

**PROCEEDINGS OF VILLAGE OF FRANKLIN
VILLAGE COUNCIL REGULAR MEETING
MONDAY, SEPTEMBER 13, 2010, 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: Fred Gallasch, Brian Gettel, Mark Jahnke, Jim Kochensparger, Bill Lamott, Steve Rosenthal, Mike Seltzer

Also Present: Amy Sullivan, Interim Acting Administrator
Eileen Pulker, Clerk
Patrick Browne, Police Chief
Tony Averbuch, Fire Chief
John Staran, Hafeli Staran Hallahan & Christ, P.C., Village Attorney

III. ADOPTION OF AGENDA

Motion by Seltzer supported by Gettel to approve the Agenda as revised.

Kochensparger requested that a discussion on the pressure sewer system be added to the agenda with the consensus of Council being to hold the discussion as part of the DPW report.

Ayes: Gallasch, Gettel, Jahnke, Kochensparger, Lamott, Rosenthal, Seltzer

Nays: None

Motion carried.

IV. MINUTES

A. August 9, 2010 Regular Village Council Meeting

Motion by Seltzer supported by Jahnke to approve the minutes of the August 9, 2010, Regular Village Council Meeting as submitted.

Ayes: Gallasch, Gettel, Jahnke, Kochensparger, Lamott, Rosenthal, Seltzer

Nays: None

Motion carried.

B. August 10, 2010 Special Village Council Meeting

Motion by Jahnke supported by Kochensparger to approve the minutes of the August 10, 2010, Special Village Council Meeting as submitted.

Ayes: Gallasch, Gettel, Jahnke, Kochensparger, Lamott, Rosenthal, Seltzer

Nays: None

Motion carried.

C. August 11, 2010 Special Village Council Meeting

Motion by Seltzer supported by Jahnke to approve the minutes of the August 11, 2010, Special Village Council Meeting as submitted.

Ayes: Gallasch, Gettel, Jahnke, Kochensparger, Lamott, Rosenthal, Seltzer

Nays: None

Motion carried.

V. REPORTS OF VILLAGE OFFICERS AND AGENTS

A. Main Street Franklin Request for Additional Funding

Gallasch introduced this item noting that Main Street Franklin (“MSF”) had submitted a listing of the items necessary for the upcoming events. Pat Burke advised that the submitted budget requests additional funding (\$4,000.00) for the visioning discovery session (\$2,500.00) and collateral (\$1,500) that are needed to carry forth with the MSF mission. Burke noted that Main Street Oakland County (“MSOC”) and 4C Branding have also contributed significantly towards these items and that the visioning discovery session will include representation from all stakeholders and will result in deliverables enabling MSF to move forward with its Capital Campaign. Discussion ensued regarding funding with Burke advising that the goal is to submit a 3 year budget after finalizing the numbers. Burke noted that the visioning session will result in deliverables such as a logo, graphic template, Essence Statement, and Positioning Statement. Burke noted the commitment by Steve Shower’s to the Main Street program and MSOC’s contributions brought Farmhouse Coffee and Ice Cream to the Village.

#2010- 93 Motion by Seltzer supported by Gettel to approve the request for \$4,000.00 in additional funding for Main Street Franklin for the visioning discovery session and collateral items.

Discussion ensued regarding the need for concrete results from the visioning session (Burke noted there will be 5 deliverables), anticipated budgetary expectation after the Capital Campaign (Burke noted that the Village has been funding the Director’s salary and it is anticipated, now that the Bylaws have been amended to enable MSF to raise funds, that MSF will work with what the Capital Campaign generates), Auto Show results (Burke advised the event broke even and it is anticipated that this event will move towards a promotional rather than fundraising event with attendees experiencing more of Main Street), and 4C Branding (Burke noted this is a company that Carmody has worked with in the past and it is also receiving some funding from MSOC for this project). Pam Hansen reminded Council that the Village committed to MSOC in 2007 for substantial funding for MSF for 3 years, provided a brief overview of funding, and requested Council to be sensitive to that commitment.

Ayes: Gallasch, Gettel, Jahnke, Kochensparger, Lamott, Rosenthal, Seltzer

Nays: None

Motion carried.

Burke provided a brief summary of MSF progress noting that a Tech visit was recently held, Business Development, Design, and Organization Committees are working on yearly work plans, Promotions Committee is working on a new event, Franklinstein, to be held October 23rd which will focus on children, By Laws were changed to allow MSOF to be a membership organization, and welcomed a new business Fritz and Friends.

