McElroy asked that the minutes reflect him being excused from the meeting.

Gallasch referred to page 5, first paragraph, first sentence and asked to remove “as they move forward” from the end of the sentence so it will read as follows “as they go forward they can take those into account.”

Motion by Coyer supported by Gallasch to approve the minutes of the Regular Village Council meeting of June 12, 2006 as amended.

Ayes: Gallasch, Harnisch, Coyer, Lamott, Jahnke

Nays: None

Abstain: McElroy

Absent: Schiano

Motion carried.

V. Reports of Village Officers and Agents

Treasurer Tom Morrow was not present at the meeting.

Police Chief Patrick Browne updated the Council on a few incidents that occurred since the last Council meeting and referred Council to his written report. Browne stated that between June 21st and 22nd a larceny of construction tools had taken place in Franklin on Woodside Court for which there were no leads yet. The other two incidents occurred in Bingham Farms; on June 12th at approximately 12:30 pm, two gas leaf blowers were stolen out of a landscaping trailer; and in 2004 social security checks were cashed at the National City Bank on Telegraph Road, and Detective Castro has been doing some follow up work as the person who cashed the checks was alleged to have misappropriated the money. Chief Browne also updated the Council on some of the things that have been going on in the Police Department recently such as the attendance at a business watch presentation and shared training with the Bloomfield Hills and Birmingham Police Department regarding rapid deployment. The officers were also able to do their firearms qualifications training in Canton. Chief Browne and Sergeant Castro had attended the Oakland County for Emergency Response Preparedness meeting. Browne added that he could arrange for the Council to have a presentation set up regarding what the County can do for the Village in the event of an emergency. Council asked Mr. Stoppels and Ms. Pulker to set a date in September for this event.

Fire Chief Tony Averbuch was not present at this time, but did return for a brief report later in the meeting.

VI. Submission of Current Bills

All Funds

General Administration	\$9,534.06
Building	\$19,993.37
Insurance	\$24,355.14
Legal	\$2,466.00
Police	\$32,724.79
Pressure Sewer	\$0.00
General Debt Service	\$0.00
Major Roads	\$4,387.50
Local Roads	\$4,463.98
Rubbish	\$13,671.90
Trust & Agency	\$400.00

Village Hall & Grounds	\$0.00
Waste Water	\$0.00
Totals	\$111,996.74

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

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

Nays: None

Absent: Schiano

Motion carried.

VII. Public Requests and Comments

No comments were made from the audience at this time.

A. David Winterson, 30765 Roberts Drive, Drain Tile Repair Request

Mr. Winterson explained to Council that there is an underground drain on his property that has been there for years. It has been cleaned out several times over the years and is no longer repairable. According to the letter dated June 16, 2006 from Village Engineers, Hubbell, Roth & Clark Inc (HRC), it needs to be replaced at the cost of the homeowner as there are no records indicating it was installed or belongs to the Village. Mr. Winterson expressed concern that there is always running water through it and he would like Council to find out what the source of the water is before he begins the process of disturbing it.

Jahnke asked for HRC to do a more thorough investigation and submit a report to them explaining their findings along with some alternatives and options including replacing the drain pipe and a determination of where the water is coming from.

VIII. Special Reports

A. Main Street Presentation – Robert Donohue, Oakland County

Oakland County Commissioner Marcia Gershenson gave a brief explanation of the Main Street Program. Gershenson stated that the mission of Main Street Program is to maximize the economic potential and to preserve the heritage and sense of place of Oakland County's historic commercial districts by encouraging and facilitating the use of Main Street's four point approach emphasizing economic development within the context of historic preservation. Gershenson then introduced Oakland County's principal planner, Mr. Robert Donahue to the Council.

Fire Chief Tony Averbuch had returned and was asked for his report. Averbuch referred Council to his written report noting that there are still false alarms going off in the Village and that he has changed the department's reporting to track trends. Averbuch stated that he will also be looking at other issues in-house to cut costs, including insurance. The fire department is utilizing regional concepts in purchasing to try to keep costs down for this new fiscal year.

