

**PROCEEDINGS OF VILLAGE OF FRANKLIN  
VILLAGE COUNCIL REGULAR MEETING  
MONDAY, DECEMBER 10, 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.

**ROLL CALL**

Present: Lew Eads, Brian Gordon, Pam Hansen, Jim Kochensparger, Thomas Morrow, Steve Rosenthal, Mike Seltzer  
Also Present: Amy Sullivan, Village Administrator  
Daniel Roberts, Police Chief  
Tony Averbuch, Fire Chief  
Eileen Pulker, Clerk  
Lance Vainik, Treasurer  
John Staran, Hafeli Staran Hallahan & Christ, P.C., Village Attorney  
Steve Showers, Main Street Franklin

**II. ADOPTION OF AGENDA**

**Motion by Seltzer supported by Eads to approve the agenda for the December 10, 2012, Regular Village Meeting as submitted.**

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

**Nays: None**

**Motion carried.**

**III. MINUTES**

**A. November 12, 2012, Regular Village Council Meeting**

**Motion by Gordon supported by Seltzer to approve the minutes for the November 12, 2012, Regular Village Council Meeting as submitted.**

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

**Nays: None**

**Motion carried.**

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

**Daniel Roberts, Police Chief:** Roberts provided an update as to recent police activity in the Village and noted while the Village is still down 30% overall on burglaries from this time last year, there were three (3) residential burglaries this month, one of which was at a residence with a heavily advertised estate sale and the Dept. will be working with Bloomfield Twp. which has experienced similar estate sale burglaries of late. Roberts advised as to an unbudgeted and unanticipated expense (in-car camera failed) which had to be addressed as it impacts officer safety and evidentiary concerns noting the hope is to utilize funds from the police car operations line item and pointed out what he believes to be an error in the police publications line item which will be corrected. Chief Roberts expressed appreciation to Council for taking the time to consider recognizing the service of Officer Goulet who will be retiring after 25 years of service and noted he attended a two-day training class in D.C. last week which was excellent and fully paid with U.S. government funds.

**Tony Averbuch, Fire Chief:** Averbuch referred to his written report, noted all required upgrades regarding narrow banding of radios are complete, thanked the Village and Sullivan specifically for the new recycling bin, and advised that the Department utilized a home in Bingham Farms slated for demolition last month for training and greatly appreciated that opportunity.

**Lance Vainik, Deputy Treasurer:** Vainik referred to his written report, noted the Bills List includes a large entry for the Village's auto liability insurance, the account balances are as of December 6, 2012, and advised the Finance Committee met with the auditors and also were involved in review of the Blue Cross health insurance program the Village maintains.

**Steve Showers, Main Street Franklin:** Showers noted the committees are all assembling business plans for next year which will be available on the website in January and will also be brought to Council and advised the Historic Franklin Fund is now a recognized 501c3 which means donations to Main Street are now 100% tax deductible with more information available on Main Street Franklin's website.

#### V. SUBMISSION OF CURRENT BILLS

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

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

**Nays: None**

**Abstain: Morrow**

**Motion carried.**

#### **TOTALS**

General Administration	\$	24,374.21
Building	\$	5,731.83
Insurance	\$	76,722.15
Legal	\$	2,515.24
Police	\$	15,172.20
Pressure Sewer	\$	-
General Debt Service	\$	-
Major Roads	\$	10,252.53
Local Road	\$	11,550.45
Rubbish	\$	16,921.92
Trust & Agency	\$	2,700.00
Tax Fund	\$	1,130.57
Waste Water	\$	733.21
<b>ALL FUNDS</b>	<b>\$</b>	<b>167,804.31</b>

