

**PROCEEDINGS OF VILLAGE OF FRANKLIN  
VILLAGE COUNCIL SPECIAL MEETING  
THURSDAY, SEPTEMBER 11, 2014, 7:00 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 7:00 P.M. at the Franklin Village Hall, Franklin, Michigan.

Kochensparger provided recognition of Patriot's Day; commemorating the 13<sup>th</sup> anniversary of the 9/11 Terror Attacks.

**ROLL CALL**

Present: Brian Gordon, Pam Hansen, Jim Kochensparger, Judy Moenck, Tom Morrow, Ed Saenz, Mike Seltzer

Absent: None

Also Present: Jim Creech, Village Administrator  
Sergeant Brian Crane, Police Department  
Eileen Pulker, Clerk  
Lance Vainik, Treasurer (arrived at 7:55 P.M.)

**II. ADOPTION OF AGENDA**

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

Village Administrator Creech advised the Council that all documents relevant to the contracts between the Village and POAM (under **IX. NEW BUSINESS, Item A**) and the Command Officers Association of Michigan (under **IX. NEW BUSINESS, Item B**) have not been formalized, thus postponing any discussions of such. With regards to the Sealed Bids for Snow Removal (under **IX. NEW BUSINESS, Item F**), due to the power outages, he had been unable to complete his review, thus he asked for a delay on any decision.

**Motion by Morrow, seconded by Gordon to remove under IX. NEW BUSINESS, items A., B., and F from the Agenda and consider them for the October Council meeting.**

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

**Nays: None**

**Motion carried.**

**III. MINUTES**

**A. Workshop Meeting, August 5, 2014**

**Motion by Seltzer, seconded by Moenck to approve the Village Council Workshop Meeting Minutes for the August 5, 2014 meeting as presented.**

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

**Nays: None**

**Motion carried.**

**B. Regular Meeting, August 11, 2014**

**Motion by Moenck, seconded by Seltzer to approve the Regular Village Council Meeting Minutes for August 11, 2014 as presented.**

A typographical error was pointed out.

**Motion by Moenck, seconded by Seltzer to approve the Regular Village Council Meeting Minutes for the August 11, 2014 meeting as amended.**

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

**Nays: None**

**Motion carried.**

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

**Sgt. Brian Crane, Police Department Representative**, advised he was filling in for Chief Roberts, referred to and provided an overview of Chief Robert's submitted monthly report, and noted that the Labor Day festivities went very well with the usual parking issues. Other items were the 3 residential burglaries: one is solved, one has a suspect in mind, and one is still under investigation. Special Assessment District had two notable incidents-passing of counterfeit bills and a larceny from a building. Regarding the Police contracts, nothing is being changed dramatically. The old language just needs to be updated. A decision needs to be made about the awarding bid of the old police car. The winning company has been non-responsive.

Gordon noted the dramatic increase in traffic citations during this month in comparison to last. Crane explained this is due to the new, young and aggressive officers on the force.

Seltzer asked about the "shoplifting-retail fraud". Crane will look into it.

**Tony Averbuch, Fire Chief**, Kochensparger noted Chief Averbuch was not able to attend as he was attending the 9/11 Memorial. The Chief had asked that the Council refer to his written report and email him with any questions.

**V. SUBMISSION OF CURRENT BILLS**

**Motion by Seltzer, seconded by Saenz to approve the Bill's List as submitted.**

Hansen had questions regarding the scheduling of the MSF payments. Creech clarified that the amount on this month's Bill's List is actually the delayed 1<sup>st</sup> Quarter payment. Payments will be made current at the October Council meeting.

Moenck questioned the notation of two (2) payments to Johnson Landscaping, only one of which has a check number next to it. Creech and Morrow clarified the possible inclusions of the two notations. She also asked how the budget stands with regards to tree damage due to the recent storms.

Kochensparger asked about the large entry to US Bank and which bond it referred to. Morrow responded that it was the 2011 General Obligation Re-financing Bond for local roads.

