

**PROCEEDINGS OF VILLAGE OF FRANKLIN
VILLAGE COUNCIL REGULAR MEETING
MONDAY, JULY 14, 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 Mike Seltzer, Trustee, at 8:00 P.M. at the Franklin Village Hall, Franklin, Michigan.

ROLL CALL

Present: Brian Gordon, Judy Moenck, Tom Morrow, Ed Saenz, Mike Seltzer
Absent: Pam Hansen, Jim Kochensparger
Also Present: Jim Creech, Village Administrator
Eileen Pulker, Village Clerk
John Staran, Village Attorney
Daniel Roberts, Police Chief
Tony Averbuch, Fire Chief
Lance Vainik, Treasurer

Staran advised the Council that in the absence of the President and President Pro-Tem, a formal vote is in order to choose an acting Chairman of tonight's meeting.

#2014- 65 Motion by Morrow, seconded by Moenck that Trustee Seltzer be the acting Chairman for the purpose of tonight's meeting.

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

II. ADOPTION OF AGENDA

Motion by Gordon, seconded by Saenz to adopt the Agenda as presented.

Morrow commented that **IX. B. Consider Resolution to "Consent to Assignment and Change of Control" from Comcast Corporation to Midwest Cable, LLC/Inc.** is not ready for consideration tonight and moves that it be stricken from the agenda.

Motion by Morrow, seconded by Moenck to adopt the Agenda as amended.

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

III. MINUTES

A. Regular Meeting, May 12, 2014

Motion by Moenck, seconded by Morrow to approve the Regular Village Council Meeting Minutes for the May 12, 2014 meeting as presented.

Gordon confirmed that these are the revised minutes from the meeting. Pulker stated that at Hansen's request, revisions were made under **VI. PUBLIC REQUESTS AND COMMENTS** and are in *italics*.

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

B. Special Meeting, June 3, 2014

Motion by Gordon, seconded by Moenck to approve the Special Village Council Meeting Minutes for the June 3, 2014 meeting as presented.

Morrow requested that the last statement on page 3 under **IV. DISCUSS ROAD RIGHT OF WAY (ROW) OBSTRUCTION ORDINANCE REVISIONS**, "With the consensus of Council, has been suspended.", be stricken.

Motion by Gordon, seconded by Moenck to approve the Special Village Council Meeting Minutes for the June 3, 2014 meeting, as amended.

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

C. Regular Meeting, June 9, 2014

Motion by Morrow, seconded by Saenz to approve the Regular Village Council Meeting Minutes for the June 9, 2014 meeting as presented.

Moenck noted that on page 3, under **VI. PUBLIC REQUESTS AND COMMENTS**, the last sentence of Eric Kovan's comments should read, "Kovan stated that he agreed...that none of the variances requested had been *granted*."

Motion by Morrow, seconded by Saenz to approve the Regular Village Council Meeting Minutes for the June 9, 2014 meeting as amended.

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

D. Special meeting, July 1, 2014

Motion by Morrow seconded by Gordon to approve the Special Village Council Meeting Minutes for the July 2, 2014 meeting as presented.

Ayes: Gordon, Moenck, Morrow, Saenz, Seltzer

Absent: Hansen, Kochensparger
Nays: None
Motion carried.

IV. REPORTS OF VILLAGE OFFICERS AND AGENT

Daniel Roberts, Police Chief, referred to and provided an overview of the submitted monthly report. He highlighted two items: on page 2 of his report, Larceny from a Building was actually a home under construction. The case has been solved and the property has been recovered. Something not included in the report is the breaking and entering of a home on Greenbriar. This has been solved and there is a warrant out for the arrest of the felon. Mark Dyjewski was introduced as the newest Sergeant on the Franklin Police Force.

Tony Averbuch, Fire Chief, referred to his submitted written report and added that the numbers are a little higher than in past years but nothing out of the ordinary. Monday, July 28 is the anticipated delivery date of the new ladder truck. The department will be doing something publicly but the residents are welcome to come down to look at the new addition. Equipment needs to be mounted and mandated state and manufacturer's training are needed before it is put into service.

Moenck questioned Creech if the charge for engineering services for "Sidewalk evaluation/project" could be charged against the ACT 51 monies. Creech will look into it.

