

**PROCEEDINGS OF VILLAGE OF FRANKLIN
VILLAGE COUNCIL REGULAR MEETING
MONDAY, OCTOBER 14, 2013, 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, Jim Kochensparger, at 8:00 P.M. at the Franklin Village Hall, Franklin, Michigan.

ROLL CALL

Present: Brian Gordon, Pam Hansen, Jim Kochensparger, Judy Moenck, Ed Saenz
Absent: Tom Morrow (excused), Mike Seltzer (excused)
Also Present: Amy Sullivan, Village Administrator
Daniel Roberts, Police Chief
Tony Averbuch, Fire Chief
Eileen Pulker, Clerk
Lance Vainik, Treasurer

II. ADOPTION OF AGENDA

Motion by Saenz supported by Hansen to approve the agenda as submitted.

Ayes: Gordon, Hansen, Kochensparger, Moenck, Saenz

Absent: Morrow, Seltzer

Nays: None.

Motion carried.

Motion by Moenck supported by Gordon to excuse Trustees Morrow and Seltzer from the meeting.

Ayes: Gordon, Hansen, Kochensparger, Moenck, Saenz

Absent: Morrow, Seltzer

Nays: None.

Motion carried.

III. MINUTES

A. September 3, 2013, Special Village Council Meeting

Motion by Hansen supported by Moenck to approve the minutes for the September 3, 2013, Special Village Council Meeting as submitted

Ayes: Gordon, Hansen, Kochensparger, Moenck, Saenz

Absent: Morrow, Seltzer

Nays: None.

Motion carried.

B. September 9, 2013, Regular Village Council Meeting

Motion by Saenz supported by Gordon to approve the minutes for the September 9, 2013, Regular Village Council Meeting as submitted.

Ayes: Gordon, Hansen, Kochensparger, Moenck, Saenz

Absent: Morrow, Seltzer

Nays: None.

Motion carried.

IV. REPORTS OF VILLAGE OFFICERS AND AGENTS

Tony Averbuch, Fire Chief, referred to his written submitted report and reminded Villagers to change the batteries in smoke alarms when changing their clocks this fall, follow the Village's process regarding

burning of yard debris (no-cost permit which can be accessed on the website), and if one has an allergy to bee's, as the cider mill is open for the season, to have a plan and carry an EpiPen. Kochensparger inquired if the Fire Dept. had any exceptions to any of the civic event permits on the Agenda with Averbuch answering in the negative and noting the Fire Dept. will try to have someone at the station for the Franklinstein Frenzy event and requesting the same considerations as other events.

Daniel Roberts, Police Chief, referred to and provided an overview of the submitted monthly report and recent activity in the Village and advised the Dept. is now at full-staffing as an officer has been hired, the Dept. signed off on the Franklinstein Frenzy event after making a change to the timing of the road closure, and Labor Day event was a very quiet one. Discussion ensued regarding the specifics of the road closure with Roberts advising extra staffing will be utilized (reserve and overtime), the road closure is set for the parade's hard start time of 2:00 P.M., will reopen after the last person had cleared the road, people will return via the sidewalk though there will be a large police presence, and announcements will be made to clearly send the message regarding the timing. Robert's was also asked regarding whether the 13 Mile Road Closure Project had been extended with Robert's advising it is now anticipated the project will go to the end of October (about a seven day work delay).

Elina Costello, Board of Directors, Main Street Franklin ("MSF"), thanked the community for their support of the Gem of the Night and Pebble Beach Golf Raffle events which were great successes and reminded Villagers of the upcoming Franklinstein Frenzy event (parade at 2:00 P.M., trick-or-treating and other fun family activities, and merchants offering special savings all day).

Eileen Harryvan, Interim Executive Director, MSF, apologized for the typo on the Franklinstein Frenzy application and requested Villagers to save the date of October 24th for MSU's Small Town Design Initiative Meeting to be held at 7:00 P.M. at the Franklin Community Church. Harryvan noted the MSU team will be reviewing plans, drawings, reports, ordinance related to the Village Center, etc. and presenting a preliminary report including digital images based on input from the July visioning session to receive further feedback. Additionally, a recommendation may be made as to ordinances or policies to parallel any physical improvements in the future.

Lance Vainik, Treasurer, referred to his written report and noted the bills list includes a large entry for the curbside trash pickup and recycle bins to Waste Management, and the list of accounts is as of October 10, 2013, held at Level One Bank.

V. SUBMISSION OF CURRENT BILLS

Motion by Gordon supported by Saenz to approve the Bill's List as submitted.

Discussion ensued regarding payments to Dan's Tree & Landscaping for the Hazardous Tree Program with Sullivan advising she is currently reconciling expenses with the amount authorized and she will provide an update when that is done.

Ayes: Gordon, Hansen, Kochensparger, Moenck, Saenz

Absent: Morrow, Seltzer

Nays: None.

Motion carried.

