

**PROCEEDINGS OF VILLAGE OF FRANKLIN  
VILLAGE COUNCIL REGULAR MEETING  
MONDAY, APRIL 9, 2012 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, Pam Hansen, Jim Kochensparger, Thomas Morrow, Steve Rosenthal, Sherry Sparks  
Absent: Mike Seltzer (excused)  
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 Morrow supported by Hansen to approve the agenda for the April 9, 2012, Regular Village Council Meeting as submitted.**

**Ayes: Eads, Hansen, Kochensparger, Morrow, Rosenthal, Sparks**

**Nays: None**

**Absent: Seltzer**

**Motion carried.**

**III. MINUTES**

**A. March 12, 2012, Regular Village Council Meeting**

**Motion by Morrow supported by Sparks to approve the minutes of the March 12, 2012, Village Council Meeting as amended.**

Kochensparger suggested the motion be amended to remove the letter from Bill Lamott which was included in the minutes with Morrow amending his motion accordingly. Discussion ensued regarding the pros/cons of including the letter in the minutes with Staran noting minutes are only required to show actions taken and the Village's normal practice has been to include a brief summation of comments/discussion in the minutes to provide a historical record.

**Ayes: Eads, Hansen, Kochensparger, Morrow, Rosenthal**

**Nays: Sparks**

**Absent: Seltzer**

**Motion carried.**

**IV. REPORTS OF VILLAGE OFFICERS AND AGENTS**

**Patrick Browne, Police Chief:** Browne advised that during the month of March officers responded to 304 calls for service, noted that training with Farmington Hills Police Department is ongoing, and provided an overview of recent police activity in the Village. Browne reminded Villagers to contact the Department if they see any suspicious activity and to write down a license number for any suspicious vehicle as that provides the Department more beneficial information.

**Tony Averbuch, Fire Chief:** Averbuch referred to his written report and noted that annual apparatus inspection and testing has started. Averbuch thanked the Village for allowing a small portion of Normandy to be closed to facilitate the testing and noted information was shared with the church.

**Thomas Morrow, Treasurer:** Morrow referred to his submitted written report and noted a list of account balances for the new Level One Bank accounts is included in the packet.

**Vivian Carmody, Executive Director, Main Street:** Carmody provided an overview of two (2) sessions she attended at National Main Street's Annual Conference which focused on building stronger relationships between the Main Street organization, City Hall, and community partnerships and noted that Main Street is not just another community organization; it is a proven approach to downtown revitalization that is an investment for every resident and creates a legacy concept for the downtown. Carmody advised the Conference will be in New Orleans next year and possibly in Detroit in two (2) years.

## V. SUBMISSION OF CURRENT BILLS

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

Morrow inquired as to why there was no check for Trustee Sparks' Council fee with Sullivan advising the fee doesn't start until a Trustee has been in office for a year.

### TOTALS

General Administration	\$	8,525.57
Building	\$	5,005.44
Insurance	\$	50,737.72
Legal	\$	2,806.00
Police	\$	11,386.27
Pressure Sewer	\$	125.00
General Debt Service	\$	-
Major Roads	\$	239.38
Local Road	\$	19,968.93
Rubbish	\$	16,525.28
Trust & Agency	\$	400.00
Tax Fund	\$	1,606.71
Waste Water	\$	504.96
<b>ALL FUNDS</b>	<b>\$</b>	<b>117,831.25</b>

**Ayes: Eads, Hansen, Kochensparger, Rosenthal, Sparks**

**Nays: None**

**Abstain: Morrow**

**Absent: Seltzer**

**Motion carried.**

## VI. PUBLIC REQUESTS AND COMMENTS

- Fred Gallasch, Rosemond Drive, commented regarding the appointment for the Planning Commission vacancy.

## VII. SPECIAL REPORTS

### A. President's Report

Kochensparger noted work is ongoing relative to the budget and reminded as to the two (2) workshops scheduled for April 16th and 30th at 7:00 P.M. at Village Hall.

### B. Council Report

Hansen requested an overview as to the budget process/timing. The Administrator Sullivan noted the date for approving the budget is primarily derived from printing issues as tax bills have to be mailed out by July 1st.

Kochensparger noted the Legal Committee has reviewed relevant agenda items.

**C. Administrator's Report**

Sullivan noted the taxable value decline appears to be slowing down as the post Board of Review taxable value is a decline in taxable value of approximately .4% and advised that Planning Commission held a public hearing on the Bed and Breakfast ordinance and is reviewing the sign ordinance and its By-laws.

