

**PROCEEDINGS OF VILLAGE OF FRANKLIN
VILLAGE COUNCIL SPECIAL MEETING
MONDAY, JULY 16, 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 James Kochensparger at 8:00 P.M. at the Franklin Village Hall, Franklin, Michigan.

II. ROLL CALL

Present: Lew Eads, Pam Hansen, Jim Kochensparger, Tom Morrow, Steve Rosenthal,
Mike Seltzer

Also Present: Amy Sullivan, Administrator
Eileen Pulker, Clerk
Bill Castro, Interim Police Chief
Vivian Carmody, Main Street Franklin Administrator

III. ADOPTION OF AGENDA

Motion by Seltzer supported by Morrow to adopt the agenda for the July 16, 2012 Regular Village Council Meeting as revised.

Agenda item under New Business J. Consider Rezoning Application for 32635 Franklin Road was deleted.

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

Nays: None

Motion carried.

IV. MINUTES

A. June 11, 2012 Special Village Council Meeting

Motion by Eads supported by Seltzer to approve the minutes for the June 11, 2012 Special Council Meeting as submitted.

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

Nays: None

Motion carried.

B. June 11, 2012 Regular Village Council Meeting

Motion by Seltzer supported by Eads to approve the minutes for the June 11, 2012 Regular Village Council Meeting as submitted.

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

Nays: None

Motion carried.

V. REPORTS OF VILLAGE OFFICERS AND AGENTS

Tony Averbuch, Fire Chief: Averbuch was not present at the meeting, but Kochensparger asked the Council to refer to the Chief's written report.

William Castro, Interim Police Chief: Castro provided an update on recent police activity in the Village and made note that the month of June and thus far July had been a relatively quiet and

peaceful period. He noted that in June there had been 250 calls for service, the dept. prepared 34 written reports, and issued 46 moving violations. There were no felony arrests but received a few reports of damaged mailboxes on Captain's Lane and a report of missing items from an Estate Sale. Castro reported that the police responded to an alarm on Ovid Ct., noting that a suspect has been identified and is in custody.

Vivian Carmody, Main Street Franklin, Administrator: Carmody informed the Council that the Business Development Committee with the assistance of possible grants from MEDC is working on a project to re-zone a barn in the commercial district of the Village; the Fundraising Committee is working on "The Gem of Night" which is planned for August 18, 2012; and the next big event for the Promotions Committee is Frankenstein, which will occur in October 2012.

Thomas Morrow, Treasurer: Morrow referred to his submitted written report and noted that the Bills List is a little higher than last month but is consistent with normal monthly spending. Expenditures are consistent with the new 2012-13 budget. The Village has sufficient funds to meet its current and anticipated obligations. Account balances were handed out right before the meeting. They reflect the balances as of July 1, 2012 at the Level One Bank. Morrow also included an update on the Retiree Healthcare Funding Trust as of the 1st quarter of 2012.

VI. SUBMISSION OF CURRENT BILLS

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

Ayes: Eads, Hansen, Kochensparger, Rosenthal, Seltzer

Nays: None

Abstain: Morrow

Motion carried.

VII. RECOGNITION OF MAMC VILLAGE CLERK OF THE YEAR AWARD

Kochensparger began the recognition of Eileen H. Pulker; the Michigan Association of Municipal Clerk's 2012 Village Clerk of the Year by providing a brief background of the nomination process and expounded the many achievements Pulker has accomplished in her 13 years as the Village Clerk of Franklin.

- **Vincent Gregory**, State Senator from the 14th District, presented Pulker with a plaque from the Senate of the State of Michigan acknowledging her selection for Village Clerk of the Year, presenting it while reading a portion for the audience.
- **Bill Bullard**, Oakland County Clerk/Register of Deeds gave a personal tribute to Pulker, on behalf of himself as County Clerk, Michael Ginzel, Chairperson Oakland County Board of Commissioners, and especially Oakland County Commissioner Marcia Gershensen who unfortunately could not be at the meeting but who extended her congratulations to Pulker, by presenting the Proclamation from Oakland County.
- **Cynthia Walker, Chief Judge of the 50th District Court in Pontiac**, as a fellow member of the Women Officials Network (WON) Board of Directors, presented a proclamation to honor Pulker, and was accompanied by Debbie Macon, who is also a member of WON and who has served on the Women Officials Network Foundation Board with Pulker for several years.
- **Jim Kochensparger, President of the Village of Franklin Council**, presented the Proclamation from the Village of Franklin.

Pulker expressed her thanks to all.

VIII. PUBLIC REQUESTS AND COMMENTS

- **Rosanne Koss**, Kinross Ave., Beverly Hills, introduced herself as a candidate for Southfield Township Trustee in the August 7, 2012 primary.
- **Fred Gallasch**, Rosemond Dr. introduced himself as a candidate for Supervisor of Southfield Township and stressed that Franklin and Bingham Farms need representation on the Southfield Township Board.

