

**PROCEEDINGS OF VILLAGE OF FRANKLIN  
VILLAGE COUNCIL REGULAR MEETING  
MONDAY, OCTOBER 8, 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 Pro Tem, Lew Eads, at 8:00 P.M. at the Franklin Village Hall, Franklin, Michigan.

**ROLL CALL**

Present: Lew Eads, Brian Gordon, Pam Hansen, Thomas Morrow, Steve Rosenthal, Mike Seltzer  
Absent: Jim Kochensparger  
Also Present: Amy Sullivan, Village Administrator  
Daniel Roberts, Police Chief  
Eileen Pulker, Clerk  
Lance Vainik, Deputy Treasurer  
John Staran, Hafeli Staran Hallahan & Christ, P.C., Village Attorney  
Eileen Harryvan, Main Street Franklin

**II. ADOPTION OF AGENDA**

**Motion by Seltzer supported by Morrow to approve the agenda for the October 8, 2012, Regular Village Council Meeting as submitted.**

**Ayes: Eads, Gordon, Hansen, Morrow, Rosenthal, Seltzer**

**Nays: None**

**Absent: Kochensparger**

**Motion carried.**

**III. MINUTES**

**A. September 10, 2012, Regular Village Council Meeting**

**Motion by Seltzer supported by Morrow to approve the minutes for the September 10, 2012, Regular Village Council Meeting as submitted.**

**Ayes: Eads, Gordon, Hansen, Morrow, Rosenthal, Seltzer**

**Nays: None**

**Absent: Kochensparger**

**Motion carried.**

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

**Daniel Roberts, Police Chief:** Roberts provided an update on recent activity in the Village, advised that the Department has participated in fire arms training and Det. Lt. Castro has participated in leadership training, and introduced new part time Officer Jenkins. Hansen noted she was excited about the note regarding an opportunity to acquire a Police K-9 dog with Roberts noting the Dept. passed on this opportunity due to uncertainty relative to funding but will revisit this in the near future when funding is certain.

**Tony Averbuch, Fire Chief:** Averbuch referred to his written report, provided a positive update on Huda School parking lot construction, and noted the CPR program, jointly sponsored with the Library, was very successful.

**Lance Vainik, Deputy Treasurer:** Vainik referred to his written report and noted the list of Level One account balances is as of October 4, 2012.

**Eileen Harryvan, Main Street Franklin (“MSF”):** Harryvan advised the Board has decided to review from time-to-time the role MSF plays in terms of the Master Plan and noted MSF is driven by volunteers

and the public private partnership with the Village of Franklin. Harryvan provided an update which focused on MSF accomplishments that fulfill the recommendations made by the 2007 Master Plan, 2007 Village of Franklin Downtown Commercial District presentation, and 2008 Strategy for Revitalization of the Village Center: 1) Completed implementation of the Main Street program; 2) Nationally recognized as a certified Main Street program; 3) Established work groups with required annual work plans as opposed to study groups with increased cooperation between merchants and Village government; and 4) Programming/events geared towards bringing people to the Village and its merchants.

#### V. SUBMISSION OF CURRENT BILLS

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

Morrow inquired as to the Water Resource Commission tax fund reimbursement with Pulker advising the delinquent funds are collected on tax bills and forwarded on to the Water Resource Commission.

#### TOTALS

|                        |           |                   |
|------------------------|-----------|-------------------|
| General Administration | \$        | 12,822.56         |
| Building               | \$        | 7,887.39          |
| Insurance              | \$        | 33,399.19         |
| Legal                  | \$        | 4,933.50          |
| Police                 | \$        | 24,663.84         |
| Pressure Sewer         | \$        | -                 |
| General Debt Service   | \$        | 125.00            |
| Major Roads            | \$        | 11,266.28         |
| Local Road             | \$        | 11,869.35         |
| Rubbish                | \$        | 17,722.48         |
| Trust & Agency         | \$        | 800.00            |
| Tax Fund               | \$        | 72,239.84         |
| Waste Water            | \$        | 438.54            |
| <b>ALL FUNDS</b>       | <b>\$</b> | <b>198,167.97</b> |

**Ayes: Eads, Gordon, Hansen, Rosenthal, Seltzer**

**Nays: None**

**Abstain: Morrow**

**Absent: Kochensparger**

**Motion carried.**

#### VI. PUBLIC REQUESTS AND COMMENTS

- **Todd Stern, candidate for Oakland County Commission 14<sup>th</sup> District**, introduced himself and advised the 14<sup>th</sup> District is a new district which Commissioner Gershenson has been redistricted out of, he has received the endorsement of Commissioner Gershenson, is the former President of the Village of Beverly Hills Council, and is running for the position out of a concern for the County. Stern noted his areas of focus will be jobs, stabilization of property values, roads, and protecting seniors and women. Stern pledged his commitment to attend Franklin Council meetings.

