

**VILLAGE OF FRANKLIN
VILLAGE COUNCIL REGULAR MEETING
MONDAY, FEBRUARY 12, 2018, 7 PM
FRANKLIN VILLAGE HALL – BROUGHTON HOUSE
32325 FRANKLIN ROAD, FRANKLIN, MICHIGAN 48025**

I. CALL TO ORDER

The meeting was called to order by President Pam Hansen, at 7:00 PM at the Franklin Village Hall, Franklin, Michigan.

II. ROLL CALL

Present: Fred Gallasch, Pam Hansen, Judy Moenck, Tom Morrow, Mira Stakhiv
Absent: Brian Gordon (excused), Mike Seltzer (excused)
Also Present: Jim Creech, Village Administrator
Chief Dan Roberts, Police Department
Chief Tony Averbuch, Fire Department
Eileen Pulker, Village Clerk
Lance Vainik, Village Treasurer
John Staran, Village Attorney

III. ADOPTION OF AGENDA

Motion by Morrow, seconded by Moenck to adopt the agenda, as presented.

Ayes: Gallasch, Hansen, Moenck, Morrow, Stakhiv
Nays: None
Absent: Gordon, Seltzer
Motion carried.

IV. MINUTES

A. Special Meeting of January 8, 2018

Motion by Morrow, seconded by Stakhiv to approve the Special Meeting Minutes for January 8, 2018 as presented.

Moenck requested that on page 3, 3rd sentence, "Cadillac has already submitted...hold that price." be struck. Pulker will recheck the tape, and make possible correction (s).

Ayes: Gallasch, Hansen, Moenck, Morrow, Stakhiv
Nays: None
Absent: Gordon, Seltzer
Motion carried.

B. Regular Meeting of January 8, 2018

Motion by Morrow, seconded by Moenck to approve the Regular Meeting Minutes for January 8, 2018 as presented.

Ayes: Gallasch, Hansen, Moenck, Morrow, Stakhiv
Nays: None
Absent: Gordon, Seltzer
Motion carried.

V. REPORTS OF VILLAGE OFFICERS AND AGENTS

Tony Averbuch, Fire Chief, referred to his written report and added one item: The FEMA grant was nearing completion which the Department was awarded in the fall. This was an Assistance to Firefighters Grant earmarked for a project of “breathing air” and he briefed Council on its specifics, including it being a 95% federal share-5% local share grant. The Department covered its share with its existing budget money. Moenck questioned the slight increase in the Annual Average Response Time. Averbuch responded that this was due to the changes in dispatch methods and liability and gave examples. He further explained a policy which he put in place governing the routes which should not “cross a red light at Franklin Road, 13 Mile Road and Telegraph Road.”

Dan Roberts, Police Chief, referred to his written report and said there was not much to report from a crime perspective. Regarding personnel, he noted that they had hired a new part-time police clerk who started a few weeks ago; she was currently in training. The department has lost another part-time officer and now has openings for two (2) part-time officers and the jobs would be posted this week. Chief explained that it has become difficult to recruit and retain part-time officers in Franklin, as well as nationwide. The option of hiring one (1) full time officer vs. four (4) part-time officers was discussed. He also raised the subject of the police officer’s contracts being up this year which would be discussed at a future date adding that his might be a good time to evaluate the issue of full time vs. part-time officers.

Lance Vainik, Treasurer, referred to his monthly report and noted that the amounts on the Bills List are consistent with normal monthly spending for a total of \$570,306.12. Vainik stated that the expenditures are generally consistent with the FY 2017-18 Budget. The Bills List for this month includes a large entry for Paving Services for the Franklin Road Project, payable to Cadillac Asphalt LLC. Vainik added that the list provided of account balances, at Level One Bank, is as of February 7, 2018. He concluded by stating that the Village has sufficient funds to meet its current and anticipated obligations. Vainik also stated that there were reports dated January 31, 2018 from Multi-Bank Securities regarding the income balances from the interest bearing CD’s and money market funds. Morrow requested a consolidated report showing the total Major and Local Road Funds be included in the Council packet to which Vainik replied that he would do so.

VI. SUBMISSION OF CURRENT BILLS

Motion by Morrow, seconded by Stakhiv to approve the Bill’s List, as submitted.

