

**PROCEEDINGS OF VILLAGE OF FRANKLIN
VILLAGE COUNCIL REGULAR MEETING
MONDAY, DECEMBER 10, 2007, 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 Gallasch at 8:04 p.m. at the Franklin Village Hall, Franklin, Michigan.

II. Roll Call

Present: Mark Jahnke, Dominick Schiano, Brian Coyer, Fred Gallasch, Alan Harnisch, Bill Lamott, Amie Saltzman

Also Present: Jon Stoppels, Administrator
Eileen Pulker, Clerk
Patrick Browne, Police Chief
John Staran, Village Attorney

III. Adoption of Agenda

Motion by Lamott, supported by Schiano, to accept the agenda as submitted.

Jahnke requested to add a status report on the audit from the Finance Committee under Special Reports, Council Reports, item number two. (XB2 Finance Committee Meeting Report)

Motion by Lamott, supported by Schiano, to accept the agenda as revised.

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

Nays: None

Motion carried.

IV. Minutes

A. November 12, 2007 Regular Village Council Meeting

Motion by Coyer, supported by Lamott, to adopt the November 12, 2007 Regular Village Council Meeting minutes as submitted.

Schiano referred to page eight, paragraph six of the minutes and asked for it to be written as follows:

Schiano stated that he was not lobbied by anyone on council for Saltzman however he was lobbied for Stevens.

Jahnke commented that Council should receive their minutes within eight days after the meeting. He then referred to page seven, last paragraph and asked that the two quotes that were read from the Open Meetings Act be added to the minutes. Jahnke referred to page eight, second paragraph and remembered that statement being refuted by himself and Staran. He asked for such refutes to be printed in the minutes as well. Jahnke stated that his overall suggestion would be to table the approval of these minutes until January.

After some discussion Jahnke asked to add an amendment to the motion to approve the minutes other than section XI, 2 (Open Meetings Act) which will be tabled until January.

Harnisch stated that he does not think that anything was refuted at the last regular council meeting.

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

Nays: Jahnke

Motion carried.

Coyer explained that if it is believed that the minutes are inaccurate or incomplete in a significant way, any member of council can review the minutes and seek to reconsider the minutes at another time. He added that he would be supportive of such action if there is evidence that the minutes are inappropriate and/or wrong. *Jahnke responded, that it is not true that any member of council can review and seek to reconsider minutes; only those that voted in favor of the motion to approve the minutes can do that.*¹

B. November 30, 2007 Special Village Council Meeting

Motion by Harnisch, supported by Schiano, to approve the minutes of the Special Meeting of November 30, 2007.

Jahnke commented that having an afternoon meeting is very unfair to those that could not possibly make that time. He then pointed out that the motion read *to take place solely on the Franklin Community Association grounds* but the train requires pavement which the Franklin Community Association grounds are completely devoid of.

Gallasch referred to the issue with having an afternoon meeting and explained that an appropriate notice needed to be posted that there was going to be a meeting. Secondly the merchants had already funded the project and for their benefit Council should try to consider it if possible. He added that they did not have proof of insurance and they would not get it in time for an evening meeting so the decision was either to not meet at all and there would be no train or meet and try to help the merchants out. Gallasch agreed that afternoon meetings are not appropriate and hoped that it would not be necessary again.

Ayes: Schiano, Coyer, Harnisch, Saltzman, Gallasch

Nays: None

Abstain: Jahnke, Lamott

Motion carried.

V. Reports of Village Officers and Agents

Police Chief Patrick Browne referred Council to his written report and provided details for a few items including a business in the Village center had clothing merchandise stolen. Browne then reported that all of the officers have had the opportunity to complete a day and a half of firearms training. He added that Oakland County has been in the process of transitioning over to the 800 MHz which is an interoperability radio system that all of the law enforcement agencies in the county will be on the same radio frequency. Franklin should be getting the new radios in the police cars sometime in January or February 2008.

