

**PROCEEDINGS OF VILLAGE OF FRANKLIN  
VILLAGE COUNCIL REGULAR MEETING  
MONDAY APRIL 14, 2008, 8:00 PM  
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 8:00 p.m. at the Franklin Village Hall, Franklin, Michigan.

**II. ROLL CALL**

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

Absent: Brian Coyer (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

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

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

**Nays: None**

**Absent: Coyer**

**Motion carried.**

**III. ADOPTION OF AGENDA**

**Motion by Harnisch supported by Lamott to approve the agenda as submitted and published.**

Gallasch noted two changes to the agenda that could be considered, adding a resolution for Nick Moenck, Eagle Scout and to address the vacancy on the Cable Casting Board.

Jahnke noted that he had requested three (3) items to be added to the agenda, only two (2) of the items appeared. Jahnke added that he believed the issue he had wished to be added which was the ownership of the Huda School, would be discussed in public comments and he asked that future requests be addressed as indicated in the Council Rules and Procedures.

**Motion by Harnisch, supported by Lamott, to amend the agenda to include a resolution for Nick Moenck, Eagle Scout, before public comments, and to include item IX. New Business, E. Consider appointment to Cable Casting Board.**

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

**Nays: None**

**Absent: Coyer**

**Motion carried.**

#### **IV. MINUTES**

##### **A. March 10, 2008 Regular Village Council Meeting.**

**Motion by Jahnke supported by Lamott to approve the minutes of the March 10, 2008 Regular Village Council meeting as corrected.**

Schiano and Harnisch each corrected their own comments on page 10. Schiano corrected his comments in the first paragraph to read: “Schiano stated that the issue on the ownership is a valid one but only delays it the process, adding that he ~~is representing the villagers, what it proposed to wait anymore~~ would like to get begin the hunt review in a substantive way, ~~in the way that the Village does through~~ according to prescribed process through the Planning Commission & Historic District Commission.” Harnisch corrected his comments in the fifth paragraph, same page, to read: “Harnisch stated that there is no interest in delaying further and is concerned with the identification of the ownership on the application-owners, and it needs to be clarified ...”

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

**Nays: None**

**Absent: Coyer**

**Motion carried.**

#### **V. REPORTS OF VILLAGE OFFICERS AND AGENTS**

Police Chief Browne reported on several incidences including a purse snatching at LaSalle Bank on April 1, 2008 for which there is now a likely person of interest and is being investigated, and stated that he would follow up with any more developments. Browne also reported that four (4) catalytic converters had been stolen over the last few months from vehicles in parking lots and he is working with area departments to coordinate investigations. Browne stated that a fire had occurred in a home on Helmandale on the previous Friday, that the fire had been contained in the basement, and he noted his impression of the fire department and their excellent response to the fire. Browne reported on the Oakland County program called STOPPED, which will allow parents to register their teenage drivers, and would supply a sticker for their vehicle which would enable the parents to receive notification of any tickets or accidents occurring, involving their teenagers. Pulker was asked to create a link on the Village website [www.franklin.mi.us](http://www.franklin.mi.us), and that an article would be provided for the upcoming Village newsletter.

Fire Chief Averbuch reported on two fires in the Village, one being the aforementioned fire on Helmandale and the other, an incident on Monday April 7, 2008 on Wellington near Scenic in which a garage door opener motor had malfunctioned and caused a fire,

for which the quick response resulted in little damage. Averbuch invited all to the Open House to occur on Wednesday April 18, 2008 from 6:00 p.m. to 9:00 p.m. at the Fire Hall.

Gallasch stated that Treasurer Morrow was unable to attend and extended his apologies for his inability to do so, but did provide Council with a written report that had been submitted prior to the meeting.

**VI. SUBMISSION OF CURRENT BILLS**

**TOTALS:**

<b>General Administration</b>	<b>\$ 16,617.20</b>
<b>Building</b>	<b>9,669.91</b>
<b>Insurance</b>	<b>53,423.22</b>
<b>Legal</b>	<b>5,447.00</b>
<b>Police</b>	<b>15,886.35</b>
<b>Pressure Sewer</b>	<b>742.67</b>
<b>General Debt Service</b>	<b>275.00</b>
<b>Major Road</b>	<b>4,396.89</b>
<b>Local Road</b>	<b>4,456.06</b>
<b>Rubbish</b>	<b>16,318.42</b>
<b>Trust &amp; Agency</b>	<b>11,600.00</b>
<b>Village Hall &amp; Grounds</b>	
<b>Tax Fund</b>	
<b>Waste Water</b>	<b><u>1,266.81</u></b>
<b>TOTALS</b>	<b>\$140,099.53</b>

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

Gallasch questioned the entry on the bills list for an item payable to Kinko's to which Pulker replied that the charge was for copies requested under the Freedom of Information Act (FOIA) for which the Village had been reimbursed. Gallasch also questioned an item for service charges under General Debt to which Pulker replied that the payment is to US Bank as the servicing agent for the Oakland County sewer bonds for the Village that are paid by the Village.

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

**Nays: None**

**Absent: Coyer**

**Motion carried.**

**X. D. EAGLE SCOUT RECOGNITION**

Gallasch stated that he wished to honor a Franklin resident, Nicholas Moenck for his accomplishment in becoming an Eagle Scout.

