

**PROCEEDINGS OF VILLAGE OF FRANKLIN
VILLAGE COUNCIL REGULAR MEETING
MONDAY, JUNE 13, 2011, 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.

ROLL CALL

Present: Fred Gallasch, Brian Gettel, Jim Kochensparger, Bill Lamott, Steve Rosenthal, Mike Seltzer
Absent: Lew Eads
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
Vivian Carmody, Administrator, Main Street Franklin

II. ADOPTION OF AGENDA

Motion by Kochensparger supported by Lamott to approve the Agenda as submitted.

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

Absent: Eads

Nays: None

Motion carried.

III. MINUTES

A. May 9, 2011 Regular Village Council Meeting

Motion by Gettel supported by Lamott to approve the minutes of the May 9, 2011, Regular Village Meeting as submitted.

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

Absent: Eads

Nays: None

Motion carried.

IV. REPORTS OF VILLAGE OFFICERS AND AGENTS

Patrick Browne, Police Chief: Browne provided an update as to recent activity in the Village noting the Department responded to 264 calls for service in the month of May. Browne reminded community members to contact the Department regarding any suspicious activity, not to leave valuables visible in vehicles, to secure property (locks/alarms), sign up to receive alert notifications (info available on the Village's website), thanked area agencies for their support, thanked the Eagle for its recent article, thanked the mounted officers who represented Franklin at the events held in Washington D.C. for National Police Week (self-funded), and noted the annual awards ceremony for the Police and Fire Departments was held on May 18th with many awards distributed and appreciative correspondence received and opined that correspondence received which thanked the Departments for their life-saving efforts demonstrates the brotherhood/sisterhood which exists between the Police and Fire Departments.

Tony Averbuch, Fire Chief: Averbuch referred to the submitted report and noted that ladder and hose testing will be done in June and July (site yet to be selected), repairs to the ladder truck should be completed this week, and the Department is working with Sullivan on Civic Event Permits and dead-end street issues.

Thomas Morrow, Treasurer: Morrow referred to the submitted report and noted the Bill's List had a typographical error, the Bill's List includes a payment to the Road's program, and a list of account balances is included in the packet.

Vivian Carmody, Administrator, Main Street Franklin: Carmody provided a reminder/update as to the upcoming Lobster Drop, noted the brand ad campaign is commencing which is a community effort to brand the historic village center as an "experience", the Farmer's Market is starting in July, and the Design Charette is scheduled for August 9th-11th. Discussion ensued regarding Lobster Drop sales with Carmody noting orders are still coming in and sales are not bad for a first-time event and thanking committee members for directing this event

V. SUBMISSION OF CURRENT BILLS

Motion by Kochensparger supported by Gettel to approve the Bills List as submitted.

Discussion ensued regarding phone bills with Sullivan advising she will review and noting phone service is currently being analyzed for cost-effective and efficient delivery.

TOTALS

<u>General Administration</u>	\$	28,494.74
<u>Building</u>	\$	3,967.70
<u>Insurance</u>	\$	38,228.98
<u>Legal</u>	\$	2,288.50
<u>Police</u>	\$	15,298.97
<u>Major Roads</u>	\$	58,035.58
<u>Local Road</u>	\$	56,945.71
<u>Rubbish</u>	\$	18,534.45
<u>Trust & Agency</u>	\$	600.00
<u>Tax Fund</u>	\$	1,173.49
<u>Waste Water</u>	\$	1,946.36
<u>ALL FUNDS</u>	\$	225,514.48

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

Absent: Eads

Nays: None

Motion carried.

VI. PUBLIC REQUESTS AND COMMENTS

- **Marcia Gershenson, Oakland County Commissioner, District 17,** introduced Reverend Richard Gleason, a Franklin resident who was a Freedom Rider in the 1960s, noting he helped change the country's views on race by challenging the Jim Crow laws and was recently honored by Oakland County Board of Commissioners which presented him with a proclamation for his contributions on behalf of Civil Rights and his commitment to equality, and advised a 14 Mile Road clean-up will be held this Saturday and Oakland County and Main Street are sponsoring an assistance initiative for those impacted by the recent tornado in Joplin, MO.

