

**PROCEEDINGS OF VILLAGE OF FRANKLIN  
VILLAGE COUNCIL REGULAR MEETING  
MONDAY, APRIL 21, 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 8:02 P.M. at the Franklin Village Hall, Franklin, Michigan.

**ROLL CALL**

Present: Brian Gordon, Pam Hansen, Jim Kochensparger, Judy Moenck, Tom Morrow, Mike Seltzer  
Absent: Ed Saenz  
Also Present: Interim Village Administrator, David Murphy  
Sergeant, Brian Crane, Police Department  
Tony Averbuch, Fire Chief  
Eileen Pulker, Clerk  
Lance Vainik, Treasurer

**II. ADOPTION OF AGENDA**

Kochensparger requested New Business Item B be changed to be consideration of contracting for the purchase of a new police vehicle and a discussion on scheduling a meeting to interview candidates for the Village Administrator position be added as New Business Item G.

**Motion by Morrow supported by Seltzer to adopt the Agenda as amended.**

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

**Absent: Saenz**

**Nays: None**

**Motion carried.**

**III. MINUTES**

**A. Regular Meeting, March 10, 2014**

**Motion by Morrow supported by Seltzer to approve the Regular Village Council Meeting Minutes for March 10, 2014, as presented.**

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

**Absent: Saenz**

**Nays: None**

**Motion carried.**

**B. Special Meeting, April 1, 2014**

**Motion by Moenck supported by Hansen to approve the Special Village Council Meeting Minutes for April 1, 2014 as presented.**

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

**Absent: Saenz**

**Nays: None**

**Motion carried.**

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

**Sergeant Brian Crane, Police Dept. Representative**, advised he was filling in for Chief Roberts, provided a brief overview of recent police related matters in the Village, and noted that March was a relatively quiet month, the Annual Report has been completed, the new part time officer has started, and the annual awards ceremony is scheduled for April 30<sup>th</sup> which will include recognition of Bill Castro's

retirement, Discussion ensued regarding residential mail boxes with Sgt. Crane advising it is best for residents to mail items from work or U.S. Postal mailboxes rather than their residential box.

**Tony Averbuch, Fire Chief**, referred to his submitted written report and noted the Dept. is still experiencing high call volumes, and the budget was turned in a month ago. Discussion ensued regarding the Fire Truck with Averbuch advising the final inspection on the new unit is tentatively scheduled for the second week of June.

**Lance Vainik, Treasurer**, referred to his submitted monthly report, noted the bills list includes large entries for both Major and Local Road accounts for salt and cold patching and the list of account balances is as of April 17, 2014 held at Level One Bank. Discussion ensued regarding how salt usage compares to last year with Vainik advising he will get back to Council with that information.

**Dr. Elena Costello, Main Street Franklin (“MSF”)**, advised the MSU Small Town Initiative Sustainability and Design Guidelines report is almost finalized, MSF’s web presence has been enhanced, and the Executive Director will be available to give the report in May. Costello noted the Executive Director attended the Historic Preservation funding meeting at the County (along with other Franklin representatives), and is active with the merchant’s in the Village with a mixer to be scheduled in the near future. Bob Donohue of Main Street Oakland County (“MSOC”) met with the new Executive Director and offered the County’s assistance on various matters including utilizing its GIS information system to assist in a Franklin market analysis and funding the new Director’s attendance at the Main Street National Conference to be held in Detroit. Costello advised that MSF was nominated for two awards at the upcoming MSOC Awards Night, the Design Committee’s art project will have details available next month, and referenced a recent article in the press which noted increased collaboration and presence. Discussion ensued regarding the Director’s availability to meet with Council and what percentage of the Village’s merchants have met with the Director with Barry Silverstein advising it is a high percentage and he will be meeting with her tomorrow to receive feedback from those visits. Silverstein noted the Director was required to be present this evening at the last night of her master’s degree program.

## V. SUBMISSION OF CURRENT BILLS

### **Motion by Gordon supported by Seltzer to approve the Bill’s List as submitted.**

Discussion ensued regarding delinquent sewer collections with Pulker advising this is for delinquent payments subsequently collected on tax bills which are payable to Oakland County. Pulker noted the Village has a very low percentage of property owners who do not pay their tax bills.

