

**PROCEEDINGS OF VILLAGE OF FRANKLIN  
VILLAGE COUNCIL REGULAR MEETING  
MONDAY, APRIL 8, 2013, 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 8:10 P.M. at the Franklin Village Hall, Franklin, Michigan.

**ROLL CALL**

Present: Pam Hansen, Jim Kochensparger, Judy Moenck, Thomas Morrow, Steve Rosenthal  
Absent: Michael Seltzer; Brian Gordon  
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  
Eileen Harryvan, Main Street Franklin

**II. ADOPTION OF AGENDA**

**Motion by Morrow supported by Rosenthal to approve the agenda for the April 8, 2013, Regular Village Meeting as submitted.**

**Ayes: Hansen, Kochensparger, Moenck, Morrow, Rosenthal**

**Absent: Gordon, Seltzer**

**Nays: None**

**Motion carried.**

**III. MINUTES**

**A. March 11, 2013, Regular Village Council Meeting**

**Motion by Morrow supported by Rosenthal to approve the minutes for the March 11, 2013, Regular Village Council Meeting as submitted.**

**Ayes: Hansen, Kochensparger, Moenck, Morrow, Rosenthal**

**Absent: Gordon, Seltzer**

**Nays: None**

**Motion carried.**

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

**Daniel Roberts, Police Chief:** Referred to his written report, provided a brief update on recent activity in the Village, noted a budget hearing in Bingham Farms in regards to the police special assessment district is scheduled for next week, and 13 Mile Road East of Telegraph will be closed for several months. Regarding the open part-time officer position, Roberts noted the candidate being considered failed an extensive background check and search process will begin anew starting with six (6) candidates this week.

**Tony Averbuch, Fire Chief:** Averbuch referred to his submitted report, thanked Council for excusing him from the last two meetings so he could take advantage of funded training, and thanked Sullivan and the Village for enabling the Department access to homes off of 13 Mile Road that for years have been inaccessible. Averbuch advised the Dept. is taking advantage of group pricing via the County's Mutual Aid Program for ladder testing which will save considerable funds.

**Lance Vainik, Treasurer:** Vainik referred to his written report and noted the bills list includes a large entry for salt application (major roads) and salt application (local roads) and the list of account balances held at Level One Bank is as of March 31, 2013. Discussion ensued regarding salt with it being noted usage varies and the Village only pays for what is actually used.

**Eileen Harryvan, Main Street Franklin (“MSF”):** Harryvan advised Council of the resignation of the Executive Director, Vivian Carmody and noted MSF will continue to fully function as there is a strong Board of Directors, the committees are fully staffed, and there is strong leadership in place. Regarding the Executive Director open position, the Board has met, there is a hiring process in place, a committee was formed to search for a quality candidate and Carmody will strive to ensure a seamless transition. Harryvan urged Council to fully fund MSF in the upcoming budget year and expressed that Carmody will be greatly missed and the hope is to find a candidate just as enthusiastic about historic preservation, economic development and the Village of Franklin as Carmody.

**V. SUBMISSION OF CURRENT BILLS**

**Motion by Moenck supported by Rosenthal to approve the Bills List as submitted.**

**Ayes: Hansen, Kochensparger, Moenck, Rosenthal**

**Absent: Gordon, Seltzer**

**Abstain: Morrow**

**Nays: None**

**Motion carried.**

**TOTALS**

General Administration	\$	12,718.46
Building	\$	8,513.43
Insurance	\$	37,761.45
Legal	\$	3,000.00
Police	\$	23,486.51
Pressure Sewer	\$	125.00
General Debt Service	\$	-
Major Roads	\$	16,460.01
Local Road	\$	25,977.27
Rubbish	\$	16,949.92
Trust & Agency	\$	600.00
Tax Fund	\$	-
Waste Water	\$	184.03
<b>ALL FUNDS</b>	<b>\$</b>	<b>145,776.08</b>

**VI. PUBLIC REQUESTS AND COMMENTS**

Kochensparger opened the meeting for public comments on non-agenda items with no one from the public responding.

**VII. SPECIAL REPORTS**

**A. President’s Report**

None.

**B. Council Report**

None.

**C. Administrator’s Report**

Sullivan noted the Village is on track with the budget with revenues at approximately 81% and expenditures at approximately 69%. Discussion ensued as to the FY2013-14 budget process with it being noted a public hearing is scheduled for May 13, 2013 during the regular Village Council meeting.

## **VIII. NEW BUSINESS**

### **A. Consider Closure of Rushmore & Helmandale Drive and Schedule Possible Special Meeting**

Sullivan provided a brief overview noting there has been interest expressed from Helmandale Subdivision's current and past President for closing Rushmore and Helmandale Drive, the Legal Committee met and recommended scheduling a public meeting to better gauge the level of interest in the closure, and scheduling the public meeting prior to the May 13th regular meeting would be appropriate. Chief Roberts, upon request, noted historically there has been a perceived problem with crime in this area, the thought process is to get it down to one entrance minimizes access but this would pose challenges from a public safety perspective. Chief Averbuch echoed Chief Robert's comments and noted concerns relative to fire and emergency response runs and suggested consequences of any decision be well laid out. Discussion ensued relative to whether this would create unique challenges with Averbuch noting the proximity to Telegraph Road and traffic concerns poses unique challenges during high traffic volume times.

**Motion by Rosenthal supported by Hansen to schedule a public meeting to consider the closure of Rushmore and Helmandale Drive before the next meeting, at 7:00 PM on May 13, 2013.**

Discussion ensued regarding funding including engineer costs and historical perspective with it being noted funding would be considered at the public meeting, preliminary cost estimate was/is needed to discuss the issue, potential to positively impact a crime target area, and the closure had been vetted and approved by both MDOT and a prior Council but was not completed by the Association in the 1990's.

**Ayes: Hansen, Kochensparger, Moenck, Morrow, Rosenthal**

**Absent: Gordon, Seltzer**

**Nays: None**

**Motion carried.**

### **B. Consider Reprogramming of Community Development Block Grant (CDBG) Funding and Schedule Possible Public Hearing**

Sullivan provided a brief overview noting \$1,600 from PY 2010, programmed for General Administration, remain unused due to the new CDBG format and would be better used by recipients of the County's Home Improvement Program which would require a public hearing.

**Motion by Morrow supported by Moenck to set a public hearing for the May 2013 meeting to consider reprogram PY 2010 CDBG funds in the amount of \$1,600 from General Program Administration to the Housing Rehabilitation (Oakland County).**

**Ayes: Hansen, Kochensparger, Moenck, Morrow, Rosenthal**

**Absent: Gordon, Seltzer**

**Nays: None**

**Motion carried.**

### **C. Consider Scheduling Public Hearing for FY2013-2014 Budget**

**Motion by Morrow supported by Rosenthal to Schedule the Public Hearing for the FY2013-2014 Budget for the May 13, 2013 Village Council meeting.**

Upon request, Sullivan noted the approved, amended, and proposed budgets will be available in hard copy as well as on the website.

**Ayes: Hansen, Kochensparger, Moenck, Morrow, Rosenthal**

**Absent: Gordon, Seltzer**

**Nays: None**

**Motion carried.**

**D. Consider Temporary Sign Permit Approval for Main Street Franklin (MSF) Mural**

Sullivan provided a brief overview noting this is a MSF promotional event which would draw individuals to the downtown over a four (4) month period, the temporary mural would be mounted in one of two locations in the Village and would be considered a special display under the sign ordinance which requires Council's approval. Discussion ensued regarding permits with Sullivan advising the Village has all relevant details however no paperwork is required for a special display; the specifics per the temporary sign standards are as permitted by Council.