VII. SPECIAL REPORTS

A. President's Report

Gallasch thanked Judy Meade, Dave Roberts, and Boy Scout Troop 1699 for the Memorial Day event honoring Veterans at the Franklin Cemetery, noting this is a memorable event and well-worth attending, recognized Franklin's newest entrepreneurs, Sarah and Jonathan Jacobs, who opened a Robot Garage in

the Birmingham Rail District, noted the mounted patrol does a lot for the community using their own funds, congratulated Trustee Gettel on his co-ownership of the northern Los Angeles franchise territory for Panera Bread, and noted “life-saving” stories as communicated in the correspondence to the Police and Fire Departments at the Awards Ceremony lead to an increased appreciation for those serving the community in this capacity.

B. Council Report

None.

C. Historic Franklin Brand Presentation (Power Point)

Sullivan presented a Power Point on the Historic Franklin Brand Discovery and Development process which provided an overview of the branding initiative from genesis to utilization of the brand by all stakeholders (positioning statement, visual expression logo, logo extensions, brand adoption by all stakeholders, move towards becoming the brand). Discussion ensued regarding branding process with Sullivan advising the brand will be unveiled to the Historic District Commission and Planning Commission at their next meetings and representatives will be taking the brand to stakeholder groups. Carmody provided input noting co-branding will be made as easy as possible and representative from 19 stakeholder groups came to consensus on this campaign.

D. Birmingham Area Cable Board (“BACB”) Budget Review

Elaine McLain, Chair BACB and Ken McFadden, Vice-Chair, Treasurer, and Cable Action Committee Chair, noted the budget per the interlocal agreement is submitted to all four (4) represented communities for review and input. McLain provided a brief overview of the challenges faced by BACB. McFadden noted these are interesting times with cable delivery mutating and rapidly changing resulting in wired cable being at a nineteen (19) year low, provided additional input regarding challenges, potential future impact to public programming, and advised they are focused on getting the word out that they are a resource that can be counted on and are taking a proactive stance. Discussion ensued regarding delivery protocols, cable penetration, bundling of services, public programming impact, PEG audit, and accounting.

VIII. NEW BUSINESS

A. Consider Budget Amendments Fiscal Year 2010-2011

Sullivan provided a brief overview noting the recommendations include amendments to the general, building, major and local road, garbage, and fire funds and provided additional clarification regarding the payroll adjustment and challenges faced in this budget process. Discussion ensued regarding winter road maintenance costs, salt, budgeting conservatively/realistically for next year, dust control, fire protection costs, payroll, challenges posed by those cost increases that can’t be predicted or controlled (salt), building fund, and rubbish fund, with Sullivan requested to review salt costs for this past year to ensure this year’s expenditures were accurate and next year’s projection is accurate.

#2011-47 Motion by Gettel supported by Seltzer to Approve the Budget Amendments for FY 2010-2011 as follows:

General Fund

Whereas: The Village must assure that expenditures in each account do not exceed those budgeted. A review of the Village’s 2010/2011 General Fund indicates several accounts where budget amendments are required. We resolve the following budget amendments be made to the 2010-2011 General Fund Budget with funds coming from the appropriation of other funds.

000627 – General & Admin assessment: Decrease revenue account to a new total of \$17,150 (original \$22,067).

000999 – Appropriation of prior year funds: Increase revenue account to a new total of \$93,685 (original \$35,688).