#### VI. PUBLIC REQUESTS AND COMMENTS

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

- **Joan Israel, Wellington,** preceded her comments by reading a quote from Thomas Jefferson her husband had given her noting it exactly expresses her feelings, thanked Sullivan for arranging the car trip where she, Gallasch, and the Village arborist looked at trees slated for removal, urged Council to reconsider the plan they voted on last month regarding tree removal/trimming, suggested Council bid this out and really represent the will of the people of Franklin, and requested Council to truly hear her comments and not be dismissive.
- **Fred Gallasch, Rosemond Drive,** thanked Sullivan for the tour of the trees, expressed concerns relative to the lack of detail/action on the plan, and noted there is a value judgment when it comes to deciding whether to trim or cut a tree down with his advice being to take the minimal route in the hopes a tree might live which, he opined, should be the direction provided the arborist. Gallasch also noted stump grinding will require additional funds as none are budgeted, pointed out the agenda item heading on the last meeting agenda relative to the Tree Removal Summary should have been more

specific as to the topic to be considered as it wasn't a review of a summary, and suggested clearing rights-of-ways for pathways be done sparingly as too many pathways would really change the look of the Village.

- **Bill Lamott, Scenic Drive**, noted a Village tree inventory was done in 2005, expressed concerns relative to the tree removal/trimming plan, noted the issue isn't a matter of neglect as the Village has taken trees down every year while he was on Council, and suggested that Council take a more detailed look at what is being contemplated before action is taken as this is a big issue. Lamott also noted the tree falling on the police car in the flyer being distributed to residents, was in Bingham Farms.
- **Mira Stakhiv, Crestwood Drive**, noted her agreement with the previous comments, expressed concern regarding the amount of money dedicated to cutting down trees and suggested waiting until Spring to see what is actually dead. Stakhiv requested Council consider posting Council's agenda packets (absent confidential items) on the website so interested parties can review it and be better prepared to participate in the discussion and it would give the residents a sense the Village is truly an open community.
- **Diane Lake, Crestwood Drive**, advised she reviewed the Master Plan in terms of retail revitalization matters and noted that rezoning was not one of the items referenced as an opportunity to revitalize however retaining the mixed use was noted as being important to the strength of the Village Center. Lake noted the most important element of a revitalization program as mentioned in Main Street's 2010 report is to get everyone working towards the same goal/idea and assemble the appropriate human and financial resources to implement that program which, she added, would also stop the divisiveness surrounding the rezoning approach. Lake requested Council and everyone else to consider making an effort to get everyone together and kill the divisiveness.

## VII. SPECIAL REPORTS

### A. DTE Report

Michael Palchesko, DTE Regional Manager, noted he and colleagues Aaron Balch, Staff Engineer and Ron Gerkin, Supervising Engineer are present to provide information relative to the electrical system in Franklin as requested. Balch presented a power point focused on the following: System Overview, Village of Franklin Overview, Substation Overview, Village of Franklin Reliability Outage Summary, Complaints by Circuit, and Maintenance Program. Balch noted the main cause of power outages is tree related, line clearance is on a three (3) year cycle with Franklin due for line clearance on all of its circuits this year, all four (4) substations are programmed for maintenance next year, and the benefits of armless v. traditional pole construction and other protection devices that DTE is utilizing to proactively minimize the potential for outages. Balch also noted the Village has available capacity for new growth. Discussion ensued regarding protection devices, poles lying on the side of the road, outages including causation by dead and diseased trees falling on the power lines and trends, restoration of power, and underground power lines with DTE representatives recommending they be provided specific information of instances where poles are lying on the side of the road so they can be addressed, noting that burying power lines could be in the billions of dollars system-wide and there are pros and cons to both overhead and underground power lines, concerns relative to dead/diseased trees especially Ash trees which are susceptible to root rot, which is the biggest causative factor for outages and the best area in which the Village can help minimize the potential for outages, and DTE is in the midst of a project focused on improving how fast power gets restored and is trying to keep outages to less than two (2) a year. Balch added that dead and diseased tree removal would definitely decrease power outages.