**#2008-14 Motion by Lamott supported by Harnisch to approve the following resolution,**

## **Resolution Honoring Nicholas D. Moenck Upon Achieving the Rank of Eagle Scout**

**WHEREAS,** the Boy Scouts of America was established on February 8, 1910, to provide an educational program for boys and young adults to build character, to train in the responsibilities of citizenship, and to develop personal fitness; and

**WHEREAS,** the Boy Scouts of America helps its members develop into American citizens who have a high degree of self-reliance with personal qualities of initiative, courage and resourcefulness; gain the desire and skills to help others in need of assistance; understand the principles of American social, economic and governmental systems; and gain skills for participation and leadership in American society; and

**WHEREAS,** the rank of Eagle Scout is the highest one achievable by Scouts; and

**WHEREAS,** Nicholas D. Moenck, of Franklin, Oakland County, Michigan, has earned and will receive the Eagle Scout Award by Troop 263 of the Clinton Valley Council, Boy Scouts of America, on April 27, 2008; and

**WHEREAS,** Nicholas D. Moenck's Eagle Scout project resulted in the makeover of the Franklin Public Library basement, transforming it into usable, organized storage space for books, library records, craft supplies, seasonal decorations and yard supplies;

**NOW, THEREFORE BE IT RESOLVED,** the Village of Franklin Village Council congratulates Nicholas D. Moenck on his accomplishment in obtaining Boy Scouts of America's highest honor, the rank of Eagle Scout, and thanks him for his service.

Nick Moenck thanked the Council for honoring him and allowing him to speak and additionally thanked the Village for their support both during the completion of his project and the entire eight (8) years for which he had been a resident, and reviewed the project that he had conducted for the Franklin Public Library that cleaned up their basement which will allow it to be used for storage more effectively.

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

**Nays: None**

**Absent: Coyer**

**Motion carried.**

### **VII. PUBLIC COMMENTS**

Marcia Gershenson, Oakland County Commissioner, also added her congratulations to Moenck, noting that she had been invited to his Eagle Scout ceremony and hoped that she

would be able to attend to support him in his positive efforts to improve his community, which many young people do. Gershenson also reported on Mark Gardner, a Beverly Hills resident, Birmingham Public Schools graduate, and a long time friend of hers who is to receive special recognition for a large donation he made to a new facility in Troy for North American Bank Card, which will bring 1,000 (one thousand) new jobs to the area. Gershenson reported that Oakland County is offering an initiative for emergent sectors to show existing companies how to diversify into emerging technologies, and on April 23, 2008 the conference will be on the medical device industry. Gershenson added that other programs will feature different technologies. Gershenson also reported on an upcoming "Zoo" tax that may be on the ballot in either August or November, as it has passed the legislature, which will amount to approximately \$5.00 on each \$100,000 of taxable value for homeowners. Gershenson stated that the Senior Olympic Games are coming back to Oakland County and will occur on August 9, 2008 through August 16, 2008, with a golf tournament to occur on July 28, 2008 for which seniors can sign up for on line or contact Gershenson.

Dayle Hoffecker, 26057 Romany Way, spoke regarding the due diligence on the ownership of the Huda School property, stating that there were two (2) owners listed for the two (2) properties being used of Huda School, including the building, parking, and playground. Hoffecker stated that the deeded owners of the land north and east of the building are owned by Franklin Hill Associates which her research showed had been dissolved by the State of Michigan in 1999, and asked how a non-entity of a property could request site and expansion improvements.

Discussion ensued regarding the content of the questions and the need to wait to provide answers to the questions upon hearing all of the concerns.

Christopher Pray, 26011 German Mill, questioned whether or not the Village had actually completed the due diligence of determining the ownership of the Huda School property, and opined that there had been a double standard applied for how the property and building improvements had been reviewed and inspected by the Village, that there had been a lack of enforcement of all of the Village ordinances, and questioned why he had not received answers to his many questions including: property clean-up; orange cone placements; septic system care, etc., and asked if all of the questions been answered. Pray also requested if any villagers had been fined for the removal of trees without a permit and questioned the removal of the large tree at the entrance to the school.

Felicia Molnar, 26081 Carol, asked if questions were to be answered this evening.

Gallasch responded that questions would be compiled and answered all at once to provide one answer to similar questions when possible, and those requiring further research would be answered at another time.

Molnar continued stating that property maintenance and trash on the property at Huda School, had been complained about in the past, and now with spring arriving there were a lot of animals on the property finding food and food packaging, and that her questions in

this regard have remained unanswered. Molnar also noted that she had contacted the Oakland County Health Department and had found out that there had been no license issued for the kitchen at Huda School and stated that the school website indicates that lunches are served at the school on Mondays and Fridays. Molnar stated that it is known that public meals are served there on occasion also. Molnar added that she had been advised by the Health Department that the Village has liberal ability to enforce the health department's regulations and asked if the Village had done anything.

Chris Gettel, 26030 Romany Way, questioned the ownership of Huda School on the Special Land Use application received by the Village, adding that several different owners or entities in place at the school, but not listed on the application, would make the application incomplete. Gettel also noted several events advertised by the Islamic Cultural Association, scheduled to occur in April and May this year. Gettel reiterated that her concern was that many different entities and organizations use the school, that the Special Land Use application provided does not include the names or principals of the all of the organizations involved, and that the application is incomplete because of these missing details.

Mike Seltzer, 27160 Scenic Dr., suggested that letters and e-mails that had been forwarded to the Village office be read aloud so that they would become part of the public record, as many of those who wrote the letters were unable to attend the meeting.