- 101821 – General Engineering Expense: Increase expense account to a new total of \$2,000 (original \$500).
- 101824 – Historic District Commission: Decrease expense account to a new total of \$1,000 (original \$2,500).
- 101901 – Public Information: Increase expense account to a new total of \$1,500 (original \$250).
- 101980 – Miscellaneous: Increase expense account to a new total of \$2,000 (original \$1,250).
- 102704 – Admin salaries: Increase expense account to a new total of \$108,607 (original \$106,607).
- 102710 – Contract Services: Increase expense account to a new total of \$64,200 (original \$63,200).
- 215705 – Health Insurance: Decrease expense account to a new total of \$16,900 (original \$18,500).
- 215710 – Contracted Services: Increase expense account to a new total of \$5,600 (original \$4,000).
- 305700 – Police Salaries: Increase expense account to a new total of \$649,365 (original \$636,865).
- 305701 – Police Overtime: Decrease expense account to a new total of \$31,000 (original \$33,000).
- 305703 – Police Holiday Pay: Decrease expense account to a new total of \$29,842 (original \$33,642).
- 305708 – Police Retirement Contributions: Increase expense account to a new total of \$161,183 (original \$153,683).
- 305709 – Police Payroll Taxes: Increase expense account to a new total of \$67,500 (original \$58,220).
- 305740 – Training and Travel: Decrease expense account to a new total of \$2,500 (original \$4,000).
- 305853 – Communication expense: Decrease expense account to a new total of \$19,000 (original \$24,000).
- 305860 – Police Liability insurance: Increase expense account to a new total of \$8,900 (original \$7,600).
- 305863 – Police Car Operation: Increase expense account to a new total of \$40,000 (original \$36,500).
- 305865 – Police Car Insurance: Decrease expense account to a new total of \$11,000 (original \$12,800).
- 854961 – Transfer to Building Fund: Increase expense account to a new total of \$38,100 (original \$10,000).

Building Fund

Whereas: The Village must assure that expenditures in each account do not exceed those budgeted. A review of the Village's 2010/2011 Building Department Fund indicates several accounts where budget amendments are required. We resolve the following budget amendments be made to the 2010-2011 Building Department Fund Budget with funds coming from the appropriation of other funds.

- 000476 – Building Permits/plan reviews: Decrease revenue account to a new total of \$31,000 (original \$48,000).
- 000479 – Electrical permits: Decrease revenue account to a new total of \$7,200 (original \$16,000).
- 000480 – Fence permits: Increase revenue account to a new total of \$2,250 (original \$750).
- 000483 – Consultant/planning fee: Decrease revenue account to a new total of \$0 (original \$2,500).
- 000484 – Plumbing permits: Decrease revenue account to a new total of \$3,600 (original \$5,000).
- 000490 – Legal review fee: Decrease revenue account to a new total of \$0 (original \$1,000).
- 000500 – Building Civil Infractions: Increase revenue account to a new total of \$1,000 (original \$100).
- 000583 – Transfer from General Fund: Increase revenue account to a new total of \$38,100 (original \$10,000).
- 000680 – Miscellaneous Income: Decrease revenue account to a new total of \$2,000 (original \$5,000).
- 000840 – Mechanical inspector fee: Decrease expense account to a new total of \$4,000 (original \$6,000).

000926 – Legal: Decrease expense account to a new total of \$0 (original \$1,000).

Major Roads

Whereas: The Village must assure that expenditures in each account do not exceed those budgeted. A review of the Village's 2010/2011 Major Road Fund indicates several accounts where budget amendments are required. We resolve the following budget amendments be made to the 2010-2011 Major Road Fund Budget with funds coming from the appropriation of other funds.

000546 – Act 51 – Motor Veh Hwy Fund: Decrease revenue account to a new total of \$119,745 (original \$155,000).

000999 – Appropriation of Prior Yr Funds: Increase revenue account to a new total of \$178,902 (original \$126,133).

463818 – General Road Maintenance: Decrease expense account to a new total of \$24,000 (original \$30,000).

465818 – Winter Road Maintenance: Increase expense account to a new total of \$46,000 (original \$20,000).

475818 – Dust Control: Decrease expense account to a new total of \$0 (original \$9,000).

478818 – Engineering Services: Increase expense account to a new total of \$33,500 (original \$23,486).

485801 – General and Admin Expense: Decrease expense account to a new total of \$10,700 (original \$14,200).

Local Roads

Whereas: The Village must assure that expenditures in each account do not exceed those budgeted. A review of the Village's 2010/2011 Local Road Fund indicates several accounts where budget amendments are required. We resolve the following budget amendments be made to the 2010-2011 Local Road Fund Budget with funds coming from the appropriation of other funds.