**Ayes: Gordon, Hansen, Kochensparger, Moenck, Seltzer**

**Absent: Saenz**

**Abstain: Morrow**

**Nays: None**

**Motion carried.**

### **TOTALS**

General Administration	\$	24,301.52
Building	\$	4,981.16
Insurance	\$	37,659.99
Legal	\$	1,368.50
Police	\$	16,259.73
Pressure Sewer	\$	12,213.00
General Debt Service	\$	-
Major Roads	\$	13,390.20
Local Road	\$	13,390.20

Rubbish	\$	17,185.28
Trust & Agency	\$	5,400.00
Tax Fund	\$	60,556.62
Waste Water	\$	78.52
<b>ALL FUNDS</b>	<b>\$</b>	<b>206,784.72</b>

## VI. PUBLIC REQUESTS AND COMMENTS

- **William Dwyer, Oakland County Commissioner, District 17**, noted he is proactive with complaints regarding potholes and requested those with concerns to contact him directly (cell 248.417.7500). Discussion ensued regarding the reimbursement potential when vehicle damage is incurred due to a pothole with Dwyer noting it is through the State and is difficult to get. Dwyer advised the County has passed a balanced three (3) year budget and has one of the lowest tax rates in the State. Commissioner Dwyer also provided an overview of the upcoming SMART issue which will be a ballot question in August and Water Authority considerations and noted there will be a Public Service Announcement regarding a gun safety night which both he and Commissioner Gershenson will attend.
- Eugene Shuster, Dennison, noted concerns relative to pot holes on 14 Mile Road which caused his vehicle repeated, considerable damage.
- Barry Silverstein, Cheviot Hills, inquired if the County could post a listing of areas to avoid due to pot holes.
- Connie Ettinger, River Drive, requested Council to consider amending Chapter 666.02 of the Village Ordinances to limit construction noise on Saturday's to the hours of 9:00 A.M. to 3:00 P.M. to allow people to enjoy their homes quietly without such noise.
- Rick Koslowski, Woodlore, noted he was very pleased and impressed with the level of snow removal service this winter and brought to the Village's attention a section of Woodlore which is in poor shape and could be a potentially hazardous situation.
- Mira Stakhiv, Crestwood Drive, noted her issues with snow removal which she has mentioned previously and her support of the request made by Connie Ettinger to further limit construction noise on Saturday's. She also expressed concern over construction vehicles arriving early and idling until the time they are allowed to start work.
- Eugene Schuster, requested there be some measure of consistency regarding the way individual snow removal is pushed into a neighbor's yard and noted his support of the construction noise modification.

### A. Consider Road Right of Way Obstruction Appeals.

Kochensparger opened the meeting for public comments with no one from the public responding. Discussion ensued regarding the obstruction at 26710 Irvine.

### **Motion by Moenck supported by Seltzer to deny the Road Right of Way Obstruction Variance Request for 26710 Irvine.**

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

**Absent: Saenz**

**Nays: None**

**Motion carried.**

## VII. SPECIAL REPORTS

### • **President's Report**

President Kochensparger noted twenty-five (25) applications for the Village Administrator position were received many of which were impressive.

### • **Council Report**

None.

### • **Village Administrator**

Interim Village Administrator Murphy referred Trustees to a memorandum on the dais regarding road paving on 14 Mile Road and noted he has been discussing non-motorized pathways with MDOT. Discussion ensued regarding Act 51 funds and related timing concerns.

## VIII. UNFINISHED BUSINESS

### A. Consider Planning Commission Recommendation for Proposed Re-Zoning of .72 Acres/W. side of Telegraph, S. of 13 Mile Road – Franklin Commons LLC, Lot 73, TF24-08-205-002 from R-2 Medium Low Density Residential to R-O Restricted Office District

Harold Stulberg, Senior Vice-President with NAI Farbman Group, designated representative for property owner Mr. Garmo, provided an overview of property constraints and other matters which led to the request to have Lot 73 re-zoned as one story office with salient points noted below:

- Lot 73 has no access to residential street today;
- Rushmore Street was closed but not vacated;
- Helman Woods Subdivision restrictive covenant: Asked for meeting twice (publically requested a meeting again) with the subdivision and is hopeful something could be worked out with the subdivision regarding its covenants;
- Requiring single-family on this lot is unreasonable; and
- Rezoning would create a buffer between the different uses.

