

**PROCEEDINGS OF VILLAGE OF FRANKLIN
VILLAGE COUNCIL REGULAR MEETING
MONDAY, May 12, 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 8:00 P.M. at the Franklin Village Hall, Franklin, Michigan.

ROLL CALL

Present: Brian Gordon (arrived at 8:05 P.M.), Pam Hansen, Jim Kochensparger, Judy Moenck, Tom Morrow, Ed Saenz, Mike Seltzer
Absent: None
Also Present: David Murphy, Interim Village Administrator
John Staran, Village Attorney
Daniel Roberts, Police Chief
Tony Averbuch, Fire Chief
Eileen Pulker, Clerk
Lance Vainik, Treasurer

II. ADOPTION OF AGENDA

Motion by Seltzer seconded by Saenz to adopt the Agenda as presented

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

Nays: None

Motion carried.

III. MINUTES

A. Special Meeting, April 17, 2014

Motion by Seltzer seconded by Hansen to approve the Special Village Council Meeting Minutes for the April 17, 2014 as presented.

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

Nays: None

Motion carried.

B. Regular Meeting, April 21, 2014

Motion by Seltzer seconded by Moenck to approve the Regular Village Council Meeting Minutes for the April 21, 2014, as presented.

Kochensparger requested that under II. ADOPTION OF AGENDA, in the 1st sentence, be changed to consideration of “contracting to purchase a new police car”, as the item was already included in the budget.

Motion by Seltzer seconded by Moenck to approve the Regular Village Council Meeting Minutes for the April 21, 2014, as amended.

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

Nays: None

Motion carried.

C. Special Meeting, May 1, 2014

Motion by Seltzer seconded by Moenck to approve the Special Village Council Meeting Minutes for the May 1, 2014, as presented.

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

Nays: None

Motion carried.

IV. REPORTS OF VILLAGE OFFICERS AND AGENTS

Daniel Roberts, Police Chief, thanked the Council and the public for attending the Awards Ceremony for the Officers. He referred to and provided an overview of his submitted monthly report noting that it was a quiet month and most of the offenses were traffic related. Sgt. Hirschfeld will be retiring this month; May 23 is his last day, and when he leaves, a part-time officer will be elevated to full time. The Department hosted a meeting with the Superintendent of Birmingham Public Schools, Dr. Nerad, and the seven (7) Police Chiefs that are represented in the Birmingham School District. The meeting centered around the schools' "Community of Character" program and the future involvement of the various police departments. Seltzer suggested that future Awards Ceremonies be videotaped. Saenz made mention of the increase of 2014 traffic citations over this time last year, with Chief Roberts explaining that the winter weather and subsequent accidents are the reason for the increase. Hansen asked about the notation of "Larceny of Copper Piping off Building", to which Roberts explained that this occurred at a commercial property in Bingham Farms.

Tony Averbuch, Fire Chief, informed the Council of the passing of Paul Mullin, longtime Franklin business owner and former Fire Commissioner. He referred to his submitted written report and noted that several members of the apparatus committee will be traveling to Minnesota to inspect the Village's newest truck, with delivery expected in the next month or mid-July.

Lance Vainik, Treasurer, referred to his submitted monthly report, noted that the list of account balances is as of May 8, 2014, held at Level One Bank and includes a large entry for the Curbside Trash pickup that was paid to Waste Management. Morrow asked for an explanation for the voiding of a payment to Oakland Treasurer for Pressure Sewer.

Barry Silverstein, Chairman of Main Street Franklin ("MSF"), introduced the new Executive Director, Katherine Kirby. Kirby gave a brief educational and career background on herself and updated the Council on MSF's recent activities. The final report from the MSU Small Town Initiative Sustainability and Design Guidelines should be arriving soon and MSF will be deciding how to disseminate the information. The Council will be updated at that point. The action plans of the 4 Committees have been finalized for the year, including event dates. There was a meeting with representatives from FCA and the Historical Society to share calendars and to discuss future collaborative efforts, such as, a Newcomer to Franklin Event at the Kreger House (tentatively scheduled for July 13 after the Farmers' Market) to educate new residents about all the services and resources in the Village. She met with the Franklin merchants about their needs and what MSF could do to help them. A Merchant Mixer is scheduled for July 17, co-hosted by Event Bliss and Glamour Puss. More information will follow. MSF is working with Main Street Oakland County to sponsor a visit with Scott Day from San Antonio who is specialist in retail economics for commercial revitalization. He will hold a workshop in July or August on visual merchandising. Franklin merchants have asked for such help and MS Oakland County is providing \$6,000 for his services. MS Oakland County is also paying for her registration at the National Main Street Conference which is in Detroit this year and runs May 18-20, 2014 with five (5) MSF members attending. Fundamentals for the Main Street Approach will be presented on May 18 and is open to the public. Oakland County "Main Event" Awards Ceremony is scheduled for June 13; MSF is up for two (2) awards: the Mural Project and Franklin "stein" Frenzy. Gem of the Night event is tentatively scheduled for September. MS Oakland County sent a short synopsis of its in-kind investments to MSF for the last few years.

There are several new businesses in the Village Center: Honey Flow Yoga and Texture Studio, a hair salon in the Franklin Hotel (32751 Franklin Rd.), and a wig store for Cancer patients in the Van Every House.

V. SUBMISSION OF CURRENT BILLS

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

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

Abstain: Morrow

Nays: None

Motion carried.

TOTALS

General Administration	\$ 14,498.00
Building	\$ 7,510.12
Insurance	\$ 35,268.77
Legal	\$ 2,081.50
Police	\$ 12,222.32
Pressure Sewer	\$ (5,145.00)
General Debt Service	\$ -
Major Roads	\$ 3,777.50
Local Road	\$ 3,777.50
Rubbish	\$ 17,284.58
Trust & Agency	\$ -
Tax Fund	\$ -
Waste Water	\$ 120.60
ALL FUNDS	<u><u>\$ 91,395.89</u></u>

VI. PUBLIC REQUESTS AND COMMENTS

Kochensparger opened the meeting for public comments.

- David Tukul, Nottingham, expressed his concerns about the Right Of Way (ROW) issue centering around rocks. Tukul opined that the members of Council had not upheld their campaign promises and have not been legislatively restrained. He stated that he believes that vehicle speeding is a major problem and risk in the Village, and that the rocks along the roadside help to slow them down and provide a barrier between cars and pedestrians.

Saenz in response stated that he had joined the Council, by appointment, in June 2013, and had not spoken to Tukul before, adding that this body has been deliberative and not overly activist in their actions since that time.

- Nena Downing, Bruce Lane, representing numerous Villagers, addressed their displeasure with the ROW Ordinance. She requested that the Council to consider two Options. 1.) Rescind the Ordinance in its entirety including all provisions, or 2.) Give the residents the choice on the November 2014 ballot. Proposal petitions to rescind this ordinance are already being signed to place this issue on the November ballot. Having been advised by a State of Michigan Election Official, she explained the procedure if the Council did not take action at this meeting, adding that once the petitions are filed, a court order could be obtained to immediately stop enforcement of the ordinance until such time as the results of voting are validated. She formally requested that this Ordinance be rescinded at this time.

VII. SPECIAL REPORTS

- **President's Report**

Kochensparger reported that the interviewing of candidates for Administrator is proceeding, with a meeting scheduled for May 14, 2014 at 6:00 P.M. There will be a preliminary meeting starting at 5:45 P.M.

- **Council Report**

None

- **Administrator's Report**

None

VIII. PUBLIC HEARING FY2014-2014 BUDGET

Before the Hearing was opened, Morrow commented that although the Notice of Public Hearing document states "Increasing Property Taxes" in its title, Franklin's millage rates, in fact, are coming down. The General Fund millage rate is starting to see some Headlee reduction due to a 3½% increase in property values for the upcoming budget year 2014-2015.

Kochensparger opened the Public Hearing at 8:35 P.M.

- Fred Gallasch, Rosemond Dr., stated his concerns about the General Fund Balance in the future; Police Salaries-why are the salaries only reduced by about \$3000 when senior officers are going off the payroll and being replaced by junior officers with lower salaries?; why isn't there additional monies for major road maintenance? He supports the \$10,000 for the Broughton House maintenance but suggests that an Historic Preservationist also be consulted.; Since there is excess money in the building fund due to the Council's infusion of money from the General Fund to the Building Dept. several years ago when it was lacking, why not repay the General Fund?; He does not see in the Budget the monies from the Cable Board.
- Tom Morrow clarified millages and responded to some of the issues Gallasch mentioned.

IX. NEW BUSINESS

A. Consider Adoption of FY2014-2015 Budget

General Fund Revenues:

Morrow made comments about Acct. # 627, General Fund Revenues. Murphy stated that some of the monies are for rubbish.