**VIII. NEW BUSINESS**

**A. Consider Fire Protection Contract with the Franklin-Bingham Farms Fire Department, Inc.**

Sullivan provided a brief overview noting the term is five (5) years and is the same as the previous contract.

**#2012-27 Motion by Morrow supported by Eads to accept and enter into the five (5) year Fire Protection Contract with the Franklin-Bingham Farms Fire Department, Inc. as submitted.**

**Ayes: Eads, Hansen, Kochensparger, Morrow, Rosenthal, Sparks**

**Nays: None**

**Absent: Seltzer**

**Motion carried.**

**B. Consider Demolition Application for 26570 Drummond Ct.**

Sullivan provided a brief overview noting that everything is in order. Josh Tobias of Tobias Construction advised, as the Contractor, he is seeking approval of the Demolition Permit. Discussion ensued with the Contractor being reminded as to the need to comply with the Village's hours of operation and to ensure there is no damage to any roads or adjoining properties when coming to and from the site.

**#2012-28 Motion by Eads supported by Morrow to approve the Demolition Application for 26570 Drummond Ct., complying with all requirements of the Village Building Official.**

**Ayes: Eads, Hansen, Kochensparger, Morrow, Rosenthal, Sparks**

**Nays: None**

**Absent: Seltzer**

**Motion carried.**

**C. Consider Civic Event Permit Application for the Franklin Garden Club Walk and Banner, June 13, 2012.**

**#2012-29 Motion by Sparks supported by Eads to approve the Civic Event Permit Application for the Franklin Garden Club Walk and Banner, June 13, 2012.**

Discussion ensued with it being noted there is no difference from the arrangements in the past.

**Ayes: Eads, Hansen, Kochensparger, Morrow, Rosenthal, Sparks**

**Nays: None**

**Absent: Seltzer**

**Motion carried.**

**D. Consider Civic Event Permit Application for the Franklin Historical Society 5K Run, Walk, Strut Your Mutt, and Pancake Breakfast, June 9, 2012.**

Kochensparger introduced and provided a brief overview.

**#2012-30 Motion by Morrow supported by Rosenthal to approve the Civic Event Permit Application for the Franklin Historical Society 5K Run, Walk, Strut Your Mutt, and Pancake Breakfast, June 9, 2012.**

**Ayes: Eads, Hansen, Kochensparger, Morrow, Rosenthal, Sparks**

**Nays: None**

**Absent: Seltzer**

**Motion carried.**

**E. Consider Lease of New Police Vehicle.**

Sullivan provided a brief overview noting authorization to enter into a bid award through the State of Michigan for a patrol vehicle is being requested and if authorized, a budget amendment would be addressed under the budget amendments agenda item. Browne advised the vehicle being replaced has over 103,000 miles and has become cost-prohibitive to maintain. Discussion ensued regarding the lease payment increase and whether costs include equipment with Browne advising the increase reflects the changeover to the Ford Taurus design as production on the Crown Vic has been discontinued and reinstallation of equipment would be an additional cost. Sullivan noted reinstallation is addressed in a budget amendment.

**#2012-31 Motion by Hansen supported by Morrow to approve the new police vehicle lease, for a new 2013, Ford Police Interceptor Sedan at \$8,615.81 per year on a 3 year lease, at the end of which the vehicle may be purchased for \$1, through the Macomb County Bid Price (Bid#12-07, MY2013) State of Michigan.**

**Ayes: Eads, Hansen, Kochensparger, Morrow, Rosenthal, Sparks**

**Nays: None**

**Absent: Seltzer**

**Motion carried.**

**F. Consider Requesting DPW Contractor to Rebate Portion of Snow Removal Cost Back to Village.**

Sullivan noted this has been brought forward for Council's consideration due to a split vote on a recommendation by the Finance Committee as to whether or not to ask the DPW Contractor for the rebate. Discussion ensued regarding background with Sullivan noting that Council entered into a DPW contract for four (4) different types of service with the snow removal portion awarded to Johnson Landscaping under a flat rate as requested by Council. Due to the light snowfall, the rebate question came up. Trustees discussed the pros and cons of asking for the rebate with Sullivan noting the negatives as discussed at Finance were focused on the unfairness aspect and the difficulty if the roles were reversed i.e. heavier snow fall than usual. Eads raised a point of order requesting a motion be made.

**Motion by Rosenthal supported by Sparks to discuss the snow removal contract.**

Discussion ensued regarding contract terms, historical perspective, and the pros and cons of asking for the rebate.