000546 – Act 51 – Motor Veh Hwy Fund: Decrease revenue account to a new total of \$79,000 (original \$100,000).

000999 – Appropriation of Prior Yr Funds: Increase revenue account to a new total of \$140,283 (original \$98,383).

463818 – General Road Maintenance: Decrease expense account to a new total of \$24,000 (original \$30,000).

465818 – Winter Road Maintenance: Increase expense account to a new total of \$47,000 (original \$25,000).

468818 – Trees and Shrubs: Increase expense account to a new total of \$12,000 (original \$5,000).

478818 – Engineering Services: Increase expense account to a new total of \$30,986 (original \$23,486).

485801 – General and Admin Expense: Decrease expense account to a new total of \$6,450 (original \$8,550).

Garbage & Rubbish

Whereas: The Village must assure that expenditures in each account do not exceed those budgeted. A review of the Village's 2010/2011 Garbage & Rubbish Fund indicates an account where budget amendments are required. We resolve the following budget

amendments be made to the 2010-2011 Garbage & Rubbish Fund Budget with funds coming from the appropriation of other funds.

528818 – Rubbish – Contracted Services: Decrease expense account to a new total of \$215,000 (original \$221,970).

Fire Fund

Whereas: The Village must assure that expenditures in each account do not exceed those budgeted. A review of the Village's 2010/2011 Fire Fund indicates several accounts where budget amendments are required. We resolve the following budget amendments be made to the 2010-2011 Fire Fund Budget with funds coming from the appropriation of other funds.

000999 – Appropriation of prior year fund balance: Increase revenue account to a new total of \$47,988 (original \$17,765).

336818 – Fire protection Services: Increase expense account to a new total of \$322,052 (original \$309,995).

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

Absent: Eads

Nays: None

Motion carried.

B. Consider Main Street Franklin "Farmers Market" Civic Event Permit Application

Sullivan introduced this item and drew attention to the related signage request noting the request is to place signs in major intersections and a banner from the week before the first Farmer's Market until the next banner is approved for display.

#2011-48 Motion by Seltzer supported by Gettel to approve the Civic Event Permit Application for Main Street Franklin "Farmers Market" including the signage request.

Discussion ensued regarding temporary signage and banner with it being noted that clarity needs to be added in terms of timing/removal, form with it being noted the boxes need to be checked, temporary sign removal with it being noted volunteers will have the responsibility for sign placement/removal, clean-up with it being noted the vendor agreement and market rules require vendors to leave their space as they found it and volunteers will assume the responsibility for public space, and insurance with Carmody advising the insurance policy was e-mailed to her today.

Ayes: Gallasch, Gettel, Kochensparger, Rosenthal, Seltzer

Absent: Eads

Nays: Lamott.

Motion carried.

C. Consider "Music on the Green" Civic Event Permit Application

#2011-49 Motion by Kochensparger supported by Seltzer to approve the Civic Event Permit Application for "Music on the Green" provided sign-offs and proof of insurance have been received.

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

Absent: Eads

Nays: None

Motion carried.

D. Consider "Movies on the Green" Civic Event Permit Application

#2011-50 Motion by Seltzer supported by Kochensparger to approve the Civic Event Permit Application for "Movies on the Green" for July and August.

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

Absent: Eads

Nays: None

Motion carried.

E. Consider "Round-Up" Civic Event Permit Application

#2011-51 Motion by Gettel supported by Kochensparger to approve the Civic Event Permit Application for "Round-Up".

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

Absent: Eads

Nays: None

Motion carried.

F. Consider Traffic Control Order for Stonegate Drive

Browne provide an overview noting he was requested to look at cul-de-sacs in terms of movement of emergency vehicles and for Stonegate Drive fire truck movement would not be possible. Browne noted the possibility of posting no parking in the cul-de-sac signage at the one entrance which he will seek input from the 46th District Court on and then contact the HOA.

#2011-52 Motion by Gettel supported by Kochensparger to approve the Traffic Control Order for Stonegate Drive as explained and provided by Chief Browne.