Staran replied stating that everything received by the Village of that nature is public information and would be available for anyone to see or request copies of. Staran continued stating that the Village Council can certainly decide to read all of the correspondence received, but it is more atypical for public bodies to spend their meeting time to listen and respond to people present at the meeting, and allowing the correspondence to be accepted, read and kept on file.

Schiano noted that Pulker always provides the Council with copies of correspondence received each week.

Seltzer asked that the Council take his comments under advisement.

Seltzer also announced the Franklin Community Association Wine Tasting event to be held on May 10, 2008 at the home of Rhonda & Jerry Byer and invited everyone to attend the fundraiser.

Andy Jacob, 31920 Mountainview Ln., stated that he remembered many different zoning and planning issues that involved increased density, and that he knows of several that were denied in order that that would not occur and change the character of the Village. Jacobs questioned if there was a deed restriction on the property that had been placed on the property when it was sold, and if so, had it been released. Jacobs also asked if Village building and zoning ordinances were being enforced, noting that he did not believe that the current building was a conforming property under the Village ordinances, and noted that changes are not often approved for non-conforming uses. Jacobs stated

that most residents with whom he has discussed this, are not in favor of an increased use of the facility, and that that is the message that should be taken away from this meeting.

Diane Lake, 27310 Crestwood, stated that her concerns did involve the identity of the ownership of Huda School, noting that in the 1980's while serving on the Village Planning Commission she had been asked by the Village Council to conduct a title search of this property, for which she had access of the documents dating back to the late 1800's or early 1900's. Lake continued noting that all of the land is described in metes and bounds, not by lot numbers, and that the resulting letter that was sent to the Village Council, none of which include the property in the southwest corner of the property, which is the property on which the original school was built, which burned and was rebuilt into a larger building. Lake asked that someone confirm what she had completed.

Larry Garon, 25650 Meadowdale, stated that he agreed with many of the comments mentioned by Jacobs in terms of the Village character and the Council's and Planning Commission's protection of the Village character. Garon asked if this approval required the finding for a special land use approval, in order to expand and do the things that the school wishes to do the property. Garon noted that this is a discretionary not mandatory approval and that the Council would need to be certain that the requests being made would fit into the character and nature of this Village. Garon opined that the request being made by the school, if approved, would change the nature and character of the Village forever, and is not in keeping with what he believes the elected officials should be willing to grant. Garon also stated that the traffic would be worse and is not now being enforced, parking is occurring up and down streets even though signs are posted to prevent it, that there are gatherings of large numbers of people all hours of the day and night every day of the week, adding that if the Council did not believe that that would change the character and nature of the Village, then they, the Council, should not be the elected officials, and that they should think long and hard about that. Garon also stated that the Planning Commission is only a recommending body, and that the decision is to be made by the Council, and asked that the Council use their discretion to not grant a special land use approval that will change the character and nature of the Village.

Jerry Schostak, 31850 Briarcliff, stated that this was a unique situation for himself in that he spends his professional career as a developer presenting plans to planning commissions, zoning boards, and councils urging that their plans for use of properties be approved. Schostak continued noting that now he finds himself in the opposite position in that while he cannot speak to the ownership of the property, he does believe that Huda School is a massive overuse of the property and will be adversely affecting the Village, as others have said. Schostak opined that in the vernacular, it is much like putting five (5) pounds in a two (2) pound bag, which does not fit. Schostak further urged the Council to consider that, in their decision making process. Schostak questioned whether the meeting on the next Wednesday was for the Planning Commission, which he understood was to ultimately make a recommendation to the Council.

Gallasch responded stating that the meeting on Wednesday, April 16, 2008 was a regular Planning Commission meeting, where it will be determined whether or not hold a Public

Hearing which may occur in May and added that there would be a good deal of work performed by the Planning Commission prior to any referrals back to the Village Council.

John Hoffecker, 26057 Romany Way, questioned who completed the due diligence relating to the application for Huda School, who did and when did the Council review the due diligence, and what documentation is available for review from that matter. Hoffecker opined that the application was completely out of order and should not have been put forward, citing the many issues that had been brought up at this meeting, and requested that the process for the review of the documentation be provided so that it is in the public record. Hoffecker stated that this property, even before any expansion, is already adversely affecting the residents of the Village. Hoffecker, who lives right next to the school, opined that the school is already in violation of what he moved to the community for. Hoffecker continued, stating that for the Special Use Permit, that listed in the application are at least seven (7) different groups listed that use the facility, that there are additional groups also, and each of those groups should complete their own special use application. Hoffecker questioned that if he were to choose to run an organization from his house, does the Council have the ability to stop him if he did so without permission. Hoffecker also questioned if he were to run a community center which everyone knows about, but does not come before the Council to request permission, and asked if he could be stopped. Hoffecker opined that the application should be pulled back from the Planning Commission.

Russell Frank, 32820 Colony Hill, stated that he wanted to enforce what had been said previously this evening and referred to the "Quorum" (Village Council Newsletter) that he had received last fall that had stated that a public hearing was to occur soon, asking why that had not yet occurred. Frank also asked how the school had escalated from a Montessori school to what it is now; a middle school. Frank stated that a few years ago the Huda School sign had been covered up and replaced with one reading "Franklin Community Center" and asked if a special use permit had been granted for that. Frank questioned whether answers were to be provided or not.