- **Andrea Gilles Briggs, Democratic candidate for Southfield Township Clerk**, advised as to the upcoming League of Women Voters debate on October 11<sup>th</sup> at 7:00 P.M. at the Beverly Hills Village Hall.

- **Karen Fayett, on behalf of Don Volaric, candidate for US Congress, 9<sup>th</sup> Congressional District**, advised this is a new district which Congressman Gary Peters has been redistricted out of and noted that Volaric resides in Macomb, is a businessman and family man, works in the health care

industry, understands the value of competition, and will bring a wealth of small business experience to the position.

- **Chuck Moss, State Representative 48th District**, congratulated Clerk Pulker on receiving the Clerk of the Year award and noted Franklin is very well-served by Pulker, and provided a brief legislative update.
- **Mira Stakhiv, Crestwood Drive**, requested Council's assistance in addressing with DTE Franklin's repeated power outages. Discussion ensued with Eads requesting Sullivan to invite a DTE representative to the next Council meeting to address this concern.

## VII. SPECIAL REPORTS

### A. President's Report

Eads noted there have been several articles relative to Franklin in the Eccentric of late which have been positive and represented Franklin in a good way, the Historical Society events to support the Franklin Community Center buildings, thanked Hansen and Ettinger for their involvement in Wednesday's fundraiser event at the Comedy Castle benefitting the Guardian Angel Animal Rescue, and encouraged all to attend upcoming Franklin events: Franklinstein Frenzy and Market on the Green.

#### 1. Recognition of Madeline Haddad and Bonnie Cook

Eads read a resolution in appreciation of Madeline Haddad's dedication and service to the Village of Franklin.

#### RESOLUTION Madeline Haddad

In appreciation of her Dedication and Service to the people of the Village of Franklin  
WHEREAS, MADELINE HADDAD, a highly respected community volunteer and resident of the Village of Franklin has donated countless volunteer hours in service to the community; and  
WHEREAS, the Village of Franklin has a Historic District Commission providing oversight to its Historic District established in accordance with Federal guidelines mandated by the United States Secretary of the Interior; and  
WHEREAS, MADELINE HADDAD has served for more than eleven [11] years on the Franklin Village Historic District Commission providing leadership and oversight to preserve and promote the integrity of the Historic character of the Village; and  
WHEREAS, as a member of the Village of Franklin Historic District Commission, MADELINE HADDAD has demonstrated leadership through her actions and through her unwavering commitment to the community.  
NOW, THEREFORE, BE IT RESOLVED, on this the 8<sup>st</sup> day of October 2012, that the Village of Franklin Village Council desires to express their appreciation for such dedicated public service by MADELINE HADDAD and to thank her for her legacy of constructive involvement which has made a profound and positive impact on the Village of Franklin.  
BE IT FURTHER RESOLVED that a copy of this resolution and expression of civic appreciation is presented to MADELINE HADDAD on behalf of the following undersigned.

**#2012-95 Motion by Seltzer supported by Rosenthal to adopt the Resolution in appreciation of Madeline Haddad's dedication and service to the Village of Franklin.**

**Ayes: Eads, Gordon, Hansen, Morrow, Rosenthal, Seltzer**

**Nays: None**

**Absent: Kochensparger**

**Motion carried.**

Eads read a resolution in appreciation of Bonnie Cook's dedication and service to the Village of Franklin.

RESOLUTION

Bonnie Cook

In appreciation of her Dedication and Service to the people of the Village of Franklin  
WHEREAS, BONNIE COOK, a highly respected community volunteer and resident of the Village of Franklin has donated countless volunteer hours in service to the community; and  
WHEREAS, the Village of Franklin has a Historic District Commission providing oversight to its Historic District established in accordance with Federal guidelines mandated by the United States Secretary of the Interior; and

WHEREAS, BONNIE COOK has served for more than three [3] years on the Franklin Village Historic District Commission providing leadership and oversight to preserve and promote the integrity of the Historic character of the Village; and

WHEREAS, as a member of the Village of Franklin Historic District Commission, BONNIE COOK has demonstrated leadership through her actions and through her unwavering commitment to the community.

