

**PROCEEDINGS OF VILLAGE OF FRANKLIN
VILLAGE COUNCIL REGULAR MEETING
MONDAY, OCTOBER 10, 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 James Kochensparger at 8:00 P.M. at the Franklin Village Hall, Franklin, Michigan.

ROLL CALL

Present: Lew Eads, Jim Kochensparger, Steve Rosenthal, Mike Seltzer, Sherry Sparks,
Thomas Morrow (joined the meeting after his appointment at 8:35 P.M)
Absent: Brian Gettel (excused)
Also Present: Amy Sullivan, Village Administrator
Eileen Pulker, Clerk
Thomas Morrow, Treasurer
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

Sparks suggested incorporating Agenda Item E with Agenda Item G with the consensus of Council in agreement,

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

Ayes: Eads, Kochensparger, Rosenthal, Seltzer, Sparks

Nays: None

Absent: Gettel

Motion carried.

III. MINUTES

- A. August 22, 2011 Special Village Council Meeting**
- B. September 12, 2011 Regular Village Council Meeting**
- C. September 16, 2011 Special Village Council Meeting**
- D. September 26, 2011 Village Council Organization Meeting**

Motion by Eads supported by Seltzer to approve the minutes of the August 22, 2011 Special Village Council Meeting, September 26, 2011 Special Village Council Meeting, and September 26, 2011 Village Council Organizational Meeting as submitted and the September 12, 2011 Regular Village Council Meeting as revised.

Referring to the September 12th Minutes, Eads noted the date of the meeting cancelled under New Business Agenda Item K was September 29th and requested the minutes be revised accordingly with the consensus of Council in agreement.

Ayes: Eads, Kochensparger, Rosenthal, Seltzer, Sparks

Nays: None

Absent: Gettel

Motion carried.

IV. REPORTS OF VILLAGE OFFICERS AND AGENTS

Patrick Browne, Police Chief: Browne provided an update as to Department activity in the Village, noting the Department responded to 228 calls for service and Officers will be attending active shooter/immediate response training this week (Village is Host Agency with the Village getting two (2) free spots) and firearms training with first aid training scheduled for next month and further noted that by partnering with other agencies, the Village was able to save funds.

Tony Averbuch, Fire Chief: Averbuch referred to his written report and noted the Department received about \$2,800.00 in communications equipment via a county-wide Fire Grant through Homeland Security Funding which will greatly assist in meeting the FCC mandatory compliance which takes effect in 2013.

Thomas Morrow, Treasurer: Morrow noted the Bill's List includes expenditures related to the road program and associated engineering services and a revised list of account balances is included in the packet.

Vivian Carmody, Executive Director, Main Street: Carmody provided an update as to upcoming events including Birmingham Bloomfield Chamber of Commerce Member Coffee hosted by Farmhouse Coffee and Ice Cream is tomorrow with merchants opening early to showcase the Village; DIA Inside/Out is ongoing and encouraged viewing the displays; MI Apple Trail is coming to a conclusion with the Apple Gala Friday night, Village apple came in 3rd behind Wyandotte and Flint; La Spezia ribbon cutting is Friday morning, October 21, 2011; Franklins Frenzy is October 22nd with programming scaled back due to funding concerns. Discussion ensued relative to potential revenue from the auction of the Franklin apple.

V. SUBMISSION OF CURRENT BILLS

Motion by Eads supported by Rosenthal to approve the Bills List as submitted.

Discussion ensued relative to General Debt- Agent Fees with Morrow noting the costs are in conjunction with issuance of bonds.

TOTALS

General Administration	\$	10,265.21
Building	\$	6,691.17
Insurance	\$	36,487.79
Legal	\$	4,151.50
Police	\$	14,483.71
Pressure Sewer	\$	125.00
General Debt Service	\$	150.00
Major Roads	\$	4,926.52
Local Road	\$	88,756.38
Rubbish	\$	27,005.33
Trust & Agency	\$	200.00
Tax Fund	\$	24,676.48
Waste Water	\$	352.87
ALL FUNDS	\$	218,271.95

Ayes: Eads, Kochensparger, Rosenthal, Seltzer, Sparks

Nays: None

Absent: Gettel

Motion carried.