Mr. Donahue, Oakland County's Principal Planner, gave a presentation to the Council educating them on the Main Street Oakland County program. Donahue explained the need for four committees established utilizing the talent of the community. The four committees are: Organization, Design, Promotion and Economic Restructuring. Donahue stated that the first thing that would need to be done, if the Village is interested, would be to attend an Application Workshop that is held by the county every June. Then, over the

next three months, the village would need to complete an application which is modeled after the national programs application process. Mr. Donahue explained that there is no cash that comes to the village for the implications of the program; however there will be free technical assistance provided from the County, from the National Main Street Center in Washington DC and the regional office in Chicago. Donahue stated that if the Council would like to consider this, he will come back at their invitation and conduct a village meeting to meet with business, property owners, and Historic District Commissioners. Brochures describing the program are available at the Clerk's office.

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

1. Franklin River Culverts

Jahnke stated that there has been a FEMA erosion control project upriver from the Franklin Cider Mill and the results of that flow into the Franklin River south of 14 Mile Road. Jahnke explained that Mr. Stoppels has already sent one letter to Oakland County Drain Commission (OCDC) and the village was copied on a letter from the State Department of Environmental Quality (MDEQ) that went to the OCDC. Jahnke expressed concern regarding the future construction of the Cressbrook foot-bridge and asked that Mr. Stoppels send another letter to the County Drain Commission and specifically refers to the two culverts: one near the Franklin Cider Mill, and; the other across from the office building; both of which are either blocked or mostly blocked. Jahnke asked that the letter explain that the Council is very concerned about this, that it needs to be taken care of during this construction season, and that a response is expected that will indicate when the culverts will be cleared.

C. Birmingham Area Cable Board – Trustee, Fred Gallasch

Jahnke stated that he had added this item to the agenda to specifically discuss the almost \$1,000,000 surplus held by the Cable Board.

Gallasch and Chairman of the Cable Board, Bob Borgan, reviewed with the Council the Cable Board Budget. Gallasch explained that the revenues come from the franchise fees that are paid by the cable customers and the money is subsequently turned over to the Board from Comcast. The Fees are distributed as follows: 3% of the franchise fees are provided to Public Education Government to buy equipment and upgrades, and monies go to municipalities for upgrading their systems; 3% is provided to the municipalities as a way to defray any costs of protecting the community's rights-of-way; and 2% goes to running of the cable board itself.

Mr. Borgan stated that the grants were substantially lower in the last year. Basic cable customers are paying more than double now compared to 2001. Borgan also explained that SBC is advocating more competition and there is a very good chance that the Cable Board will have no income revenues within the next couple of years.

Discussion ensued and several Council members expressed concern that the funds may be eliminated by upcoming legislation noting that the Council meetings are broadcast on Comcast and residents do watch the meetings. The revenue stream to the Village from Comcast (at 5% of Revenue in Franchise fees, 3% in Revenue in PEG fees) and the subsequent payment to the Cable Board (40% of the Franchise Fees, 100% of the PEG fees) were discussed. Jahnke asked for the Cable Board to develop a plan and let the Council know if there is anything they can do to support the income revenue for the Cable Board.

D. Five Year Financial Plan – Village Administrator, Jon Stoppels

Mr. Stoppels continued his presentation and discussion of the Village's five-year financial plan. Stoppels explained that the plan is a working document and it is constantly in process. Stoppels reviewed the pressure sewer fund stating that they took \$651,000 from the fund balance to pay principal and interest on the bonds for the current budget year and also to pay some of the debt to the county for current construction purposes. Stoppels continued with waste water management fund pointing out that since the village does not get grants for this anymore, the fund balance is being used to fund activities for this account as well. Stoppels informed Council that public works in the Village is now run essentially 100% by Act 51 monies. This allows the Village to build a substantial fund balance which can be used to repair and/or replace roads in the Village.

E. Legal Issues Update – Village Attorney, John Staran

1. Library Building

Mr. Stoppels recapped that back in 1976 there was formal action taken by the Village Council to sell the library building to the library board for \$1.00, with the proviso that if it ceased being a library building the ownership would revert back to the Village. There is no record found that indicated that this action was documented and filed at Oakland County which would mean that the library building is still officially owned by the Village.

Mr. Staran explained that they are looking for any recorded documents or any types of claims of interest or anything that would suggest something other than what Mr. Stoppels just explained. The Clerk has already placed an order for a title search.

