

**PROCEEDINGS OF VILLAGE OF FRANKLIN
VILLAGE COUNCIL REGULAR MEETING
MONDAY, NOVEMBER 12, 2007, 8:00 P.M.
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 8:01 p.m. at the Franklin Village Hall, Franklin, Michigan.

II. Roll Call

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

Also Present: Jon Stoppels, Administrator
Eileen Pulker, Clerk
Patrick Browne, Police Chief
Tony Averbuch, Fire Chief
John Staran, Hafeli, Staran, Christ, and Dudek, P.C. Village Attorney

III. Adoption of Agenda

Gallasch pointed out that the changes in the agenda format were due to the concern, following the Charter order for business to conduct the business of the Village sooner rather than later in the meeting.

Motion by Lamott, supported by Schiano, to adopt the agenda as presented and published.

Jahnke commented that many times the special reports are put up toward the top of the agenda to accommodate people wanting to hear those reports. He suggested putting the special reports as Old Business or New Business.

Lamott asked to add the discussion of the temporary sign application for the Market Basket under New Business.

Gallasch requested that Pulker be added under Reports of Village Officers and Agents as there is a resolution she needs to present to council.

Gallasch announced that Randy McElroy had determined to withdraw from the Deputy Treasurer position, and asked to amend the agenda to allow Council to make an appointment to fill the vacancy under Old Business.

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

Nays: None

Motion carried.

IV. Minutes

A. October 8, 2007 Regular Village Council Meeting

Motion by Harnisch, supported by Lamott, to approve the minutes of the Regular Village Council Meeting of October 8, 2007 as presented.

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

V. Reports of Village Officers and Agents

Police Chief Patrick Browne referred Council to his written report and provided details on a few items for the Council, including:

- ✓ A television, laptops and surround sound system were stolen from the interior of a house on Riverwood Drive.
- ✓ A laptop was stolen from a vehicle on Rosemond Drive.
- ✓ A purse was stolen from a vehicle on Helmsdale Drive.

Browne also talked about the status of the search for the replacement of Sergeant Girardot. Browne mentioned that there would be a dedication in his office on Tuesday, November 13, 2007 to the family of a young army soldier who died in Iraq. The family had donated money to the police department in their son's name.

Fire Chief Tony Averbuch referred Council to his written report adding that the annual inspections of Franklin Village businesses should be completed by Friday, November 16, 2007. Averbuch stated that he had worked with one of the Huda School teachers who will be coordinating the evacuation plan for the building.

Gallasch, in the absence of the Treasurer, referred the Council to Treasurer Morrow's written report pointing out that the Bills List totals \$209,936.37.

Pulker introduced a resolution recognizing, commending and thanking Alan Gocha Jr who is a Boy Scout from Troop 1699 who cleaned up the cemetery grounds for his Eagle Project, as follows:

RESOLUTION

Alan Gocha, Jr. in pursuit of his Eagle Scout Rank, with fellow members of Boy Scout Troop 1699, cleaned up the cemetery grounds, near the Drummond Court entrance, with the help of the Franklin Branch of the Women's National Farm and Garden Association, and Greenscapes, Inc. for the Franklin Cemetery Association. He developed a detailed plan including accommodations for safety of those involved, required supplies, schedule of events, and fund raising.

The Franklin Village Council does hereby publicly recognize, commend, and thank Alan Gocha, Jr. for his service for the Village.

Judy Meade, 26725 Captains Lane, introduced Alan Gocha Jr to the Council and added that he will soon be receiving his Eagle Scout Designation thanks to his hard work on this project. Meade presented him with a check from the Franklin Branch of the Woman's National Farm and Garden Association as reimbursement for all the materials used for the project.

#2007-107 Motion by Coyer, supported by Schiano, to approve the resolution (as provided above) for Alan Gocha Jr.

Ayes: Jahnke, Schiano, Harnisch, Coyer, Lamott, Saltzman, Gallasch
Nays: None

Motion carried.