VI. PUBLIC REQUESTS AND COMMENTS

Kochensparger reminded speakers as to the three (3) minute time limit and requested comments be civil and not repetitive.

- **Marcia Gershenson, Oakland County Commissioner, District 17**, congratulated President Kochensparger and Trustee Sparks on their election, noted tax dollars support many county services such as the exemplary Health Department which offers home visits by a public health nurse, discounted vaccinations (flu vaccine is available), hearing and vision tests, and testing of drinking water, and the Gary Bernstein Health Clinic which offers free medical, dental and prescriptions to qualified individuals is located in the county.

- **Cory Joyrich, DIA Representative**, distributed information, thanked Council for allowing him to speak and for being one of the participants in the Inside/Out program, thanked the merchants for standing beside the DIA by hosting a DIA day noting that it is a first for the DIA to have such significant support as it received from the Village, encouraged Villagers to visit the display locations as well as the free day at the museum, noted the considerable benefit to the Village and merchants in terms of media coverage/social networking/e-mail blasts from the DIA Inside/Out event, and noted the DIA is looking forward to working with the Village in the future. Discussion ensued with it being noted the video commercial at the theaters was very eye-catching and is outstanding.

- **Mira Stakhiv, Crestwood Drive**, thanked Council for its hard work and noted their efforts are appreciated, as a Human Resources professional she believes that Village policies were not followed in the dismissal of the part-time Clerk, and the Village must value the Police Department and cannot afford at this time to cut its funding with the crime rate rising.

- **Fred Goldberg, Carol**, noted as a resident and former volunteer fireman he is a proponent of doing whatever is necessary to keep the funding available for both the Police and Fire Departments.

- **Thomas Yono, West 13 Mile Road**, noted his family has experienced a home invasion and the assistance they received from the Police Department resulted in their being able to stay in the community and opined this is not the time to play with Villagers' security, reducing funding to the Police Department/Fire Department means taking chances, one less officer could literally mean a person's life, the Department's response time is one of the best he's seen, Franklin has many affluent residents and senior citizens, the Department is well-known for its excellence, begged Council to keep the Department the way that it is, and thanked Council for listening to someone who does not usually come to Council meetings.

- **Randy McElroy, Woodside**, referred to an e-mail from Rick Koslowski dated October 10, 2011 and noted Mobile Watch and Fire Department supporters would have been here en masse strongly urging Council not to cut any funding to the Police or Fire Departments.

- **Suzanne McClow, Franklin Road, Mobile Watch Vice-Chair/Treasurer**, noted the Department's response time is incredible and she is often out in the middle of the night and feels safe, acknowledged that the budget is tight, and encouraged Council to work through this and not cut any officers or fire fighters and hopefully, preserve their benefits too.

VII. SPECIAL REPORTS

A. President's Report

Kochensparger noted as the Headlee Override request did not pass Council assisted by the Treasurer will be seeking practical solutions keeping the best interest of the Village and its employees in mind, however, tough choices will have to be made.

B. Council Report

It was noted that Council Committees will be meeting this month.

VIII. NEW BUSINESS

A. Consider Village Council Appointment to Fill Vacancy with the Term Ending in September 2013

Kochensparger provided a brief overview noting that a Council Trustee vacancy was created when he was elected President, four (4) resumes were submitted, one was withdrawn, and there is a recommendation to appoint the current Treasurer to fill the Council vacancy.

#2011-112 Motion by Eads supported by Seltzer to appoint Thomas Morrow to fill the Village Council Trustee vacancy with a term-end date of September, 2013.

Discussion ensued regarding the submitted resumes with it being noted they represented well-qualified candidates and one resume was retracted. Appreciation was extended to those who stepped up to serve the Village and it was noted that Morrow is an excellent choice. Morrow advised that as Village Treasurer for the last six (6) years he has become very familiar with the Village's finances and felt a strong obligation to offer his services and professional experience to assist the Village in managing this financial storm.

Roll Call Vote:

Ayes: Seltzer, Eads, Kochensparger, Rosenthal, Sparks

Nays: None

Absent: Gettel

Motion carried.

Morrow was sworn into office by Clerk Pulker.

B. Consider Main Street Franklin's Farmers' Market Request to Use the Village Green, October 22, 2011.

Carmody noted Main Street would like to have this as an option. Discussion ensued regarding paperwork with Pulker advising the necessary permit paperwork has been completed.