Mira Stakhiv, Crestwood Drive, noted snow removal on Crestwood needs to be clarified with the Contractor.

**G. Consider Personnel Policy Revision.**

Sullivan provide a brief introduction noting this is to undo what had been done when the work week was reduced to four (4) days a week.

**#2012-32 Motion by Morrow supported by Eads to make the published revisions to the personnel manual, indication the return of the full-time staff to a 40 hour work week.**

**Ayes: Eads, Hansen, Kochensparger, Morrow, Rosenthal, Sparks**

**Nays: None**

**Absent: Seltzer**

**Motion carried.**

**H. Consider Building Official Proposed Contract Revisions.**

Sullivan provided a brief overview noting the Building Official is a part time, contracted employee who was currently receiving 50% of permit fees for inspection matters and an hourly rate for administrative work (code enforcement and other building matters) under an open ended contract. The proposed contract puts the Building Official on an annual rate for a one year term to be reviewed after one year.

**#2012-33 Motion by Morrow supported by Rosenthal to authorize the Village to enter into the contract with the Building Official as submitted, effective 5/1/12 to 4/30/13.**

Discussion ensued regarding payment (historically and proposed), hours/duties/responsibilities (remain the same), potential to save the Village money and protect the Village during these challenging times, and potential for this to be requested to be revised when building permit requests escalate.

**Ayes: Eads, Hansen, Kochensparger, Morrow, Rosenthal, Sparks**

**Nays: None**

**Absent: Seltzer**

**Motion carried.**

Bill Lamott, Scenic Drive, noted this contract is exactly the same as the Village had previously which was problematic and expressed concern with the potential to impact attendance at Historic District Commission meetings as well as with the potential to impact code enforcement. Sullivan advised the contract has been negotiated with and reviewed by the building official, these items have been discussed, there should be no concerns in this regard as the hours/duties/responsibilities have not changed, and she will review with the building official again to make sure there is an accurate understanding. Fred Gallasch noted funds are Building Department not General Fund and opined the Village isn't as pretty as it used to be, code enforcement can't be skimmed on, and the Village will face difficulties if the building inspector leaves at some point as it is difficult to find capable people and the transition can be real tough. Morrow noted the comments were appreciated and Finance had similar concerns which were resolved by discussing these with the Building Official, General Fund has been utilized in the past to cover some of these costs, and the contract will need to be well managed by the Administrator. Discussion ensued regarding code enforcement with it being noted this is something the Village needs to pay attention to.

**Ayes: Eads, Hansen, Kochensparger, Morrow, Rosenthal, Sparks**

**Nays: None**

**Absent: Seltzer**

**Motion carried.**

**I. Consider Budget Amendments FY2011-2012.**

Kochensparger introduced and Sullivan noted the proposed budget amendments are grouped into three (3) categories: 1) Reinstatement of the five (5) day work week and related services; 2) Truing up budgeted projections; and 3) New budget expenditures being considered and provided a brief overview. Sullivan advised opening of the Kreger House bathrooms has been taken care of by the baseball league and private donations and thanked Jesse and Jane Polan for leading the charge on this matter. Morrow noted the first two (2) categories reflect no new spending but are necessary to true up the projections and honor the trust placed in Council at the ballot box and his personal preference is to not address the police crime bulletin as an amendment but rather as part of the proposed budget as it is not time-sensitive. Discussion ensued regarding process for tracking the budget with Morrow noting the budget is reviewed quarterly by Council and necessary amendments are considered/evaluated at that time. Kochensparger listed the proposed amendments by line item.

**#2012-34 Motion by Morrow supported by Eads to adopt all but 305901 (Police Public Information) of the proposed FY 2011-2012 Budget Amendments, as follows:**

**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

- 000574 – State Revenue Sharing: Increase revenue account to a new total of \$226,000 (original \$188,700).
- 000627 – General & admin assmnt: Increase revenue account to a new total of \$20,797 (original \$17,045)
- 000999 - Appropriation of prior year funds: Decrease revenue account to a new total of \$37,007 (original \$81,681).
- 000999 – Appropriation of prior year funds - Restricted: Increase revenue account to a new total of \$30,800 (original \$27,080).