Gallasch inquired about the multiple entries for the auditing firm PSLZ LLP under the same Department. He also questioned what determined how much would be allocated to each department. Creech explained the method. Gallasch pointed out the discrepancies in the totals. Creech will report back to the Council with the answers. Gallasch expressed his frustrations about the new accounting computer system which was supposed to make things easier and better.

Hansen suggested that the current report not be called a “CHECK RUN”. Morrow requested that an actual “Check Run” be provided as backup in addition to the document which had been provided Council. Morrow reminded Council that it should be approving the actual “Check Run”, as was done in the past. Creech agreed.

Moenck pointed out that those funds which were reimbursed had not been indicated with an asterisk (*) as in the past.

Hansen questioned if there was anything to approve at this meeting to which Creech replied that the bills need to be paid.

TOTALS		
General Administration		\$ 14,101.20
Building		\$ 11,380.47
Insurance		
Legal		\$ 1,370.00
Police		\$ 61,740.57
2017-2018 Road Project Bond Fund		
2017-2018 Road Project Fund		\$451,851.48
Major Roads		\$ 12,687.34
Local Roads		\$ 12,831.51
Rubbish		\$ 14,828.90
Pressure Sewer		\$ 1,441.74
Waste Water		\$ 2,540.32
Trust & Agency bond refunds		\$ 7,100.00
Gen Debt		\$ 450.00
Tax Fund – Tribunal refund		\$ 2,288.59
ALL FUNDS		\$594,612.20

Ayes: Gallasch, Hansen, Moenck, Morrow, Stakhiv

Nays: None

Absent: Gordon, Seltzer

Motion carried.

VII. PUBLIC REQUESTS AND COMMENTS

None

VIII. SPECIAL REPORTS

A. President's Report

Hansen mentioned that those Villagers who had signed up to receive the Clerk's weekly email probably had noticed the format change. She noted that it was much easier to navigate and one of the new features was the "opt in" or "opt out" of being on the mailing list. She strongly recommended residents to "opt in" so as to stay in touch with the Village and its many activities which was one of the Village's goals. She was very complimentary of the Clerk's efforts.

Hansen had comments about the recent snow days from the perspective of the road plowing which she said had gone fairly well. She had some pointers which would make the job for the snow plowers and encouraged residents to thank those police officers and road crew who had gone above and beyond their jobs. She even suggested calling or writing a note to the office or writing it on Next Door Franklin. Morrow followed up by recognizing the Village for doing a much better job this year. Stakhiv supported those comments. Moenck reminded residents about

the acceptable responsibilities of their personal plowers. She also asked Creech for an update on the situation concerning a resident and a nearby culvert. Creech stated that it would be best addressed in conjunction with the road project and that he had been in contact with the resident about this.

B. Council Report

Stakhiv presented a report from the Personnel Committee which consists of herself, Judy Moenck, and Mike Seltzer who is out of town. They have reached out to Seltzer with their findings. Stakhiv presented the committee's official proposal to Council on how to best approach a Human Resource Audit. This time they would like to concentrate on a Function Specific Audit. This report would concentrate on those jobs which had not been looked at in the last 10 years or more. She identified the different areas to be reviewed and updated: Job Analysis and Descriptions, Sound Performance Appraisal Systems for annual reviews, and review Compensation for all those jobs. She also identified different objectives and results. Most importantly, she supported the concept that Council should be committed to act on the recommendations presented by this Audit. This Audit could be performed in-house; however Council might want to consider using an outside consultant. The Personnel Committee was seeking input from Council on this decision. It was estimated that an outside consultant might cost \$8,000 to \$10,000 for the four (4) Village Hall positions.

Discussion ensued regarding specific details of the Audit and enlisting an outside consultant vs. in-house to perform it. Morrow noted that the cost for a consultant was not in the budget for this year and he was against a \$10,000 overspend in this year's budget, as there already was one for the snowplowing, which was necessary for public safety.

Hansen supported Stakhiv's question of whether Council would treat the committee as credibly as an outside consultant. Gallasch mentioned the outstanding job Stakhiv had done in researching and evaluating the Police Chief's salary and, therefore, had no objection to the committee handling the audit. Hansen offered Stakhiv the option of making the consultant available for certain issues, if needed.