John Staran stated that either he or Stoppels would address the questions as they were given, as he referenced the order in his notes. Staran responded as follows:

- That Franklin Hill Associates is a limited liability company that is one of the deed holders of the property and according to the state records is an automatically dissolved company for not filing annual reports, for which there are a lot of companies in Michigan with that status. Staran added that it does not mean that they do not own the property; it just means that for the state to recognize them and consider them to be active they are going to need to file annual reports and pay some fees, among other things.
- That trash on the property is covered by Village Ordinances and he presumed that those were being enforced.
- That the Village has no legal authority over, nor does the Village enforce Oakland County Health Department regulations.
- Use of the school by multiple entities; that in and of itself is not a problem or an illegality, that is something that the applicant is going to have to establish and

- demonstrate, to the Village's satisfaction, including what is operating on the premises, what are the uses, and it may be that there are multiple entities which would not be unusual for a non residential property and is not unusual for a school to have multiple entities involved. Staran continued stating, but the Village will, through the fact finding process, that begins at the Planning Commission, the commissioners will have to determine to a certainty: who is doing what at the school, during what hours, and who is responsible, when are these things happening, and when did they start, and when did they finish.
- And all of these things, and to the extent that the Village does not receive satisfactory answers to those questions, it is going to be very hard to approve an application. It is the applicant's responsibility and burden to establish the facts supporting that their special land use application should be granted. Staran reviewed the standards of the ordinances including harmony with the neighborhood, compatibility with the neighborhood, not creating any deleterious effects, not creating inconveniences, and not putting a strain on Village resources, and many other different aspects to be reviewed.
  - The Special Land Use is a discretionary decision, not an administrative one, and is a procedure provided for by state law and reflected under Village Ordinances, and public participation and public hearings are required, but the Village is not quite to that point yet, and he opined that there would be several public hearings. It will be up to the Planning Commission and ultimately the Village Council to make the final decision, but first the Planning Commission will flesh out the facts, ask all of the right questions, make sure the commission receives all of the answers, and then the Planning Commission will make a recommendation based on the standards provided in the Ordinance, that the special land use approval should be granted, or should be granted only subject to a number of conditions attached to it, or should be rejected or denied, and if so the reasons for the decision would be spelled out either way, in the recommendation for approval or denial. The application must proceed, the process must be followed, and just as the public has a right to express themselves and attempt to influence the decision makers and the Planning Commissioners, the property owners have the same right. In the end, it must come down to the standards, and whether or not the applicant has proven their case.
  - The Village has received rudimentary information regarding ownership thus far, and that information will be built on and will need to be clarified to everyone's satisfaction.
  - There was a deed restriction, and he did see correspondence on that but has not reviewed it yet, which may have been placed by the Birmingham School District, and that only the people bound by the deed restrictions and those who benefited by the deed restriction have the ability to enforce them.
  - One of the first things the Planning Commission will do, in terms of providing opportunities for public input, they will hold a public hearing on the special land use as well as the site plan and are required to do so and will review them on parallel tracks. The site plan cannot be approved without the approval of the special land use application. The Planning Commission will deal with set back issues, drainage issues, traffic issues, density issues, and aesthetics from a land

- use perspective. There will also be a public hearing when it gets back to the Village Council, adding that the Village Council always allows public comments at every Council meeting.
- Diane Lake's comments about the deed research she had performed, Staran asked that he be able to obtain a copy to conduct a review of the material, and allow Village consultants to review.
  - The Planning Commission meeting is scheduled for the next Wednesday night, at which no decisions will be made, but a public hearing may be scheduled. The applicant will perform a full presentation of their plan at the public hearing.
  - Non conforming use, how can that use expand, Staran explained that that is the purpose for the special land use, noting that schools are allowed in residential districts usually with conditions. In fact, any specific change to the building or change in type of use would require the school to obtain Special Land use approval.
  - If a resident were to run an organization out of their house, what would happen? What would the Village do about it? Staran said that it would depend, due to the fact that some home businesses are run in the Village, but those that are allowed do not result in truck traffic or customers coming to the door, or anything more intense to a neighborhood. The example of a cultural center would probably present a problem and the Village could obtain an injunction to cease the use. Staran cited special land uses that are allowed, with approvals, such as: schools, churches, municipal use, and museums. A principal approved use in a residential district would be a private home, which would not require any special approvals beyond the usual building department approvals. There are certain uses that are allowed in a residential district that need to be reviewed on a case by case basis. An office building would be a non-conforming use in a residential neighborhood.

Stoppels responded to questions as follows:

- A tree was removed at the front of the school property, and the Village was aware of it and had requested the removal as the tree was dead. Stoppels went on to explain the particulars of the Village's Tree Ordinance and the penalties for removing trees without a permit.
- The State of Michigan has the authority over school building permits, and the school had not completed their work and as such, is working under an active building permit under a temporary certificate of occupancy.
- Stoppels agreed that he also had concerns about the incompleteness of the building permit for the first phase, and the general maintenance of the property.
- Opinions cannot be stated by Village Council members or Planning Commissioners until the proper reviews have been completed, which will take some time.
- Huda officials have been requesting that public hearings occur, however due to technical, procedural, and missed deadline reasons, have been unable to move the applications forward, which are often typical of projects. Stoppels noted that the Village is treating the Huda School officials and consultants fairly, as has been true of every project in the Village.

Gallasch in response to a question stated that the public is welcome at the upcoming Planning Commission meeting, but that it is not a public hearing and it is up to the Planning Commission to decide when to hold a public hearing, as it is on their agenda to consider that. Gallasch also noted that the Planning Commission as well as the Village Council has received correspondence and has listened to concerns of Villagers throughout the process.