VI. Submission of Current Bills

<u>TOTALS:</u>	
General Administration	\$53,466.12
Building	16,175.23
Insurance	44,793.72
Legal	3,630.74
Police	16,887.67
Pressure Sewer	272.38
General Debt Service	700.00
Major Roads	6,510.03
Local Roads	4,455.82
Rubbish	15,760.23
Trust & Agency	4,500.00
Village Hall & Grounds	0.00
Tax Fund	40,090.99
Waste Water	<u>2,693.44</u>
ALL FUNDS	\$209,936.37

Schiano asked that staff research and provide details for the Oakland County Treasurer item is in the amount of \$4,113.51.

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

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

Nays: None

Motion carried.

VII. Public Requests and Comments

Christopher Pray, 26011 German Mill Road, thanked the neighbors and police department for their involvement of the very successful, safe and fun Halloween in the Historic District.

Marcia Gershenson, Oakland County Commissioner, updated Council on the Wireless Oakland project stating that Phase II will be announced soon and Franklin may be included. She announced that the flu shots are available for Oakland County residents at the Oakland County Health Department and added that the MSU Extension is hosting a workshop for residents that live on waterfront property (riparians) or are members of lake boards or associations. Gershenson then encouraged viewers to get involved with the mentoring program.

VIII. Public Hearing

A. 2008 Community Development Block Grant (CDBG) Funds to receive citizen participation and review of the following:

- 1. The proposed Program Year (PY) 2008 CDBG projects for the Village of Franklin, the estimated amount of \$8,000.**
- 2. Request to Change Description of PY 2005 fund in the amount of \$2,145 for the Senior Center to purchase computer equipment.**

Gallasch opened the public hearing of this item for Council and public comments. As no comments were made, Gallasch closed the Public Hearing.

IX. Old Business

A. Consider Fire Board of Appeals Appointment

Gallasch referred to a memo from Pulker regarding considering Rick Koslowski as an additional member of the Fire Board of Appeals, noting that he meets the requirements of the state statute for addition to the board.

#2007-108 Motion by Lamott, supported by Coyer, to nominate Rick Koslowski to be a member of the Fire Board of Appeals.

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

Nays: None

Motion carried.

B. Consider Deputy Treasurer Appointment

#2007-109 Motion by Lamott, supported by Coyer, to approve the nomination of Lew Eads to be the Deputy Treasurer.

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

Nays: None

Motion carried.

Pulker will contact Eads, swear him in and let him know the duties of the Deputy Treasurer.

X. New Business

A. Consider the Proposed Program Year (PY) 2008 CDBG projects for the Village of Franklin, the estimated amount of \$8,000.

#2007-110 Motion by Coyer, supported by Lamott, that the Village allocate funding to the administration for \$1,600 of the CDBG funds for 2008, \$2,800 to the Senior Center project at BASCC, \$1,500 to the Senior Center Newsletter at BASCC and \$2,100 to the Birmingham Youth Assistance Program for recreational services for low-income families in the school district.

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

Nays: None

Motion carried.

B. Consider the Request to Change description of CDBG PY 2005 fund in the amount of \$2,145 for the Senior Center to purchase computer equipment.

#2007-111 Motion by Schiano, supported by Harnisch, to change the description of CDBG program year 2005 fund in the amount of \$2,145 for the Senior Center (BASCC) to purchase computer equipment.

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

Nays: None
Motion carried.

C. Consider Site Plan Application for Building Addition/remodel for 32220 Franklin Road (Huda School).

Gallasch referred to the Site Plan Application that was submitted by Huda School stated that the next step was to refer it on to the Planning Commission and Historic District Commission for their reviews.

#2007-112 Motion by Jahnke, supported by Lamott, to refer the Site Plan Application for the Building Addition/remodel for 32220 Franklin Road (Huda School) to the Planning Commission and Historic District Commission.

Lis Knibbe from Quinn Evans Architects explained that the Site Plan Application reflects their desire of replacing the elementary sized gym with a middle school sized gym and adding some classrooms and major improvements to the site itself. She added that they will be asking for one setback variance for the parking lot. Knibbe introduced Dr. Anan who is the Chair of the School Board Committee and the Expansion Committee and Dr. Soloman who is very active in the School Committee.

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

Steve Rosenthal, 26091 Romany Way, questioned whether the school is currently in compliance with the existing site plan.

Stoppels explained that there is no site plan and any work already done is conditioned upon approval and if not approved as installed, will be required to be removed.

Christopher Pray, 26011 German Mill Road, asked why so many parking spaces are necessary for the school.