Expenditures

- 101823 – Zoning Board of Appeals: Increase expense account to a new total of \$1,000 (original \$500).
- 101824 – Historic District Commission: Decrease expense account to a new total of \$1,000 (original \$2,775).
- 101901 – Public Information: Increase expense account to a new total of \$2,525 (original \$1,250).
- 102704 – Admin Salaries: Increase expense account to a new total of \$117,034 (original \$105,894).
- 102709 – Admin payroll tax: Increase expense account to a new total of \$9,238 (original \$8,667).
- 102853 – Admin communication expense: Increase expense account to a new total of \$560 (original \$320).
- 215704 – Clerk salary: Increase expense account to a new total of \$44,263 (original \$41,334).
- 215705 – Clerk ins: Increase expense account to a new total of \$1,000 (original \$0).
- 215709 – Clerk payroll tax: Increase expense account to a new total of \$3,421 (original \$3,207).
- 215710 – Clerk Contract Services: Increase expense account to a new total of \$6,000 (original \$4,000).
- 305700 – Police Salaries: Decrease expense account to a new total of \$628,321 (original \$645,321).
- 305701 – Police Overtime: Increase expense account to a new total of \$48,000 (original \$31,000).
- 305702 – Police Longevity: Increase expense account to a new total of \$28,100 (original \$24,500).
- 305704 – Police Clerical Salaries: Increase expense account to a new total of \$27,397 (original \$25,581).
- 305705 – Police Group Ins: Decrease expense account to a new total of \$125,054 (original \$139,054).
- 305707 – Police Work Comp ins: Decrease expense account to a new total of \$11,556 (original \$15,026).
- 305709 – Police Payroll Tax: Increase expense account to a new total of \$74,616 (original \$59,616).
- 305981 – Autos & related equipment: Increase expense account to a new total of \$24,100 (original \$14,100).
- 854963 – Transfer to Waste Water Fund: Increase expense account to a new total of \$9,850 (original \$2,850).
- 875817 – Other Fire Dept Expense: Decrease expense account to a new total of \$0 (original \$38,662).

**FIRE 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 Fire Fund indicates several accounts where budget amendments are required. We resolve that the following budget amendments be made to the 2011-2012 Fire Fund Budget with funds coming from the appropriation of other funds.**

Revenue

- Transfer from General Fund: Decrease revenue account to a new total of \$0 (original \$38,662).

Expenditures

- 336818 - Franklin-Bingham Farms FD: Decrease expense account to a new total of \$272,506 (original \$311,168).

**GENERAL DEBT SERVICE 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 Debt Service Fund indicates several accounts where budget amendments are required. We resolve that the following budget amendments be made to the 2011-2012 General Debt Service Fund Budget with funds coming from the appropriation of other funds.**

Revenue

000680 – Miscellaneous Income: Increase revenue account to a new total of \$4,200 (original \$0).

Expenditures

905996 – Road Debt Retirement - Interest: Decrease expense account to a new total of \$8,963 (original \$126,288).

905998 – Police Debt Retirement – Interest: Decrease expense account to a new total of \$1,193 (original \$31,357).

New Combined Bond – Principal: Increase expense account to a new total of \$75,000 (original \$0).

New Combined Bond – Interest: Increase expense account to a new total of \$53,541 (original \$0).

**GARBAGE AND RUBBISH 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 Garbage and Rubbish Fund indicates several accounts where budget amendments are required. We resolve that the following budget amendments be made to the 2011-2012 Garbage and Rubbish Fund Budget with funds coming from the appropriation of other funds.**

Revenue

000999 – Approp of prior year funds: Increase revenue account to a new total of \$4,917 (original \$0).

Expenditures

528818 – Contracted services: Increase expense account to a new total of \$206,366 (original \$203,566).

**WASTE WATER 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 Waste Water Fund indicates several accounts where budget amendments are required. We resolve that the following budget amendments be made to the 2011-2012 Waste Water Fund Budget with funds coming from the appropriation of other funds.**

Revenue

000485 – Tri-annual septic permits: Decrease revenue account to a new total of \$0 (original \$4,500).

000800 - Transfer from General Fund: Increase revenue account to a new total of \$9,850 (original \$2,850).

Expenditures

371820 – Engineering services: Increase expense account to a new total of \$6,500 (original \$4,000).

Fred Gallasch inquired as to the general fund transfer to the Wastewater Fund and Administrator cell phone with Sullivan advising the transfer is for engineering services related to permit compliance (Morrow noted that under accrual basis accounting there are some situations where fund balance is different than cash the Village holds) and the Administrator cell phone line item reflects \$80 per month for the remainder of this fiscal year. Dean Moenck inquired as to the net bottom line with Sullivan noting that prior to the budget amendments the deficit would be \$81,681.00 and after the budget amendments (including the increase in State Shared Revenue) the deficit would be \$37,007.00. Discussion ensued regarding the deficit, fire costs, and State Shared Revenue with it being noted the Village is approximately \$45,000.00 better off than anticipated.