Dayle Hoffecker, 26057 Romany Way asked if the Huda School officials agree that the Special Land Use application is necessary. Hoffecker asked whether or not a “cease or desist order” could be issued to halt any activities other than those already approved. Hoffecker further outlined maintenance issues on the site at the school that have been present for many years.

Staran stated that that has not been totally agreed upon, but as the review continues and more details are made available, the specificity of the activities taking place will become clear. Staran added that definitive proof needs to be shown, again during the review.

Christopher Pray, 26011 German Mill, questioned whether the Village has investigated the taxable status of the parcels on which the school exists, and questioned whether or not the owner of the property had consented to the expansion work being proposed by the school.

Staran stated that Oakland County is the assessor for the Village, and does not know to what extent that the various parcels and their taxable values have been reviewed by them.

Linda Deutsch, 26345 Evelyn Ct., questioned whether the Council is responsive to and hears the Village residents who are primarily against this expansion. The recent Zoning Board of Appeals decision regarding the parking variance was mentioned.

Gallasch responded that all comments are heard, which is why the Council is allowing the discussions at this meeting.

Charles Dunn, 30870 Kirk Lane, questioned the Village attorney’s ability to handle the school issues by himself, and opined that another law firm could be contacted to aid him, and that a special assessment could be assessed to cover the cost.

Discussion ensued regarding the ability of the Village to impose a Special Assessment.

Schiano noted that the Village will continue to follow proper procedure and the application is to be reviewed by each of the necessary commissions in the Village, following the necessary procedure and regulations, during which all comments will be heard.

Gallasch invited everyone to attend the upcoming public hearings, and asked them to continue to also send their comments along via e-mail, as they (the Council) do receive and review each and every one.

Harnisch stated that he wanted to add to Trustee Schiano's comments, noting that on his approximate eight (8) years on the Village Council, John Staran had done an outstanding job and has his full confidence, and felt that he was an outstanding Village Attorney. Harnisch added that Jon Stoppels has done an excellent job as the Village Administrator, and he has heard nothing to the contrary.

Gallasch added that he would like to thank both Staran and Stoppels on an excellent job this evening.

## **VIII. OLD BUSINESS**

### **A. Consider Finance Committee Recommendations for Budget Amendments FY2007-2008.**

Discussion ensued regarding the building department budget, and Stoppels stated that a review of building fees was in process and would most likely be before the Council in May to which Schiano concurred. Gallasch complemented the staff on their work on the budget amendments.

**#2008-15 Motion by Schiano supported by Saltzman to approve the Budget Amendments FY2007-2008 reviewed and presented by the Finance Committee, as follows:**

**WHEREAS: The Village must assure that expenditures in each account do not exceed those budgeted. A review of the Village 2007/2008 General Fund indicates several accounts where budget amendments are required. We resolve that the following budget amendments be made to the 2007/2008 General Fund budget with funds coming from the appropriation of other funds.**

#### **Accounts (Revenue)**

- 000452 – cable tv royalties: Increase revenue account to a new total of \$65,000 (original \$45,000)
- 000628 – other dept salaries from Bldg: Decrease revenue account to a new total of \$40,000 (original \$80,000)
- 000659 – drug forfeiture sales: Increase revenue account to a new total of \$9,000 (original \$2,500)
- 000665 – interest income: Increase revenue account to a new total of \$30,000 (original \$19,055)
- 000668 – interest income Trust & Agency: Increase revenue account to a new total of \$9,000 (original \$6,000)
- 000677 – Franklin Library reimbursement: Increase revenue account to a new total of \$6,000 (original \$3,200)
- 000800 – Transfer from other funds – local, major roads: Increase revenue account to a new total of \$25,500 (original \$0)
- 000999 – Appropriation of prior year funds: Increase revenue account to a new total of \$129,720 (original \$0)

**Accounts (Expenditures)**

Village Council

- 101720 – payments to cable cast board: Increase expense account to a new total of \$34,000 (original \$21,000)
- 101730 – dues and subscriptions: Decrease expense account to a new total of \$1,000 (original \$2,000)
- 101819 – Master Plan: Decrease expense account to a new total of \$20,000 (original \$25,000)
- 101824 – Historic District Commission: Decrease expense account to a new total of \$10,000 (original \$12,000)
- 102981 – Office furniture & equipment: Decrease expense account to a new total of \$0 (original \$3,200)
- 191727- Elections: Decrease expense account to a new total of \$2,200 (original \$3,000)
- 211826 – legal & related services: Increase expense account to a new total of \$40,000 (original \$35,000)

Administrator

- 102702 – longevity pay: Increase expense account to a new total of \$3,600 (original \$1,800)
- 102704 – administrative salaries: Increase expense account to a new total of \$144,539 (original \$127,250)
- 102706 - life & disability insurance: Decrease expense account to a new total of \$3,000 (original \$5,000)
- 102709 – payroll taxes: Increase expense account to a new total of \$11,675 (original \$10,275)
- 102727 – office supplies: Decrease expense account to a new total of \$3,000 (original \$4,000)
- 102728 – computer software and supplies: Decrease expense account to a new total of \$0 (original \$6,000)
- 102730 – dues and subscriptions: Decrease expense account to a new total of \$0 (original \$300)
- 102735 – training expense: Decrease expense account to a new total of \$0 (original \$750)
- 102802 – accounting services: Decrease expense account to a new total of \$600 (original \$800)
- 102807 – annual audit fee: Decrease expense account to a new total of \$850 (original \$1,450)
- 102853 – communication expense: Decrease expense account to a new total of \$1,200 (original \$2,000)
- 102863 – administrator auto expense: Increase expense account to a new total of \$4,000 (original \$3,500)