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

Absent: Eads

Nays: None

Motion carried.

G. Consider Bed & Breakfast Ordinance, to be Referred to Planning Commission

Sullivan provided an overview noting that a Bed & Breakfast (B&B) establishment would be prohibited based on current zoning and if it is decided the community would benefit from a B&B ordinance to both permit and regulate these establishments would need to be adopted with Planning Commission being the appropriate body to review if so supported by Council. Discussion ensued with Hansen noting she would be happy to bring this to PC and report back though there are budget constraints, the pros and cons of pursuing this now as opposed to when a need is identified, and PC's input.

#2011-53 Motion by Kochensparger supported by Gettel to refer the consideration of a Bed & Breakfast ordinance to the Planning Commission provided they can do it in house and review with little or no cost.

Ayes: Gettel, Kochensparger, Rosenthal, Seltzer

Absent: Eads

Nays: Lamott, Gallasch

Motion carried.

H. Consider Snow Removal, Grass Cutting and Landscaping, Public Works, and Tree Removal and Trimming bids

Sullivan provided an overview noting there are four (4) parts to this bid: Grass cutting and landscaping; snow removal and salting services; tree removal and tree trimming; and street maintenance. Sullivan reviewed the recommendations noting that Dan's Tree and Landscape is being recommended for tree removal and tree trimming. For the other public works parts, Council can award all to the same contractor or split up the bid between three (3) different contractors. Discussion ensued regarding the

costs and variables associated with salt, whether Administration had a preference for one contractor over another (Sullivan advised there is no preference), and pros and cons of the different options.

#2011-54 Motion by Kochensparger supported by Gettel to award the bid to Dan's Tree and Landscape for the tree removal/trimming and to go with option 1 for the remainder, awarding those to Johnson Landscaping.

Discussion ensued regarding salt, the pros and cons of the different options, term, and financial challenges.

Ayes: Gettel, Kochensparger, Rosenthal, Seltzer

Absent: Eads

Nays: Lamott/Gallasch

Motion carried.

I. Consider Awarding Phase II of Road Construction Bid

Sullivan provided a brief overview and noted HRC has recommended rebidding due to the proposed increase. Discussion ensued regarding the need to further clarify what the Village is getting for the \$2,500.00 increase with Sullivan requested to get clarity, and whether the project can be rebid by the Village itself. Gallasch noted the correspondence from HRC has Rosemont Lane not Drive.

#2011-55 Motion by Rosenthal supported by Gettel to get clarity from HRC on the 25k proposal and rebid the project, Phase II of Road Construction Bid, after the fee is clarified.

Discussion ensued regarding salt costs with Dan from Dan's Tree and Landscaping providing input on the variables impacting costs.

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

Absent: Eads

Nays: None

Motion carried.

J. Receive and File Job Descriptions

Gallasch introduced this item noting it was discussed previously at a Work Shop session and Staran noting Council would need to accept the descriptions and amend the personnel policies manual accordingly. Discussion ensued regarding job descriptions.

#2011-56 Motion by Gettel supported by Seltzer to accept the job descriptions and incorporate them into the Village's personnel policies manual.

Discussion ensued regarding Chief Browne with Staran advising he is answerable to both Council and the Village Administrator and the value of periodic performance evaluations/goals.

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

Absent: Eads

Nays: None

Motion carried.

K. Consider Household Hazardous Waste Collection

Sullivan provided a brief overview. Discussion ensued with it being noted the Village has not had a hazardous waste collection day for two (2) years, dates are still available for this Summer or Fall, and early notification to residents would be of benefit.

#2011-57 Motion by Seltzer supported by Kochensparger to schedule a Fall household hazardous waste collection day with residents being provided as much notice as possible.

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

Absent: Eads

Nays: None

Motion carried.

L. CDBG Participation Resolution

Discussion ensued regarding the pros and cons of CDBG participation, benefitting agencies, and administrative costs with it being noted administrative costs are fully covered.