1. *corrected at 01-14-08 Village Council meeting.*

VI. Submission of Current Bills

<u>TOTALS:</u>	
General Administration	\$12,903.78
Building	13,957.55
Insurance	54,568.29
Legal	3,952.74
Police	12,653.49
Pressure Sewer	200.00
General Debt Service	0.00
Major Roads	23,689.18
Local Roads	25,133.80
Rubbish	15,675.50
Trust & Agency	5,400.00
Village Hall & Grounds	0.00
Tax Fund	3,200.00
Waste Water	0.00
ALL FUNDS	\$171,334.35

Stoppels asked that Council delete an item under General Fund for Rocket Enterprise in the amount of \$90.80 as it was billed to the Village erroneously.

Motion by Coyer, supported by Lamott, to adopt the bills list in the amount of \$171,243.55.

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

Nays: None

Motion carried.

VII. Public Requests and Comments

Steve Rosenthal, 26091 Romany Way, reported that he attended the December 2007 Historic District Commission meeting where the Huda School project architect Lis Knibbe said that she is still looking at obtaining a temporary connection from the parking lot on Franklin Road to the parking lot on Romany Way. Rosenthal asked if such a request is required to go before the Planning Commission and Village Council.

Stoppels assured Rosenthal that such a request would require Council's approval at a public meeting.

Rosenthal stated that the traffic on Romany Way is much better now that Huda School is utilizing the back parking lot as opposed to the road as a parking lot.

VIII. New Business

A. Consider Sign Application for the property at 32654 Franklin Road (Market Basket)

Stoppels stated that the current sign ordinance strictly prohibits temporary signs particularly in the downtown which requires such a request to go before the Zoning Board of Appeals (ZBA). As the Market Basket is located in the Historic District, Chef Carl Hakim needs to go before the Historic District as well. Stoppels explained that this item is on the council agenda because this applicant is requesting to place the temporary sign in the Village road right-of-way and needs Council's approval to do so.

Chef Carl Hakim, 32654 Franklin Road (Market Basket), assured council that if he is approved by all three required entities, he will take the A-Frame sign to a carpenter and have it constructed in the proper fashion. He added that he would like to use the temporary sign for a week at a time for various holidays throughout the year. Hakim explained that the sign will be very classy and elegant in keeping with the store's current appearance.

Discussion ensued regarding specifics on the sign and dates of use requested. Stoppels explained that the entire front sidewalk of the Market Basket is in the Village right-of-way and currently nothing prohibits Hakim to display window signs advertising for a special event or sale.

#2007-121 Motion by Schiano, supported by Coyer, to allow a temporary one time placement of the sign of an appropriate nature as determined by the Village Administrator conditioned on the ZBA approval from the time that the ZBA approves the variance until December 26, 2007 and again from February 1, 2008 until February 15, 2008.

Gallasch asked for someone to do a common sense check on where the safest place to put the sign would be so Hakim could put it in the least dangerous spot.

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

Nays: None

Motion carried.

B. Discuss Proposed Police Reorganization

Gallasch referred to the proposed reorganization of the police department memo that was provided to council by Chief Browne and reported that Browne is focusing on better delivery of police services, better chain of command and more efficiency. Gallasch mentioned that this would also involve a letter of agreement of the police officer's union.

Browne spoke about his proposal, highlighting that one of his goals would be to free up time for himself and Sergeant Castro so they can become more involved with other things like crime analysis, increased community contact, proactive classes, community education and seeking out grants that can be used to improve the department.

#2007-122 Motion by Schiano, supported by Harnisch, to approve Chief Browne's Police Department Reorganization plan as submitted.

Harnisch expressed concern that the approved plan may require an amendment to the contract with the police officer's association. He added that he would like to have advice from Dennis Dubay who advised council regarding the contract a couple years ago.

#2007-123 Motion by Harnisch, supported by Coyer, to amend Schiano's motion that this item be tabled until the January Council meeting so as to retain Dennis Dubay at a cost¹, not to exceed \$2000, to advise council regarding the impact of the letter of agreement which will be an amendment to the contract with the POAM.

Original motion

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

Nays: None

Motion carried.

1. *corrected at the 01-14-08 Village Council meeting*

Amended motion

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

Nays: None

Motion carried.