Discussion ensued regarding the request, subject property, historical perspective, Master Plan, and impact of closing or re-opening of Rushmore.

Eman Daman, President, Helman Woods Homeowners Association, noted she is speaking both as a resident as well as the President of the Association and is the designated voice for the Association. Daman noted the Association will stand firm regarding its restrictive covenants, with salient points/concerns noted below.

- Rushmore has never been vacated and could be opened;
- Compliance with the Master Plan would require a residential home and the Master Plan should remain unchanged;
- Restrictive covenants are in place as a matter of law;
- Noted maintenance concerns on the subject property;
- The Association has declined to meet with Mr. Stulberg;
- Financing, historical perspective of Franklin Commons concerns; and
- It is very profitable to build residential homes both in Franklin as a whole and Helman Woods.

Connie Ettinger, Chair, Planning Commission, noted the Commission did hear this matter and studied it very carefully and thoroughly and came to a unanimous vote to deny the request.

Harold Stulberg, addressed some of the points raised by Daman, noting Rushmore is not solely owned by Mr. Garmo and could theoretically be re-opened, maintenance of that area has not been done by any of the parties, there is an arbitration clause in the covenants, considerable funds have been spent on this issue to date, and the Association Board is representing members in good standing only.

### #2014-25 Motion by Morrow supported by Hansen to deny the proposed re-zoning of .72 Acres/W. side of Telegraph, S. of 13 Mile Road – Franklin Commons LLC, Lot 73, TF24-08-205-002 from R-2 Medium Low Density Residential to R-O Restricted Office District.

Discussion ensued regarding who would cover the costs if Rushmore were to be reopened with Staran noting there are a number of options which include the developer, Village, or it could just be a private drive. It was noted that Planning Commission's recommendation carried considerable weight as did supporting the Master Plan. Upon request, Staran noted the Village does not regulate natural landscaping.

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

**Absent: Saenz**

**Nays: None**

**Motion carried.**

**IX. NEW BUSINESS**

**A. Consider Resolution Honoring Detective Lieutenant William Castro**

**#2014-26 Motion by Seltzer supported by Morrow to adopt the Resolution Honoring Detective Lieutenant William Castro.**

Seltzer noted his appreciation of Detective Lieutenant Castro's public service to the Village of Franklin and read into the record a proclamation in appreciation of his Public Service to the Village of Franklin. Kochensparger noted he has worked with Castro for many years and he is very efficient, does a wonderful job, and will be missed.

- Fred Gallasch, echoed earlier comments and noted Castro has been a star here, has moved many things forward, is a great interrogator, and he would like to have him back, however, his retirement is well-deserved.
- Eman Daman, noted she has worked with Castro in her capacity as a Magistrate at the 46 District Court and Castro's personality is assertive yet not aggressive and is a very confident person who commands and receives respect.
- Mira Stakhiv, noted as Chairman of the Mobile Watch, she agrees with the Resolution, has worked with Castro over many years, and he is just a wonderful person who will be missed.

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

**Absent: Saenz**

**Nays: None**

**Motion carried.**

**B. Consider the purchase of a 2014 Ford Explorer Police Interceptor model**

Morrow noted this purchase is already included in the FY 2013-2014 budget and the financing mechanism is a three year lease to own.

**#2014-27 Motion by Morrow supported by Moenck to approve the purchase of the 2014 Ford Explorer Police Interceptor model, for a three year lease to own financing as proposed, the total amount of which will be \$26,288.00, which has been budgeted for in the current year budget (Fiscal Year July 1, 2013 to June 30, 2014).**

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

**Absent: Saenz**

**Nays: None**

**Motion carried.**

**C. Consider Civic Event Permit Application for the Franklin Community Association (FCA) Farmers Market, May 11, 2014 thru October 19, 2014**

**#2014-28 Motion by Seltzer supported by Morrow to approve the Civic Event Permit Application for the Franklin Community Association (FCA) Farmers Market, May 11, 2014 thru October 19, 2014.**