#2011-58 Motion by Lamott supported by Rosenthal to adopt the CDBG Participation Resolution as follows:

We resolve to participate in Oakland County's Urban County Community Development Block Grant (CDBG) programs for the years 2012, 2013, and 2014. Furthermore, we resolve to remain in Oakland County's Urban County Community Development programs, which shall be automatically renewed 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.

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

Absent: Eads

Nays: None

Motion carried.

IX. ORDINANCES/RESOLUTIONS/PROCLAMATIONS

M. Consider an Ordinance to Amend Section 1042.10 of Chapter 1042, Streets, Utilities and Public Services Code of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Prohibit Discharge of Sanitary Sewage, Industrial Wastes or Other Polluted Waters to any Natural Outlet in the Village, Repeal Conflicting Ordinances and Prescribe a Penalty for Violations (*second reading*).

Gallasch introduced this item noting it will strengthen the Village's ability to eliminate illicit discharges into the Rouge River.

#2011-59 Motion by Gettel supported by Seltzer to Adopt the Amendment to Section 1042.10 of Chapter 1042, Streets, Utilities and Public Services Code of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Prohibit Discharge of Sanitary Sewage, Industrial Wastes or Other Polluted Waters to any Natural Outlet in the Village, Repeal Conflicting Ordinances and Prescribe a Penalty for Violations, as submitted.

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

Absent: Eads

Nays: None

Motion carried.

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

#2011-60 Motion by Seltzer supported by Rosenthal to adopt an Ordinance to Approve the Editing and Inclusion of Certain Ordinances and a Resolution as parts of the Codified Ordinances, as submitted.

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

Absent: Eads

Nays: None

Motion carried.

O. Consider an Ordinance to Amend Sections 1042.13 and 1042.14 Sewer Use and User Charges of Part Ten, Title Four, of the Codified Ordinances of the Village of Franklin, Oakland

County, Michigan, to Modify Sewage Disposal System Rates and Charges, and Repeal Conflicting Ordinances (*first reading*).

Gallasch introduced this item and suggested waiving a second reading. Sullivan provided further clarity noting this sets quarterly sewer rates.

#2011-61 Motion by Gettel supported by Kochensparger to waive second reading and adopt the Ordinance to Amend Sections 1042.13 and 1042.14 Sewer Use and User Charges of Part Ten, Title Four, of the Codified Ordinances of the Village of Franklin, to modify sewage disposal system rates and charges, and repeal conflicting ordinances, as submitted.

Discussion ensued regarding preventative maintenance.

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

Absent: Eads

Nays: None

Motion carried.

P. Consider an Ordinance to Amend Section 1042.03 of Chapter 1042, Sewer Use and User Charges of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Modify the Definition of “Watercourse”, Repeal Conflicting Ordinances and Prescribe a Penalty for Violations (*first reading*).

#2011-62 Motion by Kochensparger supported by Rosenthal to approve in first reading an Amendment to Section 1042.03, Sewer Use User Charges of the Codified Ordinances of the Village of Franklin to modify the definition of “watercourse”, as submitted.

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

Absent: Eads

Nays: None

Motion carried.

Q. Consider an Ordinance to Amend Section 1040.10 of Chapter 1040, Wastewater Management District, of Title Four, Part Ten, of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Require Septic System Inspection in Connection with Wastewater System Operating Permit Issuance and Pump-Out Every Three Years, Repeal Conflicting Ordinances and Prescribe a Penalty for Violations (*first reading*).

Gallasch introduced this item noting it is for inspections and pump-outs.

#2011-63 Motion by Kochensparger supported by Gettel to approve in first reading an Amendment to Section 1040.10 of Chapter 1040, Wastewater Management District, of Title Four, Part Ten, of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Require Septic System Inspection in Connection with Wastewater System Operating Permit Issuance and Pump-Out Every Three Years, as submitted.

Discussion ensued regarding inspection with it being noted tank functioning provides information relative to how well the field is functioning.

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

Absent: Eads

Nays: None

Motion carried.