Patrick Browne, Police Chief: Browne referred to his submitted report, reviewed recent activity in the Village, noted the great job that a Mobile Watch member performed in an August incident, and advised that one Police Officer is still off, due to an on the job injury. Jahnke inquired as to Round Up with Browne advising it was a good crowd and there were no problems.

Tony Averbuch, Fire Chief: Averbuch referred to his submitted written report, summarized a recent incident involving a salt water fish tank, noted there was a similar incident earlier in the year, reminded Villagers of the need to monitor devices using electricity as electricity is dangerous, advised the Department participated in a Mutual aid response in Highland Park, expressed appreciation for the opportunity to review the parking lot plans for Huda School, and thanked Council/Administration for moving forward with the Banner Policy. Kochensparger inquired if the Policy as submitted meets the Department’s needs with Averbuch answering in the affirmative. .

Thomas Morrow, Treasurer: Morrow referred to his submitted written report, noted that the Bill’s List includes several large bond payments and the 2010 tax distributions, and commented that past budgets included a cushion to assist with funding unanticipated worthy projects. However, to balance the budget, that cushion was removed, and funding for non-budgeted projects will come out of the General Fund. Continuing, he opined that next year will be more difficult due to projected declining revenues from

declining property values and with no assurance from the State regarding State Shared Revenue funding. Morrow urged Council to move forward with great wisdom, and thanked Council Members for their service.

VI. SUBMISSION OF CURRENT BILLS

Motion by Jahnke supported by Gettel to approve the Bills List subject to payment to Hubbell, Roth & Clark for engineering services be withheld until reviewed pursuant to Council discussion and approved for release by the Interim Acting Village Administrator as amended.

TOTALS

General Administration	\$	37,757.23
Building	\$	11,372.56
Insurance	\$	60,370.74
Legal	\$	2,829.00
Police	\$	19,911.02
Pressure Sewer	\$	212,195.63
General Debt Service	\$	343,520.00
Major Roads	\$	9,650.82
Local Road	\$	7,650.82
Rubbish	\$	17,873.56
Trust & Agency	\$	8,800.00
Tax Fund	\$	317,605.60
Waste Water	\$	490.88
ALL FUNDS		<u><u>\$ 1,050,027.86</u></u>

Discussion ensued regarding Insurance /Retirement-Retiree (Gardner), MMRMA (2nd of 3 budgeted installments), State of Michigan/State Police (LIEN is acronym for Michigan State Police information system), Police-Alegra Printing & Imaging (number missing), Police-Stakes for Round Up (no parking notices), Trust & Agency-Jahnke (Jahnke not recipient; Pulker to clarify), Police (no coverage during waiting period for new hires), Tax Fund-overpayments (refund to mortgage company), Local and Major Roads-Hubbell, Roth & Clark ("HRC") Engineering Services. Discussion ensued regarding fees, covered projects (2), amounts approved, proposal process including inspections, and Council action with additional information being requested. Jahnke amended the motion to allow Sullivan to research HRC fees and release check if comfortable or return to Council for direction if necessary. Sullivan noted she will provide Council with a follow-up memo.

Ayes: Gallasch, Gettel, Jahnke, Kochensparger, Lamott, Rosenthal, Seltzer

Nays: None

Motion carried.

VII. PUBLIC REQUESTS AND COMMENTS

- **Marcia Gershenson, Oakland County Commissioner, District 17**, commended all those involved with Franklin Roundup, thanked Tom Couvreur for his commitment to Dorchester subdivision, and noted that flu vaccinations are now available through the County.
- **Chuck Moss, State Representative**, advised that the budget is close to being finalized though it contains one-time fixes and it is hoped that revenue sharing will remain at its current level though discussions are continuing.

- **Pam Hansen, 32820 Wing Lake Road, Planning Commission Chairman**, advised she is appearing on behalf of the Planning Commission to request Council's assistance with enforcement of the Temporary Sign Ordinance, noted a merchant is in continued violation, briefly reviewed the recent changes to the Sign Ordinance relative to temporary signage, advised that Planning Commission requested a letter, by staff, be transmitted to merchants advising as to the Ordinance, however the letter was not transmitted, to date no citations have been issued, and requested Council to take action to enforce the Ordinance. Discussion ensued regarding violations, enforcement, and penalty with Pulker advising that Dinnan is working on the matter and Sullivan advising she will look into the situation and provide a follow-up report to Council.
- **Pat Burke, 32965 Franklin Court**, advised that plastic (a specifically prohibited material) "A" frame signs are also in use.