Based on his past experience, Gallasch volunteered to help with the audit process.

Stakhiv's impression was that Council had given the committee support to begin an in-house audit.

Gallasch had questions for Staran regarding "Performance Bonds" and the feasibility of establishing such a procedure for larger homes. He referenced a similar stipulation when the Village was considering the construction of a cell tower. Staran stated that he will research and report back to Council on this issue and he provided a brief and cursory evaluation of a Performance Bond on personal property. Gallasch's second question referred to a purchased home which was being changed without obtaining the appropriate permits. The Building Official posted a "Stop Work" order on the door to no avail. This order was not complied with and Staran stated that he will follow up with Creech as he was not familiar with this particular issue.

C. Administrator Report

Creech reported that in the report of the Funds, the Road Millage Debt Service Fund has been split out which had been previously in with the Road Project Fund, and there is now a separate bank account as should have been established originally. In addition he noted that Oakland County has indicated that taxable values have increased by about 5% for 2018; bringing the taxable value near the 2008 high level.

Stakhiv requested an update of the website design. Creech reported that he and Hansen met with the vendor and the projected timeline for completion was within 30 days. Hansen reported that the process had just started. She and Creech had just met with Revize who was doing some basic construction and who would be coming back to them with a prototype. Stakhiv noted that because the new website was not up and running, the budget had to be amended to pay Muniweb for services and this BACB grant was given out in September. She questioned why it was taking so long to complete it. Hansen relayed conversations she and Creech had had about compiling a list of those residents who might be interested in providing feedback to the vendor.

David Goldberg, Willowgreen Ct., Chair of the Planning Commission, provided an update on the activities of the Planning Commission as requested by Creech. This year there were four (4) Master Plan Implementation Projects on which the PC was working: Parking and Cross Access; Lighting, Base Survey of the Franklin Road corridor by HRC; Sign Ordinance Update; and Cell Phone Service. He provided a brief update and possible future directions on each of the four (4) items and included a review of the Planning Commission's current budget.

Gallasch had a suggestion regarding the location of the pathways and the possibility of DTE moving its poles from along Franklin Road to the pathways behind the businesses. This would be a much less expensive way to get the lines off the street and not have to pay the thousands of dollars to bury them.

Responding to Hansen's inquiry about cell service coverage in the Village, Goldberg explained the method the PC subcommittee used to make the determinations within the Village.

IX. NEW BUSINESS

A. Consider Civic Event Permit Application for Groves High School Senior Skip Day, May 25, 2018, 9:00 AM to 3:00 PM.

Motion by Moenck, seconded by Morrow to approve the Civic Event Application for Groves High School Senior Skip Day, May 25, 2018, 9:00 AM to 3:00 PM.

Moenck questioned if Michelle McCulloch, the applicant, was a student or faculty member, to which Creech said he would check. Her second question related to the location of the celebration: Village Green or FCA property. Creech thought it was a combination of both locations. Gallasch inquired if FCA had given the group permission.

Stakhiv noted that there was no signature on the application.

#2018-03 Motion by Moenck, seconded by Morrow to approve the Civic Event Application for Groves High School Senior Skip Day, May 25, 2018, 9:00 AM to 3:00 PM, pending

verification that Michelle McCulloch is a faculty member, the FCA notifies the Village in writing it is aware of the event and approves it, and a signature is included on the application, as amended.

Ayes: Gallasch, Hansen, Moenck, Morrow, Stakhiv

Nays: None

Absent: Gordon, Seltzer

Motion carried.

Moenck reminded Council that this was not the first time a completed application had been requested before being presented to Council. Last month Stakhiv made the same request. Such a directive has been requested several times.

- B. Consider Civic Event Permit Application for Franklin Community Association (FCA) Farmers' Market to be held June 3 through October 28, 2018.**

#2018-04 Motion by Morrow, seconded by Moenck to approve the Civic Event Permit Application for Franklin Community Association (FCA) Farmers' Market to be held June 3 through October 28, 2018.

Ayes: Gallasch, Hansen, Moenck, Morrow, Stakhiv

Nays: None

Absent: Gordon, Seltzer

Motion carried.