TOTALS

General Administration	\$	13,908.58
Building	\$	9,318.59
Insurance	\$	59,490.52
Legal	\$	903.50
Police	\$	15,007.70
Pressure Sewer	\$	125.00

General Debt Service	\$	-
Major Roads	\$	8,251.95
Local Road	\$	16,116.75
Rubbish	\$	17,284.58
Trust & Agency	\$	3,206.05
Tax Fund	\$	86,983.34
Waste Water	\$	-
ALL FUNDS	\$	230,596.56

VI. PUBLIC REQUESTS AND COMMENTS

Kochensparger opened the meeting for public comments and noted the three (3) minute time limit.

- Mark Ziessow, Redfern, thanked Council for the work that has been done relative to tree removal noting the work has been professional and made the Village safer.
- Eileen Harryvan, Vincennes Avenue, noted a fox has been sighted in the area and requested people who live in her area of Franklin to keep their pets inside.
- Mira Stakhiv, Crestwood Drive, noted the benefit to the community at large, particularly those looking to schedule a community event and attend other Village events, of keeping some sort of a master community calendar.
- Fred Gallasch, Rosemond Drive, inquired as to whether the MSF Executive Director position currently being held by a volunteer should impact the amount of the Village's quarterly payment to MSF with it being noted that Harryvan is the Interim Executive Director, not a volunteer, and the contract between the Village and MSF outlines the obligations with the disbursement of those funds falling under the purview of MSF with the Village holding MSF accountable via its reports to the Village.
- Randy Brakeman, Wellington, requested Council to consider amending the ordinance that limits the number of resident vehicles parked outside a home to three (3) as the times have changed and in his case, the vehicles are licensed and insured, there is ample space, and they are not a nuisance to anyone. Discussion ensued with the consensus being to add this as a discussion item to the next Council Workshop agenda.

VII. SPECIAL REPORTS

A. President's Report

None.

B. Council Report

None.

C. Administrator's Report

None.

VIII. NEW BUSINESS

A. Consider President's Appointment to the Planning Commission

Kochensparger advised the Village had multiple applications, some long-standing, for this appointment with his nominee as President being resident Rajagi Abbass, who he noted is knowledgeable, reasonable, not extreme right or left, and is interested in helping the Village to preserve and/or enhance its livability.

#2013-85 Motion by Saenz supported by Hansen to nominate Rajaei Abbass for the appointment to the Planning Commission.

Ayes: Gordon, Hansen, Kochensparger, Moenck, Saenz

Absent: Morrow, Seltzer

Nays: None.

Motion carried.

Staran advised the Trustees that Council's role in this matter is to consider the confirmation of the President's requested appointee.

#2013-86 Motion by Saenz supported by Hansen to confirm President Kochensparger's appointment of Rajaei Abbass to the Planning Commission.

Ayes: Gordon, Hansen, Kochensparger, Moenck, Saenz

Absent: Morrow, Seltzer

Nays: None.

Motion carried.

A. Consider Permit to Use Public Right-of-Way for a fence at 25850 Romany Way

Scott Neumann on behalf of Beverly Neumann, provided a detailed overview of the request/process and noted the replacement fence has been approved by the Historic District Commission (HDC) and the purpose is to minimize the risk of unsupervised young children being injured. Discussion ensued regarding property improvements, fence location and material (removed/existing chain link/proposed), fence ordinance, right-of-way (ROW) ordinance, landscaping, DNR requirements, gate on the proposed fence, and precedent setting potential. Neumann advised the DNR had been contacted with no requirements made as the pond is man-made. Trustee Gordon opined the proposed fence does not resolve the safety issue and there will still be aesthetic issues related to the side fences. Staran noted the precedent setting potential is minimal as the fence to be replaced had been there for approximately five (5) decades; he would be more concerned if the request was to install a fence where none had existed or if there was a more formidable obstacle. Sullivan advised the proposed fence does meet the ROW ordinance as does the height of the gate. Trustees discussed at length which fences would or could be replaced as well as a motion that would clarify the results of that discussion.

#2013-87 Motion by Gordon supported by Moenck to approve the Permit to Use Public Right-of-Way for a fence at 25850 Romany Way to replace or remove all chain link fences that reside on the Neumann property with the fencing material approved by the HDC, to be used along the Romany Way side and one panel on the connecting west side.

Ayes: Gordon, Hansen, Kochensparger, Moenck, Saenz

Absent: Morrow, Seltzer

Nays: None.

Motion carried.

B. Consider Civic Event Permit Application for Franklinsien Frenzy, October 26, 2013, 2:00 PM to 6:00 PM.

Kochensparger noted the Permit Application has been approved by both Police and Fire.

#2013-88 Motion by Gordon supported by Saenz to approve the Civic Event Permit Application for Franklinsien Frenzy, October 26, 2013, 2:00 PM to 6:00 PM, with the parade from 2:00 PM to 2:30 PM, and temporary signs.

Ayes: Gordon, Hansen, Kochensparger, Moenck, Saenz

Absent: Morrow, Seltzer

Nays: None.

Motion carried.