**TOTALS**

General Administration	\$ 33,139.77
Building	\$ 8,183.44
Insurance	\$ 42,781.82

Legal	\$ 1,644.50
Police	\$ 21,890.87
Pressure Sewer	\$ 155,282.50
General Debt Service	\$ 626,325.00
Major Roads	\$ 7,381.02
Local Road	\$ 4,023.50
Rubbish	\$ 17,681.43
Trust & Agency	\$ 10,400.00
Tax Fund	\$ 291,110.75
Waste Water	\$ 1,775.46
<b>ALL FUNDS</b>	<b><u><u>\$1,221,620.60</u></u></b>

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

**Abstain: Morrow**

**Nays: None**

**Motion carried.**

## **VI. PUBLIC REQUESTS AND COMMENTS**

Kochensparger opened the meeting for public comments.

- **Bill Sheppard**, Tudor Lane, is concerned about the trees and the recent numerous interruptions of power. He believes the entire Village needs to address this matter with DTE. Among other things, power outages can be hazardous to Villagers' health, case in point, his wife's breathing problems. Tree trimming between lots should be considered, not merely on the major roadways.
- Kochensparger suggested establishing a "Tree Board" to look into the health of the trees. This would be in conjunction with Franklin being labeled a "Tree City USA", which might possibly be a topic for an upcoming agenda.
- **Fred Gallasch**, Rosemond Dr., commented that taller poles that are above the trees are being installed in his neighborhood.
- Seltzer suggested a DTE representative be asked to the next Council Meeting to hear residents' feedback.
- **Katherine White, MSF Executive Director**, gave details on upcoming and past activities, including, Gem of the Night (9/13), 3- day Small Business Workshop with Scott Day from Urban Development Services, funded by Oakland County (9/2-4), Merchant Mixer (9/17), MSOC introduces a new program within the Main Street program for elected officials, staff and volunteers (10/6), Franklins Frenzy (10/18), Franklin Historic Fund (Main Street Franklin's 501c3 partner) is organizing the Pebble Beach Golf Raffle. She reminded the Council about the Agreement Letter and Extension between the Village and MSF. She provided a Franklin 2020 project update, explaining the change of direction and MSF and the Village's involvement. MSF would still fundraise or donations could be made through the Village. An Ad hoc committee of the Planning Commission would take the lead in this project.

- **Nena Downing**, Bruce Lane, had two (2) items: 1. She requested that a letter be written regarding the status of the Right Of Way Ordinance sent to those residents who had originally received notices that they were in violation noting that there appears to be some confusion. Staran explained that there was a formal resolution adopted suspending enforcement. 2. She voiced her opinions concerning the Historic Franklin Fund, based on responses she received from a gentleman sitting at a “Main Street” exhibit at the Franklin Round Up. She also opined about Main Street Franklin.

## **VII. SPECIAL REPORTS**

### **A. President’s Report**

Kochensparger advised the residents that due to the long power outages the most important thing the residents can do is be prepared. He informed the residents about the pamphlet DTE has written, “Weathering the Storm” and is available at the Franklin Fire Station and FEMA’s website, Ready.gov. He mentioned all the calls made to the Village’s DTE representative, a visit by our local representative, and what he himself did personally to help with the situation.

### **B. Council Report**

Morrow followed up on Kochensparger’s concerns about the power outages and suggested the Village have an Emergency Response Program so that it can provide aid and comfort to Villagers.

### **C. Administrator’s Report**

Creech commented that he has had experience with the loss of power and what some of the solutions were. For the Hazardous Waste Day there was a turnout of 126 cars. He attended one of the MSF presentations with Scott Day, which was informative. He suggested that Council look into changing Council meetings to an earlier start time.

## **VIII. UNFINISHED BUSINESS**

### **A. Report – Franklin Community Center (Kreger House) Rules and Regulations.**

Gordon stated that the Ad Hoc committee (He, John Pulker, and Jim Creech) has been working on the rental agreement application document but it is not ready for presentation. The goal is to have it ready for next meeting. A couple of decisions need to be made: alcohol usage (at the moment the committee has decided to make it alcohol-free) and the request from MSF to use the upstairs for its office.

Kochensparger inquired about any year-long rental. Gordon replied that the committee did not look into that. Their charge was to get the Kreger House up and running as a community facility.

Saenz asked about the Senior group that had been using it.

- **Nena Downing**, Bruce Lane, addressed the issue of the First Friday Seniors Group, organized by Jane Polan and herself. Due to a low turnout, the group has disbanded and there are no plans to use the Kreger House. With reference to the use of alcohol, she informed the Council about Lathrup Village’s procedures.