- C. Consider Bid Proposal for the Broughton House Window Rehabilitation Project.**
- D. Consider Agreement for Services, Broughton House Windows Rehabilitation Project with Turner Restoration.**

Referring to his memo, Broughton House Window Rehabilitation Bid, dated February 9, 2018, Creech provided a brief background on the project. The Certified Local Government (CLG) grant, through the Michigan State Housing Development Authority would pay for approximately 60% of the cost which would be \$12,000.

#2018-05 Motion by Morrow, seconded by Stakhiv to award the Broughton House Window Rehabilitation Project to Turner Restoration for a cost of \$19,975 and approve the Agreement for Services, Broughton House Windows Rehabilitation Project with Turner Restoration.

Gallasch was interested in the other bid which had been received. Moenck clarified that HDC had been consulted and approved this choice, as well as, references had been checked out, and confirmed that \$19,975 was a general budget and not a firm proposal. She also had concerns about the change order process and pointed out a typo on page 4 of the Service Agreement: under

I. DISPUTES, last sentence in the 1st paragraph should read "...thirty (30) days from the receipt of such notice."

Stakhiv inquired about the handling of hazardous materials, specifically lead paint. Creech explained that windows would be removed and worked on off-site. Her concern was for the office staff, as well as the security of the building.

Hansen pointed out that the project might cost more than \$19,975 if anomalies were found during the restoration process.

Ayes: Gallasch, Hansen, Moenck, Morrow, Stakhiv
Nays: None
Absent: Gordon, Seltzer
Motion carried.

E. Consider Budget Amendments, FY2017-2018.

Creech brought to Council's attention the amendment of the Traffic Services under Major Street. He explained the increase was due to the radar sign and striping on Franklin Road. Creech also noted that originally forfeiture funds were to be used but the Chief decided those funds should be used for the purchase of a second radar sign. Act 51 funds were used for other Major Streets and Local Streets costs.

#2018-06 Motion by Morrow, seconded by Moenck to approve the Budget Amendments, FY2017-2018, as follows:

MAJOR STREETS

WHEREAS: The Village must assure that expenditures in each account do not exceed those budgeted. A review of the Village's Fiscal Year 2017/2018 Major Streets Fund indicates accounts where a budget amendment is required. We resolve that the following budget amendment be made to the 2017-2018 Major Streets Budget with funds coming from the appropriation of other funds.

Expenditures

- 202-451-775.000 Traffic Services: Increase expense account to a new total of \$13,500 (original \$5,000).
- 202-451-818.003 Winter Maintenance: Increase expense account to a new total of \$60,000 (original \$50,000).
- 202-451-818.000 Construction: Decrease expense account to a new total of \$0 (original \$18,500).

202-451-775.000	\$ 8,500	\$ 8,500
202-451-818.003	\$10,000	\$10,000
202-451-818.000	(\$18,500)	(\$18,500)
	Net	\$0

LOCAL STREETS

WHEREAS: The Village must assure that expenditures in each account do not exceed those budgeted. A review of the Village’s Fiscal Year 2017/2018 Local Streets Fund indicates accounts where a budget amendment is required. We resolve that the following budget amendment be made to the 2017-2018 Local Streets Budget with funds coming from the appropriation of other funds.

Expenditures

- 203-451-818.000 General Maintenance: Increase expense account to a new total of \$26,500 (original \$20,000).
- 203-451-818.003 Winter Maintenance: Increase expense account to a new total of \$60,000 (original \$50,000).
- 203-451-821.000 Engineering: Decrease expense account to a net total of \$0 (original \$16,500).

203-451-818.000	\$ 6,500	\$ 6,500
203-451-818.003	\$10,000	\$10,000
203-451-821.000	(\$16,500)	(\$16,500)
	Net	\$0

GENERAL FUND

WHEREAS: The Village must assure that expenditures in each account do not exceed those budgeted. A review of the Village’s Fiscal Year 2017/2018 General Fund indicates accounts where a budget amendment is required. We resolve that the following budget amendment be made to the 2017-2018 General Fund Budget with funds coming from the appropriation of other funds.

Revenue

- 101-000-539.000 Grant Proceeds Windows: Increase revenue account to a new total of \$12,000 (original \$10,000).
- 101-000-580.000 Cable Board Grant: Increase revenue account to a new total of \$36,000 (original \$12,000).

Expenditures

- 101-172-728.000 Computer Software/Supplies: Increase expense account to a new total of \$4,500 (original \$4,000).
- 101-172-740.000 Training Expenses: Increase expense account to a new total of \$1,500 (original \$1,000).
- 101-215-728.000 Computer Software: Increase expense account to a new total of \$4,500 (original \$4,000).
- 101-215-810.000 Bookkeeping Services: Increase expense account to a new total of \$20,000 (original \$16,000).
- 101-253-810.000 Bookkeeping Services: Increase expense account to a new total of \$20,000 (original \$16,000).
- 101-747-881.000 Community Parking Lot: Decrease expense account to a new total of \$0 (original \$2,000).
- 101-747-902.000 Website Expenses: Increase expense account to a new total of \$12,000 (original \$10,000).

101-901-983.000 Broughton House Windows: Increase expense account to a new total of \$20,000 (original \$16,000).

101-000-539.000	\$ 2,000	\$ 2,000
101-000-580.000	\$24,000	\$24,000
	Total	\$26,000
101-172-728.000	\$ 500	\$ 500
101-172-740.000	\$ 500	\$ 500
101-215-728.000	\$ 500	\$ 500
101-215-810.000	\$4,000	\$4,000
101-253-810.000	\$4,000	\$4,000
101-747-881.000	(\$2,000)	(\$2,000)
101-747-902.000	\$2,000	\$2,000
101-901-983.000	\$4,000	\$4,000
	Total	13,500.

Ayes: Gallasch, Hansen, Moenck, Morrow, Stakhiv
Nays: None
Absent: Gordon, Seltzer
Motion carried.

F. Consider Contract with SOCRRA for Household Hazardous Waste Drop off.
Hansen explained that Council had requested Creech to investigate an alternative to the Village’s annual program.

#2018-07 Motion by Morrow, seconded by Moenck to accept the agreement with SOCCRA for Household Hazardous Waste.

Stakhiv corrected two dates on page 1: In the first paragraph, “September, 2018” and under **Term.** “...1st day of January 2018...” should be corrected.

There was a discussion concerning what materials and objects SOCCRA would accept. Morrow pointed out that the website delineates what it recycles. Information about the program would be on the website, including location and directions. Communication with the Village residents was important. In addition to the information being on the Village website and in the Clerk’s weekly post that she sends out, FCA could also include the information in its newsletter. A list of acceptable items also would be included. It was confirmed that this was the same agreement as contracted by Bingham Farms.

Ayes: Gallasch, Hansen, Moenck, Morrow, Stakhiv
Nays: None
Absent: Gordon, Seltzer
Motion carried.

X. RESOLUTIONS/ORDINANCES/PROCLAMATIONS

- A. Consider An Ordinance to Amend Section 1230.02, of Chapter 1230, Historic District, of Part Twelve, Title Two of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Establish a Noncontiguous Historic District; and Repeal Conflicting Ordinances (first reading).**

Hansen commented on last month's discussion Council had about the barn in Franklin Farms condominium. She added that Council had the option of waiving the second reading but would need to vote to temporarily suspend the Rule of Conduct that requires the second reading. A separate motion would be needed for this to happen.

#2018-08 Motion by Moenck, seconded by Gallasch to temporarily suspend the Council Rule of Conduct requiring a second reading in order to allow immediate adoption of the Ordinance to Amend Section 1230.02, of Chapter 1230, Historic District, of Part Twelve, Title Two of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Establish a Noncontiguous Historic District and Repeal Conflicting Ordinances.

Ayes: Gallasch, Hansen, Moenck, Morrow, Stakhiv

Nays: None

Absent: Gordon, Seltzer

Motion carried.

#2018-09 Motion by Moenck, seconded by Gallasch, to Approve the Ordinance to Amend Section 1230.02, of Chapter 1230, Historic District, of Part Twelve, Title Two of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Establish a Noncontiguous Historic District; and Repeal Conflicting Ordinances, waiving the second reading.