Acct. #680, Miscellaneous – Discussion concerning the origins and amount for this account (liability insurance refund) Reduce to \$2,500.

Acct. #692, Cablecast Board Grant - Pass through account to fund the Village's cable.

General Fund Expenditures - Village Council:

Acct. #101819, Master Plan -Traxler, PC Consultant, says it will be primarily completed this budget year.

Acct. #101902, Website Expenses - Council needs to discuss whether to continue Mindmixer for another year.

General Fund Expenditures – Administrative:

Acct. #102705, Group Insurance – Increase due to addition of new Administrator and change to Administrative Assistant's policy.

Acct. #102728, Computer Software and Supplies – Update computers and system software.

General Fund Expenditures – Village Clerk (Office):

Acct. #215707, Workers Comp Insurance – Reduce to \$500.

Acct. #215708, Retirement Contributions – Allow for some Village contribution.

General Fund Expenditures – Police Department:

Chief Roberts addressed the salary issues which Gallasch raised. The timing of the retirements dictates the budgeted amounts for salaries, healthcare, and the buyouts of unused sick time and vacation time. With regards to the patrol cars, there are 4 cars in service at the moment. Roberts explained that a new car is budgeted every year. The Village of Bingham Farms and the Bingham Farms SAD have agreed to purchase the car this next fiscal year. Historically, the Village has arranged for a year lease-to-own program.

Morrow stated that the Police Department held its request budget down to only a 1½% increase.

Acct. #305769, Uniform Expense – Substantial increase due to anticipated turnover of officers.

General Fund Expenditures – Miscellaneous General Fund Expenses:

Morrow reiterated Gallasch’s concern over the lack of maintenance of the Broughton House and the lack of a multi-year plan which had been previously requested. It would be desirable to consult with a Historic Preservationist. Murphy will do some research on the subject.

Acct.

#875818, Kreger House Expenses – Gordon explained that the figure is based on month-by-month experiential data. Income to defray these costs is unknown. Hansen, not being comfortable with the \$8,000 budget line, asked that the Kreger House Committee recommend a figure for this line item.

Acct. #870723, Main Street Expense – Morrow said he has attempted to modify this number for the previous two (2) years. It has been his intent to recognize the work MSF has done and try to come up with a sustainable funding program and move it towards the private/public partnership that was intended when it was approved in 2008. He’s concerned that if the Village doesn’t address this, this will, at some point, become unsustainable for the Village. He is concerned that it will jeopardize the long-term value of the Main Street program. His proposal would be to fund MSF \$10,000 for the 1st 6 months and \$5,000 for 2nd 6 months. This would give MSF an edge to obtain private funds to match the public funding by the Village. This funding represents a millage that the public never had a chance to vote on and, as in the past, has been very controversial in the Village.

Gordon stated that his understanding is that over the years the Village would ramp down its support to MSF to a point that it would be more of a public/private funded mechanism. He anticipated that it would have started in previous years and it didn’t. He would be more comfortable supporting MSF in the range of a \$4,000 reduction but has no problem with what Trustee Morrow is speaking about.

Hansen requested that MSF give an opinion on the ratio reduction and remind the Council of the Main Street Oakland County formula for funding – 1/3 from the municipalities, 1/3 from revenues, and 1/3 from other sources, i.e., grants. She asked Silverstein what the ratios are now and are they making progress toward that goal of 1/3, 1/3, 1/3? What impact a reduction in funding would have on the MSF program before any Council decision?

Silverstein stated that one of the key elements of MSF program is the support of local government. Without that support MSF won’t be functional, because the key goal of MSF is the revitalization of the Village Center. There are many winners if this happens; the local government wins, the property owners win, the merchants win, the citizens win, and those outside the area win, as well. Going forward a big effort will be in obtaining grants in hopes of increasing the ratio of inside the Village funding and outside Village funding with the launch of a new program, “We’re Your Community”, thus increasing the private sector funding. Grants from sources other than Oakland County will be pursued. MSF would prefer to delay the process of reduction funding. He is of the opinion that if MSF had been included in the budget discussions about funding reductions or keeping the status quo, like the Kreger House, they would have

had the time to discuss the matter. The MSU Initiative might be one project impacted with the reduction of funding.

