

**PROCEEDINGS OF VILLAGE OF FRANKLIN
VILLAGE COUNCIL REGULAR MEETING
THURSDAY, OCTOBER 13, 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 PM at the Franklin Village Hall, Franklin, Michigan.

ROLL CALL

Present: Brian Gordon, Pam Hansen, Jim Kochensparger (left at 8:50 PM), Judy Moenck, Tom Morrow, Ed Saenz, Mike Seltzer

Absent: None

Also Present: Jim Creech, Village Administrator
Chief Dan Roberts, Police Department
Chief Tony Averbuch, Fire Department
Eileen Pulker, Clerk
Lance Vainik, Treasurer
John Staran, Village Attorney

II. ADOPTION OF AGENDA

Kochensparger asked that under **IX. NEW BUSINESS, E. Consider Master Plan** be moved ahead of **A. Consider Membership in TIA**.

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

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

Nays: None

Motion carried.

III. MINUTES

A. Special Meeting, September 11, 2014

Motion by Seltzer, seconded by Hansen to approve the Special Village Council Meeting Minutes for September 11, 2014 as presented.

Moenck corrected last sentence on page 4, by striking the word “temporary” and phrase, “~~until the space is needed~~”. The sentence to read, “*Seltzer does not object to alcohol, based on what Downing had reported, and is in favor of the usage by MSF.*”

Motion by Seltzer, seconded by Hansen to approve the Special Village Council Meeting Minutes for September 11, 2014, as amended.

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

Nays: None

Motion carried.

IV. REPORTS OF VILLAGE OFFICERS AND AGENTS

Dan Roberts, Police Chief, referred to his written report, provided an overview of the submitted monthly report and highlighted that crime in the Village was down this year. The issues are in the commercial properties in Bingham Farms along Telegraph Rd. where daytime larcenies have

occurred in the buildings. The Department has given the property owners and managers several preventative suggestions. In this week's email blast from Clerk Pulker will be some information about a new program from the Oakland County Sheriff's Office, which is a method to drop off old/expired medicines in a lock-box at the Police Department Office during regular business hours. He advised that the hiring of officers has become very challenging even though he had interviewed over 25 candidates, however, a background check will be conducted on one candidate. Lt. Bill Castro, retiree from Franklin, has rejoined the force on a part-time basis, working the night shift.

Hansen commented that today she had received a call from a resident concerning the congestion around 14 Mile and Franklin Roads. She asked for advice about what to tell the Villager. Chief Roberts remarked that in the past Bloomfield Township would pay overtime for an officer to help with Cider Mill traffic at that particular intersection. Chief Roberts said he would address the matter with the owner of the Cider Mill and the Township.

Gordon commented about the numerous "Driving While License Suspended" incidents reported on his report, and Chief Roberts described the police procedures followed in those incidences.

Tony Averbuch, Fire Chief, referred to his written submitted report and stated that now that it is Fall, Commercial Fire Inspections will begin tomorrow.

Lance Vainik, Treasurer, referred to his submitted monthly report and noted that the amounts on the Bills List are consistent with normal monthly spending. The expenditures are generally consistent with the new FY2014-15 budget. It includes a large entry for the Hazardous Waste pickup handled by SQS Environmental. The list provided of account balances is as of October 10, 2014 and held at Level One Bank. The Village has sufficient funds to meet its current and anticipated obligations.

Moenck had questions concerning the Debt Service Fund. Vainik will investigate. Vainik referred to his submitted report on the Franklin Community Center (Kreger House) and addressed the revenues from the Kreger House rentals. He explained that all monies are deposited in the Kreger House Fund and held by the Franklin Historical Society at Main Street Bank. The Council received a Kreger House Financial Report in August.

V. SUBMISSION OF CURRENT BILLS

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

Moenck questioned the inclusion of bills for the Traffic Improvement Association (TIA) membership when the matter has not even been discussed and/or approved by Council.

Kochensparger questioned the two separate bills for Internet Service from Comcast: one for the Village Offices and one for Kreger House.

Discussion ensued concerning the wireless service in the Village Green.

Investigation of redundancies of bills was brought up.

Kochensparger asked about the two bill entries under Major and Local Road to Barrett.

Creech to investigate all inquiries and will reply by next meeting.

Motion by Gordon, seconded by Seltzer to approve the Bill's List as submitted, pending the approval of the TIA.

