

**PROCEEDINGS OF VILLAGE OF FRANKLIN
VILLAGE COUNCIL REGULAR MEETING
MONDAY, OCTOBER 11, 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, Jim Kochensparger, Bill Lamott, Steve Rosenthal, Mike Seltzer

Also Present: Amy Sullivan, Village 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 Lamott supported by Seltzer to approve the Agenda as submitted

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

Nays: None

Motion carried.

IV. MINUTES

A. September 13, 2010 Regular Village Council Meeting

Gallasch inquired if a resident had volunteered to be Franklin's representative to the Southfield Township Board of Review with Pulker answering in the negative. Gallasch then requested that Villager's consider this position.

Motion by Seltzer supported by Rosenthal to approve the minutes of the September 13, 2010, Regular Village Council Meeting as submitted.

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

Nays: None

Motion carried.

B. September 14, 2010 Special Village Council Meeting

Motion by Gettel supported by Lamott to approve the minutes of the September 14, 2010, Special Village Council Meeting as submitted.

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

Nays: None

Motion carried.

C. September 25, 2010 Special Village Council Meeting

Motion by Kochensparger supported by Seltzer to approve the minutes of the September 25, 2010, Special Village Council Meeting as submitted.

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

Nays: None

Motion carried.

V. REPORTS OF VILLAGE OFFICERS AND AGENTS

Gallasch advised that Council extended an offer to Amy Sullivan for the Village Administrator position which was accepted.

Patrick Browne, Police Chief: Browne advised that the Dept. was gearing up for fire arms training and reviewed recent activity in the Villages noting that the area has experienced larceny of GPS devices from autos with Villagers/business owners/property managers and business employees requested to notify the Dept. of any suspicious activity especially as it relates to the potential theft of these devices. Discussion ensued regarding GPS devices with Browne advising the devices are built in and relatively quick and easy to remove and construction on Telegraph with Browne noting that enforcement activity has been stepped up.

Tony Averbuch, Fire Chief: Averbuch referred to his written report and noted they are working on building maintenance issues.

Thomas Morrow, Treasurer: Morrow referred to his submitted written report and noted that tax distributions for the library and fire department are included.

Discussion ensued regarding Great Lakes attendance at meetings.

Vivian Carmody, Main Street Director: Carmody referred to the brief budget that was submitted, noted that the Budget Committee's goal is to provide a 3 year budget before 2011, reminded as to the upcoming Visioning Session, advised that committee development is moving forward, work plans are in the process of being added to the Main Street Franklin website, committees have their own page on the website, Promotions Committee is working on Franklinstein Frenzy, and noted that after the Visioning Session Main Street can move forward with communication items such as a newsletter

VI. SUBMISSION OF CURRENT BILLS

Motion by Lamott supported by Seltzer to approve the Bills List as submitted.

Discussion ensued regarding Countryside Construction (page 2) and Village of Bingham Farms (Reimbursement for legal fees related to sidewalks – page 1).

TOTALS

General Administration	\$ 20,040.69
Building	\$ 5,489.59
Insurance	\$ 26,261.75
Legal	\$ 3,369.50
Police	\$ 15,543.41
Pressure Sewer	\$ 125.00
General Debt Service	\$ 150.00
Major Roads	\$ 6,759.56
Local Road	\$ 6,759.56
Rubbish	\$ 17,500.41
Trust & Agency	\$ -
Tax Fund	\$ 32,283.14
Waste Water	\$ 395.98
ALL FUNDS	<u><u>\$134,678.59</u></u>

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

Nays: None

Motion carried.

VII. PUBLIC REQUESTS AND COMMENTS

- **Chuck Moss, State Representative**, provided a Lansing update and extended his condolences on the passing of Mark Jahnke, noting that he was shocked and saddened by the loss of a good friend, guide and mentor who was well-respected and who will be greatly missed.
- **Marcia Gershenson, Oakland County Commissioner, District 17**, commended the many Villagers for their involvement with recent Village activities, provided a County update, extended her condolences to the Village as well as Mark Jahnke's wife and children on the tragic loss of Mark noting that he was a personal friend and the Village would honor his legacy by continuing to steer Franklin towards continued prosperity

VIII. SPECIAL REPORTS

A. President's Report

Gallasch noted that he will miss Mark greatly.

1. Tribute – Mark W. Jahnke

#2010-104 Motion by Seltzer supported by Gettel to adopt the Resolution for Councilman Mark W. Jahnke in Appreciation of his Public Service to the Village of Franklin as submitted.

Rosenthal read the following Resolution into the record.