Kirby stated that the loss of \$4,000 would be significant to the Village Center. She stressed that MSF comes from the Merchant Association and there needs to be a campaign to attract more people from the surrounding areas to support these merchants and programs like the Franklins Frenzy and Sip, Shop, and Stroll. The Grants "ratio" should be obtainable this year and other fundraising efforts are "in progress". Supporting the merchants and historic preservation of the Village are the primary functions of MSF.

Gordon asked what kind of support the merchants and property owners contribute to MSF. Kirby will get that information to him. Kirby referred to the MSF website that lists those merchants for 2012.

Seltzer is not in favor of reducing funding this year but supports a tiered reduction over the next three (3) years. He asked that MSF come back to Council with what those reductions will be. He acknowledged the controversies of past years but is optimistic about the new plans under a new leader.

Gordon stressed that there are many organizations within the Village with big budgets doing wonderful things through private donations and volunteerism (FCA, Kreger House, Baseball League, as examples) and such that are sustained without government support.

Hansen posed the question for the Council: How much taxpayer money do you want to contribute to supporting economic development in the center of the Village?

Gordon is looking for more of a partnership with Village government and MSF and is concerned that there has been no evidence that MSF is going to "ramp up" and the Council is going to "ramp down". When is this going to take place? This same conversation has been brought up many times over the past years.

Motion by Morrow seconded by Gordon to modify Main Street Franklin's funding to be \$10,000 for the 1st 6 months and \$7500 for the 2nd 6 months.

Ayes: Gordon, Morrow

Abstain: Kochensparger

Nays: Hansen, Moenck, Saenz, Seltzer

Motion failed.

Acct. #6999, Uncategorized expense (bank Fees) - Morrow stated that the fees are increasing. The Village may want to look into changing banks.

Major Street Fund (#202): Expenditures

Acct. #463818, General Maintenance – Morrow would like to increase amount to \$50,000 from \$20,000. Questions need to be asked about the different options for road repairs. Hansen referenced a conversation the former Administrator had with the Council concerning this matter.

#2014-37 Motion by Seltzer seconded by Morrow to increase Acct. #463818, General Maintenance (Major Road Fund) from \$20,000 to \$50,000, in the FY2014-2015 Budget.

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

Nays: None

Motion carried.

Local Street Fund (#203): Expenditures

Acct. #451818, Road and Street Construction –

#2014-38 Motion by Morrow seconded by Moenck to increase Acct. #451818, Road and Street Construction (Local Road Fund) from \$50,000 to \$100,000, in the FY2014-2015 Budget.

Gordon was unsure as to whether it would be necessary to make the increase to \$100,000. Murphy advised that the budget can be amended at the appropriate time.

Ayes: Hansen, Kochensparger, Moenck, Morrow, Seltzer

Nays: Gordon, Saenz

Motion carried.

Pressure Sewer Fund (#401) - Morrow pointed out that the bond is almost over.

Fire Fund (206) – Morrow stated that a small equity is being maintained in the fund.

General Debt Service Fund (#301) – Morrow explained the slight increase and why.

Waste Water Management (#542) – Morrow explained this is a small “pass through” account.

Council agreed that there remained questions about certain budget accounts which can be resolved at a Special Meeting, the date and time to be arranged. In the meantime, Murphy would revise those changes that were discussed and voted on at tonight’s meeting and re-issue the 2014-15 budget.

B. Consider Solid Waste Management Plan Amendment Resolution

Mr. Edwin Hoover, with Rizzo Environmental Services, explained the recycling program and why his company has come before the Council.

Murphy stated that the amendment is at no cost to the Village.

#2014-39 Motion by Morrow seconded by Seltzer to approve the requested amendment to the Oakland County Solid Waste Plan for the inclusion of a Type A Transfer Station and Solid Waste Processing Facility to be located at 900 Baldwin Avenue in Pontiac, Michigan, as follows:

Solid Waste Management Plan Amendment Resolution

WHEREAS, Oakland County (“County”) has a Solid Waste Management Plan (“Plan”) that was prepared in accordance with Public Act 451, as amended, 1994, Part 115; Solid Waste Management; and

WHEREAS, the law requires that the Plan identify all solid waste landfills, Type A Transfer Stations, and Waste processing Facilities within the County and that the Plan must be amended if the County desires to include new facilities or sites; and

WHEREAS, the Oakland County Executive received a request to amend the County Solid Waste Management Plan for the inclusion of a proposed Type A Transfer Station and a Waste Processing Facility to be located on the same piece of property in Pontiac at 900 Baldwin Avenue from Pontiac Baldwin, LLC and Rizzo Properties LLC (“Requested Amendment”); and