NOW, THEREFORE, BE IT RESOLVED, on this the 8<sup>th</sup> day of October 2012, that the Village of Franklin Village Council desires to express their appreciation for such dedicated public service by BONNIE COOK and to thank her for her legacy of constructive involvement which has made a profound and positive impact on the Village of Franklin.

BE IT FURTHER RESOLVED that a copy of this resolution and expression of civic appreciation is presented to BONNIE COOK on behalf of the following undersigned.

**#2012-96 Motion by Seltzer supported by Gordon to adopt the Resolution in appreciation of Bonnie Cook's dedication and service to the Village of Franklin.**

**Ayes: Eads, Gordon, Hansen, Morrow, Rosenthal, Seltzer**

**Nays: None**

**Absent: Kochensparger**

**Motion carried.**

Bonnie Cook thanked Council for the recognition and noted she wished she could have served longer but there is a great group of people doing a great job for the Village, under the leadership of Gary Roberts, who will continue to carry on this important work. Cook voiced her concern over the vulnerability of the Franklin Cider Mill as it is not sited in a historic district and encouraged all to encourage Bloomfield Township to go through the process of setting up a historic district to protect this valuable asset.

**B. Council Report**

Morrow advised the Finance Committee met and discussed the audit (which has commenced and is ongoing) and the Community Development Block Grant Program funds which is on tonight's agenda.

**C. Administrator's Report**

Sullivan noted recycling for businesses in the Village Center will start this Monday

**VIII. PUBLIC HEARING**

**A. To Receive Public Comments for the Proposed Plan Year 2013 Community Development Block Grant Program Funding (CDBG)**

**#2012-97 Eads opened the Public Hearing at 8:33 p.m. and requested New Business Agenda item A be considered immediately following the public hearing.**

Sullivan provided a brief overview noting program funding was reduced last year with Council deciding to alternate between the two eligible entities: Birmingham Area Seniors Coordinating Council and Birmingham Youth Assistance.

Mira Stakhiv, Crestwood Drive, requested clarification with Morrow noting these are federal funds provided to the Village which has requirements including a public hearing and restrictions as to who can receive the funds. There are only two (2) qualified recipients as noted and the Village passes the federal funds to a qualified recipient.

**#2012-98 Motion by Seltzer supported by Hansen to close the public hearing at 8:36 P.M.**

**Ayes: Eads, Gordon, Hansen, Morrow, Rosenthal, Seltzer**

**Nays: None**

**Absent: Kochensparger**

**Motion carried.**

- **Consider Proposed Plan Year 2013 Community Development Block Grant Program Funding (CDBG)**

**#2012-99 Motion by Morrow and supported by Seltzer to approve the PY 2013 CDBG fund application in the approximate amount of \$5,000 as follows and authorize the Village president to sign the application and submit documents to Oakland County.**

| <b>Account #</b> | <b>Project Name</b>                | <b>Amount</b>  |
|------------------|------------------------------------|----------------|
| <b>732185</b>    | <b>Birmingham Youth Assistance</b> | <b>\$5,000</b> |

**Ayes: Eads, Gordon, Hansen, Morrow, Rosenthal, Seltzer**

**Nays: None**

**Absent: Kochensparger**

**Motion carried.**

Discussion ensued as to the potential benefit of funding each of the qualified organizations annually with Sullivan advising there is a minimum funding requirement to the grant so this is not possible.

**Ayes: Eads, Gordon, Hansen, Morrow, Rosenthal, Seltzer**

**Nays: None**

**Absent: Kochensparger**

**Motion carried.**

**B. To Receive Public Comments for the Proposed Scheduling of Village Regular Municipal Elections on Even-Year November General Election Date**

**#2012-100 Motion by Morrow supported by Gordon to open the public hearing for public comment on the proposed scheduling of Village regular municipal elections on even-year November General Election date at 8:39 P.M.**

**Ayes: Eads, Gordon, Hansen, Morrow, Rosenthal, Seltzer**

**Nays: None**

**Absent: Kochensparger**

**Motion carried.**

- Sharon Tischler, Southfield Township Clerk, provided sample ballots to the Trustees for their review (Beverly Hills has already moved to even-year November) and provided a brief overview of the process and benefits of such a move, noting this would in essence be a zero-cost item for the Village. Discussion ensued relative to voting location (no change in location), potential to have the change mandated by the State (legislation has been presented for consideration), other jurisdictions similarly situated (3 other Villages remain on odd-year September schedule), and voter turnout.