Village Clerk

- 215708 – retirement contributions: Decrease expense account to a new total of \$0 (original \$1,080)

215710 – contracted services: Decrease expense account to a new total of \$7,000  
(original \$10,000)

215728 – computer software & supplies: Decrease expense account to a new total of  
\$2,000 (original \$3,000)

Police

305700 – police salaries: Decrease expense account to a new total of \$607,500 (original  
\$612,220)

305701 – police overtime: Increase expense account to a new total of \$39,500 (original  
\$34,500)

305707 – workers compensation insurance: Increase expense account to a new total of  
\$13,339 (original \$11,339)

305727 – office supplies: Increase expense account to a new total of \$4,000 (original  
\$3,500)

305768 – uniform expense: Increase expense account to a new total of \$9,000 (original  
\$8,000)

305807 – annual audit fee – Decrease expense account to a new total of \$5,000 (original  
\$7,000)

305826 – legal & related: Increase expense account to a new total of \$6,500 (original  
\$4,900)

305845 – drug forfeiture expense: Increase expense account to a new total of \$9,000  
(original \$4,000)

305860 – police liability insurance: Increase expense account to a new total of \$10,000  
(original \$7,500)

305865 – police car insurance: Decrease expense account to a new total of \$13,500  
(original 17,500)

305892 – Receipts from Building Department: Increase expense account to a new total  
of -\$20,000 (original -\$40,000)

305981 – autos & related equipment: Increase expense account to a new total of \$34,500  
(original \$29,500)

Miscellaneous General Fund

854961 – transfer to building fund: Increase expense account to a new total of \$162,510  
(original \$0)

854963 – transfer to waste water fund: Decrease expense account to a new total \$0  
(original \$5,054)

405853 – Broughton House communication exp: Increase expense account to a new total  
of \$15,000 (original \$8,750)

875000 – Broughton House Improvements: Decrease expense account to a new total of  
\$5,000 (original \$35,000)

865910 - liability insurance & bonds: Decrease expense account to a new total of  
\$35,500 (original \$37,000)

**WHEREAS: The Village must assure that expenditures in each account do not exceed those budgeted. A review of the Village 2007-2008 Building Department Fund indicates several accounts where budget amendments are required. We**

**resolve that the following amendments be made to the 2007-2008 Building Department Fund budget with funds coming from the appropriation of other funds.**

**Accounts (Revenue)**

- 000475 – Engineering income: Increase revenue account to a new total of \$15,000 (original \$10,000)
- 000476 – Building Permits: Decrease revenue account to a new total of \$100,000 (original \$300,000)
- 000477 – Culvert Permits: Increase revenue account to a new total of \$900 (original \$100)
- 000478 – Demolition: Decrease revenue account to a new total of \$1,000 (original \$1,600)
- 000479 – Electrical Permits: Decrease revenue account to a new total of \$30,000 (original \$35,000)
- 000482 – Mechanical Permits: Decrease revenue account to a new total of \$15,000 (original \$21,000)
- 000484 – Plumbing Permits: Decrease revenue account to a new total of \$10,000 (original \$13,500)
- 000487 – Tree Removal Permits: Decrease revenue account to a new total of \$5,000 (original \$7,500)
- 000499 – Appropriation of Prior Year Fund Balance: Decrease revenue account to a new total of \$0 (original \$2,295)
- 000583 – Transfer from General Fund: Increase revenue account to a new total of \$162,510 (original \$0)

**Accounts (Expenditures)**

- 000701 – Overtime: Decrease expense account to a new total of \$0 (original \$750)
- 000704 – Clerical salaries: Decrease expense account to a new total of \$17,290 (original \$37,750)
- 000705 – group insurance: Decrease expense account to a new total of \$2,000 (original \$15,300)
- 000706 – life & disability insurance: Decrease expense account to a new total of \$250 (original \$525)
- 000707 – workers comp insurance: Decrease expense account to a new total of \$1,600 (original \$2,000)
- 000708 – retirement contributions: Decrease expense account to a new total of \$0 (original \$2,300)
- 000709 – payroll taxes: Decrease expense account to a new total of \$1,400 (original \$3,020)
- 000720 – Administrative services: Decrease expense account to a new total of \$60,000 (original \$120,000)
- 000730 – dues & meetings: Decrease expense account to a new total of \$350 (original \$1,000)
- 000740 – training: Decrease expense account to a new total of \$0 (original \$1,000)
- 000807 – annual audit fee: Decrease expense account to a new total of \$600 (original \$900)

- 000811 – building plan reviews: Decrease expense account to a new total of \$14,200  
(original \$28,000)
- 000812 – building inspections: Increase expense account to a new total of \$102,979  
(original \$84,000)
- 000813 – building administration: Increase expense account to a new total of \$10,190  
(original \$5,000)
- 000835 – tree consultation fee: Decrease expense account to a new total of \$5,000  
(original \$6,000)
- 000840 – mechanical inspection fee: Decrease expense account to a new total of \$7,500  
(original \$10,000)
- 000860 – Miscellaneous Expense: Decrease expense account to a new total of \$0  
(original \$500)
- 000900 – overhead: Decrease expense account to a new total of \$7,500 (original  
\$15,250)
- 000926 – legal: Decrease expense account to a new total of \$2,000 (original \$10,000)
- 000927 – office supplies: Decrease expense account to a new total of \$1,200 (original  
\$2,500)
- 000928 – computer software & supplies: Decrease expense account to a new total of  
\$400 (original \$2,000)