Seltzer does not object to alcohol, based on what Downing had reported, and is in favor of the usage by MSF.

- **Barry Silverstein**, MSF President, Cheviot Hills, stated that MSF already uses the building for all its meetings. The Executive Director is flexible and, if need be, can vacate the building. He, however, cautioned about the dangerous stairs going to the 2<sup>nd</sup> floor.

Morrow suggested that the issue of occupancy be put on next month's agenda.

Hansen hoped that the committee's recommendations would also include what the office staff needed to manage the building. (Gordon assured her that all through this process office staff management of the building has been on-going). She expressed her hope that the report would also reflect expenses and income. She asked for clarification about rumors concerning an arrangement made between the Village and a specific community group for the use of the Kreger House. She believes that all arrangements between the Village and any community group that is accepting money from the Village should be transparent. Also, she would like the Council members to discuss what the agreement would be.

**John Pulker**, Ponds View, confirmed that whatever she heard is strictly rumor. A discussion concerning the collection of money from Kreger House rentals ensued.

Moenck asked about the Certificate of Occupancy. Creech replied it will be issued on Monday, Sept. 15, 2014. She also questioned the access to the building, locking with keys and/or codes. There is no progress, according to Gordon on the possibility of automated locking. Creech will be looking into that issue.

There was a general discussion concerning the serving of alcohol.

## **IX. NEW BUSINESS**

### **C. Consider Civic Event Permit Application for Main Street Franklin's "Franklinstein Frenzy".**

**Motion by Moenck, seconded by Gordon to approve the Civic Event Permit Application for Main Street Franklin's "Franklinstein Frenzy", as submitted.**

Moenck asked about the word, "denied" on the application. White, Executive Director of MSF, explained the misunderstanding of certain details on the application from the previous year. She has since corrected the length of time Franklin Rd. will be closed and been given the OK by the Police Chief, noting that 30 minutes will suffice for the parade.

**#2014-85 Motion by Morrow, seconded by Seltzer to approve the Civic Event Permit Application for Main Street Franklin's "Franklinstein Frenzy", pending the Police Chief's amendment of the closure of Franklin Rd. for "30 minutes".**

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

**Nays: None**

**Motion carried.**

### **D. Consider Main Street Franklin and Village of Franklin 2014/2015 Letter of Agreement Extension & Amendment.**

**Motion by Seltzer, seconded by Saenz to accept the Main Street Franklin and Village of Franklin 2014/2015 Letter of Agreement Extension & Agreement.**

Creech explained that the contract is for one year (7/1/13-6/30/14) and has expired. This current contract extends it for another year, expiring on June 30, 2015. The terms are the same as the current year which had been agreed upon previously with the amendment of the payment being \$18,000, payable in amounts of \$4,500.00 each quarter.

Gordon questioned the omission of specific payment dates. Creech explained that due to the omission of the 1<sup>st</sup> quarter payment of the 2014-15 contract, there will be an additional payment due at the beginning of the October (2<sup>nd</sup> quarter).

- **Al Beke**, Colony Hill, questioned the Council's consideration of a "legal" document with grammatical errors and omissions in it. He provided specific examples.

Gordon asked Staran if he had reviewed the document and found it appropriate to act on it as submitted. Staran replied that it can be modified if the Council wishes. A discussion ensued.

**#2014-86 Motion by Moenck, seconded by Hansen to accept the Main Street Franklin and Village of Franklin 2014/2015 Letter of Agreement Extension & Agreement, with the inclusions of specific amounts (\$4,500), paid quarterly, beginning with July 1, 2014.**

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

**Nays: None**

**Motion carried.**

**E. Consider Municipal Credit and Community Credit Contract for FY – 2015 between the Village of Franklin and SMART.**

Creech explained that these monies are usually transferred to Birmingham Area Seniors Coordinating Council which provides the transportation services.