IX. SPECIAL REPORTS

A. President's Report

Kochensparger explained the process that was used to select a new Police Chief and introduced Franklin Villager, Daniel Roberts as the Council's choice for the job. The Council has authorized the President to begin negotiating a contract with him.

B. Council Report

None

C. Administrator's Report

None

D. Birmingham Area Cable Board Budget Presentation

Elaine McLain, Chair BACB, Ken McFadden, Vice-Chair, Treasurer, and Bob Borgon, Executive Director addressed the Council explaining the budget for the 2012-13 Fiscal Year. A copy of the budget was provided to each Council Member.

McLain also gave a brief history of the Birmingham area cable operations. She stressed that the Cable Board acts on the consumers' behalf and is open to hear all resident concerns.

X. NEW BUSINESS

A. Consider Village Council Member Appointment

Kochensparger explained that there had been a Special Council Meeting prior to the regular one for the six people who were interested in the position for Village Council Trustee: Jay Gardner, Brian Gordon, Judy Moenck, Felicia Molnar, Joe Roisman, and Mira Stakhiv and that each candidate had been allotted 5 minutes to present their qualifications to the Council.

Motion by Morrow, supported by Rosenthal to appoint Brian Gordon as Village Council Trustee to fulfill the remainder of Sparks' term of office.

Hansen called a point of order because she was interested in nominating another candidate. Discussion ensued about the nominating process. Pulker explained the procedure of past appointments when more than one person had been nominated.

Rosanne Koss, Beverly Hills, further explained procedures, noting what commonly happens in Beverly Hills Village Council meetings.

Roll Call Vote on Brian Gordon's Nomination

Seltzer – Nay

Hansen – Nay

Morrow – Aye

Kochensparger – Aye
Eads - Nay

Rosenthal – Aye
Motion did not pass.

Motion by Hansen supported by Eads to appoint Judy Moenck as Village Council Trustee to fulfill the remainder of Sparks' term of office.

The Council had a discussion about different criteria to consider when evaluating the candidates.

Roll Call Vote on Judy Moenck's nomination

Seltzer – Aye
Hansen – Aye
Morrow – Nay
Kochensparger - Nay
Eads – Aye
Rosenthal – Nay
Motion did not pass.

Motion by Eads supported by Morrow to appoint Brian Gordon as Village Council Trustee to fulfill the remainder of Sparks' term of office.

Roll Call Vote on Brian Gordon's nomination.

Seltzer – Aye
Hansen – Nay
Morrow – Aye
Kochensparger – Aye
Eads - Aye
Rosenthal – Aye
Motion passes.

Pulker swore in Brian Gordon to the Village Council.

B. Consider Demolition Application for the property located at 30442 S. Greenbriar.

Dave Younger, owner of the property, presented his application to demolish his single-family residence. It was noted that the Village of Franklin Historic District Commission had determined that there was no historic significance to this structure.

Pulker explained that due to the recent absence of the Building Clerk all the usual items were not available for the Council packets; however, a motion can be made contingent upon the building official's approval of all the necessary requirements.

Younger explained that it is his intention to immediately re-build his family residence.

Motion by Eads supported by Rosenthal to approve the demolition application for 30442 S. Greenbriar, contingent upon the approval by the Building Official.

Ayes: Eads, Gordon, Hansen, Kochensparger, Morrow, Rosenthal, Seltzer
Nays: None
Motion carried.

C. Consider Appointments to Planning Commission, Historic District Commission, and Zoning Board of Appeals.

Kochensparger and Gary Roberts (HDC Chair) have yet to determine the renewals and or replacements for the Historic District Commission.

Motion by Morrow supported by Eads to confirm the President's appointments for Planning Commission of Connie Ettinger, Calvin Cupidore, Peter Halick; and to approve the appointments to the Zoning/Board of Appeals of Randy Brakeman and Bill Couger.

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

Nays: None

Motion carried.

D. Consider Deputy Treasurer Appointment

Morrow introduced Lance Vainik, stating his financial experiences and qualifications for the job adding that the intention is that after 60-90 days he would like to see Vainik appointed Treasurer.

Motion by Morrow supported by Seltzer to appoint Lance Vainik Deputy Treasurer.

Vainik addressed the Council.

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

Nays: None

Motion carried.

E. Presentation of Charette Results and Design & Sustainability Guidelines RFP.

Bill Finnicum, explained that at the time the Charette was held (August 9-11, 2011) he was the Chair of the Main Street Franklin Design Committee, provided an overview of the purpose of the Charette and a brief powerpoint presentation highlighting such topics as: Goals of the Charette, The Vision, Why a Charette?, Topics the Charette Addressed, How it Worked, Summary of Key Findings, and Next Steps. Finnicum distributed to the Council a hardcopy of the report which summarizes all the data gathered noting that all of the information is on the MSF website.

F. Consider Household Hazardous Waste Collection Date for September 8, 2012.

Sullivan stated that this is a budgeted item for 2012-2013, with an approximate cost of \$10,000-\$11,000, depending on how much material is brought in, noting that this is a Rubbish Fund expense, not the General Fund.

Motion by Seltzer supported by Morrow to accept the date of Sept, 8, 2012 for the Household Hazardous Waste Collection.

There was a discussion concerning scheduling, whether to skip a year due to lack of interest and thus save money, share the date with another community, or wait until Spring.

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

Nays: Kochensparger

Motion carried.

G. Consider Municipal Credit and Community Credit Contract for FY 2013 between SMART and the Village of Franklin.

Sullivan explained that this is a "pass through" cost. The Village provides the funding to the Birmingham Area Seniors Coordinating Council (BASCC) to provide transportation for their low income and otherwise eligible seniors.

Motion by Morrow supported by Hansen to approve the Municipal Credit and Community Credit Contract for FY 2013 between SMART and the Village of Franklin, providing the funding to the Birmingham Area Seniors Coordinating Council (BASCC).

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

Nays: None

Motion carried.

H. Consider Civic Event Permit Application for a 5K Walk/Race for the Syrian Sunrise Foundation on September 15, 2012.

A discussion ensued regarding whom the applicant was, her connection with the Village, and the cost of Village services needed.

Motion by Eads supported by Seltzer to approve the civic event application for a 5K Walk/Race for the Syrian Sunrise Foundation on September 15, 2012 contingent upon the approval of the Village police department and any costs associated with police overtime to be paid by the group.

Ayes: Eads, Gordon, Hansen, Kochensparger, Morrow, Rosenthal

Nays: Seltzer

Motion carried.

I. Consider Civic Event Permit Application for Franklin Community Association (FCA) Farmers' Market, "Market on the Green".

Motion by Morrow supported by Seltzer to approve the application for FCA Farmers' Market with the contingency that approvals from Police Department and Fire Department are obtained to be held on the Village Green, beginning July 22, 2012 and will continue for 13 weeks.

John Pulker, Ponds View Dr. and FCA Board member provided the Council with the information surrounding the Market and the parking issue. The market will start on July 22, 2012 and will occur for 13 weeks, Sundays from 11am – 3 pm along Franklin Road on the Village Green.

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

Nays: None

Motion carried.

J. Consider Rezoning Application for the Barn at the rear of 32749 Franklin Rd.

Sullivan provided the Council with a brief overview and referred to her July 10, 2012 memo. Dan Costello, the owner of the barn addressed the Council with remarks about the historic building. A general discussion ensued about commercial zoning and parking.

Motion by Morrow supported by Seltzer to refer the rezoning application for the barn at the rear of 32749 Franklin Rd. to the Planning Commission.

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

Nays: None

Motion carried.

Carmody made mention that MEDC grants might be used for projects such as this.

K. Consider Zoning Text Amendment to Allow 2nd Floor Residential in Commercial District.

Sullivan introduced this item by saying that this would be part of the project if it is approved; commercial on the 1st floor a residential unit on the 2nd. She provided a suggested text revision.

Motion by Morrow supported by Eads to refer the zoning text amendment to the Planning Commission for discussion and action and that it should be combined with the Rezoning Application for the same address.

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

Nays: None

Motion carried.

L. Consider Audit Letter Extension

Sullivan explained the memo that she had provided the Council concerning the current audit extension. It is her recommendation to accept the offer for the reduced rate over an additional 3 years.

Motion by Morrow supported by Seltzer to approve the three year audit extension with Janz and Knight.

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

Nays: None

Motion carried.

XI. ORDINANCES/PROCLAMATION/RESOLUTIONS

A. Consider An Ordinance to Add Section 678.02 to Chapter 678, Safety, Sanitation and Health, of Part Six of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Regulate the Placement and Removal of Residential Garbage and Waste Containers, Repeal Conflicting Ordinance and Prescribe a Penalty for Violations (first reading).

After Sullivan explained the issue there was a discussion as to what led the Legal Committee to review the ordinance and how should this be regulated.

Motion by Morrow supported by Eads to refer the Ordinance regulating the placement and removal of residential garbage and waste containers back to the Legal Committee.

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

Nays: None

Motion carried.

B. Consider Proposed Resolution to Support Amending the Fireworks Safety Act.

Motion by Morrow supported by Seltzer to support the letter from Royal Oak proposing that the Fireworks Safety Act be amended by the State Legislature.

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

Nays: None

Motion carried.

XII. ADJOURNMENT

Motion by Hansen supported by Seltzer to adjourn the meeting.

Ayes: Eads Gordon, Hansen, Kochensparger, Morrow, Rosenthal, Seltzer
Nays: None
Motion carried.

There being no further business, the meeting adjourned at 9:45 P.M.

Respectfully submitted,

Gail Beke, Recording Secretary

Eileen H. Pulker, Clerk

James Kochensparger, President