

**PROCEEDINGS OF VILLAGE OF FRANKLIN
VILLAGE COUNCIL REGULAR MEETING
MONDAY, MAY 12, 2008, 8:00 P.M.
FRANKLIN VILLAGE HALL – BROUGHTON HOUSE
32325 FRANKLIN ROAD, FRANKLIN, MICHIGAN 48025**

I. CALLED TO ORDER

The meeting was called to order by President Gallasch at 8:01 p.m. at the Franklin Village Hall, Franklin, Michigan.

II. ROLL CALL

Present: Brian Coyer, Alan Harnisch, Mark Jahnke, Bill Lamott, Amie Saltzman, Fred Gallasch, Dominick Schiano (arrived 8:09 p.m.)

Absent: None

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

III ADOPTION OF AGENDA

Motion by Lamott supported by Saltzman to approve the agenda for the Regular Village Council Meeting of May 12, 2008 as submitted and published.

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

Nays: None

Absent: Schiano

Motion carried.

IV. MINUTES

A. April 14, 2008 Regular Village Council Meeting.

Motion by Jahnke supported by Lamott to approve the minutes of the April 14, 2008 Regular Village Council meeting as presented.

Trustees Harnisch and Coyer, and President Gallasch offered minor changes, correcting grammar and spelling. Trustee Harnisch suggested that the minutes of April 14, 2008 of the Regular Village Council Meeting were too long and should rather be a concise record of business transactions for historic reference. This suggestion had support.

Schiano arrived at 8:09 p.m.

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

Nays: None

Abstain: Schiano

Motion carried.

Schiano abstained due to the fact that he had missed much of the discussion regarding the minutes.

V. REPORTS OF VILLAGE OFFICERS AND AGENTS

Police Chief Browne referred the Council to his written report and reported on three (3) events occurring in the Villages: 1) that a number of laptops had been taken in Bingham Farms, video surveillance is being reviewed, and Det Lt Castro had attended an investigator's meeting to coordinate efforts between Franklin and neighboring communities as there have been a number of similar incidences; 2) cash was missing from a desk drawer in Bingham Farms with access having been gained through a broken window; 3) in Franklin a resident's purse was taken from an unlocked vehicle parked on a driveway, and that the credit card had been reported used at a Meijer store and video surveillance is being requested for that also.

Browne also reported that the Farmington and Farmington Hills Optimist Club had honored their officers of the year the previous week, noting that Jim Gardner was the recipient of that award for the Village of Franklin. Browne briefly reported on the fuel savings being implemented by the Police Department.

Fire Chief Averbuch referred the Council to his written report and stated that the Open House had occurred and that there had been excellent attendance with donations from Hiller Markets for food, and Jim & Ruth Kochensparger had donated the use of a slurpy and popcorn machines. Averbuch further stated that that had been the introduction of the newest piece of equipment, Rescue #7, and engineers from General Motors were present to answer questions posed by those present. Averbuch reported that the unit has worked out well and that Rescue #9 has been reconfigured as a special response unit for Hazardous Waste and Technical rescue needs, to be completed in the near future. Averbuch reported on "Touch a Truck" by the Birmingham Youth Assistance occurring at the Bingham Elementary School on May 17, 2008, at which the department will have two (2) trucks for the event.

Gallasch congratulated Averbuch for a successful event on the open house.

Treasurer Morrow was not present at the meeting due to business travel.

Coyer asked if Averbuch wished to comment on the upcoming Budget review and the increase requested for the Fire Department, to which Averbuch delineated those changes requested, including fuel charges, using equipment longer rather than ordering new, and one time expenses for repairs. Averbuch added that increased reporting requirements continue to require more time, laptops that can resist vibration on trucks are to be acquired, response times were discussed, personnel costs, and homeland security grants are being sought. Discussion ensued regarding one time costs and ongoing costs for the

department and Averbuch was congratulated for being proactive about repairs and other cost items.

Gallasch commented on the need to keep an eye on the millage rate, noting that it would take several months to contact residents and arrange for a possible election for increasing the millage, and asked Averbuch to stay in touch with Stoppels in that regard.

VI. SUBMISSION OF CURRENT BILLS

General Administration	\$	18,802.54
Building	\$	5,039.58
Insurance	\$	27,870.56
Legal	\$	6,884.14
Police	\$	21,081.71
General Debt Service	\$	425.00
Major Roads	\$	11,681.21
Local Roads	\$	11,752.88
Rubbish	\$	16,519.26
Trust & Agency	\$	5,400.00
Tax Fund	\$	10,928.57
Waste Water	\$	<u>0</u>
Totals	\$	136,385.45

Motion by Jahnke supported by Coyer to approve the bills list as submitted.

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

Nays: None

Motion carried.

VII. PUBLIC REQUESTS AND COMMENTS

Marcia Gershenson, Oakland County Commissioner, District 17, reported on amended budget public hearings at the County adding that the proposed budget cuts due to decreased revenue and that department heads had been asked to submit changes and that those from the Sheriff's department were difficult to understand and accept, and that for alternates to jail programs. Gershenson referred to a survey that had been mailed to County residents, noting that jail alternatives, like boot camp and others, were a very important issue, as it could prevent a new jail being necessary in the future. Gershenson reported that a studio in Troy does recordings of text books and novels for dyslectic and blind county residents, and that she and Moss had been invited to read for that purpose. Gershenson reported that the County Golf Courses are open and there are early season deals for rounds of golf and that there would be a special meeting on Wednesday May 14, 2008, 7:00 p.m. to discuss the possible Zoo millage at the Oakland County Board of Commissioners.

Chuck Moss, State Representative, District 40, reported on the Blue Cross/Blue Shield bill that was stopped at the senate in their attempt to broaden to Property and Casualty

coverage in the state of Michigan, and the Attorney General was reviewing it as well. Moss stated that the elimination of the gas tax was being discussed, the need for new sources for oil, and better fuel efficiency. Moss also reported on the revenue estimates that are going down and discussed the moratorium on foreclosures.

Coyer questioned Moss on "electric choice" and Moss reported that new bills were being introduced with the need for replacing power plants and renewable energy sources being sought, such as wind turbines. Moss further discussed that in the current bills there was no nuclear component.

VIII. NEW BUSINESS

A. Consider Civic Events Permit for "Music on the Green"

#2008-25 Motion by Coyer supported by Schiano to approve the Civic Event Permit for "Music on the Green" to take place on the Village Green, on the following dates: July 9, 16, 23, 30, 2008 with the usual insurance requirements.

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

Nays: None

Motion carried.

B. Consider Civic Events Permit for "Movies on the Green"

#2008-26 Motion by Schiano supported by Saltzman to approve the Civic Event Permit for "Movies on the Green", on the following dates: July 30, August 6, 13, 20, 2008 with the usual insurance requirements.

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

Nays: None

Motion carried.

IX. PROCLAMATIONS/RESOLUTIONS/ORDINANCES

A. Consider Ordinance to Amend Section 1440.03 of Chapter 1440, Permits, Bonds, deposits and Fees, of Part Fourteen, Title Four of the Codified Ordinance 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 (second reading).

#2008-27 Motion by Coyer supported by Lamott to approve the Ordinance to Amend Section 1440.03 of Chapter 1440, Permits, Bonds, deposits and Fees, of Part Fourteen, Title Four of the Codified Ordinance 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 its second reading.

Staran explained that the ordinance provides for the Village to retain the forfeited bonds for completed building projects in the Village and described the procedure to be followed as outlined in the ordinance.

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

Nays: None

Motion carried.

B. Consider Resolution to Continue to Participate in Oakland County's Urban County Community Development Block Grant (CDBG) Programs for the years 2009, 2010, and 2011.

#2008-28 Motion by Jahnke supported by Lamott to approve the Resolution to Continue to Participate in Oakland County's Urban County Community Development Block Grant (CDBG) Programs for the years 2009, 2010, and 2011, as follows:

We resolve to participate in Oakland County's Urban County Community Development Block Grant (CDBG) programs for the years 2009, 2010, 2011. Furthermore, we resolve to remain in Oakland County's Urban County Community Development programs, which shall be automatically reviewed in successive three-year qualification periods of time, or until such time that it is in the best interest of the local Community to terminate the Cooperative Agreement.

Stoppels explained that there is no cost to the Village to participate in the program, as the administrative costs are charged back to the program, as is required. Stoppels further commented on the annual contributions of approximately \$8,000 which are typically provided to the Birmingham Area Senior Coordinating Council (BASCC) and the Birmingham Youth Assistance and are put to good use for each of the groups.

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

Nays: None

Motion carried.

X. SPECIAL REPORTS

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

Gallasch stated that his reports were to be on the new Fire Department Apparatus and Chief Browne's fuel economy program, both of which have already been discussed.

B. Council Report

Lamott stated that the Franklin Cemetery Association will be holding their annual Memorial Day Ceremony (55th) at the Cemetery beginning at 11:00 a.m. on Monday May 26, 2008, after which the new Historic Marker will be dedicated at its location along Scenic Drive just west of the Cemetery entrance.

Lamott also reported that the Landscaping Committee has received notification of and have now confirmed that newly planted trees (from previous year's program) had died. The fifteen to twenty trees will be replaced shortly, and Lamott asked that others that may have noticed newly planted trees that are dead to please contact Village Hall to report them. Lamott further reported that the Landscape Committee has decided upon a plan for the plantings at the Police Station which will be a simple, historic plan that will be installed this spring. Lamott reminded everyone that the original landscape plan had provided for shade plants as a large tree had originally been on the site, which has since died, and has been removed.

Discussion ensued regarding availability of trees through Johnson Landscaping, to which Stoppels replied that the same price would not be applicable but that inquiries could be made for current pricing.

C. Administrator's Report

1. Huda School update

Stoppels reported on the status of the Huda School site plan and special land use applications as follows:

HUDA SCHOOL PRESENTATION

Since interior renovation work began at the Huda School, there have been a number of issues that have arisen. These issues relate to both construction and operational details. The issues can be categorized as either code infractions or as they are sometimes referred, "good neighbor" issues. Infractions such as these are typical for all building projects, especially one of this magnitude.

During this time period, the Village staff members have made a considerable number of contacts with school officials to address compliance issues. To date a total number of 13 "notices of violation" have been issued addressing a number of infractions. Further enforcement efforts have been implemented as needed to gain compliance and records of these activities have been kept.

Unfortunately, the Huda School is different than other properties in the Village. As a school they are under the jurisdiction of the State of Michigan as far as building issues are concerned. While they must adhere to local ordinances and regulations for building activities, enforcement is up to the State Department of Building Codes. However, despite this fact, the Village has worked diligently and within their authority to gain compliance where local regulations have been ignored or violated. The Village staff has developed a working relationship with both the state and the Huda School officials. Where compliance has not been gained, further enforcement efforts have been implemented or future compliance guaranteed by the Village's authority to control the site plan and special use permit which are required for any further expansion of the building or its uses. We have made several inquiries to the State to take over jurisdiction but have been denied. This is despite the state's inability to regulate the situation. We will continue to try to gain that authority.

The purpose of this report is to give you a status report on a number of issues where either compliance has been gained, or accommodations by Huda have been made. I will also discuss which open issues are still pending, which issues are subject to further site plan and special use permit reviews, and which issues must be resolved by other governmental jurisdictions such as the State or Oakland County.

In recent weeks a number of important questions have been asked which are answered as follows;

1. How can the Huda School expand their parking lot by applying gravel to formerly grassed area without site plan review? **ANSWER:** They cannot, and they were immediately asked to remove the gravel and return the parking lot to its original size. This issue is easy to explain; during last years' renovations, employees had to park away from the building during construction processes. Some employees were forced to park in a grassed area. Naturally the grass died and the area became muddy this spring. A workman that was cleaning up the site used some stockpiled gravel to level and "clean up" the area. His intentions were good but improper. The school officials were unable to act as quickly as the Village had mandated the restoration work to be completed so the Village did the work and charged that cost plus fees to the school. This is an enforcement process that is similar to the procedure that we use for overgrown grass and weeds.
2. *Why are all Huda School properties property tax exempt when one of the owners, Franklin Hills Associates is listed as a for profit entity?* **ANSWER:** The County Department of Equalization is the jurisdiction responsible for assessing and maintaining appropriate records related to property ownership and taxability. The owners of the school property have filed as non-taxable since the property is used for school purposes. The County accepted this claim and has treated the property as tax exempt. A recent contact with the Department of Equalization has prompted them to send a notice to the Huda School owners to affirm that they qualify for property tax exemption. A determination from the County will be forthcoming. A follow up contact with the County on May 7th indicated that the County is moving to the next step for gaining the necessary information. The use is tax exempt, but the ownership is not.
3. *Does the Huda School have a certification or license from the Oakland County Department of Public Health to have food service?* **ANSWER:** The Oakland County Department of Public Health has sole authority over licensing and regulation of food service facilities. There are different levels of food services and each requires a different license or certification. A recent contact with the health department has prompted a surprise inspection to determine what level of food service the Huda School is providing (if any) and what licenses or certifications may be necessary. The result of the inspections was that the school was, and is in compliance with all County Health Department regulations as is their food service provider.
4. *Has the Birmingham School District needed to change or otherwise modify their school bus pickup, drop-off or traffic patterns due to traffic or other activities at the Huda School?* **ANSWER:** According to the Birmingham Schools Transportation Director, no changes have been made to their bus route, or pick-up and drop-off sites due to any traffic or activities at the Huda School. The Director did state that one resident asked that their children not be picked up but that request was recently rescinded.
5. *Is the Huda School dumpster an attraction to raccoons, opossums or other vermin?* **ANSWER:** Police officers have been monitoring the dumpster every evening for the last week. They have found no evidence of vermin in or around the dumpster. Raccoons and other vermin are plentiful in Franklin because of our rural atmosphere. Such animals are attracted to food sources including garbage, gardens and food stored outdoors for domestic animals. At our urging, Huda officials changed their refuse pickup schedule and even changed the hauling company. We expect that any problems that were experienced in the past will not re-occur as a result of these changes.

There are several other issues that have been brought up by neighboring residents in recent weeks and months. These issues are essentially the same as those issues previously established by Village staff in an effort to bring the Huda School property and operation into compliance with local regulations. This process, from an enforcement standpoint, is a difficult one for the following reasons;

Again, building permits and inspections for all school buildings (both public and private) are under the jurisdiction of the State of Michigan. The State, admittedly, is short staffed and will not make frequent or routine inspections to ensure that all local regulations pertaining to property and building site maintenance are adhered to. The Village can make efforts to require adherence to building related issues but lacks the authority to force compliance in court. Unfortunately, many of the complaints regarding the school operations and property maintenance are not specifically ordinance or code violations. The identified problems are "good neighbor" issues which are even more difficult to enforce.

The Village staff is working closely with Huda officials and on a daily basis to make sure that the issues are resolved. The following successes at our urging have been achieved;

- Drop-off and pickup times have been staggered to minimize traffic congestion.
- A parking arrangement with the Franklin Church has been finalized
- "No Parking" zones and "No Parking in Driveways" regulations have been established, posted, and enforced
- Police Officers monitor drop-off and pick-up times to ensure minimum traffic disruptions and write citations if necessary.
- Huda officials take a "hands on" approach to physically direct the traffic both on and off the site.
- Stored construction equipment has been removed from the site.
- Shades on windows have been installed to minimize light emanating from inside. Unfortunately, they are opaque and do not obscure light. The Village does not have an ordinance that regulates interior lighting (this is true for most municipalities)
- Auto shutoff light switches have been installed in classrooms and interior spaces.
- The construction dumpster was removed
- The well house was secured from entry
- The hole/trench near the well house was filled in
- The septic overflow claim was found to be non-existent through 3rd party lab testing
- Roof top a/c units were modified and approved by Historic District Commission
- A parking lot variance was applied for and approved
- A temporary fence variance was applied for and approved
- The road was repaired on Romany Way

Pending Code Enforcement Issues

The following outstanding issues have been communicated to the Huda School officials in a variety of ways for several months. Better weather conditions should allow for quick resolution.

- Dead tree, limb and brush removal
- Stock piled sand, gravel and concrete piles to be removed
- Improved trash and dumpster management and temporary screening (building permit required and site plan consideration also pending)
- Abandoned wire removal
- Block wall repair
- Trash and debris pickup/removal
- General grounds maintenance (spring cleanup)
- Four season maintenance plan
- Backfill of curb in circular drive (completed on May 14, 2008)

Issues to be Resolved Through Site Plan and Special Use Permit Review

- Final landscaping
- Tree replacement and new tree planting plan
- Final approval of sidewalks as constructed or as to be modified
- Outdoor storage enclosure or screening
- Screening/sound deadening and final location of electrical transformer
- Permanent dumpster location, screening and trash management plan
- Parking requirements
- Traffic regulations
- Hours of operation
- Uses allowed
- Commuter parking
- Exterior lighting

The Following Issues Will be Attended to, and Resolved By Other Governmental Entities (with input from Village)

- Property taxes – Oakland County
- Final Certificate of Occupancy – Phase I – State of Michigan
- Construction permits/ inspections – Phase II (if approved) – State of Michigan
- Food Services – Oakland County - Through regular on-going inspections, monitoring and assistance

Stoppels apologized for the length of the report, and asked Council if they had any questions.

Discussion ensued regarding whether or not the Planning Commission public hearing was moving forward to which Stoppels replied no and the first earliest opportunity would now be in June as the date had not yet been set. Further discussion involved the state control of school building permits for which Stoppels outlined the state requirements (three full time inspectors) adding that he was still pursuing that possibility. Stoppels, in response to questions, further explained that public education has been difficult for a project of this size and the long time it has taken.