VIII. SPECIAL REPORTS

A. President's Report

Gallasch thanked the Eagle and Observer Eccentric for recent coverage of the Auto Show and Farmhouse Coffee and Ice Cream Opening.

B. Council Reports

1. Kreger House Report, Bill Lamott - Trustee

Lamott noted that the Barn Dance/Dinner is scheduled for the 25th and the Art Show for the 26th, the 2 Franklin artists involved in the art show are very talented and will be donating a portion of the proceeds to the Kreger Fund, electrical work should begin next week, and Bob Smith and other volunteers continue to donate considerable time to the Kreger project.

2. Legal Committee Report

Gettel noted that Committee discussions involved items listed on the agenda with any relevant input to be provided under each agenda item.

3. Finance Committee Report

Jahnke noted the Committee met last week with discussion continuing to focus on the audit and other post employment benefits ("OPEB").

4. Personnel Committee Report

a. Status Village Administrator Search

Gallasch/Pulker advised that resumes will be reviewed tomorrow night and the interview process will commence with those selected.

5. DPW – Road Administrator Committee Report

Gallasch noted the Committee has a set meeting time – the first Thursday of each month. Kochensparger noted that he, Sullivan and London drove through the Village to review DPW projects after which Sullivan met with Great Lakes to establish some priorities and accountability and noted prep for Round Up went well. Kochensparger suggested the Village schedule an educational session at a Wastewater Management meeting to better equip Council to make educated decisions relative to operation of the system, preventive maintenance, and cost saving opportunities. Kochensparger proposed the session include the local pump maintenance supervisors and engineering technicians from Oakland County Water Resources Commission. Discussion ensued regarding benefit and timing with Sullivan offering to follow up and try to schedule for the October meeting (early start).

6. Website Committee Update

Gettel provided a status update noting that it is operational but still under construction. Discussion ensued regarding outstanding items with Pulker advising that updating remaining ordinances, providing access to archived information, and making the website more compatible with Microsoft Explorer are the main items still being worked on. Gettel inquired relative to Council contact information and Kochensparger thanked the Pulker family for work on the website and noted the Committee will continue to meet to ensure the Village is continuing to use and update the website and monitor whether it is reasonable to expect Pulker to continue to have time to update the website.

IX. UNFINISHED BUSINESS

A. Consider Appointment to Village Commission – Historic District Commission (HDC)

Gallasch advised this item was postponed from the August meeting and noted Gary Roberts, HDC Chair, has recommended Beverly Neumann for the appointment.

Motion by Lamott supported by Gettel to appoint Beverly Neumann to the 3 year term HDC appointment.

Rosenthal inquired as to last month's deliberations with Gallasch/Kochensparger advising there were 2 candidates nominated with a tie vote on each. Discussion ensued regarding process with it being noted that Council has the authority to appoint.

Roll Call Vote:

**Ayes: Gettel
Gallasch
Lamott**

**Nays: Seltzer
Jahnke
Rosenthal
Kochensparger**

Motion Failed.

#2010-94 Motion by Rosenthal supported by Kochensparger to appoint MaryAnn Liut to the 3 year term HDC appointment.

Discussion ensued regarding 2 qualified candidates, Village wide impact of not supporting the Historic District Commission's recommendation, process for Council action, and desire to have an appointee who resides in the Historic District.

Roll Call Vote:

**Ayes: Seltzer
Jahnke
Rosenthal
Kochensparger**

**Nays: Gettel
Gallasch
Lamott**

Motion Carried.

B. Consider Additional Repairs/Replacement of the Police Station Handrails and Sprinklers

Gallasch provided an overview on this matter as did Browne with Browne advising an additional verbal quote has been received which was comparable to the first quote and a portion of the handrail has deteriorated further. Discussion ensued regarding material and irrigation system with Lamott advising 4 sprinkler heads have been capped which should resolve the issue.

#2010-95 Motion by Gettel supported by Kochensparger to accept the original bid in the amount of \$6,332.00 for the Repair/Replacement of the Police Station Handrails and to schedule replacement as soon as possible.

Ayes: Gallasch, Gettel, Jahnke, Kochensparger, Lamott, Rosenthal, Seltzer

Nays: None

Motion carried.