#2011-113 Motion by Seltzer supported by Eads to approve Main Street Farmers' Market request to use the Village Green on October 22, 2011 if necessary.

Ayes: Eads, Kochensparger, Morrow, Rosenthal, Seltzer, Sparks

Nays: None

Absent: Gettel

Motion carried.

C. Consider Request to Install an Ice Rink and Necessary Signs on the Village Green during the winter months of 2011/2012

Mark Hanke provided a brief overview noting that positive feedback was received from last year's rink and it would be similarly constructed and placed, however at no-cost to the Village, they are proposing to bring in dirt to permanently level the area (seeded later). Discussion ensued regarding dirt acquisition with Seltzer and Rosenthal advising they have contacts and with Hanke noting he had people volunteer last year to light the rink and assist with dirt who he will contact again this year, and potential motion. Trustees voiced their appreciation to Hanke.

#2011-114 Motion by Eads supported by Sparks to approve the installation of an ice rink and necessary signage on the Village Green, contingent on signage approval by the Sign/Zoning Board of Appeals.

Ayes: Eads, Kochensparger, Morrow, Rosenthal, Seltzer, Sparks

Nays: None

Absent: Gettel

Motion carried.

D. Consider Scheduling a Public Hearing for Reprogramming Plan Years (PY) 2010 and 2011 Community Development Block Grant (CDBG) Funds, and to Program PY2012 Funds.

Sullivan provided a brief overview noting the recommendation is to return the PY 2010 and 2011 funds allocated to a building renovation project at the Senior Center to the County for its Home Improvement Program and to allocate the PY 2012 funds to the Senior Center to provide services to seniors, with a public hearing required. Discussion ensued regarding CDBG requirements with it being noted there are criteria such as benefitting low-income households which make it problematic for use in the Village.

#2011-115 Motion by Eads supported by Seltzer to schedule a public hearing for reprogramming plan years (PY) 2010 and 2011 Community Development Block Grant (CDBG) funds, and to program PY2012 funds at the November Council meeting.

Ayes: Eads, Kochensparger, Morrow, Rosenthal, Seltzer, Sparks

Nays: None

Absent: Gettel

Motion carried.

E. Consider Budget Amendments FY 2011/2012

Sullivan provided a brief overview noting the crack sealing bid is higher than what was budgeted requiring an appropriation from fund balance, the budgeted Major-Local Road distribution for this matter needs to be revised, reflecting an actual 90/10 split, and the liability premium is higher than what was budgeted, though a rebate on the premium will more than likely offset the increase, requiring an appropriation from fund balance to cover the increase.

#2011-116 Motion by Eads supported by Seltzer to approve the FY 2011-2012 Budget Amendments as follows:

General Fund

WHEREAS: The Village must assure that expenditures in each account to not exceed those budgeted. A review of the Village's 2011/2012 General Fund indicates several accounts where budget amendments are required. We resolve the following budget amendments be made to the 2011-2012 General Fund Budget with funds coming from the appropriation of other funds.

Revenue

000999 - Appropriation of prior year funds: Increase revenue account to a new total of \$160,354 (original \$151,544).

Expenditure

305860 – Police Liability Insurance: Increase expense account to a new total of \$44,821 (original \$36,100)

305861 – Police Building Insurance: Decrease expense account to a new total of \$2,579 (original \$3,700).

305865 – Police Auto Insurance: Decrease expense account to a new total of \$6,038 (original \$12,800).

865910 – Property & Liability Insurance: Increase expense account to a new total of \$28,972 (original \$21,000).

Major Roads

WHEREAS: The Village must assure that expenditures in each account to not exceed those budgeted. A review of the Village's 2011/2012 Major Road Fund indicates several accounts where budget amendments are required. We resolve the following budget amendments be made to the 2011-2012 Major Road Fund Budget with funds coming from the appropriation of other funds.

Revenue

000999 – Appropriation of Prior Year Funds: Increase revenue account to a new total of \$73,545 (original \$55,445)

Expenditure

451818 – Road Construction: Increase expense account to a new total of \$62,100 (original \$25,000).
478818 – Engineering Services: Increase expense account to a new total of \$11,500 (original \$7,500).
965965 – Transfer to Local Road Fund: Decrease expense account to a new total of \$6,521 (original \$29,521).