R. Consider an Ordinance to Repeal Chapter 1220 and Replace with new Chapter 1220, Planning Commission, of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Confirm the Establishment of the Village of Franklin Planning Commission Under the Michigan Planning Enabling Act, Public Act 33 of 2008 (MCL

**1245.3801 et seq.), Repeal Conflicting Ordinances, and Prescribe a Penalty for Violations
(first reading).**

Gallasch provided a brief overview. Staran noted this hasn't been updated in years, the Village had been grandfathered in, the consultant advised it would be easier and cleaner to repeal and replace the existing ordinance with an updated one, the Commission operates substantially the same, mandatory meetings have been reduced from twelve (12) to four (4), and suggested waiving a second reading.

#2011-64 Motion by Kochensparger supported by Seltzer to waive a second reading and to adopt the Ordinance to Repeal Chapter 1220 and replace with a new Chapter 1220 of the Codified Ordinances of the Village of Franklin, to Confirm the Establishment of the Village of Franklin Planning Commission under the Michigan Planning Enabling Act, Public Act 33 of 2008 (MCL 1245.3801 et seq.), Repeal Conflicting Ordinances, and prescribe a penalty for Violations, as submitted.

Discussion ensued with Hansen noting the meetings will continue to be scheduled and run efficiently and Moenck requesting clarification as to the Zoning Board referenced in the Ordinance with Staran advising this does not refer to a Zoning Board of Appeals.

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

Absent: Eads

Nays: None

Motion carried.

S. Consider an Ordinance to Repeal Chapter 1420 of Title Two, Part Fourteen, of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, and Replace it with a new Chapter 1420, State Construction Codes, Repeal Conflicting Ordinances, and Prescribe a Penalty for Violations (first reading).

#2011-65 Motion by Kochensparger supported by Gettel to approve in first reading an Ordinance to Repeal Chapter 1420 of Title Two, Part Fourteen, of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, and Replace it with a new Chapter 1420, State Construction Codes, Repeal Conflicting Ordinances, and Prescribe a penalty for Violations, as submitted.

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

Absent: Eads

Nays: None

Motion carried.

T. Consider National Flood Insurance Participation Resolution

Sullivan provided a brief introduction noting this Resolution would negate the suspension by the FEMA insurance program.

#2011-66 Motion by Seltzer supported by Gettel to approve the National Flood Insurance Participation Resolution as provided in Attachment #1.

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

Absent: Eads

Nays: None

Motion carried.

U. Consider West Nile Virus Reimbursement Resolution

#2011-67 Motion by Lamott supported by Rosenthal to approve the West Nile Virus Reimbursement Resolution, authorizing the Village Administrator to seek reimbursement from Oakland County for the purchase of mosquito control torpedoes.

Discussion ensued regarding its purpose.

Ayes: Gallasch, Gettel, Kochensparger, Lamott, Rosenthal, Seltzer
Absent: Eads
Nays: None
Motion carried.

X. ADJOURNMENT

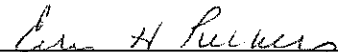
Motion by Lamott supported by Gettel to adjourn the meeting.

Ayes: Gallasch, Gettel, Kochensparger, Lamott, Rosenthal, Seltzer
Absent: Eads
Nays: None
Motion carried.

There being no further business, the meeting adjourned at 9:45 P.M.

Respectfully submitted,

Lori Rich, Recording Secretary



Eileen H. Pulker, Clerk

H. Frederick Gallasch, President

Attachment #1

MICHIGAN COMMUNITY RESOLUTION TO MANAGE FLOODPLAIN

DEVELOPMENT FOR THE NATIONAL FLOOD INSURANCE PROGRAM

WHEREAS, the community of Village of Franklin in Oakland County desires to participate in the Federal Emergency Management Agency's (FEMAs) National Flood Insurance Program (NFIP) by complying with the program's applicable statutory and regulatory requirements for the purposes of significantly reducing flood hazards to persons, reducing property damage, and reducing public expenditures, and providing for the availability of flood insurance and federal funds or loans within its community, and

WHEREAS, the NFIP requires that floodplain management regulations must be present and enforced in participating communities, and utilize the following definitions which also apply for the purposes of this resolution:

1. Flood or Flooding means:

- a. A general and temporary condition of partial or complete inundation of normally dry land areas from: 1) the overflow of inland or tidal waters, 2) the unusual and rapid accumulation or runoff of surface waters from any source, 3) mudflows, and
- b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a

natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding, as defined in paragraph (a)(1) of this definition.

2. Flood Hazard Boundary Map (FHBM) means an official map of a community, as may have been issued by the FEMA, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zone A, M, and/or E.
3. Floodplain means any land area susceptible to being inundated by water from any source (see definition of flooding).
4. Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.
5. Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance), and other applications of police power that provide standards for the purpose of flood damage prevention and reduction.
6. Structure means a walled and roofed building that is principally above ground, gas or liquid storage facility, as well as a mobile home or manufactured unit.

WHEREAS, the Stille-Derossett-Hale Single State Construction Code Act”, Act No. 230 of the Public Acts of 1972, as amended (construction code act), along with its authorization of the state construction code composed of the Michigan Residential Code and the Michigan Building Code [and its Appendices (specifically Appendix G)] contains floodplain development and management regulations that comply with the FEMA NFIP minimum floodplain management criteria for flood prone areas, as detailed in Title 44 of the Code of Federal Regulations (44 CFR), Section 60.3, and

WHEREAS, by the action dates of this document, the community affirms/accepted the responsibility to administer, apply, and enforce the provisions of the construction code act and the state construction code, specifically the Michigan Residential Code and the Michigan Building Code, to all construction within its community boundaries, and

NOW THEREFORE, to maintain eligibility and continued participation in the NFIP,

1. The community directs its construction code act designated enforcing agency, Village Council, Village Administrator, Village Building Official, and designated inspectors, to administer, apply, and enforce the floodplain management regulations as contained in the state construction code (including Appendix G) and to be consistent with those regulations by:
 - a. Obtaining, reviewing, and reasonably utilizing flood elevation data available from federal, state, or other sources pending receipt of data from the FEMA to identify the flood hazard area and areas with potential flooding.
 - b. Ensuring that all permits necessary for development in floodplain areas have been issued, including a floodplain permit, approval, or letter of no authority from the

Michigan Department of Environmental Quality under the floodplain regulatory provisions of Part 31, "Water Resources Protection," of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

- c. Reviewing all permit applications to determine whether the proposed building sites will be reasonably safe from flooding. Where it is determined that a proposed building will be located in a flood hazard area or special flood hazard area, the construction code act enforcing agent shall implement the following applicable codes according to their terms:
 1. Floodplain management regulation portions and referenced codes and standards of the current Michigan Residential Code.
 2. Floodplain management regulation portions and referenced codes and standards of the current Michigan Building Code.
 3. Appendix G of the current Michigan Building Code.
 - d. Reviewing all proposed subdivisions to determine whether such proposals are reasonably safe from flooding and to ensure compliance with all applicable floodplain management regulations.
 - e. Assisting in the delineation of flood hazard areas; providing information concerning uses and occupancy of the floodplain or flood-related erosion areas, maintaining floodproofing and lowest floor construction records, cooperating with other officials, agencies, and persons for floodplain management.
 - f. Advising FEMA of any changes in community boundaries, including appropriate maps.
 - g. Maintaining records of new structures and substantially improved structures concerning any certificates of floodproofing, lowest floor elevation, basements, floodproofing, and elevations to which structures have been floodproofed.
2. The community assures the Federal Insurance Administrator (Administrator) that it intends to review, on an ongoing basis, all amended and revised FHBMs and Flood Insurance Rate Maps (FIRMs) and related supporting data and revisions thereof and revisions of 44 CFR, Part 60, Criteria for Land Management and Use, and to make such revisions in its floodplain management regulations as may be necessary to continue to participate in the program.
 3. The community further assures the Administrator that it will adopt the current effective FEMA Flood Insurance Study (FIS), FHBMs, and/or the FIRMs by reference within its Floodplain Management Map Adoption Ordinance or similarly binding ordinance documentation.