

**PROCEEDINGS OF VILLAGE OF FRANKLIN
VILLAGE COUNCIL REGULAR MEETING
MONDAY, DECEMBER 15, 2014, 7:00 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 7:00 PM at the Franklin Village Hall, Franklin, Michigan.

ROLL CALL

Present: Fred Gallasch, Brian Gordon, Jim Kochensparger, Judy Moenck, Mike Seltzer,
Tom Morrow (arrived at 7:55PM)
Absent: Pam Hansen
Also Present: Jim Creech, Village Administrator
Chief Dan Roberts, Police Department
Chief Tony Averbuch, Fire Department
Eileen Pulker, Clerk
Lance Vainik, Treasurer

II. ADOPTION OF AGENDA

Motion by Gordon, seconded by Gallasch to adopt the agenda as presented.

Ayes: Gallasch, Gordon, Kochensparger, Moenck, Seltzer

Absent: Hansen, Morrow

Nays: None

Motion carried.

III. MINUTES

A. Regular Meeting, November 10, 2014

Motion by Moenck, seconded by Seltzer to approve the Regular Village Council Meeting Minutes for November 10, 2014 as presented.

Ayes: Gallasch, Gordon, Kochensparger, Moenck, Seltzer

Absent: Hansen, Morrow

Nays: None

Motion carried.

B. Organization Meeting, November 17, 2014

Motion by Seltzer, seconded by Moenck to approve the Organization Meeting Minutes for November 17, 2014 as presented.

Ayes: Gallasch, Gordon, Kochensparger, Moenck, Seltzer

Absent: Hansen, Morrow

Nays: None

Motion carried.

C. Special Meeting, December 2, 2014

Motion by Seltzer, seconded by Moenck to approve the Special Village Council Meeting Minutes for December 2, 2014 as presented.

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

IV. REPORTS OF VILLAGE OFFICERS AND AGENTS

Tony Averbuch, Fire Chief, referred to his written report and had nothing to add. Moenck asked for a clarification of the numerous alarm malfunctions.

Dan Roberts, Police Chief, referring to his submitted report, mentioned that future reports will dramatically increase in terms of numbers due to a new policy change at CLEMIS. As of 11/30/2014, all traffic stops are now being recorded as a Call for Service. Last month was a very quiet month. A new part time Officer, Denis Berry, has been hired by the Department, is in the training program at the moment, but hopefully will go to full time to replace David Dwyer who retired last week. A retirement celebration for Police Officer Dwyer will be sometime in January. The Department is holding a Holiday celebration at the Kreger House this Thursday (12/18/14). Chief Roberts provided an update on the issue of the Group Home on Bloomington Ct. Positive outcomes came out of the several meetings with the owners, therapists, Creech, and Staran. This Thursday afternoon the Department is conducting a Press Event centered around the Operation Medicine Cabinet program.

Lance Vainik, Treasurer, referred to his submitted monthly report and noted that the amounts on the Bills List are consistent with normal monthly spending. The expenditures are generally consistent with the FY2014-15 budget. It includes a large entry for the 2014-15 Auto/Liability Insurance paid to Michigan Municipal Risk Management. Under Police Supplies new bullet-proof vests were also purchased. The list provided of account balances is as of December 10, 2014 and held at Level One Bank. The Village has sufficient funds to meet its current and anticipated obligations.

V. SUBMISSION OF CURRENT BILLS

Motion by Seltzer, seconded by Gordon to approve the Bill's List as submitted.

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

TOTALS

General Administration	\$ 47,576.71
Building	\$ 4,993.74
Insurance	\$ 91,784.47
Legal	\$ 885.50
Police	\$ 19,047.01
Pressure Sewer	\$ -
General Debt Service	\$ 500.00

Major Roads	\$ 5,862.68
Local Road	\$ 3,490.90
Rubbish	\$ 17,519.94
Trust & Agency	\$ 4,000.00
Tax Fund	\$ 915.10
Waste Water	\$ -
ALL FUNDS	<u><u>\$196,576.05</u></u>

VI. PUBLIC REQUESTS AND COMMENTS

None

VII. SPECIAL REPORTS

A. President's Report

None

B. Council Report

None

C. Administrator Report

1. Report on Broughton House (Village Hall) Renovation/Restoration Project

The State Historic Preservation Office reported that 18 applications were submitted for the recent grant. Creech assumed that 4-7 projects will be approved depending on the size of the requests. The process was a great collaborative effort among Main Street Franklin, Franklin Historical Society, and the Village.