**WHEREAS: The Village must assure that expenditures in each account do not exceed those budgeted. A review of the Village 2007-2008 Major Road Fund indicates several accounts where budget amendments are required. We resolve that the following amendments be made to the 2007-2008 Major Road Fund budget with funds coming from the appropriation of other funds.**

**Accounts (revenue)**

- 000999 – appropriation of prior year funds: Increase revenue account to a new total of  
\$19,500 (original \$4,000)

**Accounts (expenditures)**

- 965960 – transfer to General Fund: Increase expense account to a new total of \$15,500  
(original \$0)

**WHEREAS: The Village must assure that expenditures in each account do not exceed those budgeted. A review of the Village 2007-2008 Local Road Fund indicates several accounts where budget amendments are required. We resolve that the following amendments be made to the 2007-2008 Local Road Fund budget with funds coming from the appropriation of other funds.**

**Accounts (revenues)**

- 000999 – appropriation of prior year funds: Increase revenue account to a new total of  
\$14,000 (original \$4,000)

**Accounts (expenditures)**

965960 – transfer to General Fund: Increase expense account to a new total of \$10,000 (original \$0)

**WHEREAS: The Village must assure that expenditures in each account do not exceed those budgeted. A review of the Village 2007-2008 Pressure Sewer Fund indicates several accounts where budget amendments are required. We resolve that the following amendments be made to the 2007-2008 Pressure Sewer Fund budget with funds coming from the appropriation of other funds.**

**Accounts (revenues)**

000418 – Contract K: Decrease revenue account to a new total of \$60,000 (original \$235,000)

**Accounts (expenditures)**

875826 – General Sewer Construction Expense: Decrease expense account to a new total of \$60,000 (original \$235,000)

Jahnke added that all of the Village funds should be reviewed again by the end of June 2008, so that the Council is aware of any discrepancies from what was provided in the most recent review, and to enable the Council to consider additional amendments if necessary. Jahnke further added that the proper financial controls are necessary and never more so than now in the difficult financial times before us.

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

**Nays: None**

**Absent: Coyer**

**Motion carried.**

**IX. NEW BUSINESS**

**A. Consider Budget Public Hearing Date of May 19, 2008.**

Stoppels added that the Budget will need to be approved that night in order to allow time for the printing of tax bills.

**#2008-16 Motion by Jahnke supported by Harnisch to Conduct the Annual Budget Public Hearing for the Fiscal Year July 1, 2008 to June 30, 2009 on May 19, 2008 at 8:00 p.m. to be held at the Village Hall.**

Staran noted that State law requires a separate public hearing be held to approve the budget, from that of the regular Village Council meeting.

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

**Nays: None**

**Absent: Coyer**

**Motion carried.**

**B. Consider Road Administrator appointment**

Staran explained that the Village must have a Road Administrator as it is required by the State's Act 51, which allows the Village to receive gasoline tax monies from the State of Michigan to use to maintain and repair roads.

**#2008-17 Motion by Schiano supported by Lamott to approve the appointment of Jon E. Stoppels, Village Administrator as the Road Administrator.**

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

**C. Consider Scheduling Hazardous Waste Day on Saturday, June 7, 2008.**

**#2008-18 Motion by Lamott supported by Saltzman to schedule the Annual Hazardous Waste Day on Saturday June 7, 2008 from 9:00 a.m. to 1:00 p.m.**

Stoppels explained that with the interest waning slightly with fewer cars presenting each year, he had requested that SQS take more items including tires, air conditioners, all types of paint, and computer equipment (monitors, cpu's, printers, etc.). The time allowed for collection was discussed, and Stoppels reported that almost every carload had been collected by noon on each of the previous years.

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

**D. Consider Sign Application for "Open House" temporary sign at the Fire Station, to occur on April 16, 2008 from 6:00 p.m. to 9:00 p.m.**

Gallasch urged everyone to go to the Open House to view all of the new equipment.

**#2008-19 Motion by Lamott supported by Saltzman to approve the sign application for the temporary "Open House" sign at the Fire Station, to announce the open house occurring on April 16, 2008 from 6:00 p.m. to 9:00 p.m.**

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

**E. Consider Appointment to Birmingham Area Cable Board.**

Gallasch stated that there was a vacancy in the Birmingham Area Cable Board for the position held for the Village. Gallasch thanked Jahnke for his service in that position.

**#2008-20 Motion by Lamott supported by Saltzman to approve the appointment of David Goldberg as the Franklin representative on the Birmingham Area Cable Board.**

Harnisch spoke in support of Goldberg, noting his various activities in the Village. Discussion ensued regarding Goldberg's qualifications and Lamott noted that he is a real estate attorney, often attends Planning Commission meetings, and is well versed in the Village's goings on.

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

**Nays: None**

**Absent: Coyer**

**Motion carried.**

**X. PROCLAMATIONS/RESOLUTIONS/ORDINANCES**

**A. Consider Resolution to Approve the Oakland County County-wide Asset Management System.**

Stoppels reported that the GIS system already used in the Village was also a County-wide system, and that this new agreement will enable the county to provide the Village with valuable information about roads, sewers and other utilities as the County layers that information on to maps of the Village. Staran stated that other communities are looking at this project with favor.