**Ayes: Eads, Hansen, Kochensparger, Morrow, Rosenthal, Sparks**

**Nays: None**

**Absent: Seltzer**  
**Motion carried.**

**J. Receive Finance Committee Recommendation for Preliminary Budget FY2012-2013.**

Sullivan provided an overview and noted there were two (2) recommendations from the Finance Committee. 1) Cost-Benefit analysis for Main Street (Sparks volunteered to prepare draft analysis for Council consideration); and 2) Meet with Kreger team to better understand Village's financial obligation in this regard. Morrow noted the preliminary budget accomplishes the two (2) commitments made to the Village as part of the recent millage process (fully funds police operations, starts rebuilding the general fund), and in the future it is hoped these commitments can be met without levying the full millage as a fully-funded General Fund and unused millage provides funding for unanticipated situations. Discussion ensued regarding publication of the preliminary budget and Finance Committee recommendations with it being noted the preliminary budget will be posted on the website and the upcoming workshops are the right place for input on the recommendations. Hansen provided a brief perspective on Kreger issues and noted the need for open issues to be clarified and for all to have a clear understanding of the Village's obligations with Lamott advising he will consult with the team and provide a report.

**K. Consider Whether to Convene in Closed Session Immediately Following the Regular Meeting to Discuss a Written Attorney Client Privileged Communication.**

**#2012-35 Motion by Morrow supported by Eads to convene in closed session immediately following the regular meeting to discuss a written attorney/client privileged communication.**

**Roll Call Vote:**

**Eads            Yea**  
**Hansen        Yea**  
**Kochensparger Yea**  
**Morrow        Yea**  
**Rosenthal     Yea**  
**Sparks         Yea**  
**Nays: None**  
**Absent: Seltzer**  
**Motion Carried.**

**IX.            ORDINANCES/PROCLAMATIONS/RESOLUTIONS**

**A. Consider Arbor Day Proclamation.**

**#2012-36 Motion by Morrow supported by Rosenthal to participate in Arbor Day program as set forth in the following proclamation:**

**CELEBRATE ARBOR DAY**

**Whereas,        In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and**

**Whereas,        this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and**

**Whereas,        Arbor Day is now observed throughout the nation and the world, and**

**Whereas,        trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and**

**Whereas,        trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and**



**Whereas, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and**

**Whereas, trees, wherever they are planted, are a source of joy and spiritual renewal.**

**Now, Therefore, I, James Kochensparger, Mayor of the Village of Franklin, Michigan, do hereby proclaim April 27, 2012 as Arbor Day in the Village of Franklin, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and**

**Further, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.**

**Dated this 9<sup>th</sup> day of April, 2012.**

**Ayes: Eads, Hansen, Kochensparger, Morrow, Rosenthal, Sparks**

**Nays: None**

**Absent: Seltzer**

**Motion carried.**

**B. Consider An Ordinance to Amend Chapter 410, Michigan Vehicle Code, of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Adopt by Reference Section 625 (1) (c) of the Michigan Vehicle Code, Repeal Conflicting Ordinances, and prescribe penalties for Violations (first reading).**

Browne noted this section of the Code allows some of the funds to come back to the Village. Staran provided an overview and noted there was a flaw in the law which prohibited local officials from enforcement which has been remedied in this amendment and strongly encouraged adoption by Council.

**#2012-37 Motion by Morrow supported by Eads to adopt in first reading the Ordinance to Amend Chapter 410, Michigan Vehicle Code, of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, adopting by reference Section 625 (1) (c) of the Michigan Vehicle Code, Repeal Conflicting Ordinances, and prescribe penalties for Violations as submitted.**

**Ayes: Eads, Hansen, Kochensparger, Morrow, Rosenthal, Sparks**

**Nays: None**

**Absent: Seltzer**

**Motion carried.**

**X. ADJOURNMENT**

**Motion by Morrow supported by Eads to adjourn the meeting.**

**Ayes: Eads, Hansen, Kochensparger, Morrow, Rosenthal, Sparks**

**Nays: None**

**Absent: Seltzer**

**Motion carried.**

There being no further business, the meeting adjourned at 9:22 P.M.

Respectfully submitted,

Lori Rich, Recording Secretary

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Eileen H. Pulker, Clerk

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James Kochensparger, President