C. Consider Employee Holiday Bonuses

Stoppels referred to his memo and asked Council to consider authorizing holiday bonuses for the Village staff in the form of \$50 gift certificates to a regional food market. He added that the estimated total expense would be \$1000 which could be covered within the budget.

#2007-124 Motion by Harnisch, supported by Lamott, to approve the recommendation of \$50 gift certificates for the employees.

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

Nays: None

Motion carried.

IX. Proclamations/Resolutions/Ordinances

A. Consider Resolution for Approval of the Interlocal Agreement for Participation of the Franklin Volunteer Fire Department in the Oakland County Mutual Aid Association

Franklin Volunteer Fire Department Captain Kelly commented that he served on the community that was appointed by the Oakland County Fire Chief's Association for over two years now with Chief Averbuch along with a dozen fire officials from all over Oakland County. He added that this is the first time in the last 30 or 40 years that there has been any effort at cooperation between the emergency service organizations. He stated that no community can be prepared for any emergency which makes this a great effort of everybody truly working together for the common good of all.

Coyer pointed out that if this is adopted, the fire department is the Village's agent in carrying out the fire services.

Staran opined that as a result of the agreement there is some minimal risk that a duty could be found to exist of third parties in some instances. He added that when the Village looks at the benefits and advantages that the agreement provides; it is a prudent business decision on the Village's part to go along with it as the other communities are doing.

Kelly opined that the agreement gives the Village additional liability protection as it provides more resources that the Village currently does not have which will protect the Village from the possible liability of not being prepared for certain emergencies.

Staran pointed out that the agreement does not absolve the Village from any liabilities however on balance when the benefits are considered to the residents and the enhanced ability to deal with and respond to emergencies in the community the pros by far outweigh the cons.

Coyer added that Franklin also has the right to opt out as it has a 30 day opt out provision.

Kelly reported that he understands that the Fire Department will pay out of its own budget for the agreement.

Schiano referred to the definitions where it says *a party means a political subdivision*, and asked for something to link that definition so there is an appropriate tie in.

#2007-125 Motion by Coyer, supported by Harnisch, to adopt the resolution for approval of the Interlocal Agreement for Participation of the Village of Franklin Fire Department that is the Franklin Volunteer Fire Department, Inc. as its agent in the Oakland County Mutual Aid Association with the following changes:

- **The blanks in the resolution should read “Village of Franklin”.**
- **The first WHEREAS should be modified to read “authority to provide fire services such as”**
- **After the fourth WHEREAS include another “WHEREAS the Franklin Bingham Village Fire Department, the Village’s agent and provider of fire service, has recommended the approval of the Village’s adoption of the resolution.**

So as it is clear in the resolution that the Franklin Volunteer Fire Department, Inc. is the Village’s agent and they have recommended approval and that they themselves have adopted this agreement and accepted the rights and responsibilities thereof, as follows:

A RESOLUTION FOR APPROVAL OF THE INTERLOCAL AGREEMENT FOR PARTICIPATION OF THE VILLAGE OF FRANKLIN VOLUNTEER FIRE DEPARTMENT, INC. IN THE OAKLAND COUNTY MUTUAL AID ASSOCIATION

DATE: DECEMBER 10, 2007

WHEREAS the Village of Franklin has the power, privilege and authority to provide fire services such as a fire department providing fire protection, fire suppression, emergency medical services, technical rescue, hazardous incident response, and other emergency response services (“Fire Services”);

WHEREAS, Fire Services can further be improved by cooperation between political subdivisions during times of public emergency, conflagration or disaster (“Incidents”);

WHEREAS, the Michigan Constitution of 1963, Article 7, § 28, and the Urban Cooperation Act of 1967, Act No. 7 of the Public Acts of 1967, Ex. Sess., being MCL 124.501 et seq. (the “Act”), permit a political subdivision to exercise jointly with any other political subdivision any power, privilege or authority which such political subdivisions share in common and which each might exercise separately;

WHEREAS, the Village of Franklin desires to enter into an interlocal agreement, pursuant to the Act, to further improve Fire Services;

WHEREAS, the Franklin Volunteer Fire Department, the Village’s agent and provider of fire service, has recommended the approval of the Village’s adoption of the resolution,

WHEREAS, as a result of entering into an interlocal agreement to further improve Fire Services, the Parties are creating the Oakland County Mutual Aid Association, as a separate legal entity and as a non-profit public body corporate (the “Association”), pursuant to the Cooperation Act;

WHEREAS, the Village of Franklin has the authority to execute this Agreement pursuant to resolution of its governing body; and

WHEREAS, the Village of Franklin desires to commit personnel and equipment to another Party if deemed reasonable upon the request of another Party.