TOTALS

General Administration	\$	22,162.19
Building	\$	6,844.64
Insurance	\$	42,845.58
Legal	\$	1,288.00
Police	\$	19,225.72
Pressure Sewer	\$	-
General Debt Service	\$	-
Major Roads	\$	7,946.01
Local Road	\$	7,946.00
Rubbish	\$	47,770.13
Trust & Agency	\$	600.00
Tax Fund	\$	99,615.00
Waste Water	\$	565.97
ALL FUNDS	\$	<u>256,809.24</u>

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

Abstain: Morrow

Nays: None

Motion carried.

V. PUBLIC REQUESTS AND COMMENTS

Kochensparger opened the meeting for public comments.

- **Katherine White, Main Street Franklin (MSF) Executive Director**, recapped the activities since the last Council Meeting – Merchant Mixer went well and was productive with the merchants wanting to do some coop advertising in the Nov./Dec. issue of “My Oakland County” magazine; 10/6 Oakland Co. Workshop introduced the new programs which, although not appropriate for Franklin, did clarify the County’s responsibilities to our program; 10/18 is the Franklinstein Frenzy; MSF is always looking for volunteers.
- **Mark Ziessow**, Redfern, complimented Dan’s Tree Service for its work after the storms. He stated that he has been in contact with Detroit Edison regarding the numerous power outages in his area.

VI. SPECIAL REPORTS

A. President’s Report

Kochensparger complimented all the volunteers in the Village: Police, Fire, Planning Commission, and all Village Commission members.

B. Council Report

None

C. Administrator's Report

Creech reported that White (MSF) advised him that there is a recent State Historic Preservation Office (SHPO) grant opportunity which might be appropriate for the improvements of the Broughton House. It is a 40% matching grant, capped at a few hundred thousand dollars and the application deadline is December 5, 2014. Monies need to be spent by July 2016 and it is specifically for a "shovel ready" project.

There was a discussion with regards to this year and next year's budgets. Creech noted that with White's expertise with SHPO and possible help from the engineers the application can be completed.

VIII. UNFINISHED BUSINESS

A. Consider Franklin Community Center (Kreger House) Rules and Regulations. Motion by Moenck, seconded by Seltzer to approve the Franklin Community Center (Kreger House) Rules and Regulations.

Gordon expressed his thoughts concerning the collection of fees, stating that possibly those fees which have been collected by the Historical Society and deposited in Main Street Bank should be moved to the General Fund and entered as a "special line item". Morrow opined that this might be a legal matter and an amendment to the motion is in order.

#2014-92 Motion by Moenck, seconded by Seltzer to approve the Franklin Community Center (Kreger House) Rules and Regulations, contingent that the Kreger House funds are to be held in the Franklin Village Accounts.

Creech reviewed the issues of the Alcohol Policy and the different fees (residents and non-Residents; security/cleaning, application processing fee, cancellation).

Morrow complimented and congratulated not only Gordon and John Pulker for all their hard work on finalizing the process but also all those Villagers who worked hard getting the Kreger House relocated. He suggested that all monies be held in a separate account and the Kreger House Committee could make a group decision as to how the funds would be allocated as a part of the Council's annual budgeting.

Creech confirmed that Clerk Pulker already has a working process for administrative management of the house.

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

Nays: None

Motion carried.

B. Consider Use of Franklin Community Center (Kreger House) for Main Street Franklin Office.

Motion by Seltzer, seconded by Moenck to approve the use of Franklin Community Center (Kreger House) for Main Street Franklin Office in the upstairs space.

Creech referred to a letter from Main Street Franklin to the Village Council requesting the usage of one room upstairs for an office. At this moment there is no formal agreement, but MSF is flexible.

#2014-93 Motion by Seltzer, seconded by Moenck to approve the use of Franklin Community Center (Kreger House) for Main Street Franklin Office in the upstairs space, contingent upon the Administrator negotiating an agreement.

There was discussion of MSF's office being housed in the Kreger House vs. utilizing the available space in the Broughton House and possibly a lease agreement. Gordon noted that he favored utilizing available space at Broughton House for an MS office

(Kochensparger left the meeting at 8:50 PM. Hansen, President Pro Tem, assumed leadership in the absence of the President).

- **Karen Couf-Cohen**, Planning Commissioner, Romsey, was very positive towards the Community Center and hoped that it would house community-oriented organizations and programs.
- **Connie Ettinger**, Planning Commission Chair, River Dr., supported MSF's office being located in the Kreger House as opposed to the Broughton House. She agreed with Seltzer who wanted a decision made at this meeting.
- **Mira Stakhiv**, Crestwood, agreed that MSF needs a permanent office and the community needs a place which would include all community services.
- **Calvin Cupidore**, Planning Commissioner, Rosemond Lane, echoed the theme of creating a facility for the entire Village and its activities. He is in favor of MSF's office being in the Kreger House.

Ayes: Hansen, Moenck, Morrow, Saenz, Seltzer

Absent: Kochensparger

Nays: Gordon

Motion carried.

C. Consider Agreement Between Village of Franklin and Police Officers Association of Michigan (POAM).

D. Consider Agreement Between Village of Franklin and Command Officers Association of Michigan.

Roberts provided a summary of the two sets of contracts (Police Officers and Command Officers) and the processes they have gone through. Legal reviews and changes have been made and the unions have signed off. The only substantive change since Administrative Murphy was here and negotiated the contracts, was taking the Command staff out of the Officers Union and setting up a separate union.

#2014-94 Motion by Morrow, seconded by Seltzer to approve the Agreement between the Village of Franklin and Police Officers Association of Michigan (POAM) and the Agreement Between the Village of Franklin and Command Officers Association of Michigan.

- **Fred Gallasch**, Rosemond Dr., complimented the labor attorney on his work and supported the logic of two separate unions. He encouraged the Council to approve these contracts.

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

Absent: Kochensparger

Nays: None

Motion carried.

IX. NEW BUSINESS

E. Consider Master Plan for Acceptance and Distribution and Comment.

Connie Ettinger, Planning Commission Chair, introduced those members of the Planning Commission who were in attendance – Calvin Cupidore, Karen Couf-Cohen, Bill Sheppard, Pete Halick – and Laura Haw, consultant from McKenna Associates. She provided a power point presentation on the draft of the 2015 Master Plan and its importance to Franklin. She explained the process of how the Commission brought this document to fruition and Council's role in its acceptance.

#2014-95 Motion by Morrow, seconded by Seltzer to receive the 2015 Master Plan for distribution and comments.

Gordon complimented the Planning Commission on its monumental job. Seltzer echoed the sentiment. Morrow commented on the tremendous document which was very precise and comprehensive. He also mentioned that the proposed October version of the document is available on the Village website.

Ettinger complimented and thanked all those involved, especially those stakeholders who gave of their time, input, expertise and information and helped in the process.

Saenz asked about the process the Planning Commission went through to achieve agreements on issues. Ettinger summarized it.

Moenck voiced her favorable opinions and challenged the Council to find the money to follow through with the Master Plan recommendations.

Hansen asked Ettinger to explain the next steps in the approval process. Laura Haw, Consultant, McKenna Associates, outlined the timeline with possible adoption by the Council in early 2015.

- **Calvin Cupidore**, Planning Commission member, praised Ettinger on her leadership.
- **Fred Gallasch**, Rosemond Dr., voiced his support of the plan and recommended it be sent on and subsequently executed by the Council.

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

Absent: Kochensparger

Nays: None

Motion carried.

A. Consider Membership in Traffic Improvement Association (TIA).

Creech explained what the TIA is and what benefits the Village would receive being a member. The emphasis would be a study of the traffic control and directional signs in the Right of Way, initially in the downtown area, then expand to the rest of the Village.

#2014-96 Motion by Morrow, seconded by Saenz to approve the Membership in Traffic Improvement Association (TIA) for \$800, as submitted.

Chief Roberts has given his support. Morrow pointed out that improving signage and reducing the clutter is one of the recommendations contained in the Master Plan.

Gordon clarified that the fee of \$800 is for a partial year and the annual dues will increase to \$1200. Moenck asked if this would replace any other expenses that the Village is currently incurring, such as engineering, or would it be additional. Creech replied that nothing in the budget could be eliminated as a result of adopting membership in TIA.

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

Absent: Kochensparger

Nays: None

Motion carried.

B. Consider Traffic Control Order for Forest Drive.

C. Consider Traffic Control Order for Romany Way.

Chief Roberts, as the Village Traffic Engineer, explained that the Order for Forest Dr. is to post "No Parking" signs at the end of the cul-de-sac so that fire trucks and other emergency vehicles are able to get through, which is a public safety issue. With regard to Romany Way, the Order rescinded a previous Order authorizing a "Stop" sign on westbound Romany Way as it exits onto Bowden Lane. Romany Way, going east at Bowden Lane, is actually private property and not a Village road. State of Michigan regulations state that when exiting private property one has to stop, thus, the "Stop" sign is unnecessary.

#2014-97 Motion by Morrow, seconded by Moenck to authorize the Police Dept. to place "No Parking" signs near the cul-de-sac at the end of the Forest Dr. and to rescind the Order authorizing the "Stop" sign on the westbound Romany Way at Bowden Lane.

Gordon clarified that this was strictly an administrative matter since the "Stop" sign on Romany Way had never been placed. Hansen inquired if residents on Forest Dr. needed to be informed of the changes. Chief Roberts answered in the negative.

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

Absent: Kochensparger

Nays: None

Motion carried.

D. Consider Application for Special Use Approval at 26425 Wellington (Franklin

Community Church).

Staran explained that previously an item had been before the Council to approve the Zoning Ordinance amendment authorizing this type of use. Since that time the Planning Commission has held a Public Hearing and has recommended the Council approve the Special Land Use as provided.

#2014-98 Motion by Seltzer, seconded by Moenck to approve the Special Use Permit at 26425 Wellington (Franklin Community Church).

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

Absent: Kochensparger

Nays: None

Motion carried.

F. Consider Bids/Contract for Snow Removal Services.

Creech explained the process he went through before presenting the contract. His recommendation is to reject the three (3) bids which had been presented to Council and enter into a contract with Johnson Landscaping for an additional year. He stated that the contract is a renewal with other conditions.

Morrow expressed his concerns with last years' service but was confident that the company will address and rectify those.

Jerry Johnson, Johnson Landscaping, addressed the Council, stating that he and the Village Administrator have had meetings to discuss the issues and he plans to provide the Village with high quality comprehensive services.

- **Bill Sheppard**, Tudor Lane, cautioned the plowing near the mailboxes as the Post Office might refuse to deliver the mail if they are inaccessible.
- Gordon mentioned that individual personal contractors also need to be accountable.
- **Mira Stakhiv**, Crestwood, expressed her concern that, if not plowed correctly, Crestwood going up the hill to 13 Mile can be very dangerous as was the case last year. She asked if the winter is the same or worse this year is there a maximum financial cap.

#2014-99 Motion by Seltzer, seconded by Morrow to accept the Contract with Johnson Landscaping, Inc. for Snow Removal Services.

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

Absent: Kochensparger

Nays: None

Motion carried.

G. Consider Approval of Title VI Non-Discrimination Plan.

Motion by Moenck, seconded by Seltzer to approve the Title VI Non-Discrimination Plan.

Creech reviewed the revised document, highlighting the section of the chapter on “Limited English Proficiency (LEP).

- **Mira Stakhiv**, Crestwood, pointed out the typo on page 8 and the need to correct spelling of a name.

#2014-100 Motion by Moenck, seconded by Seltzer to approve the Title VI Non-Discrimination Plan with the typographical correction on Page 8, as amended.

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

Absent: Kochensparger

Nays: None

Motion carried.

H. Consider Rule Change to Change Village Council Regular Meeting Start Time.

#2014-101 Motion by Morrow, seconded by Saenz to accept the rule change to change Village Council Regular Meeting Start Time to 7 PM, effective January 2015.

There was a general discussion on the subject. Staran explained the legal process involved with the changing of the time. There is a two meeting process to amend the rules and this will serve as the official notice. Next meeting the Council will formally adopt the time change and it will be put into effect January 2015.

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

Absent: Kochensparger

Nays: None

Motion carried.

X. RESOLUTIONS/ORDINANCES/PROCLAMATIONS

- A. 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 of the Village, to Move and Add Open Burning Regulations to the Fire Prevention Code, to Repeal Conflicting Ordinances, and to Prescribe a Penalty for Violations (*second reading*)**

#2014-102 Motion by Seltzer, seconded by Moenck to accept the second 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.

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

Absent: Kochensparger

Nays: None

Motion carried.

XI. ADJOURNMENT

Motion by Saenz, seconded by Seltzer to adjourn the meeting.

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

Absent: Kochensparger

Nays: None

Motion carried.

There being no further business, the meeting adjourned at 10:00 P.M.

Respectfully submitted,

Gail Beke, Recording Secretary

Eileen H. Pulker, Clerk

James Kochensparger, President