RESOLUTION FOR COUNCILMAN MARK W. JAHNKE IN APPRECIATION OF HIS PUBLIC SERVICE TO THE VILLAGE OF FRANKLIN

WHEREAS, **MARK W. JAHNKE** had served the Village of Franklin, Michigan, since March 1992 as an elected member of the Village Council; subsequently elected as Village President in March 1994, reelected in March 1996, and again later in March 2004, and again served as an elected member of Village Council beginning in September 2007; and

WHEREAS, **MARK W. JAHNKE** had resided in the Village of Franklin, Michigan for twenty five years; and

WHEREAS, **MARK W. JAHNKE** graduated from Michigan State University in 1976; and

WHEREAS, **MARK W. JAHNKE** had been the CFO at Lifetime Doors, Inc. since 1994, after previously working for Plante Moran in Southfield and Phillips Service Industries, Inc. in Livonia; and

WHEREAS, **MARK W. JAHNKE** was a board member of the Franklin Baseball League, and had coached baseball and softball, for the last seventeen (17) years; and

WHEREAS, the Village of Franklin and the surrounding communities have benefited from the work of **MARK W. JAHNKE** as an appointed member of the Village Planning Commission from August 1991 to March 1992; as a Board member and President of the Franklin Community Association, as a member of the Franklin Community Church, serving as a liturgist, usher and on their Board of Trustees, and as the softball coach at the Southfield Christian School; and

WHEREAS, as a Council Member for the Village of Franklin, **MARK W. JAHNKE** demonstrated strong leadership and communication skills through his appointment as President Pro Tem and as a member of the Legal Liaison Committee and Finance Committee; and

WHEREAS, as a Council Member, **MARK W. JAHNKE** had provided financial expertise, perseverance, and sound judgement in attending to official duties.

NOW, THEREFORE BE IT RESOLVED, on this 11th day of October 2010, that the Village Council of Franklin desires to express their appreciation for such dedicated public service by **MARK W. JAHNKE** and recognize his legacy of constructive involvement which has made such a profound and

positive impact upon the Village of Franklin. **MARK W. JAHNKE** is to be remembered for his dedication and skill at performing the duties required of each organization he had served.

Discussion ensued with Council Members individually and collectively expressing their shock over the loss of Mark and noting that Mark was a good friend, guide, leader, listener, public servant, prepared, committed, and devoted family man who will be greatly missed. Browne, on behalf of the Police Department expressed the great respect the Department held for Mark and noted Mark had a strong code of ethics, integrity and genuine concern for the Department's members, and will be missed by all.

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

Nays: None

Motion carried.

Gallasch advised there will be a County Budget Symposium November 8, 2010 at the Intermediate School District facility and recommended attendance.

B. Council Reports

1. Franklin Community Center Report, Bill Lamott - Trustee

Lamott noted that the Barn Dance and Art Show were successful, funds are still needed, electrical work will be completed shortly, goal for public restrooms is Spring, and advised that HDC is conducting a fundraising Barn Tour on October 23, 2010.

2. Legal Committee Report

Gettel advised that all discussions will be covered under agenda items.

3. Finance Committee Report

Gallasch referred to the submitted projected budget amendments and noted these will be regularly provided to assist the Village in the budget process as it moves forward. Discussion ensued regarding process.

4. Personnel Committee Report

Kochensparger advised that the Committee did not meet.

5. DPW – Road Administrator Committee Report

Sullivan advised that she is formalizing Village expectations for DPW services in terms of timely delivery and procedure and will be meeting with Great Lakes to ensure a shared understanding and its ability to meet those expectations. Discussion ensued regarding benefit of a more definitive contract, the former administrator's oversight, attendance of Great Lakes at Council meetings, and service provider should be meeting expectations automatically with additional work orders submitted for new tasks.

6. Website Committee Report

Kochensparger advised the Committee is scheduled to meet Wednesday.

IX. UNFINISHED BUSINESS

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

Gallasch provided a brief overview and noted a new contract encompassing Council's request has been submitted for consideration. Staran advised the proposed agreement addresses the concerns relatively simply by incorporating a sliding scale percentage mark-up to make sure that outside connectors are not paying any less or getting a better deal than Villager's are which has been approved by Farmington Hills and Robert Brody subject to Council's approval.

#2010-105 Motion by Rosenthal supported by Gettel to approve the Intergovernmental Sanitary Sewer Service Agreement Among the Village of Franklin, City of Farmington Hills, and Robert Brody as submitted.

Discussion ensued regarding terms.

Ayes: Gettel, Kochensparger, Lamott, Rosenthal, Seltzer

Nays: Gallasch

Motion carried.

X. NEW BUSINESS

A. Consider Proposed Bids for the 2010 Road Rehabilitation Program, Phases 2 & 3.

Gallasch introduced this item and provided a brief overview. Village Engineer, Biehl, addressed Council, provided a project description, noted the options for Council's consideration and advised that prices are held until June, and 7 sealed bids were received with the low-bidder being recommended. Discussion ensued regarding options, formula, range of bids, observer crew days, and project scope.

#2010-106 Motion by Lamott supported by Seltzer to award Phases 1A and 2A to Pro-Line Asphalt Paying Corporation as recommended by Village Engineers Hubbell, Roth, and Clark in the amount of \$192,856.

Discussion ensued regarding construction contingency fee, revenue vs. expenditures, and project scope with Kochensparger advising he is not comfortable moving forward until more specificity is provided as to scope.

Ayes: Gallasch, Gettel, Lamott, Rosenthal, Seltzer

Nays: Kochensparger

Motion carried.