C. Consider Personnel Policy Revisions

Sullivan provided an overview noting there are two major changes: 1) Redefines full-time employees as ones that work 32 hours a week making them eligible for health insurance and pro-rated paid leave benefits; and 2) Establishes an appeal process for non-union employees who are terminated which Staran

will address. Trustees requested clarification as to the redefinition of full-time employee. Staran advised the appeal process change is a policy question for Council to decide and noted this is only for non-union employees as union employees are covered under a collective bargaining agreement, this is a fairly significant change as ordinarily non-union employees would be considered at-will employees who are subject to discipline including termination with no review right. Sullivan, upon request, noted the changes were initiated and recommended by the Personnel Committee and would impact very few employees.

#2013-89 Motion by Gordon supported by Saenz to postpone Personnel Policy Revisions to Council's next workshop meeting for further consideration.

Ayes: Gordon, Hansen, Kochensparger, Moenck, Saenz

Absent: Morrow, Seltzer

Nays: None.

Motion carried.

D. Consider Extension of Franklin Community Association (FCA) Farmers' Market Civic Event Permit to October 27, 2013

#2013-90 Motion by Moenck supported by Gordon to approve the extension of Franklin Community Association (FCA) Farmers' Market Civic Event Permit to October 27, 2013

Ayes: Gordon, Hansen, Kochensparger, Moenck, Saenz

Absent: Morrow, Seltzer

Nays: None.

Motion carried.

E. Consider Short-Term Road Rehabilitation ("Rehab") Project

Sullivan referred to her memorandum dated August 1, 2013, and provided a brief overview noting this project would enable the twelve (12) areas identified to be in the worst condition to have at least a mill and overlay done, thereby stopping them from further deterioration. Sullivan also noted the downside as being these areas would then be redone again when the next road rehab project is undertaken by the Village which could be in 2018 if a road millage was passed at that time. Trustees discussed the pros and cons of the project including whether there would be additional costs at a later date associated with letting these areas further deteriorate, concerns relative to drawing down the reserves to be allocated towards future short-term road rehab projects until the next road millage is passed by this amount, reviewed the list of identified areas, requested additional information as to the estimated project cost, and raised the potential to only address the worst of these areas to preserve funding to address future short-term projects if needed. Sullivan advised whether additional repairs outside of a mill and overlay are needed in a specific area cannot be determined until work has begun which is why there is a difference between the estimated amount and the recommended budgeted amount and HRC observers help to ensure only needed work is done. Discussion ensued with the consensus being to add this item to Council's next workshop meeting for further consideration.

F. Consider Municipal Credit and Community Credit Contract for FY – 2014

Sullivan provided a brief overview noting these credits are used by the Birmingham Area Seniors Coordinating Council (BASCC) for transportation for senior services through SMART. Discussion ensued regarding whether the municipal credits could be used for pathways or private taxi service with Staran advising the credits are for transportation services through SMART– not infrastructure. Pulker noted one does not have to be a member of BASCC to use the SMART bus system and many Village seniors access SMART though BASCC. Sullivan noted she will review the Master Agreement and report back.

IX. ORDINANCES/RESOLUTIONS/PROCLAMATIONS

A. Consider an Ordinance to Approve the Editing and Inclusion of Certain Ordinances and a Resolution as Parts of the Codified Ordinances (*second reading*)

#2013-91 Motion by Gordon supported by Saenz to adopt an ordinance to approve the editing and inclusion of certain ordinances and a resolution as parts of the Codified Ordinances.

Ayes: Gordon, Hansen, Kochensparger, Moenck, Saenz

Absent: Morrow, Seltzer

Nays: None.

Motion carried.

B. Consider an Ordinance to Amend Section 1474.12 of Chapter 1474, 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 Temporary Signs, Repeal Conflicting Ordinances, and Prescribe a Penalty for Violations (*second reading*)

#2013-92 Motion by Moenck supported by Hansen to adopt an ordinance to amend Section 1474.12 of Chapter 1474, 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 temporary signs, repeal conflicting ordinances, and prescribe a penalty for violations.

Ayes: Gordon, Hansen, Kochensparger, Moenck, Saenz

Absent: Morrow, Seltzer

Nays: None.

Motion carried.

C. Consider an Ordinance to Amend Sections 1265.02, 1265.03, 1265.04, and 1265.07 of Chapter 1265 Wireless Telecommunication Facilities, of Part 12, Title Four of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Repeal Conflicting Ordinances, and prescribe a Penalty for Violations (*second reading*)

Upon request Staran noted the amendment conforms with recent changes by the State.

#2013-93 Motion by Gordon supported by Hansen to adopt an ordinance to amend Sections 1265.02, 1265.03, 1265.04, and 1265.07 of Chapter 1265 Wireless Telecommunication Facilities, of Part 12, Title Four of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to repeal conflicting ordinances, and prescribe a penalty for violations.

Ayes: Gordon, Hansen, Kochensparger, Moenck, Saenz

Absent: Morrow, Seltzer

Nays: None.

Motion carried.

X. ADJOURNMENT

Motion by Moenck supported by Saenz to adjourn the meeting.

Ayes: Gordon, Hansen, Kochensparger, Moenck, Saenz

Absent: Morrow, Seltzer

Nays: None.

Motion carried.

There being no further business, the meeting adjourned at 9:11 P.M.

Respectfully submitted,

Lori Rich, Recording Secretary

Eileen H. Pulker, Clerk

James Kochensparger, President