- Cathy Watkins, Chairman MSF Design Committee advised that Bill Finnicum, Chair of the Public Art Committee is not able to be in attendance, read into the minutes a description he provided of the upcoming public art event, and walked Council through a power point presentation which provided an overview of the artist and event. Some of the items addressed included: the event is a community celebration designed to foster community and business interest and is not considered a fundraiser, chosen artists work/expertise, site location, mural, protective measures, etc. Ms. Watkins provided additional input on the artist and process. Discussion ensued regarding logistics, timing, and process with it being noted communications both in support and in opposition were received.
- Mira Stakhiv, Crestwood Drive, expressed concerns relative to art from a well-respected artist being classified as a temporary sign and due process, suggesting that it might have been better for MSF to first get Council's consideration/input prior to posting this online.
- Barry Silverstein, Cheviot Hills Drive, noted the diversity of Franklin is one of the reasons they moved to Franklin and suggested the emails be provided to the public if their input is going to be considered.
- Jane Polan, Oakhills, expressed her support of this project and opined the more that is done to bring people to see the wonders of Franklin, the better off we all are.
- Claire Wilke, Roberts Drive, noted she is a member of MSF, this is a great event/project, is of value to people of all ages, and is a fun way to get diverse people to mingle and get excited about Franklin.
- Dan Costello, Franklin Road, noted his strong support of this project which as a juxtaposition of old and new makes perfect sense for the Village and is the kind of thing downtown merchants are looking for.
- Lori Seltzer, Scenic Drive, noted her support of this project as it adds another dimension to the Village without taking anything away.
- Eileen Harryvan, Vincennes Ave., noted she has submitted a letter in support, is looking forward to this event, the images presented are an example of the artist's work with the end product being specifically tailored for the Village's historic downtown, the artist is working within the confines of the structure of the Village and understands no one is insulting his artistic abilities by classifying this as a special display under the temporary sign ordinance, and personally urged Council to approve the permit.

**Motion by Morrow supported by Hansen. to approve the Temporary Sign Permit for the MSF Mural for the North side of the Market Basket building starting May 4, 2013 for a period of four (4) months.**

Discussion ensued regarding process with the pros and cons of whether MSF should have first brought the event to Council for its consideration being addressed. Public safety concerns were addressed by Chief Roberts who noted the Dept. has not seen a traffic plan but they are willing to work with MSF to set

one up though there is little they can do regarding private property. The inability to legislate taste was touched on with it the artist's professional background and expertise is an important factor.

**Ayes: Hansen, Kochensparger, Moenck, Morrow, Rosenthal**

**Absent: Gordon, Seltzer**

**Nays: None**

**Motion carried.**

**E. Consider Building Official Contract Extension**

Sullivan provided a brief overview noting the flat annual compensation contract has been working out quite well from both the Village and Building Official's perspective with two (2) changes being requested: Automatic renewal provision and flat rate for court appearances.

**Motion by Morrow supported by Moenck to approve the contract extension for the Building Official which includes a flat fee of \$240 for court appearances and incorporates an automatic renewal provision with both parties having the right of cancellation with a notice period of 30 days prior to the renewal date.**

Discussion ensued with it being noted the contract has worked out well for forecasting purposes.

**Ayes: Hansen, Kochensparger, Moenck, Morrow, Rosenthal**

**Absent: Gordon, Seltzer**

**Nays: None**

**Motion carried.**

**F. Consider Planning Consultant Retainer**

Sullivan provided a brief overview noting the Finance Committee's recommendation is to switch to hourly invoicing as opposed to the current monthly retainer.

**Motion by Morrow supported by Rosenthal to change the Planning Consultant's contract to hourly invoicing as opposed to a fixed monthly retainer.**

Discussion ensued regarding prior discussion relating to the potential to bid this out and to seek input from the Planning Commission Chair. A brief historical perspective was provided which noted the retainer was to serve as a cap of sorts but in essence has become more of a floor. Sullivan advised there have only been a couple of instances where the fees paid the consultant exceeded the retainer and it is not anticipated to occur frequently in the future. Hansen, as the prior Chair of the Commission, noted her support of hourly invoicing as it is good for the Planning Commission as it better enables it to set priorities and budget.

**Ayes: Hansen, Kochensparger, Moenck, Morrow, Rosenthal**

**Absent: Gordon, Seltzer**

**Nays: None**

**Motion carried.**

**IX. ORDINANCES/RESOLUTIONS/PROCLAMATIONS**

**A. Consider Arbor Day Proclamation**

**Motion by Rosenthal supported by Morrow to adopt the Arbor Day Proclamation as submitted.**

Discussion ensued with it being noted the Village participates in this yearly.

**Ayes: Hansen, Kochensparger, Moenck, Morrow, Rosenthal**

**Absent: Gordon, Seltzer**

**Nays: None**

**Motion carried.**

**B. Consider An Ordinance to Amend Sections 1246.02, Referral by Council to Planning Commission and 1246.03, Powers and Duties of the Planning Commission of Chapter 1246 Amendments of Part Twelve of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Regulate Proposal Submissions for Zoning Text or Zoning Map Amendments, Repeal Conflicting Ordinances, and Prescribe a Penalty for Violations (*first reading*)**

Sullivan provided a brief overview noting the proposed ordinance will position Planning Commission as the body that first hears a request regarding a change to the zoning ordinance. The current ordinance requires any change to be brought first to Council which is required to refer it to the Planning Commission for consideration and recommendation back to Council.

**Motion by Moenck supported by Hansen to adopt in first reading amendment to Sections 1246.02, Referral by Council to Planning Commission and 1246.03, Powers and Duties of the Planning Commission of Chapter 1246 of Part Twelve of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to regulate proposal submissions for Zoning Text or Zoning Map Amendments, Repeal Conflicting Ordinances, and prescribe a penalty for Violations.**

Discussion ensued regarding process/procedure with Sullivan advising a request starts with submission of an application initiating a zoning request to the Village Clerk and with Staran noting the Village's current requirement is fairly unique in that Council is usually the last stop on a zoning request; not the first and last.

**Ayes: Hansen, Kochensparger, Moenck, Morrow, Rosenthal**

**Absent: Gordon, Seltzer**

**Nays: None**

**Motion carried.**

**C. Consider An Ordinance to Amend Section 1268.29, Screening, of Chapter 1268 Supplementary Regulations, of Part Twelve of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Regulate Protective Screening Whenever Development, in an RO-1 or C-1 District, Abuts a Residential District, Repeal Conflicting Ordinances and Prescribe a Penalty for Violations (*first reading*)**

Sullivan provided a brief overview noting this would give the Village options other than a masonry wall or twenty foot landscape buffer when commercial development in an RO-1 or C-1 district abuts a residential property, wood other than stockade fences could be considered, considerations would be part of the site plan process, and as part of that process, Council would have the final say.

**Motion by Rosenthal supported by Morrow to adopt in first reading the amendment to Section 1268.29, Screening, of Chapter 1268 Supplementary Regulations, of Part Twelve of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Regulate Protective Screening Whenever Development, in an RO-1 or C-1 District, Abuts a Residential District, Repeal Conflicting Ordinances and Prescribe a Penalty for Violations.**

Discussion ensued regarding stockade fences, opacity, and benefits of including options for consideration.

**Ayes: Hansen, Kochensparger, Moenck, Morrow, Rosenthal**

**Absent: Gordon, Seltzer**

**Nays: None**

**Motion carried.**

**D. Consider An Ordinance to Amend Section 1262.02, Parking Development Regulations, of Chapter 1262, Off-Street Parking and Loading, of Part Twelve of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Regulate Parking Development for three (3) or more vehicles, Repeal Conflicting Ordinances and Prescribe a Penalty for Violations (*first reading*)**

Sullivan provided a brief overview noting that revisions to section one will be coming in the future and pointing out that as presented permeable surfaces other than gravel are not permitted which appears to be a clerical error and if Council wishes to include other permeable surfaces it would need to be included in a motion. Discussion ensued as to other permeable surfaces and process with Sullivan noting the recommended ordinance could be adopted subject to the struck language relative to other permeable surfaces being included.

**Motion by Hansen supported by Rosenthal to adopt in first reading the amendment to Section 1262.02, Parking Development Regulations, of Chapter 1262, Off-Street Parking and Loading, of Part Twelve of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Regulate Parking Development for three (3) or more vehicles, Repeal Conflicting Ordinances and Prescribe a Penalty for Violations including struck language permitting similar permeable surface material as recommended by the Village Administrator.**

**Ayes: Hansen, Kochensparger, Moenck, Morrow, Rosenthal**

**Absent: Gordon, Seltzer**

**Nays: None**

**Motion carried.**

**X. ADJOURNMENT**

**Motion by Moenck supported by Rosenthal to adjourn the meeting.**

**Ayes: Hansen, Kochensparger, Moenck, Morrow, Rosenthal**

**Absent: Gordon, Seltzer**

**Nays: None**

**Motion carried.**

There being no further business, the meeting adjourned at 9:14 P.M.

Respectfully submitted,

Lori Rich, Recording Secretary

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Eileen H. Pulker, Clerk

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James Kochensparger, President