Local Roads

WHEREAS: The Village must assure that expenditures in each account to not exceed those budgeted. A review of the Village's 2011/2012 Local Roads Fund indicates several accounts where budget amendments are required. We resolve the following budget amendments be made to the 2011-2012 Local Roads Fund Budget with funds coming from the appropriation of other funds.

Revenue

000999 – Appropriation of Prior Year Funds: Increase revenue account to a new total of \$179,252 (original \$178,352).

000582 – Transfer from Major Road: Decrease revenue account to a new total of \$6,521 (original \$29,521).

Expenditure

451818 – Road Construction: Decrease expense account to a new total of \$144,400 (original \$162,500).

478818 – Engineering Services: Decrease expense account to a new total of \$25,000 (original \$29,000).

Pressure Sewer

WHEREAS: The Village must assure that expenditures in each account to not exceed those budgeted. A review of the Village's 2011/2012 Pressure Sewer Fund indicates several accounts where budget amendments are required. We resolve the following budget amendments be made to the 2011-2012 Pressure Sewer Fund Budget with funds coming from the appropriation of other funds.

Expenditure

851000 - Liability Insurance: Increase expense account to \$3,000 (original \$2,000).

Discussion ensued regarding crack sealing Major-Local Road split with Sullivan advising the split was calculated down to the lineal foot on actual work done, increase in bid with Sullivan noting the increase is based on actual road inspections with the additional preventative maintenance designed to extend road life as much as possible, and timing with it being noted the minimum temperature is 45 degrees and if necessary, work will be completed in the Spring.

Ayes: Eads, Kochensparger, Morrow, Rosenthal, Seltzer, Sparks

Nays: None

Absent: Gettel

Motion carried.

Eads raised a point of order, requesting clarification from Staran as to whether two (2) items can be combined with Staran advising it is at Council's discretion.

#2011-117 Motion by Sparks supported by Seltzer to move Agenda Item E to Agenda Item H.

Kochensparger noted consideration of the elimination of the part-time clerical position was moved to consideration of the Finance Committee Recommendations. Discussion ensued with it being noted two (2) separate actions will be required and the clerical position will be discussed as part of finance committee considerations and cost-cutting.

Ayes: Eads, Kochensparger, Morrow, Rosenthal, Seltzer, Sparks

Nays: None

Absent: Gettel

Motion carried.

F. Consider Finance Committee Recommendations for FY 2011-1012 Budget

Morrow advised the Finance Committee met last week to discuss the budget in light of the failure of the tax initiative, provided a brief overview of its unanimously recommended options as well as three (3) Main Street funding options with no recommendation, and noted the recommended options, collectively, would reduce but not eliminate the deficit, there is no recommendation to reduce police staffing levels for this FY, however, it is something the next budget will need to strongly consider as the Village cannot support the staffing it currently has, and it is prudent to make the General Fund last as long as it can.

#2011-118 Motion by Eads supported by Seltzer to adopt the recommended savings for the FY 2011-2012 Budget as proposed by the Finance Committee, with the reduction to Main Street Franklin to eliminate one quarterly payment and no reduction to training of non-union employees with a total projected savings of \$74,190, to be effective November 1, 2011.

Morrow clarified, with the exception of the elimination of the clerical position, the recommendations were based on an effective date of November 1st. Discussion ensued regarding the need for additional revenue, question is how; concerns relative to the closure of Village offices one day a week; importance of valuing Village employees; importance of retaining Village services; Main Street pros and cons with it being noted it is the sole item on the options list that can generate some level of funding similar to Kreger House; appreciation extended to all involved in collectively formulating the recommendations; what the Village chooses to fund will be very visible; reasonableness of recommendations though it is hoped they are not permanent reductions; deficit necessitates action; difficulty in reconciling Villager accolades relative to police and fire with failure of Headlee Override request; potential for deeper cuts as the recommended options do not resolve the deficit concern; importance of acting immediately as this was what the voters asked for; Finance Committee considerations were based on the best interest of the Village and were unanimously accepted by the Committee; and part-time clerical position was temporary when filled as it was related to the interim-administrator position.