- **Mira Stakhiv, Crestwood**, summarized her frustrating dealings with DTE relative to recent power outages, expressed concern that the number of outages is higher than what the review indicated and records may not be accurate (cell phone calls are not tied to outage location), requested a survey of the last ten (10) years for outages as it is her belief the outages are increasing, and inquired if there is

a problem with the equipment or what can be done to help minimize the recently escalating number of outages. Balch advised the problem is not the equipment, outages of less than 5 minutes are considered momentary outages and are not officially logged as an outage (it was noted, however, they are disruptive, frustrating, and costly), problems increase at the end of a line clearance cycle and there should be a marked improvement after the line clearance is done, and advised one can call at any time and obtain an outage history, offering to obtain names/addresses of those concerned and investigate to see if something else needs to be done. Stakhiv reiterated her concerns related to customer service.

- **Randy McElroy, Woodside**, stressed that customer service is not informed and do not understand issues when people call in.

#### **B. President's Report**

Kochensparger noted the Village is being very careful in terms of what trees will be removed, is being respectful, listening to all concerns, and the Administrator has control via the contract with the contractor, and a good job will be done.

#### **C. Council Report**

Morrow advised the Finance Committee met on Monday and advanced a couple of items to Council and noted that in terms of the audit the general fund came out better than budgeted and Blue Cross Blue Shield's rates are increasing significantly (not a Franklin specific issue) and a broker has been engaged to review alternatives to control those costs moving forward.

#### **D. Administrator's Report**

Sullivan noted a resident has installed a speaker in the outer room, 1st quarter revenues/expenses are finalized and are on track with the FY 2012-2013 budget, and the personnel policy is being reviewed by a labor attorney for updates with suggested updates to be reviewed by the Personnel Committee.

### **VIII. NEW BUSINESS**

#### **A. Consider Resolution Honoring Police Officer Steven Goulet**

**#2012-118 Motion by Eads supported by Seltzer to adopt the Resolution Honoring Police Officer Steven Goulet for his 25 years of outstanding service to the citizens of the Village of Franklin.**

Trustee Rosenthal read the Resolution into the record and Council wished Officer Goulet the best in his retirement.

#### **VILLAGE OF FRANKLIN COUNTY OF OAKLAND**

#### **PROCLAMATION Steven Goulet, Police Officer**

**WHEREAS, Steven Goulet, has been employed as a Police Officer for the Village of Franklin since January 11, 1988; and**

**WHEREAS, Steven Goulet, has proven to be an exceptional police officer for the Franklin Police Department; and**

**WHEREAS, Steven Goulet, has chosen to retire on December 31, 2012 after 25 years of outstanding service to the citizens of the Village of Franklin; and**

**WHEREAS, the Villages of Franklin and Bingham Farms have benefitted greatly by Police Officer Goulet's service.**

**NOW THEREFORE BE IT RESOLVED, that the Franklin Village Council does hereby publicly recognize, commend and thank Police Officer Goulet for his outstanding dedicated service as a Police Officer of the Franklin Police Department and wishes to express its sincere gratitude for**

**the invaluable service Police Officer Goulet has rendered in keeping the citizens of the Village of Franklin safe.**

**BE IT FURTHER RESOLVED that a copy of this resolution and expression of civic appreciation be presented to Steven Goulet on behalf of the undersigned.**

James Kochensparger

E. Lewis Eads  
Pamela Hansen  
Steven Rosenthal

Brian Gordon  
Thomas Morrow  
Michael Seltzer

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

**Nays: None**

**Motion carried.**

**B. Consider Moving Village Elections to November Even Year in lieu of September Odd Year**

Kochensparger introduced this item and Sullivan noted this is the last opportunity to adopt the resolution for it to be effective in calendar year 2013.