Staran answered that parking is something that the Planning Commission will review during the site plan approval process.

Rosenthal expressed concern that changes have been made on the site without prior approval particularly the transformer relocation and asked why they are being allowed to move forward without first correcting those issues.

Stoppels explained again that anything that was already done on the site without approval is still subject to be reversed if they are not approved during the site plan approval process.

D. Consider Resolution that the Request from Franklin View Enterprises, Inc. Requesting to Transfer Ownership on 2007 Class C Licensed Business form Mad Dog Central, Inc., Located at 32760 Franklin, Franklin MI 48025.

#2007-113 Motion by Coyer, supported by Lamott, to resolve that the Village Council recommend to the Michigan Liquor Control Commission approval of the transfer of the Class C Liquor License from Mad Dog Central to Franklin View Enterprises, Inc. And to resolve that the transferees neglect or failure to satisfactorily and timely fulfill or fully

complete the site improvements shall constitute grounds for the Village to rescind the Village's approval of the transfer and revoke the liquor license.

Staran stated that there needs to be two resolutions for this item; one that is for local purposes and one for the state.

Coyer referred to a letter from Building Official Bill Dinnan and asked Franklin View Enterprises, Inc. Jim Kochensparger if it is his commitment to restore the Buggy Works building as part of the transfer.

Kochensparger answered that he would like to build another building that can be used and functional that will generate income and it would absolutely be consistent with the Historic District Commission's requirement(s).

#2007-114 Motion by Jahnke, supported by Coyer, that the request from Franklin View Enterprises Inc. to transfer ownership of the 2007 Class C license business from Mad Dog Central Inc located at 32760 Franklin Road, Franklin Michigan, Oakland County be approved.

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

Nays: None

Motion carried.

#2007-115 Motion by Jahnke, supported by Coyer to resolve that the request from Franklin View Enterprises Inc. to transfer ownership of the 2007 Class C license business from Mad Dog Central Inc located at 32760 Franklin Road, Franklin Michigan, Oakland County be approved and that the transferees neglect or failure to satisfactorily and timely fulfill or fully complete the site improvements shall constitute grounds for the Village to rescind the Village's approval of the transfer and revoke the liquor license.

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

Nays: None

Motion carried.

E. Consider Acceptance of Pedestrian Bridge and Pathway Easement Agreement from Cressbrook Association.

#2007-116 Motion by Coyer, supported by Schiano, that the Village of Franklin accept the Pedestrian Bridge and Pathway Easement agreement for Cressbrook Association for the Fourteen Mile Bridge only, authorizing the Village President to sign the agreement.

Staran clarified that this motion refers to the Fourteen Mile Bridge only.

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

Nays: None

Motion carried.

F. Consider Meeting Calendar Dates for Village Council and Commissions for January 2008 through December 2008.

#2007-117 Motion by Harnisch, supported by Lamott, to approve the Meeting Calendar dates for Village Council and Commissions January 2008 through December 2008.

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

G. Consider New Approval Retention Schedule for Election Materials.

Pulker explained that the State of Michigan has approved a new retention schedule for election records, which supersedes only the election records portion of the General Schedule for record retention already approved by the Village Council. She added that the newly revised portion requires a resolution for approval so that implementation of the guidelines can begin.

#2007-118 Motion by Lamott, supported by Harnisch, to adopt the new election records retention requirements, as provided.

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

H. Discuss Temporary Sign Application for the Market Basket of Franklin.

Lamott expressed concern that the Market Basket cannot put a temporary sign in front of their building without filling out an application and going before the required boards and commission. Discussion ensued regarding how a temporary sign could be granted without following the normal procedure. Lamott suggested approving a temporary sign at the Market Basket from the date of this meeting through to Thanksgiving Day.

Staran reminded Council that such approval can only be done by the Zoning Board of Appeals.

It was decided that the current ordinance and procedure needs to be enforced and if it is determined that the ordinance and procedures need to be changed then they can be changed through the normal process in a public meeting. Council members agreed that they would like to see the new proposed sign ordinance expedited.

XI. Special Reports

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

Gallasch recognized resident Randy Saks as she has been appointed to the Southfield Township Board of Trustees representing Franklin and resident Bonnie Cook has been appointed to the Southfield Township Planning Commission. He congratulated Eric Czarnik who is a writer for the Birmingham Eagle. Mr. Czarnik has written a nice article regarding the new Trustee, Amie Saltzman and he will also be writing an article about the upcoming Winter Festival in Franklin.

B. Council Reports

1. Landscape Committee, Bill Lamott, Council Trustee

Lamott reported that Jerry Johnson has planted and replaced approximately 80 dead trees. Lamott asked residents to contact him if they feel they have been missed. He added that the Police Department landscaping will be a mix of native plants.

2. Open Meetings Act, Mark Jahnke, Council Trustee

Jahnke referred to the appointment of Trustee Saltzman at the October meeting and read two quotes from the Open Meetings Act.

Motion by Jahnke, unsupported, to ask John Staran to investigate the decision that was made prior to the October 8, 2007 meeting to appoint Trustee Saltzman and render an opinion as to whether he believes that the Open Meetings Act was complied with.

Coyer pointed out that Staran has already produced a case from the court of appeals that is related to what Jahnke is referring to which concluded that there was no decision made prior to the meeting on October 8, 2007 thereby there had been no Open Meetings Act violation.

Pray disagreed with Coyer and stated that he witnessed the words of the council at the October 8, 2007 meeting and it was very clear to Pray that the decision was made prior to the meeting.

Staran stated that he has not conducted any type of investigation nor had he been directed or authorized to. He added that the memo he prepared was to give his understanding and opinion on what the law may be in similar situations.

Coyer stated that he is confident that what council did in this particular case was appropriate and lawful. He added that this type of accusation erodes confidence in council and decisions that are made with regard to appointments. Coyer opined that such accusation also implies that the council members do not understand the open meetings act. He pointed out that the open meetings act says that if a violation has been found the body can simply do the decision again as if it didn't happen before with no admission of wrong doing.

Schiano stated that he was not lobbied by anyone on council for Saltzman, *however he was lobbied for Stevens*, and there was absolutely no violation of the open meetings act.

3. Council Rules of Procedures, Mark Jahnke, Council Trustee

Jahnke recommended adding the following to the council rules of procedure:

- ✓ Recognize that council must fill the vacancy within thirty (30) days.
- ✓ A three member advisory committee be appointed who shall work with staff and publish a notice of the vacancy, gather names and contact such individuals to gauge their interest.
- ✓ The council committee shall require a written application for boards and committees.

Jahnke opined that for future vacancies on the council there should be some procedures in place.

#2007-119 Motion by Jahnke, supported by Schiano, that the Council Rules and Procedures be reviewed for the possible inclusion of the proposed changes as provided by Jahnke and to be reviewed by the Legal Liaison Committee.

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

Nays: Gallasch

Motion carried.

4. Huda School meeting between Fred Gallasch, Bill Lamott, and Huda School Representatives, Mark Jahnke, Council Trustee

Jahnke stated that there has been meetings between certain members of council and Huda School representatives and then asked for some detail of the meetings.

Lamott stated that he set up a small meeting then arranged a second bigger meeting with some neighbors and Huda School representatives. Lamott reported that the school will be putting together a fact sheet that will be issued soon. He added that the school population is no greater now that it was four years ago and there are no big plans to drastically increase the population. The school teaches preschool through 8th grade and it is a first class school. Lamott continued reporting that they do have a Saturday school which is basically religion and language and they do have after school activities for the kids.

Coyer voiced his support for the meetings as such activity informs a member of council who is a member of the neighborhood and it creates good will. He added that it is important that council bring together the community and the village regarding the school which should be cordial and positive and on a good faith basis.

Schiano officially welcomed Saltzman to the Council.

Bill Finnicum, 25885 German Mill Road, commented regarding the private meeting that was held with Huda School. He asked what decisions were made at these meetings and on whose authority. Finnicum added that there were numerous people that live near the school who were not invited to the meetings and he opined that all meetings with Huda School should be held in a public forum.

XII. Adjournment

Motion by Lamott, supported by Schiano, to adjourn.

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

Nays: None

Motion carried.

There being no further business, the meeting adjourned at 9:59 p.m.

Respectfully Submitted,

Angie Wicke, Recording Secretary

Eileen H. Pulker, Clerk

Fred Gallasch, President