Mira Stakhiv, Crestwood Drive, noted a concern was relative to how the clerical position (which she understood was not a temporary position when it was filled) was eliminated (not by Council but by another employee) not in accordance with Council rules, retroactive pay should be provided for the three (3) weeks the employee was terminated without a Council vote on the matter, consideration of reducing payments to Main Street as they can do fundraising has merit, and reduction of office hours might lead to a different result on a future tax initiative. Discussion ensued with Staran noting the elimination of the clerical position was done in accordance with Village rules as the Village Administrator is charged with a number of employee oversight and staffing issues and the intention to eliminate this position was brought before Council with Council publically acknowledging the issue and deferring the decision to the Village Administrator.

Al Beke, Colony Hill, noted non-union training should have been an easy reduction and inquired as to how the reduced work week will work out and how staff will explain the reduced work week with it being noted Administration will make the decision as to how the reduced work week will work out, staff will continue to be the professionals they are, and in the Police Department, only administration will be impacted by the reduced work week.

Dom Schiano, Oakleaf Lane, commended Council for taking action to make cuts that were tough and noted the real question is what will happen in the future as the Village can't make it without additional revenue, urged Council to immediately go to the voters with a police/fire millage request, and opined that Villagers will be impacted by closure of Village offices one day a week which may spur support of a millage request and it was not right to accept the Chief's offer of reduction in his longevity pay.

Discussion ensued with it being noted comments were appreciated; December 20th is the deadline to have a referendum ready to be on the February ballot, and need for better communication regarding any future tax initiatives. Sparks noted she did not support all of the Finance Committee's recommendations at the

Committee meeting and requested clarification as to how the police department reductions were impacted by the motion with it being noted only police administration was impacted.

The proposed changes resulted in the following additional budget amendments:

GENERAL FUND

WHEREAS: The Village must assure that expenditures in the each account do not exceed those budgeted. A review of the Village's 2011/2012 General Fund indicates several accounts where budget amendments are required. We resolve that the following budget amendments be made to the 2011-2012 General Fund Budget with funds coming from the appropriation of other funds.

Revenue:

000999 – Appropriation of prior year funds: Decrease revenue account to a new total of \$86,164 (original \$160,354).

Expenditures:

101819 – Planning Commission, Master Plan: Decrease expense account to a new total of \$0 (original \$1,000).

102704 – Administrative Salaries: Decrease expense account to a new total of \$109,646 (original \$135,200).

102705 – Health Insurance: Decrease expense account to a new total of \$11,481 (original \$25,000).

102709 – Payroll Taxes: Decrease expense account to a new total of \$8,667 (original \$10,000).

102853 – Communications expense: Decrease expense account to a new total of \$320 (original \$960).

215704 – Clerical Salaries: Decrease expense account to a new total of \$41,334 (original \$47,600).

215709 – Payroll Taxes: Decrease expense account to a new total of \$3,200 (original \$3,700).

305702 – Police Longevity Pay: Decrease expense account to a new total of \$24,500 (original \$26,300).

305704 – Police Clerical Salaries: Decrease expense account to a new total of \$25,581 (original \$29,516).

305711 – Police Retirement Contributions: Decrease expense account to a new total of \$38,175 (original \$52,000).

854962 – Transfer to Kreger Fund: Decrease expense account to a new total of \$1,000 (original \$2,000).

970723 – Main Street Expense: Decrease expense account to a new total of \$14,475 (original \$19,300).

Roll Call Vote:

Seltzer	Aye
Eads	Aye
Kochensparger	Aye
Morrow	Aye
Rosenthal	Aye
Sparks	Nay

Absent: Gettel

Motion Carried.

G. Consider Resolution to Eliminate Part Time Clerical Position

It was noted that as Council has approved the Finance Committee recommendations the part-time clerical position has been eliminated rendering this item mute.

IX. ADJOURNMENT

Motion by Morrow supported by Eads to adjourn the meeting.

Ayes: Eads, Kochensparger, Morrow, Rosenthal, Seltzer, Sparks

Nays: None

Absent: Gettel

Motion carried.

There being no further business, the meeting adjourned at 9:25 P.M.

Respectfully submitted,

Lori Rich, Recording Secretary

Eileen H. Pulker, Clerk

James Kochensparger, President