F. Construction Site Management – Village Administrator Jon Stoppels

Mr. Stoppels stated that what comes with new development and progress in a village is construction sites and the village offices do get frequent complaints regarding properties in the village that are not blight, but construction sites that are not always maintained to a high level. Stoppels continued by saying that his hands are somewhat tied when it comes to what he can do from a timing standpoint. Some of the large homes that are going up in the Village cannot be completed in just a year or two. The areas that the Village can protect and work towards, as opposed to rescinding a permit, are to maintain code requirements such as trash pickup, cutting of weeds and road cleanups. The Village can also patrol the hours that people work. Mr. Stoppels explained that "Good Neighbor" letters have been sent out by the Village staff to the property owners which is a friendly but stern letter asking for cooperation during the construction process to keep our neighborhood, which is also their neighborhood, looking as kept up as possible.

McElroy expressed concern regarding the number of properties for sale that are vacant and not being maintained. McElroy opined he would like to see more assertiveness when addressing these properties.

Mr. Stoppels noted that he has found sending a letter to the realtor rather than the homeowner has been more effective.

G. Audit Update – Village Administrator, Jon Stoppels

Mr. Stoppels explained that the preliminary process of the audit has begun. The auditors will in the village office again this week. The audit will take place during the latter part of August and into September.

IX. Bids/Contracts/Proposals

A. Consider Tree Planting Options

Mr. Stoppels stated that the village received a MDEQ grant of \$20,000. This grant will pay up to 50% of the cost of a new tree up to \$165. The trees that the village has been planting are \$255 which means the village has to spend more than \$40,000 in order to get the \$20,000. Stoppels explained that the trees need to be planted no later than Monday, July 31, 2006 in order to qualify for the grant.

X. New Business

A. Consider Appointments to Village Boards and Commissions

Motion by McElroy supported by Lamott to appoint William Couger to a three year term on the ZBA to replace Gil Kidd to be effective July 1, 2006.

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

Nays: None

Absent: Schiano

Motion carried.

Jahnke asked council to ratify the appointment of Bruce Blanton to the Planning Commission with a three year term July 2006 – July 2009 replacing Robert Sickels.

Motion by Lamott supported by Coyer to table this appointment until the next meeting.

Jahnke expressed his disappointment at the motion. Jahnke pointed out that he may not be present at the August 14, 2006 meeting and that his recommendation for Mr. Blanton will stand for that appointment.

Ayes: McElroy, Gallasch, Harnisch, Coyer, Lamott

Nays: Jahnke

Absent: Schiano

Motion carried.

B. Consider Village Administrator Contract and Pay Adjustment

McElroy explained that after an extensive analysis the personnel committee had developed a draft review document that they felt was very good, which was subsequently sent to the rest of the council members, welcoming any comments. McElroy stated that the vast majority of comments were extremely favorable and the entire group expressed that all the analysis is warranted and covers 90% of the responsibilities that the manager has. McElroy concluded that he feels that the increase in compensation not only brings Mr. Stoppels up to his peers but is also more than fair and warranted.

Motion by McElroy supported by Lamott that the Village Council accept and ratify the proposed performance review and that Mr. Stoppels be granted a 5% pay increase effective July 01, 2006.

Jahnke stated that he, the Village President, had not been consulted on this personnel committee recommendation and that while he agreed with the pay change conclusion, he further stated that the process was flawed, that he should have been included, and that there should be documentation of reasons for a 5% increase versus a "standard" 3% increase.

Stoppels thanked the Council adding that their comments were greatly appreciated and that this position had been the best he had had, adding "this is the best council I have ever worked with".

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

Nays: None

Absent: Schiano

Motion carried.

C. Consider Re-Scheduling August Village Council Meeting to Monday, August 21, 2006

It was determined that there will be a quorum on August 14, 2006, so the meeting will remain as scheduled.

XI. Adjournment

Motion by Gallasch supported by Harnisch to adjourn the meeting.

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

Nays: None

Absent: Schiano

Motion carried.

There being no further business, the meeting adjourned at 10:44 p.m.

Respectfully Submitted,

Angie Eby, Recording Secretary

Eileen H. Pulker, Clerk

Mark W. Jahnke, President