**#2008-21 Motion by Jahnke supported by Schiano to approve a resolution to authorize the Village Manager to send a letter of commitment to Oakland County agreeing to participate in and in support of the Oakland County County-wide Asset management initiative, with the funding to be reimbursed.**

The cost for the implantation of the system was discussed, and the report received had conflicting information for the amount of funding required. Stoppels agreed to research the amount owed and added that Southfield Twp. had assured that Metro Act funds could be used for this purpose.

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

**Nays: None**

**Absent: Coyer**

**Motion carried.**

**B. Consider Ordinance to Amend Section 1440.03 of Chapter 1440, Permits, Bonds, Deposits and Fees, of part Fourteen, Title Four of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Adopt Procedures Governing Forfeiture of Unclaimed Cash Deposits Relating to Construction and to Repeal Inconsistent Ordinances. (first reading)**

Gallasch explained that the ordinance was necessary to define what was to be done with abandoned or forfeited bonds for completed permits.

**#2008-22 Motion by Jahnke supported by Lamott to accept the Ordinance to Amend Section 1440.03 of Chapter 1440, Permits, Bonds, Deposits and Fees, of part Fourteen, Title Four of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Adopt Procedures Governing Forfeiture of Unclaimed Cash Deposits Relating to Construction and to Repeal Inconsistent Ordinances in the first reading.**

Discussion ensued regarding the fund to be reimbursed; whether the funds should go back to General Fund or the Building Fund, with the consensus being to return the funds to General Fund.

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

**Nays: None**

**Absent: Coyer**

**Motion carried.**

**C. Consider Ordinance to Approve the Editing and Inclusion of Certain Ordinances and a Resolution as Parts of the Codified Ordinances. (first reading).**

**#2008-23 Motion by Jahnke supported by Harnisch to adopt the Ordinance to Approve the Editing and Inclusion of Certain Ordinances and a Resolution as Parts of the Codified Ordinances in its second reading, waiving the first reading.**

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

**Nays: None**

**Absent: Coyer**

**Motion carried.**

## **XI. SPECIAL REPORTS**

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

Gallasch thanked Brian Coyer for conducting the Village Council meeting the previous month, in his absence, due to the loss of his mother. Gallasch also thanked Stoppels and Pulker for their assistance while he traveled on personal business.

#### **1. Beverly Hills Cityhood Discussion**

Gallasch reported that there had been articles in the news regarding the investigation conducted by Beverly Hills to explore whether or not the Village would like to become a city. Gallasch noted that it was his understanding that Cities can annex Villages, but only with a vote of the people in both communities that would affirm that choice, and he had confirmed that with Staran, and he understands that Beverly Hills does not have any grandiose plans.

Jahnke asked if Beverly Hills became a city, would it be up to the Council or up to the Villagers.

Staran stated that any annexation would require a vote of both the community annexing and the community being annexed, and is not a simple thing.

Gallasch reported that the Village has been designated a Tree City USA, for the fifth year, and complemented Stoppels for his hard work in that regard.

## **B. Council Reports**

### **1. Wireless Committee**

Lamott reported, in Coyer's absence, that the committee had met with Phil Bertolini from Oakland County and had found him to be up-beat about the Wireless Oakland project, but that additional funding was being sought to complete the installation County-wide.

Jahnke stated that he also had lost his mother in the last month, and wished to personally convey to Villagers and friends how much he appreciated the support he and his family had received, including visitations and attendance at the funeral, and the many notes, flowers and prayers received.

## **C. Administrator's Report**

### **1. Five Year Financial Plan**

Stoppels reported the Financial Plan for the next five years, was complete, and the timing of the receipt of the report was in order to help with his own planning of the upcoming budget. In order to save time, Stoppels offered to provide the report in writing to the Council, noting that the plan will be addressed more completely in May at both the Regular Village Council meeting and the Budget Public Hearing.

### **2. Downtown Revitalization Committee**

Stoppels reported that the committee had met several times to discuss options for Downtown Revitalization and possible use of the Oakland County Main Street Program and has had good participation from Village Officials, Planning Commissioners, Staff and business owners. Stoppels added that Hepler had done an excellent job of chairing the committee and had received some assistance from the Main Street staff and our Mentor Community Highland Twp. Stoppels reported on several aspects of revitalization being explored including Main Street, a corridor improvement authority, and tax capturing options. Stoppels added that Hepler will provide a report to Planning in May, and after their recommendation, will bring it to Village Council.

## **XII. CLOSED SESSION**

- A. Consider Meeting in Closed Session, immediately following tonight's regular meeting, to consult with the Village Attorney regarding trial or settlement strategy in connection with pending litigation, specifically *AEA Development LLC v Franklin Village*.**

**#2008-24 Motion by Jahnke supported by Schiano to meet in Closed Session to consult with the Village Attorney regarding trial or settlement strategy in connection with pending litigation, specifically *AEA Development LLC v Franklin Village*.**

**Roll Call Vote:**

**Mark Jahnke            yea**  
**Dominick Schiano    yea**  
**Bill Lamott            yea**  
**Alan Harnisch        yea**  
**Amie Saltzman        yea**  
**Fred Gallasch        yea**

**Brian Coyer absent**  
**Motion carried.**

**XIII. ADJOURNMENT**

**Motion by Schiano supported by Lamott to adjourn the meeting.**

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

**Nays: None**

**Absent: Coyer**

**Motion carried.**

There being no further business, the meeting adjourned at 10:07 p.m.

Respectfully submitted,

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Eileen H. Pulker, Clerk

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H. Frederick Gallasch, President