

**PROCEEDINGS OF VILLAGE OF FRANKLIN
VILLAGE COUNCIL REGULAR MEETING
MONDAY, FEBRUARY 8, 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, Alan Harnisch, Mark Jahnke, Jim Kochensparger, Bill Lamott, Steve Rosenthal (arrived at 8:27 P.M.)

Also Present: Jon Stoppels, Administrator
Eileen Pulker, Clerk
Thomas Morrow, Treasurer
Patrick Browne, Police Chief
Eddie Delbridge, Main Street Director
John Staran, Hafeli Staran Hallahan & Christ, P.C., Village Attorney

III. ADOPTION OF AGENDA

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

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

Absent: Rosenthal

Nays: None

Motion carried.

IV. MINUTES

A. January 11, 2010 Regular Village Council Meeting.

Motion by Jahnke supported by Gettel to approve the minutes of the January 11, 2010, Regular Village Council Meeting as submitted.

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

Absent: Rosenthal

Nays: None

Motion carried.

V. REPORTS OF VILLAGE OFFICERS AND AGENTS

Patrick Browne, Police Chief, updated Council as to recent activity in the Village, reminded property owners of the importance of utilizing alarm systems, properly securing doors, and of reporting any unusual or suspicious activity, and noted that the Department is accessing training through the Farmington Hills Police Department.

Tony Averbuch, Fire Chief, Stoppels noted that Averbuch is not able to be in attendance as he is in Haiti and Gallasch referred to and briefly reviewed the submitted report.

Ray Majacz, Great Lakes Landscaping, Public Services Coordinator, Stoppels noted that Majacz was not able to be in attendance due to preparations for the upcoming storm and briefly updated Council as to discussions relative to Public Works standards and measures.

Thomas Morrow, Treasurer, referred to his submitted written report and noted that a 4th quarter Retiree Healthcare Funding Trust analysis was also included.

Discussion ensued regarding pressure sewer debt service funding, millage, need to schedule public meeting devoted to fiscal matters, timing of meeting, Finance Committee considerations including 2 year

budget forecast, monthly meetings, and earlier than usual presentation of draft budget, decreased valuations/revenues

#2010-06 Motion by Lamott supported by Harnisch to schedule a public hearing to be taped to discuss FY 2010/2011 and 2011/2012 budgets as soon as practical after the March 8, 2010, Council meeting.

Discussion ensued regarding benefit of having hearing taped for cable, clarification of motion, and lag on actuary report, with Jahnke making a Point of Order that the Treasurer's Report is not the proper place to be having this discussion

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

Absent: Rosenthal

Nays: None

Motion carried.

Eddie Delbridge, Main Street Director, referred to her submitted report and noted that registrations are coming in for the workshops, she forwarded to Council a press conference networking opportunity, all committees have met and are in the process of developing work plans and mission statements, Design Committee has approved 3 projects and completed one and will be looking for other projects as they move forward, and the Organization and Business Development Committees still have openings. Discussion ensued regarding the Design Cents Workshop with Delbridge advising that the workshop is geared towards merchants but is open to anyone and its primary focus is to create more curb appeal and enhance the historic district.

VI. SUBMISSION OF CURRENT BILLS

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

Totals:

General Administration	\$ 9,707.06
Building	\$ 5,543.57
Insurance	\$ 18,274.21
Legal	\$ 2,932.50
Police	\$ 17,389.50
Pressure Sewer	\$ 22,487.50
General Debt Service	\$ 19,545.00
Major Roads	\$ 6,533.00
Local Roads	\$ 7,158.00
Rubbish	\$ 17,040.75
Trust & Agency	\$ 5,600.00
Tax Fund	\$ 1,942.86
Waste Water	\$ <u>1,000.00</u>
All Funds	\$ 135,153.95

Discussion ensued regarding the following items: Legal Notices (Staran noted that he is not aware of any changes to publication requirements and Council suggested contacting Representative Moss to assist in moving this forward); BS & A Software Training Class (Jahnke requested that all relevant information be compiled into some form of procedure manual); Goodyear Tires; Vehicle Repairs; Giorgi Concrete LLC; AT&T; and Italia Construction.

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

Nays: None

Motion carried

VII. PUBLIC REQUESTS AND COMMENTS PRESIDENT'S REPORT

- **Marcia Gershenson, Oakland County Commissioner, District 17**, noted that free income tax preparation is offered to residents through the Accounting Aid Society, the Here to Help Foundation is a new community resource that provides financial assistance to qualifying residents, Census related jobs are available, the County has announced new grant/scholarship/prize opportunities, and the County has recognized the Franklin Grill and Market Basket for their fundraising efforts. Discussion ensued regarding the Brooksie Way grant opportunity with Gallasch noting this could be something of interest to Main Street.

VIII. SPECIAL REPORTS

A. President's Report

Gallasch noted that Shannon Aldrich of the Pilates Studio was not able to be present and suggested that people stop in and visit her new facility and support local businesses.

B. Council Reports

1. Kreger House Report, Bill Lamott - Trustee

Lamott provided an update and noted that phase 1 of the business plan is complete, they are currently in phase 2 (hooking up utilities and shed/house operational), and phase 3 (barn) will be pursued later, and they are currently planning the pancake breakfast.

2. Legal Committee Report

Gettel advised the Committee has met and discussed the following: Potential extension of the agreement between the Village and Bingham Farms with regards to police coverage; Kreger House governance; Huda School Certificate of Occupancy; Ordinance revisions; and Franklin Commons.

3. Finance Committee Report

Jahnke advised the Committee continues to meet monthly and discussions have focused on the 2 year budget plan, housekeeping budget amendments, changes in valuations/revenues and millage impact, Charter requirements relative to public hearing and publication, and noted that every department in the Village is being reviewed for potential cost-savings.

4. Personnel Committee Report

Kochensparger advised that the Committee has met and considered the Building Clerk/Administrative Assistance position (Kelda) and will be recommending a merit based compensation increase.

5. DPW – Road Administrator Committee Report

Stoppels referred to his submitted Memo and noted that a Performance Standards and Measures Handbook for all public work related duties is being prepared. Discussion ensued regarding Detroit Edison's trimming of trees with it being noted that DTE will only be removing branches smaller than 3' in diameter and with Stoppels advising that he has contacted DTE regarding the apparent change in policy and will bring forth more information as it is received.

6. Report on Telephone Service, Chief Browne and Clerk Pulker

Chief Browne referred to his submitted Memo and noted that there is an opportunity to be included in Farmington Hills bid specifications for phone service which could result in cost-savings for the Village. Discussion ensued regarding repeater lines and variances on monthly costs.

IX. UNFINISHED BUSINESS

A. Consider Obtaining Required Actuary Report for Retiree Health Care Funding Account.

Gallasch referred to Stoppels' submitted Memo and noted there are 2 options for consideration: (1) Formal Actuarial Report from Gabriel Roeder and Smith at a cost of \$5,000.00 and (2) "In-House" actuarial study from Janz and Knight with staff assistance. Jahnke reviewed Government Accounting Standards Board ("GASB") 45 requirements and noted the "In-House" option meets the GASB 45 requirements due to the size of the Village and the Finance Committee's recommendation is to contract

with Janz and Knight for the "In-House" option at a cost not to exceed \$1,000.00 and revisit the need for a formal actuarial report in the future.

#2010- 07 Motion by Jahnke supported by Harnisch to accept the Janz and Knight proposal to prepare the "In-House" GASB 45 spreadsheet with the assistance of staff and to request that Janz and Knight provide its data requirements to the Village as soon as possible and agree to a deadline of April 30, 2010.

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

Nays: None

Motion carried.

Discussion ensued regarding staff availability to assist with Jahnke noting that he has offered to assist if necessary.

B. Consider Sewer System Liability Insurance.

Gallasch noted that discussion on this item was postponed at the last meeting. Stoppels provided a brief overview of his submitted Memo and noted there are 2 separate opinions as to whether or not this is necessary and both have merit. Discussion ensued regarding potential for homeowner's insurance coverage, need for documentation that the Village can be held liable for backups, need to review documentation that homeowner's sign, limited amount of coverage being considered, ongoing cost, and need to educate homeowners, with it being recommended that this discussion be postponed until the next meeting as additional information is needed and it being suggested that educating residents in this regard is a topic for a future issue of the *Quorum*.