B. Consider Flood Plain Application for 25733 River Drive.

Gallasch introduced this item noting that the MDNRE permit has been issued, Village Engineer and Planning Commission have reviewed and recommended approval, and applauded the applicants for taking the initiative and using their own resources to stabilize the river on their property which stabilizes down river properties as well. Sullivan advised Council's approval is required in order for the Building Official to issue the permit. Applicant's Engineer advised work would commence this week.

#2010-107 Motion by Lamott supported by Kochensparger to approve the Planning Commission referral of the Flood Plain Application for 25733 River Drive as provided.

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

Nays: None

Motion carried.

C. Consider Proposed Civic Event Permit Application for Main Street Franklin "Franklinstein Frenzy".

#2010-108 Motion by Lamott supported by Gettel to approve the Civics Event Permit for Main Street Franklin "Franklinstein Frenzy" to be held October 23, 2010.

Discussion ensued regarding Fire Department involvement with it being noted that the Fire Chief needs to be kept in the loop when road closures and downtown activities are involved. Sullivan advised she will discuss with Chief Averbuch tomorrow.

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

Nays: None.

Motion carried.

D. Consider Appointment of Village Council Representative to Main Street Visioning Session.

Discussion ensued with the consensus being to have Seltzer who is attending on behalf of the FCA to also represent Council. Kochensparger advised he is planning to attend on behalf of Main Street and Gettel noted he will be out of town.

E. Consider Village Council Governance Process, Closed Committee Meetings Versus Open Work Sessions.

Lamott provided an overview noting that Council has 3 major committees (legal, finance and personnel) and suggested that open work sessions as opposed to closed committee meetings would bring more expertise to the discussion process and enable all Council Members to have a deeper understanding of issues. Discussion ensued regarding the benefits of using open work sessions, process, need to have Morrow attend Finance which would require a scheduling change, and with Staran advising that Council sets the rules though typically no formal action is taken at work sessions. Sullivan was directed to set up the next Finance Committee meeting as an open meeting on a trial basis.

F. Consider Franklin Village Community Center Sign Application.

Lamott provided an overview noting that the team working on the Community Center would like to better identify the property. Discussion ensued regarding sign (material and cost) and location (not in Historic District).

#2010-109 Motion by Gettel supported by Kochensparger to approve the Franklin Village Community Center Sign as submitted.

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

Nays: None

Motion carried.

G. Consider Ice Skating Rink on Village Green Application.

Mark Hanke, Farmhouse Coffee and Ice Cream requested consideration of his proposal to construct a temporary ice skating rink in the Village Green at his cost for labor and materials. Gallasch referred to Sullivan's submitted Memo dated October 8, 2010 and provided a brief overview. Discussion ensued regarding location, lighting, hours of operation, liability, and signage.

#2010- 110 Motion by Kochensparger supported by Gettel to approve the temporary ice skating rink to be constructed on the Village Green as provided, subject to the Franklin Community Association being contacted and verification of insurance coverage for the Village as amended.

Discussion ensued regarding property, liability and insurance with Kochensparger amending his motion to reflect the Village needs to ensure insurance coverage and with Staran advising that Sullivan has already contacted the MMRMA risk reduction division and this can be added to that review. Lew Eads, Franklin Court, questioned whether bonfires would be permitted as bonfires and skating typically goes together. Discussion ensued with it being noted that bonfires are clearly prohibited and with the suggestion being made that signage to that effect might be appropriate.

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

Nays: None

Motion carried.

H. Consider Appointment of New Village Council Trustee.

Gallasch advised that Council has a vacancy which it is mandated to fill within 30 days.

#2010-111 Motion by Gettel supported by Seltzer to appoint E. Lewis Eads as Village Council Trustee to fill the remaining balance of Mark Jahnke's term to expire in September 2011.

Discussion ensued with Eads experience being noted.

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

Nays: None

Motion carried.

XI. SCHEDULE CLOSED SESSION

- A. Consider meeting in closed session at conclusion of regular meeting to consult with Village Attorney regarding trial or settlement strategy in connection with: In re Village of Franklin, et al, Oakland County Circuit Court Case No. 10-108564-AS.**

Discussion ensued as to the process required.

#2010-112 Motion by Kochensparger supported by Rosenthal to meet in closed session, at the conclusion of the regular meeting, to consult with Village Attorney regarding trial or settlement strategy in connection with: In re Village of Franklin, et al, Oakland County Circuit Court Case No. 10-108564-AS.

ROLL CALL VOTE:

Gallasch: Aye
Gettel: Aye
Kochensparger: Aye
Lamott: Aye
Rosenthal: Aye
Seltzer: Aye

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

Nays: None

Motion carried.

XII. ADJOURNMENT

Motion by Kochensparger supported by Rosenthal to adjourn the meeting.

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

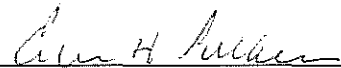
Nays: None

Motion carried.

There being no further business, the meeting adjourned at 9:40 P.M.

Respectfully submitted,

Lori Rich, Recording Secretary



Eileen H. Pulker, Clerk

H. Frederick Gallasch, President