NOW, THEREFORE BE IT RESOLVED: the Village of Franklin finds it is in the best interest of its citizens from a safety and fiscal standpoint to enter into the Interlocal Agreement creating the Oakland County Mutual Aid Association and agrees to appoint one member to the Association Board.

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

Nays: None

Motion carried.

B. Consider Ordinance Amendment – Recommended Revisions to the Franklin Village Code to Regulate Parking and/or Storage of Vehicles and Equipment (first reading)

Council discussed with Planning Commission Chairman Pam Hansen their thoughts on the ordinance amendment.

Gallasch referred to page 2, paragraph N, and pointed out that the word “fleet” may be misinterpreted and asked for more clarification to exclude the business executive using a company car that is available to him/her which does not have a sign on the vehicle.

Schiano suggested adding stretch limousines to the Commercial Vehicle list and added that three parked vehicles whether they are for personal use or business use have the same effect.

#2007-126 Motion by Coyer, supported by Schiano, to adopt in its first reading the Recommended Revisions to the Franklin Village Code to Regulate Parking and/or Storage of Vehicles and Equipment to be reviewed and reformatted in the appropriate ordinance format, and any minor changes that can be made to either clarify or eliminate any redundancies be made prior to the second reading.

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

Nays: None

Motion carried.

C. Consider Ordinance Amendment – Appendix B – Schedule of Regulations – new footnote (c) to address maximum rear height and minimum rear setback. (first reading)

Mary Hepler, 30575 Rosemond Drive, and Planning Commissioner, explained that Appendix B is being revised to include the rear setback restriction as well as the other restrictions that currently exist.

#2007-127 Motion by Lamott, supported by Harnisch, to approve Appendix B – Schedule of Regulations –new footnote (c) to address maximum rear height and minimum rear setback in its first reading.

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

X. Special Reports

A. President's Report, Fred Gallasch, Village President

Gallasch commended and recognized a couple articles that appeared in the Eagle prior to and after Winter Festival - Holly Days promoting the event. He then referred to Jahnke's proposal of a procedural change when council is filling open positions. Gallasch reported that the legal committee decided to table that item until their January meeting so that Jahnke can be present.

B. Council Reports

1. Birmingham Area Cable Board, Mark Jahnke – Cable Board Representative and Council Trustee

Jahnke referred to the October and November meetings that he attended and reported that they are going through a tough time while there are changes in state law and the coverage that certain residents are getting from AT&T. The cable board is going to be printing a brochure that is called "Choosing a TV Provider" which explains how to convert a "bunny ear" TV to digital TV. He added that the Brochure will be made available in the Village Hall and on the Village Website.

2. Finance Committee Report

Schiano reported that the Finance Committee met with the Village auditor, Janz and Knight, along with Pulker and Stoppels to review the preliminary draft of the audit report. He noted that the audit went fine and the auditors will express a clean opinion on the Village's financial statements. Schiano pointed out a concern regarding a large deficit in the Building Department which will require dipping into the Fund Balance considerably. The Finance Committee will be addressing the issue and are currently taking steps to avoid another adjustment. He added that pension costs are increasing as well and the committee is looking at all the costs in all areas to assure that things are addressed as need be. The final audit report should be available in January.

XI. Adjournment

Motion by Schiano, supported by Lamott, to adjourn.

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

There being no further business, the meeting adjourned at 10:05 p.m.

Respectfully Submitted,

Angie Wicke, Recording Secretary

Eileen H. Pulker, Clerk

Fred Gallasch, President