- Mira Stakhiv, Crestwood Drive, requested Tischler to expand upon how Beverly Hills transitioned to the even-year November schedule with Tischler providing an overview and noting the

process was similar to how the Village is handling it with a public hearing and considerable debate, terms were extended because terms cannot be reduced.

Discussion ensued regarding terms with Staran advising all Trustee terms would be extended, Clerk's term would be extended, how individual Trustee terms would be impacted, potential to hold the 2013 election in 2013 and then move to the November even year schedule (those appointed would have to run for election; those still in office would have fourteen months added to their terms), prior Charter change relative to the election schedule which similarly required extending terms for those who were then in office, voter turnout impact, and process. Gallasch provided a Village historical perspective on the election schedule noting he supports the option of keeping the current process for 2013 and then moving to the November even year schedule as it would mean those currently serving in an appointed capacity would be elected. Clerk Pulker advised that two of the three other Villages on the September election schedule are moving to the November election schedule.

- Bonnie Cook, opined this is a no brainer as it saves money and gets more people out to vote.
- Dean Moenck, Meadow Drive, opined in a typical situation this would make sense, but currently there are three serving who have not had the pleasure of running for office and the recent close Clerk's election highlight the value of moving this to a 2013 consideration item for 2014 elections as those voting would have a clear understanding of the term length.
- Mira Stakhiv, Crestwood Drive, opined that those appointed should be elected, therefore moving this consideration to 2013 for 2014 elections would be the best option and the residents would be informed prior to voting.

**#2012-101 Motion by Morrow supported by Seltzer to close the public hearing at 8:58 P.M.**

**Ayes: Eads, Gordon, Hansen, Morrow, Rosenthal, Seltzer**

**Nays: None**

**Absent: Kochensparger**

**Motion carried.**

Trustees continued to deliberate on the pros and cons of the election schedule change, cost, process, potential for the State to mandate this change (would also require term extension), and timing. Staran advised that for the change to go into effect in 2013, Village Council would need to adopt the resolution prior to the end of the 2012 calendar year and to keep the current election schedule in 2013 and move to the November even year schedule in 2014, Council could approve the resolution as early as January of 2013, with all Trustee terms being extended.

**IX. UNFINISHED BUSINESS**

**A. Consider Scheduling of Village Regular Municipal Elections on Even-Year November General Election Date**

Eads requested a motion with the consensus being to move on to the next agenda item.

**B. Consider Proposed Forest Drive Dedication; Set Public Hearing**

Sullivan referred to the submitted memorandum and provided a brief introduction noting this is the next step in the process.

**#2012-102 Motion by Morrow supported by Seltzer that after a review of the Forest Drive Special Assessment District project with a cost estimate of \$128,300 to be paid 100% by the owners of the properties that will be specially benefitted, the boundary of the district being the entire length of Forest Drive in the Village of Franklin with estimated cost per homeowner being \$6,800, a public hearing on necessity is scheduled for November 12, 2012. The Village Clerk is directed to publish notice of the hearing specifying the information prescribed in Village Code Section 208.06 and mail**

**notices to each owner or party in interest whose name appears on the last tax assessment roll in the proposed special assessment district.**

Discussion ensued with it being noted the cost estimate only pertains to Forest Drive residents and with Clerk Pulker requested to publish the required notice.

**Ayes: Eads, Gordon, Hansen, Morrow, Rosenthal, Seltzer**

**Nays: None**

**Absent: Kochensparger**

**Motion carried.**

**C. Consider Planning Commission Recommendation for the Proposed Zoning Text Change to Allow Residential use in the C-1 District on the 2<sup>nd</sup> Floor of a Building.**

Sullivan provided a brief overview advising the Planning Commission held a public hearing on this item with its recommendation being to allow single family residential as a permitted use and multi-family residential as a special land use.

**#2012-103 Motion by Rosenthal supported by Hansen approve a zoning text change to allow single family residential as a permitted use and multiple family residential as a special land use in the C-1 district on the second floor of a building in a first reading, and instruct the Village Attorney to prepare the text amendments in ordinance form for consideration at the next meeting.**

Discussion ensued regarding the Master Plan (silent as it does not contemplate residential use in the commercial district), approval process (special land use approval v. permitted use) and potential impact to non-residential use on the second floor.