A. Special Report, Main Street Franklin, MSU Small Town Initiative Sustainability and Design Guidelines

Pat Burke, Franklin Ct., Main Street Franklin Design Committee member, presented the written report. She provided a brief history of the last 45 years, starting with the 1969 Master Plan, highlighting major events and leading up to this final report. Included were the MSU findings, the specific Benefits to the Village, Examples of Change (good and bad), Franklin's Next Steps, and the final project entitled "Franklin 2020", which will be a clear vision for the future of Franklin by providing reachable goals. It would become a tool for the Planning Commission, the Village Council, the Historic District Commission, and Main Street Franklin. Funding, a timeline, and the selection of a consultant and 5 Design/Architectural firms were discussed.

The "Franklin 2020" committee will consist of the Jim Creech, Village Administrator; Bill Finnicum, Historic District resident and architect; Gayle Timmis, HDC member; Pat Burke, MSF Representative; Connie Ettinger, Planning Commission representative; Frank Yanke, Business owner; Cathy Watkins, MSF's Design Committee Chair; Katherine White, MSF Executive Director; and a Village Council member yet to be chosen.

The report will be put on the Village website and the Main Street Franklin website.

Gordon asked about the implementation of the report. Bill Finnicum, German Mill, historic preservationist architect and member of MSF design committee, explained the content of the Guideline manual and clarified the process phase needed for its enforcement.

Seltzer complimented the Design Committee for all its efforts and opined about the funding of the project.

Moenck concurred with Seltzer and questioned how to make this actionable. Connie Ettinger, Chair of Planning Commission, addressed the Council and referred to her (7/14/2014) letter to the members which included a draft of Chapter 10 of the revised Master Plan 2015. She explained the process to make an enforceable, workable plan. Staran affirmed that it would be a multi-part process. Gordon asked Ettinger how Planning Commission would incorporate the Guidelines into the Master Plan.

Discussion of funding this project will be placed on the agenda for the next Council Workshop.

Lew Eads, Franklin Ct., had 3 comments: 1) This project would be an opportunity for the entire Village to work together; 2) He is appalled that for 45 years the same issues have come up and nothing has been done about them; 3) Considering the countless volunteer hours (equated in dollars and cents) have been put forth towards the improving the Village, nothing gets done. As a taxpayer and acknowledging the tight budget, he hopes the Council will spend \$5000 towards this project. He hopes that the non-profit organizations in Franklin, as well as individual residents, will donate money.

Lance Vainik, Treasurer, referred to his submitted monthly report and noted that the list of account balances is as of July 11, 2014, held at Level One Bank was included in their packets and the bills list included a large entry for an installation of the Bandit Barrier System in the Police Department. Chief Roberts noted that the cost for this item came out of forfeiture funds.

V. SUBMISSION OF CURRENT BILLS

Motion by Moenck seconded by Saenz to approve the Bill's List as submitted.

Ayes: Gordon, Moenck, Saenz, Seltzer

Absent: Hansen, Kochensparger

Nays: None

Abstain: Morrow

Motion carried.

TOTALS

General Administration	\$ 13,576.02
Building	\$ 6,841.24
Insurance	\$ 40,577.20
Legal	\$ 2,403.50
Police	\$ 33,063.28
Pressure Sewer	\$ -
General Debt Service	\$ -
Major Roads	\$ 2,750.72
Local Road	\$ 2,210.81
Rubbish	\$ 17,185.28
Trust & Agency	\$ 7,902.76
Tax Fund	\$ -
Waste Water	\$ -
ALL FUNDS	\$ 126,510.81

VI. PUBLIC REQUESTS AND COMMENTS

- **Bill Dwyer**, Oakland County Commissioner, reported that the county budget is balanced through fiscal year 2017 and the county's taxable property values continue to improve. He provided the Council with his Quarterly newsletter synopsis pertinent information. He also stated that he and Marcia Gershenson continue to work on a bi-partisan effort on curbing gun violence, having received a National Award for their efforts.

Gordon inquired as to whether the County might have funds available for the Design and Sustainability Guidelines, to which Dwyer replied that he would look into it.

VII. SPECIAL REPORTS

- **President's Report**

None

- **Council Report**

Morrow spoke to the history and ramifications of non-quorum committee meetings and open quorum workshops. For the first time at a workshop (7/1/2014) an actionable vote was taken and carried. He voiced his concern then and wanted to re-iterate tonight that, in his opinion, it had been understood that workshops would be for the purpose of open discussions, not for action (vote). Voting would take place at regular Council meetings. The public had not been forewarned that a vote would be taken at 7/1/2014 workshop.

Staran commented that what the Council did (vote) was lawful and within the Open Meetings Act.

Saenz stated that he agreed with Morrow but stated that the public is now on notice that action can be taken at those meetings. Precedence has been set.

- **Administrator's Report**

Creech said he had heard from an environmentally-sensitive resident who is undertaking a project on the Franklin River. He has several permits from the county and the state but wants the approval from Council to go forward with the project. Staran voiced his opinion. Morrow asked that the project be put on the agenda of the next meeting so it can be considered. Gordon asked for a presentation by the resident.

Fred Gallasch, Rosemond Lane, recalled a similar situation about 15 years ago and the Council officially approved the project with a resolution.

Gordon asked what would be the impact on those residents who live downstream.

VIII. NEW BUSINESS

A. Resolution Honoring Police Sergeant James Hirschfeld

#2014-66 Motion by Morrow, seconded by Saenz to approve the Resolution Honoring Police Sergeant James Hirschfeld, as follows:

PROCLAMATION
Sergeant James Hirschfeld

In appreciation of his Public Service to the Village of Franklin

WHEREAS **Sergeant James Arthur Hirschfeld** was hired by Police Chief Edward Glomb as a Police Officer for the Village of Franklin on February 1, 1988; and,

WHEREAS **Sergeant James Arthur Hirschfeld** prior to working in Franklin, was a sworn police officer in Plymouth Township, Michigan from 1987 to 1988; and,

WHEREAS **Sergeant James Arthur Hirschfeld** completed both required training and supplemental training over the years, including receiving his Bachelor of Science Degree from Eastern Michigan University in April, 1984, and graduating from the Detroit Metropolitan Police Academy, in Detroit, Michigan on October 17, 1986, and was the highest academically ranked student; and

WHEREAS **Sergeant James Arthur Hirschfeld**, was promoted to Sergeant, by Police Chief Patrick Browne on February 9, 2008; and,

WHEREAS **Sergeant James Arthur Hirschfeld** served both the Village of Franklin and the Village of Bingham Farms faithfully for over 26 years; and

WHEREAS **Sergeant James Arthur Hirschfeld** has received numerous commendations for outstanding performance, too many to mention individually, over the years from the Village of Franklin and the Village of Bingham Farms; and,

WHEREAS **Sergeant James Arthur Hirschfeld** founded and supervised the Police Department's Mounted Unit, using his own personal time, horses and funds to get the program going. Also, he annually supervised a Franklin Police Department Mounted Unit deployment to Washington, D.C. to participate in Law Enforcement Week Ceremonies honoring fallen police officers. In addition, the Mounted Unit was frequently requested by other law enforcement agencies to participate in special events, such as parades and other public functions; and,

WHEREAS **Sergeant James Arthur Hirschfeld** retired from the Franklin – Bingham Farms Police Department on May 23, 2014.

NOW THEREFORE BE IT RESOLVED that the Franklin Village Council hereby publicly recognize, commend and thank Sergeant James Arthur Hirschfeld for his outstanding service to the Village.

Ayes: Gordon, Moenck, Morrow, Saenz, Seltzer

Absent: Hansen, Kochensparger

Nays: None

Motion carried.

B. Consider Intergovernmental Agreement for Lockup Services between City of Farmington Hills and Village of Franklin.

Chief Roberts gave a brief history of Franklin's procedure of lodging prisoners overnight at the Beverly Hills Police Station. Beverly Hills has now decided to contract with the City of Birmingham to handle all their dispatching services so they no longer have a 24/7 police presence in their station which is required. Farmington Hills has offered to allow Franklin to lodge prisoners at their facility at the same charge as Beverly Hills. Franklin already utilizes the Farmington Hills dispatch. Staran has reviewed the contract.

#2014-67 Motion by Morrow, seconded by Gordon to approve the Intergovernmental Agreement for Lockup Services between City of Farmington Hills and Village of Franklin.

Ayes: Gordon, Moenck, Morrow, Saenz, Seltzer

Absent: Hansen, Kochensparger

Nays: None

Motion carried.

C. Consider Appointments to Village Boards and Commissions.

#2014-68 Motion by Saenz, seconded by Moenck to confirm President Kochensparger's reappointment of Rajaei Abbass, Karen Couf-Cohen, and Mike Heisel to the Planning Commission.

Gallasch clarified that the President only appoints the Planning Commissioners subject to the Council approval and the Council appoints the Historic District Commissioners and the Zoning/Sign Board of Appeals Commissioners, not the President. Staran concurred.

Gordon stated that he feels comfortable with the reappointments of the Planning Commission members and the Historic District Commission members that Kochensparger has recommended but questions the substitution on the Zoning/Sign Board of Appeals without hearing from Kochensparger. Morrow was in agreement with regards to the ZBA appointment.

Pulker suggested that one motion be made to confirm Kochensparger's reappointments to the Planning Commission and another motion to reappoint the Historic District Commissioners. The appointment of the Zoning Board members can be postponed until the next meeting since ZBA isn't meeting during the month of July.

Ayes: Gordon, Moenck, Morrow, Saenz, Seltzer

Absent: Hansen, Kochensparger

Nays: None

Motion carried.

#2014-69 Motion by Moenck, seconded by Saenz to approve the reappointments of Gary Roberts and Garrett Keais to the Historic District Commission.

Gordon inquired if any other residents were interested in these positions. The answer was negative.

Ayes: Gordon, Moenck, Morrow, Saenz, Seltzer

Absent: Hansen, Kochensparger

Nays: None

Motion carried.

Seltzer stated that the Zoning/Sign Board of Appeals will be re-visited at the next Council Meeting.

D. Consider Non-Motorized, ACT 51 Fund Projects.

Creech re-calculated that the Village needs to use \$6,203 in the next 3 years to be in compliance with ACT 51.

#2014-70 Motion by Morrow, seconded by Gordon to approve the expenditure of \$6,203 of ACT 51 funds within the next 2 years to install approximately 140 foot of sidewalk from the crosswalk across from the post office on the west side of Franklin Road extending to the library circular drive as follows:

**RESOLUTION AUTHORIZING NON-MOTORIZED TRANSPORTATION
IMPROVEMENTS**

WHEREAS, the Village of Franklin, State of Michigan receives Act 51 funds from the State of Michigan, and

WHEREAS, the Village of Franklin is currently in non-compliance with the Actual qualified expenditures for Non-motorized improvements Section 10k of the Act 51 law, and

WHEREAS, the Village of Franklin, in order to achieve compliance with the State of Michigan, Section 10k of the Act 51 law must present a plan to expend at least \$6,203 within the next three years on non-motorized transportation improvements, and

WHEREAS, the Village of Franklin after reviewing the Reporting Guidelines for Non-motorized Transportation Expenditures of the State of Michigan, Street Financial Report and the needs of the populace does hereby submit the following proposal;

NOW, THEREFORE BE IT RESOLVED;

That the Village of Franklin hereby submit to the State of Michigan a plan to install approximately 140 foot of sidewalk form the crosswalk across from the post office on the west side of Franklin Road extending to the library circular drive.

Ayes: Gordon, Moenck, Morrow, Saenz, Seltzer

Absent: Hansen, Kochensparger

Nays: None

Motion carried.

Burke confirmed that the materials have not been determined.

**E. Consider Civic Event Permit Application for “Friends of Camp Mak-A-Dream”,
Fundraiser on August 9, 2014, 7:00AM to 12:00 Noon**

#2014-71 Motion by Gordon, seconded by Moenck to approve the Civic Event Permit Application for “Friends of Camp Mak-A-Dream”, Fundraiser on August 9, 2014, 7:00AM to 12:00Noon.

Ayes: Gordon, Moenck, Morrow, Saenz, Seltzer

Absent: Hansen, Kochensparger

Nays: None

Motion carried.

IX. RESOLUTIONS/ORDINANCES/PROCLAMATIONS

A. Consider an Ordinance to Amend Chapter 666.02 of Chapter 666, Peace Disturbances of the Codified Ordinances of the Village of Franklin, Oakland County,

Michigan, to Modify Regulations Relating to construction Hours, Repeal Conflicting Ordinances, and Prescribe a Penalty for Violations (first reading).

Creech explained that this Ordinance was recommended by the Planning Commission to the Council. Changes are underlined: Monday through Friday hours will be 7:00 a.m. and 7:00 p.m. and 8:00 a.m. to 5:00 p.m. Saturday. Old language has been stricken through and new language is underlined: ~~a permit-permission~~ and ~~Clerk~~ Administrator.

#2014- 72 Motion by Gordon, seconded by Moenck to approve the first reading of an Ordinance to Amend Chapter 666.02 of Chapter 666, Peace Disturbances of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Modify Regulations Relating to construction Hours, Repeal Conflicting Ordinances, and Prescribe a Penalty for Violations.

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

X. ADJOURNMENT

Motion by Moenck seconded by Saenz to adjourn the meeting.

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

There being no further business, the meeting adjourned at 9:35 P.M.

Respectfully submitted,

Gail Beke, Recording Secretary

Eileen H. Pulker, Clerk

Trustee Mike Seltzer