X. NEW BUSINESS

A. Consider Budget Amendments FY 2009-2010.

#2010-08 Motion by Gettel supported by Jahnke to adopt the FY 2009-2010 Budget Amendments as presented.

WHEREAS: The Village must assure that expenditures in each account do not exceed those budgeted. A review of the Village 2009/2010 General Fund indicates several accounts where budget amendments are required. We resolve that the following budget amendments be made to the 2009/2010 General Fund budget with funds coming from the appropriation of other funds.

Accounts (Revenue)

000451 - Business Licenses: Increase revenue account to a new total of \$2,500 (original \$750).

000677 - Franklin Library Reimbursement: Increase revenue account to a new total of \$4,100 (original \$3,200).

000680 - Miscellaneous: Increase revenue account to a new total of \$13,000 (original \$500).

Accounts (Expenditures)

101901 - Public Information: Increase expense account to a new total of \$3,500 (original \$1,000).

101980 - Miscellaneous Council Expense: Increase expense account to a new total of \$3,500 (original \$250).

305826 - Police legal & related: Increase expense account to a new total of \$10,000 (original \$6,500).

305860 - Police Liability Insurance: Decrease expense account to a new total of \$5,700 (original \$10,350).

- 305865 – Police Vehicle Insurance: Decrease expense account to a new total of \$12,500 (original \$13,920).
- 854963 – Transfer to Waste Water: Increase expense account to a new total of \$6,000 (original \$4,900).
- 6999 - Uncategorized expense (bank fees): Increase expense account to a new total of \$5,000 (original \$2,500).
- 271910 – Franklin Library Insurance Expense: Increase expense account to a new total of \$4,100 (original \$3,200).
- 865910 – Liability Insurance and Bonds: Increase expense account to a new total of \$40,000 (original \$36,000).

Discussion ensued regarding the Memo, requirement to have balanced budget, and goal of a clean, unqualified opinion from the auditor on the Financial Statements.

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

Nays: None

Motion carried.

B. Consider Website Committee Recommendations.

Kochensparger briefly reviewed the 2 options and noted the Committee's recommendation is to accept the offer made by Jeff Pulker to create a website for the Village at no cost to the Village. Discussion ensued regarding timing, ease of use, incorporation of changes, potential for volunteers to assist, needs assessment, conserving staff time by providing information on the website, process, ability for multiple-pages which can cover special issues such as Green Energy, with it being noted that a soft-launch goal is within a month for internal review purposes.

#2010-09 Motion by Gettel supported by Harnisch to accept Jeff Pulker's offer to design and build a new Village website as presented.

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

Nays: None

Motion carried.

C. Consider Extension of Moratorium on Enforcement of Temporary Signs.

Stoppels referred to his submitted Memo and noted that as the Council authorized moratorium period on enforcement of these signs has expired it would be appropriate for Council to extend the period until such time as the ordinance up for consideration under Agenda Item 11 (A) goes into effect if enacted.

#2010-10 Motion by Jahnke supported by Harnisch to extend the current moratorium period until the effective date of Agenda Item 11 (A) should it be enacted.

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

Nays: None

Motion carried.

D. Consider Request from Michigan Department of Transportation (MDOT) Regarding Planned Construction on Telegraph Road and the Village Noise Ordinance.

Stoppels provided a brief review of this request to for a variance of the Village's Noise Ordinance and noted it would be appropriate to grant the request with the stipulation that the Village reserves the right to object later if noise levels become too much of a nuisance for the Village's residents.

#2010-11 Motion by Harnisch supported by Kochensparger to approve the request from MDOT for a variance to the Village's Noise Ordinance with the stipulation that the Village reserves the right to object later if noise levels become too much of a nuisance for the Village's residents.

Discussion ensued regarding timing.

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

Nays: None

Motion carried.

E. Consider Request of Road Commission Oakland County (RCOC) to Participate in Traffic Signal Update at Franklin Road and Thirteen Mile Road.

Stoppels provided a brief overview of this request and noted that the latest e-mail he has received from the County indicates that per the terms of the grant there would be no local-match obligation associated with the costs of the signal and further noted that the main goal in upgrading these signals is to make the traffic flow more smoothly. Discussion ensued regarding the pros and cons of this signal upgrade, consequences if the Village declines participation, 14 Mile/Franklin Road to stay a 4-way stop, and future considerations regarding turn lanes.

#2010-12 Motion by Kochensparger supported by Harnisch to authorize by letter the Village's participation in the traffic signal update at Franklin Road and Thirteen Mile Road at no cost to the Village and to request a turn arrow with no increase in lanes is included.

Discussion ensued regarding ownership and past precedent with Stoppels noting he will include in the letter a request for Chief Brown to be consulted regarding vehicular accidents at this intersection.

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

Nays: None

Motion carried.

F. Consider Village Administrator Employment Agreement.

Jahnke noted that the Personnel Committee has recommended adoption of the submitted resolution drafted by Staran to facilitate the preparation of a new employment agreement with the Village Administrator and further noted that the current Agreement has not been updated for several years, the resolution is necessary due to the terms of the current Agreement, all financial contracts should be reviewed in light of the current economic challenges, and the Committee recognizes the sensitive nature of this recommendation but feels it is necessary and fiscally responsible due to the notice requirements of the current Agreement.

#2010-13 Motion by Rosenthal supported by Kochensparger to adopt the Resolution as submitted authorizing service of written notice of the Village's intention to not extend the current term of the Village Administrator Employment Agreement and to direct the Personnel Committee to develop and recommend to Council a proposed village administrator agreement.

Discussion ensued regarding the pros (fiscally responsible due to notice requirements of current agreement, process, and need to update/review any and all agreements) and cons (negatively impacts all employees, unnecessary, insensitive, and wrong message to be communicating at the wrong time).

Brian Coyer, 25195 River Drive, noted that his hope is for this item to be tabled, an appropriate time to be reviewing this matter along with all discretionary contracts is during budget considerations in the context of the Village's finances, considering during a closed session might be more sensitive, and the appearance is that the issue is the Administrator and not the Village's financial welfare, which, he opined, is the wrong message to be sending to Stoppels and the Village.

Discussion ensued regarding most contracts having sunsets, public sector aspect of employment, need for all contracts to be periodically reviewed, with Stoppels noting that he has respect for both sides of this issue and is committed long-term to the Village and is open to starting these discussions immediately.

Ayes: Gettel, Jahnke, Kochensparger, Rosenthal

Nays: Harnisch, Lamott, Gallasch

Motion carried.

XI. PROCLAMATION/RESOLUTION/ORDINANCES

- A. Consider an Ordinance to Amend Section 1474.12 of Chapter 1747, Signs and Outdoor Display Structures, of Part Fourteen, Title Six of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, To Modify Regulations Governing Sandwich Signs for the Category of Temporary Business Signs, Repeal Conflicting Ordinances and Prescribe a Penalty for Violations. (first reading).**

Gallasch introduced this item and provided a brief overview.

#2010-14 Motion by Harnisch supported by Gettel to approve the Ordinance to Amend Section 1474.12 of Chapter 1747, Signs and Outdoor Display Structures, of Part Fourteen, Title Six of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, To Modify Regulations Governing Sandwich Signs for the Category of Temporary Business Signs, Repeal Conflicting Ordinances and Prescribe a Penalty for Violations for first reading.

Discussion ensued regarding clarification of changes, clarification of zoning designations, and whether the library's sign is regulated under this Amendment, with Hansen providing a brief overview and noting that the Commission's expectation is for all signs of this nature to be uniformly regulated, the library is not excluded, and the Commission will revisit the Sign Ordinance upon receiving design recommendations from HDC and Main Street.

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

Nays: None

Motion carried.

XII. ADJOURNMENT

Motion by Gettel supported by Kochensparger to adjourn the meeting.

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

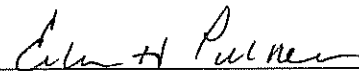
Nays: None

Motion carried.

There being no further business, the meeting adjourned at 10:11 P.M.

Respectfully submitted,

Lori Rich, Recording Secretary



Eileen H. Pulker, Clerk

H. Frederick Gallasch, President