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

**Absent: Saenz**

**Nays: None**

**Motion carried.**

**D. Consider Civic Event Permit Application for the Franklin Garden Club "Garden Walk", June 11, 2014**

**#2014-29 Motion by Morrow supported by Seltzer to approve the Civic Event Permit Application for the Franklin Garden Club “Garden Walk”, June 11, 2014.**

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

**Absent: Saenz**

**Nays: None**

**Motion carried.**

**E. Consider Recommendation from the Liquor Committee for Renewal of the Liquor License for the Franklin Grill**

Due to a conflict of interest President Kochensparger recused himself from the discussion and vacated the dais with Vice-Chairman, Pam Hansen, presiding over this agenda item. Hansen provided a brief introduction and referred to material provided in Trustee’s packets.

**#2014-30 Motion by Seltzer supported by Moenck to approve the renewal of the liquor license for the Franklin Grill as recommended by the Liquor Committee.**

**Ayes: Gordon, Hansen, Moenck, Morrow, Seltzer**

**Absent: Saenz**

**Abstain: Kochensparger**

**Nays: None**

**Motion carried.**

President Kochensparger returned to the dais and his role as Chairman.

**F. Consider Scheduling a Public Hearing for the FY2014-2015 Budget**

Moenck inquired when the draft budget would be available with Murphy advising it would be ready around the end of the week. Discussion ensued regarding timing with it being noted this would have to be held in May as the budget needs to be adopted by June.

**#2014-31 Motion by Morrow supported by Seltzer to schedule a Public Hearing for the FY 2014-2015 Budget at the May 12, 2014, regularly scheduled, Council meeting.**

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

**Absent: Saenz**

**Nays: None**

**Motion carried.**

**G. Consider Scheduling a Special Village Council Meeting on May 1, 2014 @ 4:30 P.M. to interview Village Administrator candidates**

Kochensparger provided a brief overview noting the Village has received applications from many well-qualified candidates.

**#2014-32 Motion by Morrow supported by Seltzer to schedule a Special Village Council Meeting on May 1, 2014 at 4:30 P.M. to interview Village Administrator candidates.**

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

**Absent: Saenz**

**Nays: None**

**Motion carried.**

**X. RESOLUTIONS/ORDINANCES/PROCLAMATIONS**

**A. Consider an Ordinance to Amend Chapter 860, Peddlers and Solicitors of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Amend All Chapters, Repeal Conflicting Ordinances, and Prescribe a Penalty for Violations (*first reading*).**

Staran provided a brief overview noting the ordinance incorporates changes as requested by Council at its last meeting and is drafted to stay within constitutional parameters. Discussion ensued regarding the procedural difference between commercial and non-commercial advocates. Staran noted Chief Robert’s

suggested the 90 day solicitation permit period be lowered to 30 or 60 days with the consensus of Council being to change the period to 60 days. Non-commercial advocates which includes charitable, political and religious solicitation, cannot be required to register or have background checks done, however, they would be required to abide by hours and no-soliciting signage/verbal requests. In a commercial situation both the individual and the parent organization would be checked. Staran advised newspaper delivery is exempt as are local scout groups, etc. provided they are within a mile of their residence. Discussion ensued regarding the definition of soliciting, applicability to itinerant merchant's (e.g. an ice cream truck), the potential to post a no knock type registry of homeowners who do not want solicitors on their property, and distance exemption for local groups with it being suggested to limit that distance to the boundaries of Franklin. The benefit of posting no solicitation signage on one's property was noted.

**#2014-33 Motion by Morrow supported by Seltzer to approve in first reading an amendment to Chapter 860, Peddlers and Solicitors of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Amend All Chapters, Repeal Conflicting Ordinances, and Prescribe a Penalty for Violations, as amended.**

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

**Absent: Saenz**

**Nays: None**

**Motion carried.**

#### **XI. ADJOURNMENT**

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

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

**Absent: Saenz**

**Nays: None**

**Motion carried.**

There being no further business, the meeting adjourned at 9:41 P.M.

Respectfully submitted,

Lori Rich, Recording Secretary

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Eileen H. Pulker, Clerk

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James Kochensparger, President