

**PROCEEDINGS OF VILLAGE OF FRANKLIN  
VILLAGE COUNCIL REGULAR MEETING  
MONDAY, JANUARY 14, 2008, 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 8:02 p.m. at the Franklin Village Hall, Franklin, Michigan.

**II. Roll Call**

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

Absent: None

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

**III. Adoption of Agenda**

**Motion by Schiano, supported by Harnisch, to adopt the agenda as submitted.**

Jahnke noted that Comcast digital will be changing local community channels 15 and 16, to 915 and 916 effective later in the week.

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

**Nays: None**

**Motion carried.**

**IV. Minutes**

**A. December 10, 2007 Regular Village Council Meeting**

**Motion by Coyer, supported by Saltzman, to approve the December 10, 2007 Regular Village Council Meeting minutes as submitted.**

Jahnke referred to page two, paragraph four and requested that his response to Coyer's comment be included in the minutes indicating 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 can do that.

Jahnke referred to page four, paragraph four and asked to add the word "common" to the first sentence to read: *Gallasch asked for someone to do a common sense check...*

Harnisch referred to page four, paragraph ten and asked to add the phrase "at a cost" to the motion to read...*so as to retain Dennis Dubay, at a cost, not to exceed \$2000...*

Coyer referred to Jahnke's page two, paragraph four request and added that he believes that the statement he made in the minutes is correct and any response referring to that from Jahnke took place after the meeting therefore should not be included in the minutes.

Jahnke disagreed and reiterated that he did respond and comment during the meeting.

**Motion by Coyer, supported by Saltzman, to accept the December 10, 2007 Regular Village Council Meeting minutes as revised.**

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

**Nays: None**

**Motion carried.**

**V. Reports of Village Officers and Agents**

Police Chief Patrick Browne referred Council to his written report and announced that there were no significant incidents in Franklin over the last month. He did mention several incidents that occurred in Bingham Farms. Browne added that like the fire department, the police department is also in the process of updating the Mutual Aid Agreement amongst the Oakland County Law Enforcement agencies.

Treasurer Morrow referred the Council to his written report and reviewed the bills list and stating that the amount is consistent with normal monthly spending and the expenditures are generally consistent with the '07-'08 budget.

Stoppels advised Council that Fire Chief Tony Averbuch was not available to report at the meeting.

**VI. Submission of Current Bills**

|                                   |                            |
|-----------------------------------|----------------------------|
| <b><u>TOTALS:</u></b>             |                            |
| <b>General Administration</b>     | <b>\$21,539.44</b>         |
| <b>Building</b>                   | <b>9,449.42</b>            |
| <b>Insurance</b>                  | <b>46,486.90</b>           |
| <b>Legal</b>                      | <b>1,210.10</b>            |
| <b>Police</b>                     | <b>11,713.37</b>           |
| <b>Pressure Sewer</b>             | <b>0.00</b>                |
| <b>General Debt Service</b>       | <b>0.00</b>                |
| <b>Major Roads</b>                | <b>5,410.38</b>            |
| <b>Local Roads</b>                | <b>4,365.00</b>            |
| <b>Rubbish</b>                    | <b>16,211.13</b>           |
| <b>Trust &amp; Agency</b>         | <b>1,000.00</b>            |
| <b>Village Hall &amp; Grounds</b> | <b>0.00</b>                |
| <b>Tax Fund</b>                   | <b>3,927.43</b>            |
| <b>Waste Water</b>                | <b>0.00</b>                |
| <b>ALL FUNDS</b>                  | <b><u>\$121,313.17</u></b> |

**Motion by Coyer, supported by Lamott, to adopt the bills list in the amount of \$121,313.17.**

Schiano asked for staff to investigate the phone bills as the amount seemed questionable.

Jahnke asked for staff to investigate Comcast as a possible phone service provider as well.

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

**Nays: None**

**Motion carried.**

**VII. Public Requests and Comments**

Marcia Gershenson, Oakland County Commissioner, reminded viewers about the services that are still available through the county such as the prescription drug card program and the dental discount plan. She added that there are public counseling professionals available to educate people on how to avoid foreclosure. Gershenson also announced a few positions available at the county for various committee and commissions for which she has the appropriate information.

**VIII. Old Business**

**A. Consider Addendum to Council Rules of Procedure**

**Motion by Jahnke, supported by Harnisch, to add the addendum to the Village of Franklin Council Rules of Procedure.**

Jahnke pointed out some typos in the addendum and the candidate questionnaire and asked for them to be corrected.

Harnisch moved to amend the motion to have the three points read as follows:

1. *At a special meeting (public) or next regular meeting following an actual vacancy or impending vacancy on Village Council, council may appoint a three member advisory committee to make recommendations, within the Charter prescribed thirty days, to full council on filling such council vacancy;*
2. *Council and advisory committee shall work with staff and publish a notice of the vacancy and as appropriate, gather names of candidates for appointment to fill the vacancy and contact those individuals to gauge their interest;*
3. *The Village shall require a written "Application for Boards and Committees" (see example) form to be completed, and distributed to full council prior to appointment. The application form of the appointee to fill that council vacant seat shall be filed with the Village Clerk.*

Jahnke accepted the amendment to the motion.

Lamott stated that he would prefer the process to be more informal than what is being suggested and feels that this would just be another hurdle and more unnecessary bureaucracy.

Coyer added that he does not support the proposal as changing the procedure implies that there is a flaw in the current appointment process which he does not believe is flawed in any way. He then read the following eight current requirements from the Charter in order to be eligible for appointment to the Village Council.

1. It is a non-partisan position.
2. At least 25 years of age.
3. A citizen of the United States.
4. A resident of Franklin for a minimum of 2 years.
5. A real property owner in the Village.
6. An elector of the Village.
7. Not a defaulter of the Village.
8. Required to take an oath of office.

Staran responded stating that the proposed changes did not change the charter, and were not in conflict with the Charter, and that other communities had similar rules.

Schiano stated that he is in favor of the proposal as an improvement on something is not an indictment of the past.

Randy McElroy, 30575 Woodside Drive, urged council to deny the proposal as it is a political process and should remain that way. He added that requiring an application could give people false hope. McElroy opined that if somebody wants a council job, they should step up and ask for it.

**Ayes: Jahnke, Harnisch, Schiano**

**Nays: Coyer, Lamott, Gallasch**

**Abstain: Saltzman**

**Motion denied.**

**B. Consider Police Officers Association of Michigan (POAM) Letter of Agreement with the Village of Franklin and POAM.**

Browne referred to the Letter of Agreement Concerning Twelve Hour Shifts and the reorganization of the department, and added that it has been reviewed by attorneys Dennis DuBay and Richard Fanning both of whom are labor attorneys.

**#2008-01 Motion by Harnisch, supported by Jahnke, to accept the draft letter of agreement concerning twelve hour shifts and the reorganization as proposed by Chief Browne and authorize Fred Gallasch, Village President and Patrick Browne, Chief of Police to sign the letter of agreement on behalf of the Village of Franklin.**

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

**Nays: None**

**Motion carried.**

Browne announced that there will be a promotional ceremony in February; date to be determined.

**IX. New Business**

**A. Consider Demolition application for the property located at 30175 Oakleaf Lane.**

**#2008-02 Motion by Jahnke, supported by Schiano, to approve the demolition application for the property located at 30175 Oakleaf Lane.**

Tom Morrow, 30115 Oakleaf Lane, stated that he supports the approval of the demolition as the house was damaged by fire and he encourages the rebuild efforts.

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

**Nays: None**

**Motion carried.**

**X. Proclamations/Resolutions/Ordinances**

- A. Consider Ordinance to Amend Section 1268.14 Chapter 1268, Supplementary Regulations, of Part Twelve, Title Four of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Repeal Existing Regulations and Adopt New Regulations Concerning Parking and Storage of Vehicles and Equipment in Residential Districts, Repeal Conflicting Ordinances and Prescribe a Penalty for Violations. (second reading)**

**Motion by Coyer, supported by Harnisch, to approve the Ordinance Amendment of Section 1268.14 Chapter 1268, Supplementary Regulations, of Part Twelve, Title Four of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Repeal Existing Regulations and Adopt New Regulations Concerning Parking and Storage of Vehicles and Equipment in Residential Districts, Repeal Conflicting Ordinances and Prescribe a Penalty for Violations in the second reading.**

Discussion ensued regarding letters on vehicles being considered a commercial vehicle and how that may be difficult to enforce in certain circumstances.

Randy McElroy, 30575 Woodside Drive, opined that the enforcement of this ordinance may become too harsh for those that come home for lunch in their “commercial” vehicle and are concerned because they didn’t park it in a garage.

Stoppels assured viewers that the intent of this ordinance is to keep such vehicles from being parked/stored for long periods of time. He added that the trigger for the enforcement would most likely be a complaint from a resident and not necessarily employees patrolling the Village.

Jim Kochensparger, 30670 Kirk Lane, mentioned that under the Homeland Security Act and the Terrorist Act, any commercial vehicle now has to be affixed permanent signage with USDOT letters on it as well. Magnetic signage on vehicles is not an option anymore since the new federal law went into effect January 1, 2008. He referred to the issue of more than three vehicles in a driveway and pointed out that there are many families in Franklin that have multiple children with vehicles which could present a problem.

Staran urged Council not to adopt the amendment until they are satisfied with the language.

**#2008-03 Motion by Jahnke, supported by Saltzman, to table the approval of the proposed amendment to the Ordinance Amendment of Section 1268.14 Chapter 1268, Supplementary Regulations, of Part Twelve, Title Four of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Repeal Existing Regulations and Adopt New Regulations Concerning Parking and Storage of Vehicles and Equipment in Residential Districts, Repeal Conflicting Ordinances and Prescribe a Penalty for Violations, in its second reading.**

Brian Marx, 30620 Kirk Lane, stated that he has a “commercial” vehicle that he has marked permanently with his business information, as required and urged council to rethink that particular proposed amendment.

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

**Nays: None**

**Motion carried.**

- B. Consider Ordinance to Amend Appendix B, Schedule of Regulations, of Part Twelve, Title Four of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, To Modify Maximum Building Height and Rear Yard Setback Regulations, Repeal Conflicting Ordinances and prescribe a penalty for Violations. (second reading)**

**#2008-04 Motion by Schiano, supported by Coyer, to approve the proposed Ordinance Amendment to Amend Appendix B, Schedule of Regulations, of Part Twelve, Title Four of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, To Modify Maximum Building Height and Rear Yard Setback Regulations, Repeal Conflicting Ordinances and prescribe a penalty for Violations. in the second reading.**

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

- C. Consider Resolution in Support of the Alliance of Rouge Communities (ARC) Comments on the Proposed NPDES Waste Water Discharge General Permit, No. MIG61000**

**#2008-05 Motion by Lamott, supported by Harnisch, to approve the proposed resolution in Support of the Alliance of Rouge Communities (ARC) Comments on the Proposed NPDES Waste Water Discharge General Permit, No. MIG61000, as follows:**

**A RESOLUTION IN SUPPORT OF THE ALLIANCE OF ROUGE COMMUNITIES  
(ARC) COMMENTS ON THE PROPOSED NPDES  
WASTEWATER DISCHARGE GENERAL PERMIT, NO MIG61000.**

**WHEREAS** the Michigan Department of Environmental Quality (MDEQ) has proposed new watershed-based and jurisdictional storm water general permits which regulate storm water discharges from municipal separate storm sewer systems in compliance with the Federal water Pollution Control Act; and,

**WHEREAS** the proposed permit places new costly, cumbersome and prescriptive measures on communities and counties that will add to operating costs but will not allow ARC communities to continue their documented progress toward achieving water quality standards using the flexible practices incorporated to date. And,

**WHEREAS** the proposed permit emphasizes extensive individual documentation and reporting rather than achieving measurable, watershed-wide improvements through innovative, cost-effective solutions with watershed partners. And,

**WHEREAS** the proposed permit severely limits local control and decision-making that has been a guiding principle of the watershed permit while discouraging implementation of alternative, cost-effective approaches based on existing watershed conditions. And,

**WHEREAS** many of the new requirements are time-consuming, expensive, and will not allow communities to focus their limited resources on documented water quality challenges; and,

**WHEREAS** municipal government budgets across the state are strained and these added duties constitute mandates on Village departments that cannot be financially absorbed.

**NOW THEREFORE, BE IT RESOLVED** that the Village of Franklin requests that the MDEQ and its Director allow flexible, yet enforceable permit requirements that will lead to improved water quality.

**BE IT FURTHER RESOLVED** that the MDEQ and its Director institute water quality control measures that target the water quality challenges at a give location.

**BE IT FURTHER RESOLVED** that the MDEQ re-institute the existing Storm Water Pollution Prevention Initiative (SWPPI) process that allowed the MDEQ sufficient oversight and control to assure that all communities were making progress.

**BE IT FURTHER RESOLVED** that the MDEQ return to a permit that allows sufficient flexibility to permit the state's watersheds to identify their most pressing issues and to address them.

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

**Nays: None**

**Motion carried.**

## **XI. Special Reports**

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

Gallasch applauded Eric Czarnik from the Eagle Newspaper who has been giving Franklin great publicity. He then thanked Jim Kochensparger and his team at Greenscapes, Inc. for their snow plowing efforts and excellent results during the last snowstorm. Gallasch announced that Ben Franklin's 302<sup>nd</sup> birthday is January 17, 2008.

### **B. Council Reports**

#### **1. Audit Report and financial results**

Schiano updated Council on the audit and added that the building department had two separate adjustments which dipped into the general fund which were substantial totaling approximately \$100,000. He added that the finance committee is working on adjusting the building department's fund balance and future budgeting.

Morrow concurred with Schiano and added that he is in the midst of a project which will determine what the amount of asset should be in the building department to cover future inspections. He cautioned that once that number is identified; there will be another adjustment to correct the fund. Morrow pointed out that the completion of the project will also allow him to determine if the fee schedule is appropriate for the future of the building department.

Jahnke stated that he would like to redefine what the fund balance should be in the building department and take a hard look at how the building department is run and the results of the project and amend the budget accordingly. He added that Council also needs to look at the fund balance in the general fund after the deduction to cover the building department. Jahnke encouraged the finance committee to meet prior to the February council meeting and look at the situation as a whole.

#### **2. Update Report on the Main Street committee.**

Stoppels spoke about the Main Street Program and updated Council on a couple of meetings that have taken place that have involved members of the Planning Commission, staff and a number of merchants to talk about the potential avenues that can be taken to revitalize the downtown.

**XII. Adjournment**

**Motion by Schiano, supported by Harnisch, to adjourn.**

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

**Nays: None**

**Motion carried.**

There being no further business, the meeting adjourned at 9:39 p.m.

Respectfully Submitted,

---

Angie Wicke, Recording Secretary

---

Eileen H. Pulker, Clerk

---

Fred Gallasch, President