

**PROCEEDINGS OF VILLAGE OF FRANKLIN  
VILLAGE COUNCIL REGULAR MEETING  
MONDAY, JUNE 9, 2014, 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: Pam Hansen, Jim Kochensparger, Judy Moenck, Tom Morrow, Ed Saenz (arrived at 8:05 P.M.), Mike Seltzer  
Absent: Brian Gordon  
Also Present: David Murphy, Interim Village Administrator  
Jim Creech, Village Administrator Appointee  
Eileen Pulker, Village Clerk  
John Staran, Village Attorney  
Daniel Roberts, Police Chief  
Tony Averbuch, Fire Chief  
Lance Vainik, Treasurer

**II. ADOPTION OF AGENDA**

**Motion by Morrow, seconded by Hansen to adopt the Agenda as presented.**

Kochensparger proposed an agenda amendment to move item **VIII. NEW BUSINESS, I. Consider Tentative Contract between POAM and Village of Franklin** after **VIII. NEW BUSINESS, A. Consider Proposed Village Administrator Contract between the Village and James Creech.**

**Motion by Moenck, seconded by Morrow to adopt the agenda as amended.**

**Ayes: Hansen, Kochensparger, Moenck, Morrow, Seltzer**  
**Absent: Gordon, Saenz**  
**Nays: None**  
**Motion carried.**

**III. MINUTES**

**A. Regular Meeting, May 12, 2014**

**Motion by Seltzer, seconded by Moenck to approve the Regular Village Council Meeting Minutes for the May 12, 2014 meeting as presented.**

Hansen asked for clarification on the practices of recording Public Comments and Requests. She asked that the tapes from the meeting be reviewed and the minutes to reflect corrections to Dr. Tukul's and Nena Downing's comments.

**Ayes: Morrow**  
**Absent: Gordon, Saenz**  
**Nays: Hansen, Kochensparger, Moenck, Seltzer**  
**Motion denied.**

Ed Saenz arrived at 8:05 P.M.

**B. Special Meeting, May 14, 2014**

**Motion by Seltzer, seconded by Moenck to approve the Special Village Council Meeting Minutes for the May 14, 2014 meeting as presented.**

**Ayes:** Hansen, Kochensparger, Moenck, Morrow, Saenz, Seltzer  
**Absent:** Gordon  
**Nays:** None  
**Motion carried.**

**C. Special Meeting, May 22, 2014**

**Motion by Moenck seconded by Hansen to approve the Special Village Council Meeting Minutes for the May 22, 2014, meeting as presented.**

**Ayes:** Hansen, Kochensparger, Moenck, Morrow, Saenz, Seltzer  
**Absent:** Gordon  
**Nays:** None  
**Motion carried.**

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

**Daniel Roberts, Police Chief**, referred to and provided an overview of the submitted monthly report. He highlighted one item which is the Village's first residential burglary in 9 months- on Oakleaf Lane. The Village is working closely with other area departments who have had similar incidents, to help solve the case. The other incident is a larceny of construction equipment on Greenbriar, but it has been solved. The Police office lobby upgrades have been completed. Next month he hopes to bring to Council the newest Sergeant; replacing Sergeant Hirschfeld who retired last month.

**Tony Averbuch, Fire Chief**, referred to his submitted written report and added that the department participated with the Kreger House Team and the Boy Scouts in the Fun Run and Pancake Breakfast this past Saturday. They were pleased to do so and look forward to doing so in the future. With regards to the new ladder truck, tomorrow a group of four (4) will be going to Minnesota for the last "pre-acceptance" inspection of the new apparatus with delivery expected in the next month. Chief Averbuch stated that the truck would be driven from Minnesota to Franklin.

**Lance Vainik, Treasurer**, referred to his submitted monthly report and noted that the list of account balances is as of June 6, 2014, held at Level One Bank, and commented on a large entry for the cancellation of a Grinder Pump installation that occurred on the current month's bills list.

**V. SUBMISSION OF CURRENT BILLS**

**Motion by Moenck seconded by Saenz to approve the Bill's List as submitted.**

**Ayes:** Hansen, Kochensparger, Moenck, Saenz, Seltzer  
**Absent:** Gordon  
**Nays:** None  
**Abstain:** Morrow  
**Motion carried.**

**TOTALS**

General Administration	\$	40,930.84
Building	\$	8,521.43
Insurance	\$	57,713.60
Legal	\$	1,472.00
Police	\$	39,707.57
Pressure Sewer	\$	12,950.00
General Debt Service	\$	-

Major Roads	\$	2,018.00
Local Road	\$	1,434.43
Rubbish	\$	17,195.28
Trust & Agency	\$	23,095.68
Tax Fund	\$	-
Waste Water	\$	193.28
<b>ALL FUNDS</b>	<b>\$</b>	<b>205,232.11</b>

## VI. PUBLIC REQUESTS AND COMMENTS

Kochensparger opened the meeting for public comments on non-agenda items.

- **Mark Ziessow**, Redfern, referred to last month's Council meeting and the Council's professional handling of the negative comments. Ziessow stated that he agreed with the Council's position regarding the road right-of-way and believed that the ordinance should remain in effect.
- **Eric Kovan**, Ramble Rd., stated he came before the Council a few months before concerning the rocks on his property. Kovan stated that he agreed that safety was an important issue, stated that rocks along his road slow down drivers and make his road safer, and that he stated his opinion that none of the variances requested had been granted.
- **Josh Nucian**, Cheviot Hills Dr., stated that his rocks were out of compliance by 4 inches, the rocks have been placed there to prevent driving off into the ditch, and noted that the rocks had not proven to be a problem when emergency vehicles were on his property recently.
- **Judy Sullivan**, Balsam Rd., stated that her house and the broken up concrete walk and wall at the entrance of her house were built in 1949, have never been an issue before, adding that things that have been there for a long time and have never been a safety problem should be considered for a variance.
- **Mark Azzopardi**, Willowgreen, stated that in 2006 when he renovated his house he had had a lighted mailbox constructed, which is now out of compliance, adding that on his dead-end street the mailbox provides safety, as it locates and identifies the house, especially in the winter. He is in favor of the Council taking the appeals on a case-by-case basis.

## VII. SPECIAL REPORTS

### A. President's Report

Kochensparger stated that he had been working on the agreement with Jim Creech. Hopefully, the Council will ratify the contract tonight and Mr. Creech can begin working tomorrow.

### B. Council Report

Moenck brought up the issue of the Blight Ordinance which a resident had raised. Referencing a particular property on McKinney, the resident mentioned the length of time that it took to enforce such Ordinance.

Staran clarified the Ordinance and enforcement process and mentioned that the long grass at that location, had been cut that day.

### C. Administrator's Report

Murphy thanked Council for allowing him to serve the Village for the last four (4) months, adding that Mr. Creech will do a great job for the Village.

## VIII. NEW BUSINESS

### A. Consider Proposed Village Administrator Contract between the Village and James Creech.

**#2014-53 Motion by Morrow, seconded by Seltzer to approve the negotiated contract between the Village of Franklin and James Creech.**

Morrow commented that the contract was negotiated and is about a \$15,000 savings against the budget.

Mira Stakhiv, Crestwood Dr., inquired if the contract included an exit strategy for the Village and Mr. Creech. Staran answered in the affirmative.

Moenck pointed out there are two (2) or three (3) aspects that are in the new administrator's favor that were different and improved from the previous Administrator's contract. She stated that the contract is public information.

**Ayes: Hansen, Kochensparger, Moenck, Morrow, Saenz, Seltzer**

**Absent: Gordon**

**Nays: None**

**Motion carried.**

Mr. Creech addressed the Council and commented on his background and expressed his positive attitude towards his future in Franklin.

**I. Consider Tentative Contract between POAM and Village of Franklin.**

**#2014-54 Motion by Morrow, seconded by Seltzer to approve the contract negotiated between the Village of Franklin and POAM.**

Moenck and Kochensparger complimented Murphy and Chief Roberts on negotiating the contract, as did Hansen. Morrow pointed out some of the economic impacts of the agreement, such as, it is a 4 year agreement (which is very significant), wages will increase by an average of about 1 ½% per year, and it represents about ½% increase in the Police budget.

**Ayes: Hansen, Kochensparger, Moenck, Morrow, Saenz, Seltzer**

**Absent: Gordon**

**Nays: None**

**Motion carried.**

**B. Consider Proposed Police Vehicle Lease Agreement.**

**#2014-55 Motion by Morrow, seconded by Seltzer to approve the lease of the Police Vehicle, the 2014 Dodge Dart SXT for 36 months, 19,200 miles per year, at \$269 per with \$780 due now, from Snethkamp Chrysler Jeep.**

Chief Roberts explained that this was posted for bids and Snethkamp Chrysler was the only bidder, as has been the case in the past.

Moenck asked questions about the type of vehicle and process of bidding. Chief Roberts explained the process.

**Ayes: Hansen, Kochensparger, Moenck, Morrow, Saenz, Seltzer**

**Absent: Gordon**

**Nays: None**

**Motion carried.**

**C. Consider Demolition Application for 26881 Captains Lane.**

**#2014-56 Motion by Moenck, seconded by Seltzer to approve the Demolition Application for 26881 Captains Lane.**

Kochensparger asked Jim Greene, Cranbrook Custom Homes, representing the owners, Eric and Amy Grosinger, which roadways would be impacted. Mr. Greene stated that the sub-contractors, Blue Star, submitted a map with its application which identifies the route being 14 Mile Road east of the site.

**Ayes: Hansen, Kochensparger, Moenck, Morrow, Saenz, Seltzer**  
**Absent: Gordon**  
**Nays: None**  
**Motion carried.**

**D. Consider Civic Event Permit Application for “Music on the Green”.**

**#2014-57 Motion by Moenck, seconded by Seltzer to approve the Civic Event Permit Application for “Music on the Green”, for July 23, 2014, July 30, 2014 and August 6, 2014, for the Franklin Arts Council.**

**Ayes: Hansen, Kochensparger, Moenck, Morrow, Saenz, Seltzer**  
**Absent: Gordon**  
**Nays: None**  
**Motion carried.**

**E. Consider Civic Event Permit Application for “Movies on the Green”.**

**#2014-58 Motion by Seltzer, seconded by Saenz to approve the Civic Event Permit Application for “Movies on the Green”, on August 6, 2014 and August 13, 2014, for the Franklin Community Association.**

**Ayes: Hansen, Kochensparger, Moenck, Morrow, Saenz, Seltzer**  
**Absent: Gordon**  
**Nays: None**  
**Motion carried.**

**F. Consider Civic Event Permit Application for “Round Up” and “Art in the Village”.**

**#2014-59 Motion by Seltzer, seconded by Saenz to approve the Civic Event Permit Application for “Round Up” and “Art in the Village”, with Set-up on August 30, 2014, and August 31, 2014 with the events and parade occurring on September 1, 2014, Labor Day, for the Franklin Community Association.**

Moenck reminded the Council about the conversations they had about the parking issues (off street and available) and that Chief Roberts was going to look into it before the application was authorized so it could be part of the plan. Saenz confirmed that the subject had been addressed and the new plan appears on the permit application. Moenck asked that the minutes verify that the parking has been dealt with and there are extra steps to help control the parking this year and the police will monitor the situation.

Hansen asked for clarification about the using of the Church parking lot. The answer was affirmative.

Roberts confirmed the FCA’s plan to open up Corneille Field via Irving for parking. Even though every available officer, including reserve officers, work the Round Up, it would difficult for the police department to prevent visitors from parking on residents’ grass. Chief Roberts stated that the Police Department will try its best to prevent it.

**Ayes: Hansen, Kochensparger, Moenck, Morrow, Saenz, Seltzer**  
**Absent: Gordon**  
**Nays: None**  
**Motion carried.**

**G. Consider Metro Act Right of Way Permit Extension for AT&T Michigan.**

**#2014-60 Motion by Seltzer, seconded by Moenck to approve the Metro Act Right of Way Permit Extension for AT&T Michigan.**

Murphy stated that the Village has no choice but to approve it. Staran expounded on that statement.

**Ayes: Hansen, Kochensparger, Moenck, Morrow, Saenz, Seltzer**

**Absent: Gordon**

**Nays: None**

**Motion carried.**

**H. Consider the Program Years of 2015 to 2017, Cooperation Agreements with the Oakland County Urban County Community Development Block Grant (CDBG) Program.**

**#2014-61 Motion by Morrow, seconded by Seltzer to approve the cooperative agreements with the Oakland County Urban County Community Development Block Grant (CDBG) Program.**

Morrow made the point that this is “pass through money”. He reminded the Council that last month when considering the budget and budget constraints, the Council had to turn down a request for additional funding from Birmingham Area Seniors Coordinating Council (BASCC). However, he thinks this is one way the Village can help them out and believes it is important to continue the cooperation with that organization.

Moenck asked for a clarification of the HOME Investment Partnerships. She also asked if Franklin had a policy addressing those items mentioned on the bottom of page 1 of the COOPERATIVE AGREEMENT, “THAT the Community has adopted and is enforcing a policy prohibiting the use of excessive force by...which is subject of such non-violent civil rights demonstration within its jurisdiction; and...” Staran answered affirmatively.

**Ayes: Hansen, Kochensparger, Moenck, Morrow, Saenz, Seltzer**

**Absent: Gordon**

**Nays: None**

**Motion carried.**

**IX. RESOLUTIONS/ORDINANCES/PROCLAMATIONS**

**A. Consider an Ordinance to Amend Chapter 1042.13 of Chapter 1042, Sewer Use and User Chargers, of Part Ten, Title Four of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan to Modify Sewage Disposal System Rates and Charges, and Repeal Conflicting Ordinances (1<sup>st</sup> reading).**

Morrow explained that this is the quarterly charge for the use of the pressure sewer system.

Staran explained that these rates will go into effect on July 1, 2014. Due to Council meeting schedule requested that the second reading be waived.

**#2014-62 Motion by Morrow, seconded by Seltzer to approve the Ordinance to Amend Chapter 1042.13 of Chapter 1042, Sewer Use and User Chargers, of Part Ten, Title Four of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan to Modify Sewage Disposal System Rates and Charges, and Repeal Conflicting Ordinances in its first reading and to waive the second reading of the Ordinance.**

**Ayes: Hansen, Kochensparger, Moenck, Morrow, Saenz, Seltzer**

**Absent: Gordon**

**Nays: None**

**Motion carried.**

**B. Consider Resolution to Suspend Enforcement of Chapter 1028, Road Right of Way Obstructions, of Part Ten, of the Codified Ordinances for the Village of Franklin.**

**Motion by Morrow to rescind Chapter 1028, Road Right of Way Obstructions, of Part Ten, of the Codified Ordinances for the Village of Franklin.**

**(There was no second to the Motion)**

Morrow stated his opinion that the Ordinance be rescinded, as opposed to suspended, so that the new Council can start with a fresh slate.

**#2014-63 Motion by Seltzer, seconded by Moenck, to Suspend Enforcement of Chapter 1028, Right of Way Obstructions, of Part Ten, of the Codified Ordinances for the Village of Franklin, as follows:**

**RESOLUTION**

Whereas, pursuant to and consistent with the Franklin Village Council's authority and responsibility under state law to maintain the Village's public road rights-of-way in a reasonably safe condition, the Village Council, in January 2013, adopted Ordinance 2013-01, Road Right-of Way Obstructions; and Whereas, the purpose of the ordinance was to regulate the placement of rocks and other man-made obstructions in the public road rights-of-way by abutting property owners that may create potential safety hazards for motorists, bicyclists and pedestrians; impede or hinder free and safe passage and parking of vehicles; and render snow removal and road maintenance more difficult; and Whereas, after observing the ordinance in effect for over a year and receiving feedback from Village residents, the Village Council desires to suspend enforcement of the ordinance while Council considers possible changes to the ordinance and the manner of enforcement.

Therefore, the Franklin Village Council resolves:

1. Enforcement of the Road Right-of-Way Obstructions ordinance shall be suspended in regard to rocks and obstructions located in the right-of-way prior to January 2013 when the ordinance was adopted, but shall continue to apply to any newly placed rocks or obstructions. Meanwhile, the Village Council reserves and retains its lawful authority and duty to enforce the ordinance in regard to rocks or obstructions the Village determines to be an immediate safety hazard and to undertake appropriate action or measures to remove or abate the hazard.
2. The Village Council in collaboration with the Village Administrator, Village Attorney and Police and Fire Chiefs shall consider measures including, but not limited to:
  - a. Developing and recommending possible modifications;
  - b. Considering whether and how to "grandfather" pre-existing right-of-way rocks and obstructions and under what conditions;
  - c. Investigating the advisability and availability of insurance or indemnification from abutting owners who place or maintain rocks or obstructions in the Village rights-of-way;
  - d. A permitting procedure;
  - e. Addressing right-of-way and shoulder obstructions and safety in connection with future public road maintenance and improvement projects;
  - f. Any other measures that may serve to promote and protect public health, safety and welfare and preserve the character of our Village and its residents.

Seltzer said that Staran had drafted a resolution addressing this matter. Before summarizing it, Staran explained that Council had given him a directive to draw up such a document.

Morrow said that he believed it to be far better to rescind the ordinance and restore it back to when this whole problem first arose. Morrow further stated that he had concerns including policing and enforcing the ordinance, timing of rock placements (whether before or after the Ordinance took effect), the Council's failing to listen to residents' concerns, and that the Village already has Ordinances in place for obstructions and right-of-way issues that have been used to address problems in the past. Morrow added that he had originally voted for the Ordinance, but had changed his mind upon seeing how it was to be implemented.

Seltzer stated that he believed that the Council had struck a compromise, with the resolution, for the issue, noting that previous Councils had decided not to deal with this issue, but this Council had decided that it was a matter of safety. Seltzer explained the time and effort that had been expended to research and enact this Ordinance by both the previous Administrator and the Council, none of which had been done arbitrarily, and added that particular requests for variances were considered. Seltzer reiterated that he believed it was the Village's responsibility to maintain the right-of-way to benefit public safety.

**Fred Gallasch**, Rosemond Dr., noting that in an email that was sent by Seltzer, the mailbox issue was discussed is not part of this resolution adding that the way the Resolution is written it does not mention "mailboxes" but rather "obstructions" and asked if the resolution would apply just to rocks.

Staran answered that the proposed resolution would suspend the entire ordinance.

Kochensparger summarized the Council's intent for the Ordinance and now its possible suspension.

Discussion ensued regarding the Building Department's overseeing of mailboxes, to which Staran replied that no permit was required for the construction of a mailbox.

**Bill Sheppard**, Tudor Lane, requested that the Council call the question.

**Ayes:** Hansen, Kochensparger, Moenck, Saenz, Seltzer  
**Absent:** Gordon  
**Nays:** Morrow  
**Motion carried.**

## X. ADJOURNMENT

**Motion by Seltzer seconded by Hansen to adjourn the meeting.**

**Ayes:** Hansen, Kochensparger, Moenck, Morrow, Saenz, Seltzer  
**Absent:** Gordon  
**Nays:** None  
**Motion carried.**

There being no further business, the meeting adjourned at 9:10 P.M.

Respectfully submitted,

Gail Beke, Recording Secretary

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Eileen H. Pulker, Clerk

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James Kochensparger, President