X. NEW BUSINESS

A. Consider Proposed Bids for the 2010 Road Rehabilitation Program

Gallasch provided a brief introduction noting the bid is for Phase 1 of the 2010 Road Rehabilitation Program.

#2010-96 Motion by Jahnke supported by Rosenthal to accept the recommendation of Hubbell, Roth & Clark for the bids for the 2010 Road Rehabilitation Program and award the Contract to Midwest Pavement Contracting, Inc. in the amount of \$25,000.00 which includes the bid of \$22,671.70 and a 10% contingency which allows for additional quantities if necessary.

Discussion ensued regarding observer/crew days, estimated completion date, and temperature impact with Sullivan instructed to obtain additional information relative to the observer/crew days and estimated completion date.

Ayes: Gallasch, Gettel, Kochensparger, Jahnke, Lamott, Rosenthal, Seltzer

Nays: None

Motion carried.

B. Consider Pressure Sanitary Sewer Service Agreement Among the Village of Franklin, City of Farmington Hills, and Robert Brody

Gallasch provided a brief overview and Staran referred to his submitted correspondence, provided a summary, and noted that Council approved this in concept at its September 30, 2009 meeting subject to the Village's Engineers verifying sufficient capacity, payment of applicable charges and fees by the property owners, and approval at a future meeting of the Intergovernmental Agreement, which is before Council for consideration this evening. Discussion ensued regarding fees/user charges, potential for charging a fee to cover millage costs and infrastructure historical cost with Staran advising this was not part of Council's initial directive, excess capacity in the system, Council's initial discussion, timing concerns, and process with it being suggested to postpone consideration to enable a review of the minutes and a review by Legal Committee as to whether historical costs can be quantified and whether it is appropriate to request this be incorporated into the Agreement and with Staran noting a multiplier for non-resident users could be the vehicle to offset the costs.

#2010-97 Motion by Gettel supported by Kochensparger to postpone consideration and to transmit to Legal Committee for review of the Pressure Sanitary Sewer Service Agreement Among the Village of Franklin, City of Farmington Hills and Robert Brody, and consideration of recovering historical costs.

Dean Moenck, 26148 Meadow, noted his costs and opined that anyone on the sewer system should be paying the same support on the infrastructure.

Ayes: Gallasch, Gettel, Kochensparger, Jahnke, Lamott, Rosenthal, Seltzer

Nays: None

Motion carried.

C. Consider Planning Commission Request for Parking Study Funding

Gallasch provided a brief overview. Hansen referred to submitted correspondence which included a proposal from Doozan relative to the Parking Study, and noted requested action by Council is to approve expenditure of up to \$1,800.00 to conduct the parking study. Continuing, Hansen noted the

Commissioners on the Committee, previous data will be reviewed for relevance, focus groups will be utilized and Main Street will be included as it is anticipated Main Street will be sponsoring implementation, goal is to update study, ensure adequate spaces, and identify and address safety concerns. Discussion ensued relative to funding with Hansen noting the full cost would commit approximately 1/3 of the Commission's budget which is a concern as it is early in the fiscal year and the Commission would cover the balance which is anticipated to be approximately \$1,800.00.

#2010-98 Motion by Kochensparger supported by Jahnke to approve up to \$1,800.00 for the Planning Commission parking study.

Discussion ensued regarding funding, critical nature of the study, need for results, need for Council to be vigilant with its budget due to economic challenges, preference for the Commission to cover the costs and approach Council when funds are depleted, and previous parking study.

Ayes: Gallasch, Gettel, Kochensparger, Jahnke, Lamott, Seltzer

Nays: Rosenthal

Motion carried.

D. Consider Franklin Representative to the Southfield Township Board of Review

Jahnke provided an overview advising that Southfield Township is looking for names of Villagers interested in serving on the Board of Review as Franklin's current representative, Jim Evans, has indicated his desire to move on. Discussion ensued with the suggestion made to post this opportunity on the website and names be submitted to staff.

E. Consider Local Approval of Dance/Entertainment Permit for Franklin View Enterprises

Kochensparger recused himself from the discussion. Browne provided an overview of the Resolution, MLCC requirements, potential Council action, Letter of Intent submitted by Franklin View Enterprises, investigation results, and noted that his recommendation is to approve if all Village requirements are met. Discussion ensued regarding compliance, process, use, and managing problems if they arise with Staran noting that a determination regarding Building Code compliance was conducted as part of the yearly inspection with a determination made at that time that the Grill was in compliance, the Village has to recommend approval in order for the MLCC to issue the Permit, and an agreement could be put in place between the Village and proprietor to address issues as well as the annual liquor license renewal process.

Jim Kochensparger, 30670 Kirk Lane, President Franklin View Enterprises, addressed Council, clarifying the purpose is to provide light entertainment and an opportunity for people to dance if they choose to without being in violation of the Liquor License and noted that capacity is already limited with no intent to exceed that limit.

#2010-99 Motion by Gettel supported by Seltzer that the request from Franklin View Enterprises, inc., for a new Dance-Entertainment Permit to be held in Conjunction with 2010 Class C Licensed Business, located at 32760 Franklin Road, Franklin, Michigan 38025, Oakland County, be considered for Approval, based upon input received from the applicant.

Ayes: Gallasch, Gettel, Jahnke, Lamott, Rosenthal, Seltzer

Nays: None

Abstain: Kochensparger

Motion carried.

F. Consider Bingham Farms/Franklin Police Services Agreement

Gallasch noted the Agreement has not been prepared yet.

G. Consider Proposed 5K/10K Run, Almost Home Animals, 09/25/10

Gail Montgomery, founder of Almost Home Animal Rescue, and supporters, provided a brief overview of the shelter as well as the scheduled event. Discussion ensued regarding route, safety concerns, estimated

participants, route monitors, timing, lack of notice, municipal responsibilities for an organized event, Civic Event Permit, sponsors, and estimated Village costs.

#2010-100 Motion by Lamott supported by Kochensparger to approve the application for the 5K/10K Run for Almost Home Animals on 9/25/10, with the understanding that the Village will incur approximately \$150.00 in police costs, valid insurance is provided by the Applicant, and the Fire Chief is consulted to ensure adequate staffing.

Ayes: Gallasch, Gettel, Kochensparger, Lamott, Rosenthal, Seltzer

Nays: Jahnke

Motion carried.

H. Consider Proposed Banner Policy

Staran noted the submitted Policy has been reviewed by the Fire Department, Building Official, and Village Attorney and provided a brief overview noting an application is required, Council approval after Departmental review is required, language has been added to specify type, Fire Department is responsible for installation/removal with installation materials provided, insurance /hold harmless agreement is required, and specifications are included. Discussion ensued regarding form, typo on page 1 (steal v steel), clarification of specifications, indemnification of building owner, and DTE and building owner property. Jan Serra inquired if as the building owner she has any liability.

#2010-101 Motion by Jahnke supported by Kochensparger to postpone consideration of the proposed Banner Policy with staff directed to research building owner concerns and DTE issues.

Ayes: Gallasch, Gettel, Kochensparger, Jahnke, Lamott, Rosenthal, Seltzer

Nays: None

Motion carried.

I. Consider SMART FY2011 Municipal and Community Credit Contract

Gallasch/Pulker provided a brief overview advising that this is considered annually by Council with the Municipal Credits transferred to Birmingham Area Senior Coordinating Council (BASCC) which manages the SMART busses for Franklin. Discussion ensued with staff requested to provide a cover memo in the future.

#2010-102 Motion by Jahnke supported by Gettel; to approve the Municipal and Community Credit Contract for FY 2011 to BASCC.

Discussion ensued regarding the potential to transfer the credits to another entity or whether Council should institute a standing policy to transfer the credits to BASC with Gallasch noting that a resolution is required and disagreeing with collecting taxes only to redistribute them.

Ayes: Gettel, Kochensparger, Jahnke, Lamott, Rosenthal, Seltzer

Nays: Gallasch

Motion carried.

Gettel inquired as to whether fees are required under the Civic Event Permit with Staran advising that this is discretionary though it could be required as a condition of granting a permit. Seltzer requested clarification as to existing banners.

XI. ADJOURNMENT

Motion by Lamott supported by Rosenthal to adjourn the meeting.

Ayes: Gallasch, Gettel, Jahnke, Kochensparger, Lamott, Rosenthal, Seltzer

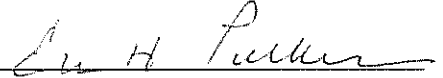
Nays: None

Motion carried.

There being no further business, the meeting adjourned at 10:35 P.M.

Respectfully submitted,

Lori Rich, Recording Secretary



Eileen H. Pulker, Clerk

H. Frederick Gallasch, President