**#2012-119 Motion by Seltzer supported by Eads to move Village elections to November even year, as per the following:**

**VILLAGE OF FRANKLIN  
RESOLUTION CHANGING VILLAGE'S REGULAR MUNICIPAL ELECTION TO  
EVEN-YEAR NOVEMBER GENERAL ELECTION DATE**

WHEREAS, the Hammerstrom Election Consolidation Law, 2003 PA 298 et seq, as amended, requires villages to hold their regular municipal elections on the even-year November general election date, or alternatively, on the September primary election date in odd-number years; and

WHEREAS, on September 13, 2004, the Franklin Village Council resolved to hold the Village's regular municipal election on the September primary date in odd-number years commencing in 2005; and

WHEREAS, Section 642a(6) of the Michigan Election Law, MCL 168.642a(6), authorizes a village council that resolved to hold its regular election on the odd-year September primary election date to later, by resolution, change its regular election to the even-year November general election date; and

WHEREAS, the Franklin Village Council believes changing the Village's regular election date from the odd-year September primary election date to the even-year November general election date will benefit the Village by saving costs (because Southfield Township will conduct the November general election at no cost to the Village); eliminating duplication of efforts and duties by the Village and Township clerks; reducing time spent by the Village Clerk on elections and related recordkeeping; and improving voter turn-out; and

WHEREAS, on September 10, 2012, the Franklin Village Council resolved to hold a public hearing at the Village Council's October 8, 2012 regular meeting on the issue of whether to change the Village's regular municipal election from the odd-year September primary election date to the even-year November general election date. The resolution further directed the Village Clerk to give notice of the public hearing in accordance with MCL 168.642; and

WHEREAS, pursuant to such notice, the Village Council has conducted the public hearing.

THEREFORE, the Franklin Village Council resolves that:

1. Commencing in 2013 and continuing thereafter, the Village's regular municipal election shall be held on the November general election date in even-number years.
2. Current Village Trustee terms due to expire in September 2013 are hereby extended to 8:00 p.m. on the second Monday following the regular municipal election in 2014.
3. Current Village Trustee terms due to expire in September 2015 are hereby extended to 8:00 p.m. on the second Monday following the regular municipal election in 2016.
4. The Village Clerk's current term due to expire in September 2013 is hereby extended to 8:00 p.m. on the second Monday following the regular municipal election in 2014.
5. In accordance with state law, the Village Clerk shall certify and transmit to the Secretary of State a copy of this resolution.

Gordon noted he will be recusing himself from the discussion/vote. Trustees Morrow and Kochensparger noted the financial savings associated with this change with an associated fiduciary obligation/responsibility. Clerk Pulker advised, upon request, the cost of last year's election was close to \$3,000.00, costs are likely to increase as there are only two (2) Villages in Oakland County left on this schedule, there is dual work for the County and the Township if the current schedule is retained, and the State Legislature is likely to pass legislation which would cancel September elections with an effective date to be specified in the legislation. Kochensparger noted there are three (3) letters in opposition.

- **Mira Stakhiv, Crestwood Drive**, noted her opposition to the proposed change based on appointees serving on Council who would get their terms extended and opined that residents should make decisions relative to term length by voting people into office. Stakhiv noted her firm belief in the voting process, the freedom to vote is at the core of our democracy and financially, these are funds well-spent.

Rosenthal clarified the number of appointees (3) and noted he will not be extending his term, financial savings and associated fiduciary responsibility are at the core of the issue, and the Village had a prior change in election cycle timing.

- **Dean Moenck, Meadow Drive**, noted his opposition to the proposed change, cost savings relative to personal election costs, and when appointees were being considered there were multiple equally qualified candidates.
- **Diane Lake, Crestwood**, noted keeping the status quo would be an admirable approach as that would enable the people to decide whether they want someone to serve for a longer period of time, financial considerations are part of the status quo with costs forecasted for next year's budget, and keeping the current election cycle would not be considered fiscally irresponsible.
- **Jay Gardner, Evelyn Court**, noted the high number of appointees and opined a higher integrity would hold off on the change until it is mandated by the State. Gardner also noted the irony in the financial savings argument due to prior Main Street considerations.
- **Dom Schiano, Oakleaf Lane**, commended Gordon for recusing himself and noted the savings isn't really a savings it is just a deferral, appointees shouldn't be having a say as to whether their terms should be extended and should welcome affirmation from the community, costs associated with keeping the current election cycle are costs well-spent, and urged Council to not vote to change the election cycle thereby requiring appointees to run for election per the current cycle.

Discussion ensued regarding associated costs/savings with it being noted that moving the election is not a deferral since Southfield Township will hold the elections and be responsible for the costs.

- **Sherry Sparks, Evelyn Court**, commended Gordon for his action to recuse himself and noted this is a matter of priorities; affording Villagers the ability to exercise their democratic right to vote should be the higher priority, not the potential to save associated costs.
- **Gail Beke, Colony Hill**, read into the record and distributed to Trustees a letter in opposition to the proposed change from Roger McCLOW, Franklin Road, which noted concerns relative to the number of appointees whose terms would be extended, costs associated with keeping the current election cycle is minimal in light of the importance of democracy, and keeping the current election cycle would demonstrate the priority of democracy rather than extending their own terms.
- **David Goldberg, Dennison**, noted he is a big advocate of the democratic process, however from a Planning Commission perspective he has to take issue with the position that associated costs are minimal in light of the fact the Commission operates on a small budget and will need additional funds to simply pay its recording secretary and do some measure of a Master Plan update. Goldberg further noted the last election was not a contested election due to the number of people running and the number of vacant seats.
- **Mira Stakhiv, Crestwood**, requested clarification as to the timing of a State mandated change with Staran/Pulker advising the State could immediately change the date. Stakhiv then noted a higher stance would be to wait until the State changes the law.

Discussion ensued regarding the pros and cons of this proposed change, fiduciary responsibility, prior criticisms for spending funds (website for example), and the difficult position Trustees are placed in when considering this issue, with Morrow calling the question. After the vote was done the audience requested clarification as to the outcome with Kochensparger requesting Clerk Pulker to call a roll-call vote for clarification purposes.

**Ayes: Eads, Hansen, Morrow, Kochensparger**

**Nays: Rosenthal, Seltzer**

**Abstain: Gordon**

**Motion carried.**

### **C. Consider Recommendation of the Finance Committee for the FY2011-2012 Audit Report and Deficit Elimination Plan for the Fire Fund**

Sullivan noted the appropriate action would be to receive and file the audit and as part of that if Council concurs, to adopt the Legislative Body Resolution for Deficit Elimination Plan for the Fire Fund, further noting the Fire Board is in agreement with the proposed resolution.

**#2012-120 Motion by Morrow supported by Eads to adopt the Legislative Body Resolution for Deficit Elimination Plan as follows:**

#### **Resolution for Deficit Elimination Plan**

**WHEREAS, the VILLAGE OF FRANKLIN's FIRE FUND has a \$49,366 deficit fund balance on June 30, 2012; and**

**WHEREAS, Act 275 of the Public Acts of 1980 requires that a deficit Elimination Plan be formulated by the local unit of government and filed with the Michigan Department of Treasury.**

**NOW THEREFORE, IT BE RESOLVED that the VILLAGE OF FRANKLIN's Village Council adopts the following as the VILLAGE OF FRANKLIN's Fire Fund Deficit Elimination Plan:**

**June 30, 2013**

**Fund Balance Deficit – July 1            (\$49,366.00)**

**Revenue**

<b>Taxes</b>	<b>\$367,918.00</b>
<b>Expenditures</b>	
<b>Fire Contract</b>	<b>(\$326,810.00)</b>
<b>Fund Balance – June 30</b>	<b>(\$8,258.00)</b>

**2012 Tax Rates:**

<b>Millage Rate Levied</b>	<b>1.30</b>
<b>Maximum allowable Millage Levy</b>	<b>1.50</b>

The 2012 deficit was higher than expected due to unforeseen tax tribunal settlements allocated to the fire fund at the end of fiscal year 2012. Therefore, at the time the 2012 tax rates were established the set millage rate was adequate to cover the deficit and 2013 fire contract expenditures. Therefore, the 2013 Tax Rates will be set to cover fiscal year 2013 deficit and the current year expenditures.

**BE IT FURTHER RESOLVED that the VILLAGE OF FRANKLIN's Village Clerk submits the Deficit Elimination Plan to the Michigan Department of Treasury for certification.**

Discussion ensued regarding the Deficit Elimination Plan, Fire Fund millage limits and amounts, with it being noted the Plan is similar to last year, the Fire Fund has unused millage to cover the increase, and the actual levy won't be known until taxable values are determined.

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

**Nays: None**

**Motion carried.**

**D. Consider FY2012-2013 Budget Amendments, First Quarter**

Sullivan provided an overview of the proposed budget amendments and noted the Village is in good shape. Discussion ensued with it being noted relative to the amendment associated with the police car, this is housekeeping in nature and is more of a timing issue which is recommended by the auditors and the Finance Committee recommended accepting the audit as presented.

**#2012-121 Motion by Seltzer supported by Eads to adopt FY2012-2013 Budget Amendments, First Quarter, 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 2012/2013 General Fund indicates several accounts where budget amendments are required. We resolve that the following budget amendments be made to the 2012-2013 General Fund Budget with funds coming from the appropriation of other funds.**

Expenditures

305981 – Autos & Related Equipment: Decrease expense account to a new total of \$0 (original \$20,000).  
870726 – Capital Lease Debt (Auto): Increase expense account to a new total of \$20,000 (original \$0).

**MAJOR 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 2012/2013 Major Road Fund indicates several accounts where budget amendments are required. We resolve that the following budget amendments be made to the 2012-2013 Major Road Fund Budget with funds coming from the appropriation of other funds.**

Revenue

000999 – Appropriation of prior year funds: Increase revenue account to a new total of \$25,000 (original \$0).

Expenditures

451818 – Construction: Increase expense account to a new total of \$16,173 (original \$0).

468818 – Trees and Shrubs: Increase expense account to a new total of \$19,000 (original \$10,000).

478818 – Engineering: Increase expense account to a new total of \$4,589 (original \$3,000).

**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 2012/2013 Local Road Fund indicates several accounts where budget amendments are required. We resolve that the following budget amendments be made to the 2012-2013 Local Road Fund Budget with funds coming from the appropriation of other funds.**

Revenue

000999 – Appropriation of prior year funds: Increase revenue account to a new total of \$100,898 (original \$26,205).

Expenditures

451818 – Construction: Increase expense account to a new total of \$58,837 (original \$50,000).

468818 – Trees and Shrubs: Increase expense account to a new total of \$95,000 (original \$30,000).

478818 – Engineering: Increase expense account to a new total of \$3,856 (original \$3,000).

**FIRE DEPARTMENT FUND**

**WHEREAS: The Village must assure that expenditures in each account do not exceed those budgeted. A review of the Village's Fiscal Year 2012/2013 Fire Department Fund indicates several accounts where budget amendments are required. We resolve that the following budget amendments be made to the 2012-2013 Fire Department Fund Budget with funds coming from the appropriation of other funds.**

Expenditures

336818 – Fire Protection Services: Decrease expense account to a new total of \$326,810 (original \$365,918).

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

**Nays: None**

**Motion carried.**

**E. Consider Appointment to Legal Committee**

Kochensparger noted Rosenthal with his heavy work-load has requested to be relieved of this position and Seltzer has agreed to take this appointment on.

**#2012-122 Motion by Eads supported by Hansen to appoint Mike Seltzer to the Legal Committee to replace Steve Rosenthal.**

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

**Nays: None**

**Abstain: Seltzer**

**Motion carried.**

**F. Consider ARC By-Law Revision**

Sullivan provided a brief overview noting all members of ARC (Alliance of Rouge Communities organization) have to adopt the revised by-laws; the changes are housekeeping in nature, and have no monetary impact.

**#2012-123 Motion by Eads supported by Seltzer to adopt the ARC By-Law Revisions as follows:**

**Acceptance of Membership and Adoption of Bylaws**

**ALLIANCE OF ROUGE COMMUNITIES**

WHEREAS, Watershed Alliance legislation passed the Michigan House of Representatives and the Michigan Senate and was signed into law by the Governor on January 3, 2005, as Act No. 517, Public Acts of 2004, based upon a draft provided and supported by the Rouge River watershed communities; and

WHEREAS, the formation of the Alliance of Rouge Communities under this new state law provided the public agencies within the watershed the authority to directly seek grants, enter into contracts, and manage its own resources that have been provided in the past by and through Wayne County with federal funds as part of the Rouge River National Wet Weather Demonstration; and

WHEREAS, at its meeting on November 7, 2012, the Alliance of Rouge Communities completed the revised attached Alliance of Rouge Communities bylaws, and recommended adoption by the appropriate governing bodies of those public agencies within the Rouge River watershed eligible for membership.

THEREFORE BE IT RESOLVED, that the Village of Franklin formally adopts bylaws for, and accepts membership in the Alliance of Rouge Communities.

FURTHER BE IT RESOLVED, that consistent with the terms of the Alliance of Rouge Communities bylaws, the Village of Franklin formally appoints the Village Administrator as its designated representative to the Alliance of Rouge Communities, the Village Clerk as the alternate representative, and authorizes the Village Council to designate additional persons to represent the Village of Franklin if needed, as an alternate to assure voting representation the Alliance of Rouge Communities.

FURTHER BE IT RESOLVED that consistent with the terms of the Alliance of Rouge Communities bylaws, the Village of Franklin continuing membership will be evidenced by payment of its voluntary assessment on an annual basis to the Alliance of Rouge Communities.

FINALLY, BE IT RESOLVED that the Village of Franklin continuing membership will be evidenced by payment of its voluntary assessment on an annual basis to the Alliance of Rouge Communities.

Discussion ensued regarding the annual voluntary assessment with Sullivan advising she will check, will come out of the wastewater account, and she will provide the amount after the meeting.

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

**Nays: None**

**Motion carried.**

**G. Consider Opting Out of PA 152 – Publicly Funded Health Insurance Contribution Act**

Sullivan provided a brief overview noting this relates to PA 152 which mandates public employees contribute towards their health care premiums unless the employer opts out of the Act. Sullivan further noted Franklin went to a high deductible insurance plan in 2012 which is written into the labor agreements and includes a provision that it reverts back if the savings aren't as projected and opting out

needs to be done on an annual basis. Discussion ensued regarding process with it being noted this requires a 2/3 majority vote with Sullivan providing clarification and noting reaffirming opting out presents the potential for savings to employees and the Village and the contracts include a fallback position if those savings aren't realized; a win-win.

**#2012-124 Motion by Morrow supported by Seltzer to opt out of PA 152, Publicly Funded Health Insurance Contribution Act, as follows:**

**WHEREAS, the State of Michigan has enacted the Publicly Funded Health Insurance Contribution Act, Public Act 152 of 2011, (the "Act"); and**

**WHEREAS, the Act provides for limits on the amount that a local unit of government may pay or contribute to a medical benefit plan for its employees; and**

**WHEREAS, a local unit of government may opt out of the cost-sharing model as set forth in the act on an annual basis; and**

**WHEREAS, the Council recognizes that such exemption requires a 2/3rds majority vote of the Village Council.**

**NOW, THEREFOR BE IT RESOLVED that the Franklin Village Council hereby exempts itself from the requirements of the Act for 2013 as long as the Simply Blue health insurance plan continues in place.**

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

**Nays: None**

**Motion carried.**

**H. Consider Parking Ordinance Revisions to Chapter & Section 1262.02 to be referred to the Planning Commission**

Sullivan provided a brief overview noting this is the first step in the process to have the Planning Commission consider revisions to this part of the parking ordinance and after review, make a recommendation to Council.

**#212-125 Motion by Morrow supported by Seltzer to refer Parking Ordinance revisions to Chapter & Section 1262.02 to the Planning Commission.**

Hansen noted she is absolutely in favor.

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

**Nays: None**

**Motion carried.**

**I. Consider Schedule for Village Meetings for Village Council, Waste Water Management Board, Planning Commission, Historic District Commission, and Zoning Board of Appeals**

Discussion ensued regarding process.

**#2012-126 Motion by Seltzer supported by Rosenthal to adopt the schedule for Village 2013 meetings for Village Council, Waste Water management Board, Planning Commission, Historic District Commission and Zoning Board of Appeals as presented.**

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

**Nays: None**

**Motion carried.**

## IX. RESOLUTIONS/ORDINANCES

### A. Consider an Ordinance to Adopt New Chapter 1474, Signs and Outdoor Display Structures of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Repeal Conflicting Ordinances and Prescribe a Penalty for Violations (*second reading*)

Sullivan provided a brief overview noting this is the second reading of the proposed ordinance.

**#2012-127 Motion by Eads supported by Seltzer to adopt Chapter 1474, Signs and Outdoor Display Structures of the codified ordinances of the Village of Franklin, Oakland County, Michigan, to Repeal Conflicting Ordinances and prescribe a Penalty for Violations in the second reading.**

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

**Nays: None**

**Motion carried.**

### B. Consider an Ordinance to add New Chapter 1028, Road Right-Of-Way Obstructions, to Part Ten of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Prohibit and Provide a Procedure for Removal of Man-Made Obstructions Placed in the Public Road Rights-Of-Way, Repeal Conflicting Ordinance and Prescribe a Penalty for Violations (*first reading*)

Sullivan provided a brief overview noting this has been proposed by the Legal Committee and regulates obstructions in the road right-of way ("ROW") by defining prohibited obstructions. Discussion ensued regarding current process for regulating these obstructions with Staran noting there is nothing currently in place which was the genesis of this proposed ordinance and setting clearly defined standards is appropriate if the Village is going to require ROWs be free of obstructions or encroachments.

**#2012-128 Motion by Morrow supported by Eads to adopt in first reading an Ordinance to add New Chapter 1028, Road Right-Of-Way Obstructions, to Part Ten of the codified ordinances of the Village of Franklin, Oakland County, Michigan, to Prohibit and Provide a procedure for Removal of Man-Made Obstructions Placed in the Public Road Rights-of-Way, Repeal Conflicting Ordinances and prescribe a penalty for violations.**

Sullivan provided additional clarification on the proposed ordinance noting it defines man-made obstructions, outlines the removal, notification, abatement, and appeal processes, affords some flexibility for Council to consider the nature of an obstruction, and will have a lengthy implementation process. Discussion ensued with input from Fred Gallasch regarding, historical perspective, increasing number of obstructions (e.g. brick mailboxes; boulders), safety concerns (snow plows, pedestrians), enforcement, appeals process, need for discretion, Legal committee considerations, process including the need to take public input and notify the public that it will be on the next agenda, laissez-faire approach, complaints, and similar ordinances in other jurisdictions. Staran noted there is constitutional authority to maintain roads in the jurisdiction of the Village safely and the challenges associated with developing and implementing an ordinance that has Village-wide applicability which will satisfactorily, reasonably, and fairly cover all the situations that may arise and not interfere with Villager's landscape choices. Gail Beke noted this should be on the website as well as all public hearings.

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

**Nays: None**

**Motion carried.**

## X. ADJOURNMENT

**Motion by Gordon supported by Eads 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 10:03 P.M.

Respectfully submitted,

Lori Rich, Recording Secretary

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Eileen H. Pulker, Clerk

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James Kochensparger, President