**#2014-87 Motion by Gordon, seconded by Seltzer to approve the Municipal Credit and Community Credit Contract for FY-2015 between the Village of Franklin and SMART.**

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

**Nays: None**

**Motion carried.**

**X. RESOLUTIONS/ORDINANCES/PROCLAMATIONS**

**A. Consider an Ordinance to Amend Section 1250.03 (b), Special Approval Uses of Chapter 1250, Single Family Residential Districts, of Part 12 Planning and Zoning Code of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Modify Regulations Relating to Churches (*second reading*).**

**#2014-88 Motion by Seltzer, seconded by Moenck to adopt the Ordinance to Amend Section 1250.03(b), Special Approval Uses of Chapter 1250, Single Family Residential Districts, of Part 12 Planning and Zoning Code of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Modify Regulations Relating to Churches.**

- Hansen asked for clarification. Staran explained that with this, the church, its pre-existing pre-school, and proposed driving school, would now be in compliance. He further

explained the ramifications of the amendment. The next step for the church is to apply for a Special Land-Use Permit for a specific use. Creech reminded the Council that this is a “classroom” situation, not an actual “driving” one.

- **Nena Downing**, Bruce Lane, member and past President of the Administrative Council of the Church, further explained that the church is merely leasing the classroom space to a drivers’ education company.

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

**Nays:** None

**Motion carried.**

- B. Consider an Ordinance to Repeal Section 678.01, Open Burning, and to Repeal Chapter 1610, BOCA National Fire Prevention code, of the Codified Ordinance of the Village of Franklin, Oakland County, Michigan, to Adopt the International Fire Code, 2012 Edition, as the Fire Prevention Code, to Repeal Conflicting Ordinances, and to Prescribe a Penalty for Violations (*first reading*).**

**#2014-89 Motion by Saenz, seconded by Seltzer to accept the first reading of an Ordinance to Repeal Section 678.01, Open Burning, and to Repeal Chapter 1610, BOCA National Fire Prevention code, of the Codified Ordinance of the Village of Franklin, Oakland County, Michigan, to Adopt the International Fire Code, 2012 Edition, as the Fire Prevention Code, to Repeal Conflicting Ordinances, and to Prescribe a Penalty for Violations.**

Kochensparger asked Staran if the new code was more restrictive. Staran explained that there are no substantive changes to “open burning”, only that currently it is a stand-alone Ordinance and should be a part of the Fire Code. The principle change would be an update of the Village’s Fire Code which in some cases was obsolete. The second change of the Fire Code would be to incorporate the minor changes which had been recommended by the Building Official and Fire Chief.

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

**Nays:** None

**Motion carried.**

- C. Consider an Ordinance to Approve the Editing and Inclusion of Certain Ordinances and a Resolution as Parts of the Codified Ordinances (*first reading*).**

**#2014-90 Motion by Saenz, seconded by Moenck to Approve the Editing and Inclusion of Certain Ordinances and a Resolution as Parts of the Codified Ordinances, to waive the second reading, and approve the Ordinance in its first reading.**

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

**Nays:** None

**Motion carried.**

**D. Consider Forest Drive Dedication Resolution.**

**#2014-91 Motion by Morrow, seconded by Seltzer to approve the Forest Drive Dedication Resolution, as follows:**

WHEREAS, there exists a private road, commonly known as Forest Drive, which serves several properties in the Village of Franklin on the south side of 13 Mile Road, west of Telegraph Road; and

WHEAREAS, the owners desire to dedicate and convey Forest Drive, as described in attached Exhibit A, to the Village for public highway purposes, which the Village will hereafter own and maintain.

THEREFORE, it is resolved that the Franklin Village Council, on behalf of the Village of Franklin, accepts deeds from Franklin Forest Homeowners Association, a Michigan non-profit corporation, dedicating and conveying Forest Drive to the Village of Franklin.

IT IS FURTHER RESOLVED, that Forest Drive, as described in attached Exhibit a, is accepted as of this date into the Village's local street system as a public highway for public highway purposes. It is open for public use and under the jurisdiction and control of the Village of Franklin.

IT IS FURTHER RESOLVED, that the Village Clerk and Village Administrator shall record the deeds with the Oakland County Register of Deeds and undertake any other appropriate steps to incorporate Forest Drive into the Village's local street system, including but not limited to furnishing information to the State of Michigan to place Forest Drive into the Village's local street system for purposes of obtaining funds under 1051 PA 51, as amended.

Staran stated that he has received all the necessary legal documentation.

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

**Nays: None**

**Motion carried.**

**XI. ADJOURNMENT**

**Motion by Saenz, seconded by Seltzer 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 8:35 P.M.

Respectfully submitted,

Gail Beke, Recording Secretary

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Eileen H. Pulker, Clerk

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James Kochensparger, President

Attachment A: