

**PROCEEDINGS OF VILLAGE OF FRANKLIN  
VILLAGE COUNCIL REGULAR MEETING  
MONDAY, FEBRUARY 10, 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 Pro Tem, Pam Hansen, at 8:00 P.M. at the Franklin Village Hall, Franklin, Michigan.

**ROLL CALL**

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

**II. ADOPTION OF AGENDA**

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

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

**III. MINUTES**

**A. Special Meeting, January 7, 2014**

**Motion by Moenck seconded by Saenz to approve the Special Village Council Meeting Minutes for the January 7, 2014 Special Meeting as presented.**

Clerk Pulker was advised to correct typographical errors.

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

**B. Special Meeting, January 13, 2014**

**Motion by Morrow seconded by Saenz to approve the Special Village Council Meeting Minutes for the January 13, 2014 Special Meeting as presented.**

Clerk Pulker was advised to correct the omission of Saenz as being absent but not included in all the motions.

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

**C. Regular Meeting, January 13, 2014**

**Motion by Gordon seconded by Morrow to approve the Regular Village Council Meeting Minutes for the January 13, 2014, Regular Meeting as presented.**

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

**Nays: None**  
**Motion carried.**

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

**Daniel Roberts, Police Chief**, referred to and provided an overview of the submitted monthly report and noted that January was a very quiet month in terms of crime though traffic accidents were at an increase averaging a little over one per day (four of which were injury accidents). Regarding personnel matters, Roberts noted that the department is in a hiring phase due to vacancies on the force and retirements. Interviews and further background checks on several candidates are on-going. Roberts reported that the building reconstruction of the station started today and should be complete in a week or so.

With regards to the snowplowing, Morrow questioned if officers were reporting back about the conditions of the streets. Roberts answered in the affirmative and explained that the department is authorized to call for additional salt and plowing for certain areas and such requests are noted in the officers' daily log.

**Tony Averbuch, Fire Chief**, referred to his submitted written report and noted that January was the busiest month they have had with a record 58 runs, excluding times there was a snowstorm or windstorm. They did have problems in regards to unplowed driveways and walkways, thus increasing response times. Communications regarding these issues were disseminated to the Village residents, via Clerk Pulker's village-wide email blast.

**Mira Stakhiv, Village Representative to the Cable Board**, brought news that at its Jan. 15, 2014 meeting the Cable Board approved an Administrative Grant to the Village for \$46,275.85. The grant represents unspent franchise fees and savings generated by the Board in keeping operating expenses at the lowest level. The Grant does not include public, educational or governmental (PEG) fees as they are restrictive funds. Funds from the grant are unrestricted. Next month (March 10, 2014) Elaine McClain and the Executive Director, Cathy White will be at the VC meeting and provide the audit and annual report. Responding to Gordon's inquiry, she said that the unrestricted funds can go into the General Fund.

**Lance Vainik, Treasurer**, referred to his submitted monthly report, noted the Bill's List includes a large entry for the \$17,123.60 for local and major road salting (Nov. 28, 2013-Jan. 23, 2014), and the list of account balances is as of February 6, 2014 held at Level One Bank. There was a discussion concerning the budgeted amount for salt.

**William Dwyer, Oakland County Commissioner**, reported that County Executive L. Brooks Patterson's upcoming State of the County message will be a positive one, announced that the county is hiring, and the Board has budgeted \$200,000 to fund a program, "Buy Local". Marcia Gershenson and he issued a report on gun violence in Oakland County and have engaged Diana Lewis, former channel 7 anchor, to record 2 public service messages concerning gun safety. They have also introduced a resolution for increased state funding for school safety. He also noted that he has spoken with the Road Commission about the Village's concerns.

**Barry Silverstein, Chairman of the Board of Directors, Main Street Franklin**, reported that it had received an excellent evaluation from Oakland County last week, hired a new Executive Director, Katherine Kirby who will start Feb. 18, 2014, and reminded the Council that the third and last meeting of the Small Town Design Initiative program will be on Feb. 18, 2014, 7 PM at the Franklin Community Church.

#### **V. SUBMISSION OF CURRENT BILLS**

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

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

**Abstain:      Morrow**  
**Nays:         None**  
**Motion carried.**

**TOTALS**

General Administration	\$	16,250.73
Building	\$	4,622.82
Insurance	\$	36,328.98
Legal	\$	2,000.00
Police	\$	17,793.56
Pressure Sewer	\$	-
General Debt Service	\$	-
Major Roads	\$	24,717.92
Local Road	\$	24,717.92
Rubbish	\$	17,316.30
Trust & Agency	\$	400.00
Tax Fund	\$	1,019.18
Waste Water	\$	73.28
<b>ALL FUNDS</b>	<b>\$</b>	<b>145,240.69</b>

**VI. PUBLIC REQUESTS AND COMMENTS**

Hansen opened the meeting for public comments.

- Fred Gallasch, Rosemond Dr., questioned the entry on the Summary Budget Report under WasteWater Revenue for a \$7,350 transfer from General Fund. Sullivan explained that there was not enough revenue generated from the Septic Operating permits.
- Mira Stakhiv, Crestwood, had comments concerning the unacceptable snow removal and how it affects, among other things, the efficiency of Mobile Watch. She asked Sullivan about the terms and dollar amount of the current contract. Stakhiv directed her questions to Silverstein about the locations, times, and subject matter of MSF meetings. She had several suggestions to alleviate such questions. Gordon suggested that MSF review this and other issues and report back to the community.

**VII. SPECIAL REPORTS**

• **President's Report**

None

• **Council Report**

None

• **Administrator's Report**

Sullivan said that the Village's expenditures are on budget at about 51% for 6 months, with revenue at 77%.

**VIII. NEW BUSINESS**

**A. Consider Road Right of Way ("ROW") Obstruction Appeals**

Hansen stated that in recent months the Council has held the ROW appeals at special Council meetings held before the regular monthly Council meetings and beginning with this month, the Council decided to incorporate those appeals into the regular monthly meeting. Hansen explained

the procedures that the Village Council adheres to when hearing the Right Of Way Appeals. Saenz expressed the Council's concern with the public safety and the impetus of the Ordinance.

**Jerry and Terri Chapman**, 32877 Romsey Rd., referred to the letter Mr. Chapman sent to the Council Members, dated August 5, 2013, stressing the protection the rocks provide for the sprinkler system and heads.

Staran explained the Ordinance, emphasizing that it refers to man-made obstructions and the appeal process.

**#2014-07 Motion by Moenck seconded by Gordon to deny the request for a variance to the Road ROW Ordinance for 32877 Romsey Rd. The deadline for compliance is June 15, 2014.**

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

**Absent: Kochensparger, Seltzer**

**Nays: Morrow**

**Motion carried.**

**Van and Lori Conway**, 32845 Whatley Road, stated that they have a similar issue as the previous resident. Mr. Conway questioned the legitimacy and logic of the Ordinance.

**#2014-08 Motion by Gordon seconded by Moenck to deny the request for a variance to the Road ROW Ordinance for 32845 Whatley Road. The deadline for compliance is June 15, 2014.**

Gordon re-iterated the purpose of the Ordinance. Moenck stressed that the standard and adherence to the Ordinance is Village-wide.

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

**Absent: Kochensparger, Seltzer**

**Nays: Morrow**

**Motion carried.**

**Robinette A. Fiott**, 26710 Irving, was not present and will be re-scheduled, at her request.

**Robert and Lori Nusbaum**, 26580 Scenic Drive, referred to their letter sent to the Council, dated January 28, 2014.

**#2014-09 Motion by Gordon seconded by Moenck to deny the request for a variance to the Road ROW Ordinance for 26580 Scenic Dr. The deadline for compliance is June 15, 2014.**

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

**Absent: Kochensparger, Seltzer**

**Nays: Morrow**

**Motion carried.**

**B. Consider Appointment of Interim Village Administrator**

Sullivan provided a brief background on the search. Based on certain criteria and credentials, she and the personnel committee recommend the appointment of David Murphy, former city manager of South Lyon.

Moenck, a member of the personnel committee, re-iterated and gave more detail of the process the committee followed in coming to its decision. She explained that Murphy is fully aware that a full search would begin to find candidates for a permanent Administrator and that he would be employed under the same contract format that Sullivan was in August, 2010 when she was hired as Interim Administrator. Moenck detailed said contract.

**Motion by Morrow seconded by Saenz to authorize President Kochensparger to enter into an Independent Contract Agreement with David Murphy, as the Interim Village Administrator, on the same terms as those used in 2010 with Sullivan based upon the recommendation of the Personnel Committee .**

Morrow and Gordon praised the Personnel Committee and its efforts to searching for the appropriate candidate for the job of Interim Administrator and, ultimately, the permanent Village Administrator. After spending several days shadowing Sullivan, Murphy would assume the position as Interim Administrator Tuesday, Feb. 18, 2014.

Discussion ensued concerning the aspects of independent contractor vs. temporary employee. Staran provided his legal opinion on the subject.

**#2014-10 Motion amended by Morrow seconded by Saenz to authorize President Kochensparger to enter into an Independent Contract Agreement with David Murphy, as the Interim Village Administrator, on the same terms as those used in 2010 with Sullivan, based on the recommendation of the Personnel Committee and pending a background investigation conducted by the Police Department.**

- Fred Gallasch, Rosemond Dr., corrected Moenck's statement that during the previous transition search Council performed certain administrative duties. He was on Council during that time and her statement was incorrect.
- Mira Stakhiv, Crestwood, agreed with Gordon's assessment of Independent Contractor vs. Consultant vs. Temporary Employee.

David Murphy addressed the Council concerning events leading up to his termination as City Manager of South Lyon and also provided his educational and occupational qualifications.

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

**Absent: Kochensparger, Seltzer**

**Nays: None**

**Motion carried.**

- Jane Polan, Franklin Community Association (FCA) President, complimented Sullivan on her responsiveness to personal and community needs.

**C. Consider Potential Agreement with Michigan Municipal League ("MML") for a New Administrator Search**

Sullivan referred to her memo to Council, dated 1/27/2014 about the search. After receiving 3 proposals for the executive search, the Personnel Committee and she chose Michigan Municipal League (MML) to conduct such a search.

**Motion by Morrow seconded by Gordon to authorize President Kochensparger to enter into a contract with Michigan Municipal League (MML) to conduct a search and appropriate \$7,280 from the General Fund to pay for said search.**

Kathy Grinzienger, MML Lead Recruiter, gave an overview of its Executive Search Services Proposal for a Village Administrator. Grinzienger presented the Council Members with handouts entitled, Executive Search Presentation and Executive Search Services Proposal, January, 2014. She outlined the steps she would follow in the search process. She explained the Project Fees and Expenses and what that aforementioned \$7,280 fee would include. Methodology of the interviewing was discussed.

- Mira Stakhiv, Crestwood, inquired about the Personality testing and had questions about travel expenses.

- Pulker confirmed that there were additional fees charged the last time the Village used MML.

**#2014-11 Motion amended by Morrow seconded by Gordon to authorize President Kochensparger to enter into a contract with Michigan Municipal League (MML) to conduct a search and appropriate monies which would not exceed 110% of \$7,280 from the General Fund to pay for said search.**

Discussion about open meeting interviews vs. closed meeting interviews ensued.

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

**Absent: Kochensparger, Seltzer**

**Nays: None**

**Motion carried.**

**D. Consider Demolition Application for the property located at 27217 Gardenway**

Sullivan provided background concerning this property and the next procedures, as noted in her memo dated Jan. 27, 2014. She referred the Council to the packet containing pertinent documents.

**#2014-12 Motion by Moenck seconded by Saenz to approve the demolition at 27217 Gardenway, contingent upon evidence to the Building Department that the utilities have been disconnected and a letter from the closing transaction showing that the new owner has no mortgage on the property.**

There was a discussion about the Tree Ordinance and its relevance to this situation.

- Fred Gallasch, Rosemond Dr., inquired if Ludwig (the buyer of the property) paid for the tree survey and not by the Village, to which Sullivan replied yes, and as such the Building Dept. and Village Arborist will be involved to verify the accuracy of the information provided.

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

**Absent: Kochensparger, Seltzer**

**Nays: None**

**Motion carried.**

**E. Consider Fire Deficit Elimination Plan**

Sullivan explained that the Village is required by the State of Michigan to file a plan with the Treasury Dept. when one of the Village's funds is in a deficit position. Referencing her memo, dated Jan. 16, 2014, the State of Michigan requires a formal resolution by Council itemizing the 2013-14 budgeted revenues and expenditures as assurance that the deficit will be eliminated.

**#2014-13 Motion by Morrow supported by Gordon to adopt the following Resolution as the required Deficit Elimination Plan.**

**RESOLUTION**

**WHEREAS**, the Village of Franklin Fire Fund has a \$9,312 deficit fund balance on June 30, 2013; and

**WHEREAS**, Act 140 of the Public Acts of 1971 requires that a Deficit Elimination Plan be formulated by the local unit of government and filed with the Michigan Department of Treasury.

**NOW THEREFORE, IT IS RESOLVED**, that the Franklin Village Council adopts the following as the Village of Franklin Fire Fund Deficit Elimination Plan:

	<b>FY 2013-2014</b>
<b>Fund Balance (Deficit)</b>	<b>(\$9,310)</b>

<b>As of June 30, 2013</b>	
<b>Revenues</b>	<b>\$371,597</b>
<b>Property Taxes</b>	
<b>Expenditures</b>	
<b>Fire contract</b>	<b>\$336,614</b>
<b>Fund Balance</b>	
<b>As of June 30, 2014</b>	<b>\$25,673</b>

**BE IT FURTHER RESOLVED** that the Village of Franklin Village Clerk submits the Deficit Elimination Plan to the Michigan Department of Treasury for certification.

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

**Nays: NONE**

**Absent: Seltzer, Kochensparger**

**Motion carried.**

**F. Consider 1 (one) Year Extension of DPW Contracts**

Sullivan gave a brief background for the contracts for tree removal, snow removal, grass cutting, and DPW road maintenance all of which will expire on June 30, 2014 and her recommendation that extensions be approved. In her memo, dated Jan. 17, 2014, she stated that all contractors have agreed to hold their prices for the additional year.

**#2014-14 Motion by Morrow seconded by Moenck to extension the contracts for tree removal, grass cutting, and DPW road maintenance for one additional year, until June 30 2015.**

Morrow explained his reason for not including the snow removal contract noting that some Villagers have had issues with the snow removal this year and he is of the opinion that part of the problem is the contract itself. In light of this, he believes that it should be put out to bid.

Gordon asked Sullivan for an explanation of the road maintenance and about the procedures for road maintenance.

- Mark Ziessow, Redfern, agreed with Morrow regarding snow removal and complimented Sullivan on her work as Village Administrator.
- Fred Gallasch, Rosemond Dr., agreed that snow removal has been lacking this season and asked for affirmation that the DPW contractor is still supposed to fill pot holes which has not been done well this year. He agrees that a new contract is needed.

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

**Absent: Kochensparger, Seltzer**

**Nays: None**

**Motion carried.**

**G. Consider an Amendment to Set Fee for Right-Of-Way (ROW) permits**

Sullivan explained that this would bring the Village fee schedule in accordance with the Metro Act which has a maximum of \$500 ROW application fee and a \$3,000 or \$10,000 refundable cash or surety bond. As per her memo, Feb. 3, 2014, she is requesting that such fees be added to the Application for ROW.

**#2014-15 Motion by Morrow seconded by Moenck that the Village adopt the following fees for ROW Permits: ROW Permit Application-\$500.00 (non-refundable) and ROW Refundable cash bond-\$3,000 or an amount determined by the Village Engineer.**

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

**Absent: Kochensparger, Seltzer**

**Nays: None**

**Motion carried.**

## **IX. UNFINISHED BUSINESS**

### **A. Consider Franklin Community Center (Kreger) Transfer of Operation to Village Staff**

Sullivan summarized her memo of Feb. 5, 2014 about the transfer of operation from the Kreger Team to the Village administrative staff. She stated that based upon the Council discussion at last week's Workshop she also made a list of areas that she indicated needed to be addressed to ensure a successful transfer and an appropriate resolution for the Council to consider.

**Motion by Gordon seconded by Moenck to approve the immediate transfer of day-to-day operations of the Kreger House to the Village administrative staff and appoint a temporary work committee to make recommendations to the Village Council on the outstanding policy decisions and to work with staff to create a viable plan of operation.**

Hansen provided some background of the Kreger Team and complimented it on its involvement and hard work. She spoke to the essence of the discussions at last week's Council Workshop and the future of the Kreger House. She felt that the discussions were very productive.

Gordon asked John Pulker, Representative of the Kreger Team, to clarify some financial issues and the temporary Certificate of Occupancy that it currently has.

- Jane Polan, FCA President, thanked the Kreger Team and expressed her approval that the Team, along with the Village, oversee the future operations of the House
- Nena Downing, Bruce Lane, supported Jane Polan's eloquent words. She is of the opinion that more details need to be explored and ironed out before any action is taken.

Gordon stated that according to the Workshop discussions the Council has no intention of "taking over" the Kreger House but instead wants to be pro-active.

Hansen suggested that a committee be established consisting of: 1 member of the Council, 1 member of the Kreger Team, and 1 administrative staff member, to resolve the transition details.

Fred Gallasch, Rosemond Dr., mentioned that some points that were made at last week's Workshop but not mentioned tonight: 1. A Trustee who is not present at tonight's meeting made an emphatic conclusion that if we can't find enough uses for the house it should be "mothballed" (Trustee's terms). 2. In a letter from Amy last week, she suggested hiring a part-time person to manage the House.

John Pulker, Kreger House Representative, emphasized that the Kreger Team is in agreement that the guidelines and process needs to be defined and some sort of committee is needed to accomplish these. The decision of whether to postpone a determination until after another Workshop or move forward tonight is up to the Council. The same goal is shared by all; let's just make it work.

Discussions ensued as to whether a decision should/could be made tonight and who should be on the committee?

Hansen proposed that the committee consist of John Pulker (Kreger Team), Brian Gordon (Council), and Village Administrator (Office staff member) and add more people if the committee sees fit.

Barry Silverstein, Cheviot Hills, would like the Kreger Team to write down what it wants and then proceed from there.

Judy Meade, Captains Lane, commends the Kreger Team and for what they have accomplished. She is in charge of the Cemetery Association and has held meetings in the House and has heard several inquiries about using the house for functions, so the sooner this can be accomplished the better. She also stated that she supports the Kreger Team involvement on the committee.

**#2014-16 Motion amended by Gordon seconded by Moenck to approve the immediate transfer of day-to-day operations of the Kreger House to the Village administrative staff and appoint a temporary work committee, consisting of a member of the Kreger Team (John Pulker), a member of the Village Council (Brian Gordon), and an Office staff member (Village Administrator), to make recommendations to the Village Council on the outstanding policy decisions and to work with staff to create a viable plan of operation.**

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

#### **X. RESOLUTIONS/ORDINANCES/PROCLAMATIONS**

- A. Consider an Ordinance to Amend Chapter 1462, Dumping and Soil Removal, of Part Fourteen, Title Six of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Modify Dumping and Soil Removal Regulations, Repeal Conflicting Ordinances, and Prescribe a Penalty for Violations (*second reading*)**

Sullivan explained that the revision is to streamline the permitting process and remove unnecessary regulations where there is no cause for concern.

**#2014-17 Motion by Morrow seconded by Moenck to approve in second reading an amendment to Chapter 1462, Dumping and Soil Removal, of Part Fourteen, Title Six of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Modify Dumping and Soil Removal Regulations, Repeal Conflicting Ordinances, and Prescribe a penalty for Violations, as submitted.**

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

- B. Consider an Ordinance to Amend Chapter 1464, Flood Hazard Areas, of Part Fourteen, Title Six, of the Codified Ordinances of the Village of Franklin, to Amend All Chapters, Repeal Conflicting Ordinances, and Prescribe a Penalty for Violations (*first reading*)**

**#2014-18 Motion by Morrow, seconded by Gordon to approve in first reading an amendment to Chapter 1464, Flood hazard Areas, of Part Fourteen, Title Six 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.**

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

Pam Hansen thanked Amy Sullivan for being a wonderful Administrator adding that it has been a joy to work with her. Personally, she will miss her, and the Village will miss her a great deal, and wished her good luck in her new position in Huntington Woods.

**XI. ADJOURNMENT**

**Motion by Moenck seconded by Saenz to adjourn the meeting.**

**Ayes: Gordon, Hansen, Moenck, Morrow**

**Absent: Kochensparger, Seltzer**

**Nays: None**

**Motion carried.**

There being no further business, the meeting adjourned at 11:00 P.M.

Respectfully submitted,

Gail Beke, Recording Secretary

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Eileen H. Pulker, Clerk

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Pamela Hansen, President Pro Tem