VIII. PUBLIC HEARING

A. Community Development Block Grant (CDBG) for Plan Year 2015

#2014-125 Motion by Gordon, seconded by Seltzer to open the Public Hearing on the Community Development Block Grant (CDBG) for Plan Year 2015.

Ayes: Gallasch, Gordon, Kochensparger, Moenck, Seltzer

Absent: Hansen, Morrow

Nays: None

Motion carried.

Kochensparger opened the Public Hearing at 7:15 P.M.

Creech outlined the process he has used in the past when dealing with the CDBG Public Hearing and subsequent vote.

Gordon asked him what his understanding is with regards to the Village's past history. Moenck suggested that other projects which would benefit Franklin residents should be researched, i.e. the group homes.

- **Elaine McLain**, new Board Member of BASCC, Chair of the Cable Board, and psychiatric nurse, had comments about the importance of having a safety net for the group homes. She will mention this opportunity to participate to the BASCC Board.

Kochensparger closed the Public Hearing at 7:25 P.M.

IX. NEW BUSINESS

A. Consider Demolition Application for the property located at 26985 Charles Lane.

Creech provided a brief history of the property, the process this project has gone through, referring to the HDC minutes provided (11/5/2014), and the HDC's recommendations.

Howard Luckoff, representing the property owner, stated that he had spoken with Gary Roberts, Chairman of HDC, concerning, among other things, the 60 day timeframe for categorizing, documenting, and/or removal of historically significant features of the house.

Motion by Seltzer, seconded by Gordon to approve the demolition application for the property located at 26985 Charles Lane, on the basis that there is a 60-day holding period during which time all those individuals who have shown interest in it may have access to photograph, catalogue, remove portions of the house, etc. at their own expense.

- Dale Allen Gyure, Ph.D., Professor of Architecture at Lawrence Tech University and member of the Michigan State Historic Preservation Review Board, representing Docomomo-US/Michigan (documentation and conservation of buildings, sites and neighborhoods of the modern movement), a local chapter of an international organization. He asked that the permit be denied based on the short time allotted for research and further supported his statement by giving historically and architecturally significant details of the house and its importance to Michigan and Franklin, specifically.

Discussion about the Council's responsibility ensued.

- Katherine White, Docomomo Board member and MSF Executive Director, expounded on the work that interested parties had been done in the last 45 days, but stated that more time was needed.

Mr. Luckoff agreed to extend the period to 90 days.

#2014-126 Motion by Seltzer, seconded by Gordon to approve the Demolition Application for the property located at 26985 Charles Lane on the basis that there is a 90-day holding period during which time all those individuals who have shown interest in it may have access to photograph, catalogue, or remove portions of the house, at their own expense.

Ayes: Gallasch, Gordon, Kochensparger, Moenck, Seltzer

Absent: Hansen, Morrow

Nays: None

Motion carried.

B. Consider Budget Amendments, FY 2014-2015.

Creech presented and explained the amendments to the Council, referring to his memorandum dated 12/9/2014.

#2014-127 Motion by Moenck, seconded by Seltzer to approve the General Fund, Major Street Fund, and Local Road Fund budget amendments, FY2014-2015 as follows:

GENERAL FUND

WHEREAS: The Village must assure that expenditures in each account do not exceed those budgeted. A review of the Village’s Fiscal Year 2014/2015 General Fund indicates several accounts where budget amendments are required. We resolve that the following budget amendments be made to the 2014-2015 General Fund Budget with funds coming from the appropriation of other funds.

Revenue

000692 – Cable Board Grant: Increase revenue account to a new total of \$7,000 (original \$2,500).

000670 - Kreger House Rentals: Increase revenue account to a new total of \$1,000 (original \$0).

Expenditures – General Fund, other than Police

101902 – Website expenses: Increase expense account to a new total of \$5,000 (original \$2,500).

102705 - Group Insurance: Decrease expense account to a new total of \$24,731 (original \$44,731).

215705 – Group Insurance: Increase expense account to a new total of \$18,795 (original \$10,795).

405930 - Broughton House repair/maintenance: Increase expense account to a new total of \$11,000 (original \$3,700).

875000 – Broughton House Improvements: Increase expense account to a new total of \$17,700 (original \$10,000).

Account	Old Amount	YTD 09/30/2014	New Amount	Difference
Revenue				
000692	\$2,500		\$7,000	\$4,500
000670	\$0		\$1,000	\$1,000
Expenses				
101902	\$2,500	\$0	\$5,000	\$2,500
102705	\$44,731	\$5,699	\$24,731	(\$20,000)
215705	\$10,795	\$4,553	\$18,795	\$8,000
405930	\$3,700	\$2,613	\$11,000	\$7,300
875000	\$10,000	\$3,276	\$17,700	\$7,700
			Total	\$0

MAJOR STREET FUND

WHEREAS: The Village must assure that expenditures in each account do not exceed those budgeted. A review of the Village's Fiscal Year 2014/2015 Major Street Fund indicates several accounts where budget amendments are required. We resolve that the following budget amendments be made to the 2014-2015 Major Street Fund Budget with funds coming from the appropriation of other funds.

Revenue

000681 – Miscellaneous: Increase revenue account to a new total of \$8,608 (original \$0).

Expenditures

468818 – Trees & Shrubs: Increase expense account to a new total of \$18,608 (original \$10,000)

LOCAL ROAD FUND

WHEREAS: The Village must assure that expenditures in each account do not exceed those budgeted. A review of the Village's Fiscal Year 2014/2015 Local Road Fund indicates several accounts where budget amendments are required. We resolve that the following budget amendments be made to the 2014-2015 Local Road Fund Budget with funds coming from the appropriation of other funds.

Revenue

000550 – Miscellaneous: Increase revenue account to a new total of \$12,000 (original \$0).

Expenditures

468818 – Trees & Shrubs: Increase expense account to a new total of \$27,000 (original \$15,000).

Ayes: Gallasch, Gordon, Kochensparger, Moenck, Seltzer

Absent: Hansen, Morrow

Nays: None

Motion carried.

X. RESOLUTIONS/ORDINANCES/PROCLAMATIONS

A. Consider Resolution Granting Consent to the Transfer of Control of the Cable Television System.

Elaine McLain, President of the Birmingham Area Cable Board, and Frederick Eaton, Sr. Manager, Comcast Cable addressed the Council, explained the ramifications of the resolution, and answered questions.

(Tom Morrow arrived at 7:55PM)

#2014-128 Motion by Seltzer, seconded by Moenck to approve the Resolution Granting Consent to the Transfer of Control of the Cable Television System (Attachment #1).

Ayes: Gallasch, Gordon, Kochensparger, Moenck, Morrow, Seltzer

Absent: Hansen

Nays: None
Motion carried.

B. Consider Resolution to Authorize Exemption Option of PA 152.
#2014-129 Motion by Moenck, seconded by Seltzer to approve the Resolution to Authorize Exemption Option of PA 152, as follows:

RESOLUTION – EXEMPTION

RESOLUTION TO ADOPT THE ANNUAL EXPEMPTION OPTION AS SET FORTH IN 2011 PUBLIC ACT 152, THE PUBLICLY FUNDED HEALTH INSURANCE CONTRIBUTION ACT.

WHEREAS, 2011 Public Act 152 (the “Act”) was passed by the State Legislature and signed by the Governor on September 24, 2011;

WHEREAS, the Act contains three options for complying with the requirements of the Act;

WHEREAS, the three options are as follows;

1. Section 3 – “Hard Caps” Option – limits a public employer’s total annual health care costs for employees based on coverage levels, as defined in the Act;
2. Section 4 – “80%/20% Option – limits a public employer’s share of total annual health care costs to not more than 80%. This option requires an annual majority vote of the governing body;
3. Section 8 – “Exemption” Option – a local unit of government, as defined in the Act, may exempt itself from the requirements of the Act by an annual 2/3 vote of the governing body;

WHEREAS, the Village of Franklin has decided to adopt the annual Exemption option as its choice of compliance under the Act;

NOW, THEREFORE, BE IT RESOLVED the Village Council of the Village of Franklin elects to comply with the requirements of 2011 Public Act 152, the Publicly Funded Health Insurance Contribution Act, by Adopting the annual Exemption option for the medical benefit plan coverage year January 1, 2015 through December 31, 2015.

Upon a call of the roll, the vote was as follows:

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

XI. ADJOURNMENT

Motion by Seltzer supported by Gordon to adjourn the meeting.

Ayes: Gallasch, Gordon, Kochensparger, Moenck, Morrow, Seltzer

Absent: Hansen

Nays: None

Motion carried.

There being no further business, the meeting adjourned at 8:13 PM.

Respectfully submitted,

Gail Beke, Recording Secretary

Eileen H. Pulker, Clerk

James Kochensparger, President

ATTACHMENT #1

At a special meeting of the Village Council of the Village of Franklin, Oakland County, Michigan, held on the 15th day of December 2014, called to order by President Kochensparger at 7:00 PM, there were:

Present: Brian Gordon, Judy Moenck, H. Frederick Gallasch, Michael Seltzer, James Kochensparger, Thomas Morrow

Absent: Pamela Hansen

The following resolution was offered:

Moved by Seltzer and supported by Moenck to approve the following:

**RESOLUTION GRANTING CONSENT TO THE TRANSFER OF
CONTROL OF THE CABLE TELEVISION SYSTEM**

WHEREAS, Comcast of Colorado/Florida/Michigan/New Mexico/Pennsylvania/Washington (Comcast) is a current cable franchisee for the Local Franchising Authorities within the Birmingham Area Cable Board (BACB); and,

WHEREAS, Comcast and Midwest Cable submitted an application on June 17, 2014 for Franchising Authority Consent to the transfer of control of the cable television franchise; and,

WHEREAS, the Local Franchising Authority is relying upon such information as contained in the FCC Form 394 application, documents, and additional information provided by Comcast and acted upon the application and such information for Franchising Authority Consent. The Local Franchising Authority intends to consent to the transfer of control subject to the acceptance of the terms and conditions set forth herein with the hope that such consent is in the best interest of the Local Franchising Authority.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Local Franchising Authority does hereby consent to the transfer of control of the Franchisee from Comcast to Midwest Cable, LLC in the manner described in the Agreement and

Plan of Merger dated April 25, 2014, subject to the following conditions precedent and conditions subsequent:

Conditions Precedent

- a) The written representation by Comcast that it will promptly notify the Local Franchising Authority, in writing, of any change in service or operation in the cable system serving the Local Franchising Authority's community and/or change in the personnel directly responsible for the operation of the cable system in contemplation of, or as a result of consummation of the Agreement and Plan of Merger; and,
- b) The prompt and proper remediation of all existing defaults, if any, under the current Cable Franchise Agreement with Local Franchising Authority, pursuant to PA 480 of 2006 or other applicable law, as may be specified in writing by the Local Franchising Authority; and, the representation in writing by Comcast that it has no knowledge of any defaults except those that are identified by it; and,
- c) The Transferee agrees in writing to accept and be bound by the lawful terms and conditions of the Franchise Agreement and the cable regulatory ordinances, pursuant to PA 480 of 2006 or other applicable law. This Resolution is without prejudice to the right of the Local Franchising Authority, Comcast, and Transferee to take positions with respect to what constitutes applicable state law; provided, however, that in all instances, the Transferee will assume all lawful obligations of such franchise.
- d) All prior written agreements between the Franchisee and the Local Franchising Authority and any of the Local Franchising Authority's member communities,

apart from the Franchise Agreement, shall remain in full force and effect, until such time as proper written notice is provided to change such terms and conditions and the Transferee shall cause the same to be honored by the Franchisee.

- e) The written representation by Comcast that all franchise fees that are currently due the Local Franchising Authority have been paid in full and on time.

Conditions Subsequent

- a) The Local Franchising Authority's approval shall be voidable if the Agreement and Plan of Merger is not consummated by August 31, 2015, or such Agreement is terminated prior to that time without the same having been consummated; and,
- b) The Transaction itself does not require any rate increases. To the extent that rate changes are made in the future, Midwest Cable will provide customers and the LFAs with reasonable notice of any such changes.

Grant of Consent

The Local Franchising Authority's grant of consent to the transfer of Comcast, to Midwest Cable, LLC pursuant to the Agreement and Plan of Merger dated April 25, 2014 shall be effective immediately subject to the above conditions, and further requires Comcast to notify the Local Franchising Authority promptly upon the closing of the transaction described in the aforementioned Agreement and Plan of Merger. The Local Franchising Authority is hereby authorized to enter into, execute and deliver in the name of the Local Franchising Authority a certificate along with such other documents as may be necessary evidencing this Resolution without further act or Resolution of the governing body.

AYES: Gallasch, Gordon, Moenck, Morrow, Seltzer, Kochensparger
NAYS: None

PRESENT: H. Frederick Gallasch, Brian Gordon, Judy Moenck, Thomas Morrow, Michael Seltzer, James Kochensparger

ABSENT: Pamela Hansen

Resolution Declared Adopted.

STATE OF MICHIGAN)

)

COUNTY OF OAKLAND)

I, Eileen H. Pulker, the duly elected Clerk of the Village of Franklin Oakland County, Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Village Council of the Village of Franklin, Oakland County, Michigan at a special meeting duly called and held on the 15th day of December, 2014, the original of which resolution is on file in my office, and that notice of said meeting was given, the meeting was held and the minutes therefore were filed in accordance with the Open Meetings Act, Act No. 267, Public Acts of Michigan, 1976, as amended.

Eileen H. Pulker, Village Clerk