WHEREAS, the Oakland County Solid Waste Planning Committee (“SWPC”), along with the staff of the Oakland County Economic Development & Community Affairs Department, which is the Designed Planning Agency (“DPA”) for Oakland County have met and discussed this requested amendment to the Plan; and

WHEREAS, the Oakland County Solid Waste Planning Committee authorized by resolution that the requested amendment be released for the required 90-day public comment period which was held from December 14, 2013 to March 17, 2014 and was widely publicized to all Oakland County municipalities,

adjacent counties, the Board of Commissioners, the Michigan Department of Environmental Quality, SEMCOG and other interested parties; and

WHEREAS, notice of the public comment period and date of a public hearing was published in The Oakland Press on December 13, 2013 and all corresponding documents were available for public review in the Oakland County One Stop Shop, as well as on the Oakland County website; and

WHEREAS, the applicants, Baldwin Pontiac, LLC and Rizzo Properties LLC have entered into a host community agreement with the City of Pontiac to provide the City of Pontiac additional benefits; and

WHEREAS, a public hearing was held on February 26, 2014 at the Oakland County Executive Office Building; and

WHEREAS, the SWPC met after the end of the 90-day public comment period and reviewed the transcript of the public hearing and considered all written and verbal public comments received during the meetings and public comment period. The SWPC approved the requested amendment and recommended that it be forwarded to the Oakland County Board of Commissioners for consideration; and

WHEREAS, the Oakland County Board of Commissioners approved the requested amendment at its April 17, 2014 meeting; and

WHEREAS, per Public Act 451, Part 115, Solid Waste Management, Section 11536, it is a requirement that a solid waste plan amendment must receive support via resolution by no less than 67% of the local units of government within the respective county before being sent to the Michigan Department of Environmental Quality for approval.

NOW, THEREFORE BE IT RESOLVED, that the Village Council of the Village of Franklin does hereby approve the requested amendment to the Oakland County Solid Waste Plan for the inclusion of a Type A Transfer Station and Solid Waste Processing Facility to be located at 900 Baldwin Avenue in Pontiac, Michigan.

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

Nays: None

Motion carried.

C. Consider Contract for Police Department Security Upgrades

Chief Roberts referred to his 5/5/2014 memo sent to the Village Clerk about the proposed upgrades to the security of the Police Dept.'s lobby area. The Dept. would utilize Federal forfeiture funding for the changes, thus, there would be no impact on the current Police budget.

According to a 5/8/2014 memo from the Village Clerk to the Council the improvements would exceed the \$10,000 limit without sealed bids and, as such, requires a vote of approval by two-thirds (2/3) of the Council.

#2014- 40 Motion by Moenck seconded by Seltzer to authorize Chief Roberts to enter into a contract with Installations, Inc. of Redford, MI which will exceed the \$10,000 limit for a contract without advertised, sealed bids, as stated in the Charter (Chapter VIII, Section 1).

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

Nays: None

Motion carried.

D. Consider Oakland County West Nile Reimbursement Program

#2014-41 Motion by Morrow seconded by Seltzer to authorize the Village Clerk to seek reimbursement from Oakland County for the purchase of mosquito dunks in the amount of \$334.74, in connection with the West Nile Virus Reimbursement Program.

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

E. Consider Civic Event Permit Application for the Groves High School Senior Picnic #2014-42 Motion by Morrow seconded by Seltzer to approve the Civic Event Permit Application for Wylie E. Groves High School Senior Picnic to be held on May 23, 2014.

Kochensparger noted that the application is complete and the appropriate Village departments have signed off on it.

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

F. Consider Budget Amendments FY2013-2014 Budget

#2014-43 Motion by Morrow seconded by Seltzer to postpone the FY2013-2014 budget amendments until the next scheduled meeting when the 2014-15 budget would be discussed.

Ayes: Gordon, Hansen, Kochensparger, Moenck, Morrow, Saenz, Seltzer
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 (*second reading*).

#2014-44 Motion by Seltzer seconded by Morrow to adopt 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, in its' second reading.

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

XI. ADJOURNMENT

Motion by Seltzer seconded by Morrow to adjourn the meeting.

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

There being no further business, the meeting adjourned at 10:30 P.M.

Respectfully submitted,

Gail Beke, Recording Secretary

Eileen H. Pulker, Clerk

James Kochensparger, President