Dayle Hoffecker, 26057 Romany Way, questioned the tax exemption status of the school property citing her own research at Oakland County, and her research into a tax tribunal case on that property for which the County could not provide any information. Stoppels replied that Oakland County had determined some time ago that the tax status was non exempt and that further research was to be conducted. Staran noted several people at Oakland County that he had had a number of conversations with, and that the status was being researched and a letter had been sent to the Huda School officials with questions in that regard. Stoppels noted that the use is tax exempt, but the ownership is not, but that the ownership could be transferred to reconcile that.

Hoffecker asked how long entities other than the school would be allowed to conduct their activities at the school site. Stoppels stated that the review process

) will allow for the necessary review, but with delays in the review, other actions might be considered.

Christopher Pray, 26011 German Mill, complemented Stoppels on the thoroughness of his report, noting his concern for all of the issues and the time that has gone by. Pray asked that the Historic District Commission concerns be included in the review, and asked that the other activities be curtailed.

Jahnke, asked when the determination would be made regarding the tax status of the property.

Staran replied that he had not been able ascertain when the determination for tax status would be made as yet, but would follow up with the Oakland County Equalization Department. Additionally Staran noted that technically that determination is supposed to have been made every year for all properties, but realized that unless a question is raised, it typically is not reviewed each year.

In response to questions, Staran stated that it was his impression that Oakland County was making their determination for the 2008-2009 tax year, probably at the July Board of Review, which is within their authority to do so.

Jahnke requested that staff be vigilant and continue to request the completed Special Land Use application. Stoppels replied that both he and Staran are coordinating their efforts in pursuit of the completed application.

Lamott introduced Eagle Scout candidate Onurkan Karabulut, who explained his Eagle Project that he will be performing at the Historic Society Property, wherein he will extend the path down to the creek and to clear out invasive plants such as garlic mustard.

2. Proposed Budget FY2008-2009

Stoppels provided an executive summary of the staff proposed budget which explained the many changes from previous years that were incorporated. Discussion ensued regarding the proposed millage rate, the various fund balances, and the debt service schedule. The Finance Committee will be reviewing the budget on Friday, May 16, 2008 which once finalized will be provided for the Budget Public Hearing which will be held on Monday, May 19, 2008 at 8:00 p.m. at the Village Hall. Stoppels explained that the taxable values for the Village increased for this fiscal year, unlike most other communities around us, and that the millage reduction factor was 1.00, unlike other years when it is lower. Stoppels reminded the Council that the reduction in the millage rate is due to the Council's decision to use the Pressure Sewer Fund Balance to pay the Debt Service for the last several years, and that beginning in the next year or two, that millage rate will again go up to accommodate the payment of the sewer debt. Discussion ensued regarding the fact that the Village millage rate is actually a small portion of the taxes payable by Villagers for their school, County and other

property taxes. Stoppels reported on the reduced activity in the Building Fund and the plans for road repair and replacement, much of which is not necessary for the upcoming year, but that Act 51 monies are being saved for future replacements (in 2014 approximately) due to the implementation of the fixed cost DPW Contract. The rubbish contract was discussed regarding the fuel adjustments being charged. Stoppels reported that the General Fund Fund Balance is expected to be \$487,000 which is 25% of the Village's Annual Budget. The Fund Balance for the Fire Department remains at \$60,000 which should suffice to hedge against a future shortfall as a result of Headlee impacts on the millage rate. The Pressure Sewer debt and the contract with the County Drain Commission was discussed. The proposed millage rate was discussed and it was determined that that may be adjusted further at the direction of the Finance Committee. State Revenue sharing was discussed as well as a proposed compensation plan for Village employees.

Christopher Pray, 26011 German Mill, requested that the Village website be updated.

Stoppels replied that the update continues and is completed in house.

The possibility of a personnel committee meeting was discussed and Stoppels replied that he would attempt to convene one, maybe in conjunction with the Finance Committee meeting.

Lamott asked if the speed sign on Franklin Road could be permanently installed, instead of relying on the batteries as it is currently, citing the constant battery replacements and the dimness of the bulbs in the unit.

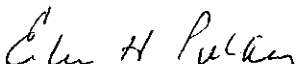
Stoppels replied that cost estimates would be obtained for that installation.

XI. ADJOURNMENT

Motion by Lamott supported by Schiano to adjourn the meeting.

There being no further business, the meeting adjourned at 9:58 p.m.

Respectfully submitted,



Eileen H. Pulker, Clerk

H. Frederick Gallasch, President