David Goldberg, Planning Commission Chair, provided an overview of the Commission's discussions relative to this matter including Bill Finnicum's presentations noting the recommendation was not unanimous, with the sticking points being the approval process for single family and whether multi-family residential should be allowed. Goldberg further advised that Main Street Franklin is supportive. Trustees discussed the approval process with Goldberg noting Building Code requirements would need to be met which would protect the Village on a permitted use. On a special approval land use, the Village Council would consider and make a decision. Discussion ensued relative to minimum size requirements (not applicable), the potential for unintended consequences, approval process (special land use approval is subjective), complementary nature of upstairs residential in commercial area and common urban practice as well as historically in the Village, and Master Plan with it being noted the Master Plan does speak to mixed use and this can be an opportunity that will indirectly drive first floor retail.

Fred Gallasch, Rosemont Drive, inquired as to how parking requirements will be addressed when there is both a business and residential unit in the same property with it being noted the current parking requirements would prevail and would be addressed as part of the site plan approval process.

Discussion ensued relative to the motion and parking with Sullivan advising parking was not part of the public hearing notice so parking considerations will be done at a future date.

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

**Nays: Gordon**

**Absent: Kochensparger**

**Motion carried.**

**D. Consider Planning Commission Recommendation for the Proposed Re-Zoning of the Property Behind 32749 Franklin Road from P-1 to C-1**

**#2012-104 Motion by Gordon supported by Seltzer to approve the rezoning as presented and instruct the Planner to amend the Zoning map and waive second reading.**

Staran advised as to process. Trustees discussed the Future Land Use Map and any potential to set precedent for other requests that are not consistent with the Master Plan with Sullivan noting the request is not consistent with the Master Plan, however, the Master Plan needs to be updated and Council should outline the rationale supporting this unique circumstance if the rezoning is approved.

David Goldberg, Planning Commission Chair, summarized Planning Commission's discussions relative to this matter including Finnicum's presentation which focused on how the rezoning would rectify an inequitable situation. Discussion ensued regarding other properties in a similar situation and potential to set precedent with Staran outlining how the Master Plan (guide prepared by Planning Commission) and the Zoning Ordinance (zoning law adopted by Council) both impact zoning considerations which can't be arbitrary and capricious but must be based on a development plan. Staran further noted the two do not need to be identical and a deviation, particularly when there is an intention to update the Master Plan at an appropriate time, wouldn't necessarily endanger any future zoning decisions.

Dean Moenck, Meadow Drive, noted this rezoning would correct an inconsistency.

Discussion ensued regarding process and motion.

**Ayes: Eads, Gordon, Hansen, Morrow, Rosenthal, Seltzer**

**Nays: None**

**Absent: Kochensparger**

**Motion carried.**

## **X. NEW BUSINESS**

### **A. Consider Proposed Plan Year 2013 Community Development Block Grant Program Funding (CDBG)**

See Agenda Item VIII A.

### **B. Michigan Economic Development Corporation (MEDC) Grant for Barn Development**

Sullivan provided a brief overview noting the property owner is applying for a 25% grant through the State of Michigan's Community Revitalization Program with the State requesting a written commitment from the Village as to the dollar amount of its local investment in the project. Sullivan reviewed the criteria the State will take into consideration and options for the local investment. Discussion ensued as to whether funds would be repaid with Sullivan answering in the negative.

**#2012-105 Motion by Hansen supported by Seltzer to waive the Building Department fees and sewer connection fees for the barn behind Zieben Mare/Smile Builders Dentistry in an amount not to exceed the lesser of 10% of the grant or \$5,100.00 and conditioned upon the State approving the community revitalization grant.**

Discussion ensued regarding the potential impact to the State's approval if there is no local investment, local investment options, Kreger House, and potential to increase the value of the property.

**Ayes: Eads, Gordon, Hansen, Morrow, Rosenthal, Seltzer**

**Nays: None**

**Absent: Kochensparger**

**Motion carried.**

## **XI. ADJOURNMENT**

**Motion by Gordon supported by Seltzer to adjourn the meeting.**

**Ayes: Eads, Gordon, Hansen, Morrow, Rosenthal, Seltzer**

**Nays: None**

**Absent: Kochensparger**

**Motion carried.**

There being no further business, the meeting adjourned at 9:55 P.M.

Respectfully submitted,

Lori Rich, Recording Secretary

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Eileen H. Pulker, Clerk

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James Kochensparger, President