Staran provided a brief background of events leading up to his preparing this Ordinance and this particular discussion. He explained that if this Ordinance were to be adopted it would be adopted at the first and final reading and would go into immediate effect upon publication. It would establish the barn as an addition to Franklin's Historic District coverage in a noncontiguous Historic District. This would place it under the jurisdiction and oversight of the Historic District Commission.

Yvonne Lake, Franklin Farms Drive, stated that all homeowners knew that the condominium's by-laws stated that it could demolish the barn. She continued stating that now Council was opposing this and was retroactively extending the Historic District asking where did this leave the homeowners. Staran proposed that the Master Deed said the opposite. It showed that the barn would be preserved which obligated the Condo Association to maintain the Common Area of which the barn was part. Lake said the Master Deed stated that if all the homeowners wanted to demolish the barn it could do so. Staran stated that he will review the Master Deed. Lake stated that as the Association President she came on behalf of the homeowners to make those comments.

Hansen inquired if all the homeowners supported this point of view. Lake affirmed this. Stakhiv pointed out that a particular resident had come before Council last month and had expressed her support of the preservation of the barn. Lake informed Council that that particular resident was out of the country and therefore could not attend this meeting.

Morrow inquired why the resident wanted to demolish the “historic” structure. Lake said she didn’t consider it to be “historic”, only a place for young people to gather; breaking windows and locks, and leaving trash.

Stakhiv questioned that if the Master Deed supported Lake’s claim and all the residents did agree to demolish the barn, why hadn’t they petitioned Council with signatures, prior to this meeting, since this subject has been discussed since the October, 2017 Public Hearing. Lake stated that the Association had applied to demolish the barn but had been denied.

Staran synopsized the events leading up to this meeting and the definition and ramifications of the Master Deed. Recognizing there was some objection to the Ordinance, he further advised Council that it could make a decision to accept the Historic District Study Committee’s recommendation not to demolish the barn and adopt the Ordinance.

Nena Downing, Bruce Lane, member of the Historic Study Committee, explained that a well-publicized Public Meeting was held in late October, 2017. Five (5) homeowners from Franklin Farms attended and four (4) were in support of restoring the barn. Downing added that at last month, Gary Roberts, Chair of the Committee, presented Council with a packet which included a newspaper article in which the developer had indicated that the barn was going to be restored.

David Apsey, Franklin Farms Dr., was in favor of having the barn restored. He stated that he might not be financially affected but his property was next to the barn. He noted that there was a lot of support to restoring it; therefore, it was incorrect to state that 100% of the homeowners were behind its demolition.

Ayes: Gallasch, Hansen, Morrow
Nays: Moenck, Stakhiv
Absent: Gordon, Seltzer
Motion denied.

Morrow requested Council be provided with the confirmation of what the Deed restrictions were and its impact on this. Staran stated that he would do that.

Discussion ensued.

Staran remarked that the Village did follow the process: multiple meetings about this barn, Council was aware that something was going to happen when it voted down the Demolition Permit, and a study was conducted for possible historic designation which was not supported by the Homeowners Association. He would report back to Council with his opinion of the Master Deed. Council must recognize the public purposes served by the Ordinance.

Staran instructed that in order for this subject to be revisited for re-consideration one of the two who opposed the motion would need to request its inclusion on the agenda.

Stakhiv said she would speak with Roberts about the concerns she has.

B. Consider the Resolution for a Certified Local Government (CLG) Grant for the Window Rehabilitation Project.

#2018-10 Motion by Morrow, seconded by Moenck to authorize and direct the Village to file the application for a Certified Local Government (CLG) Grant of \$11,985.00 for the Broughton House (Village Hall) Window Rehabilitation Project.

Ayes: Gallasch, Hansen, Moenck, Morrow, Stakhiv

Nays: None

Absent: Gordon, Seltzer

Motion carried.

XI. ADJOURNMENT

Motion by Moenck supported by Stakhiv to adjourn the meeting.

Ayes: Gallasch, Hansen, Moenck, Morrow, Stakhiv

Nays: None

Absent: Gordon, Seltzer

Motion carried.

There being no further business, the meeting was adjourned at 9:14 P.M.

Respectfully submitted,

Gail Beke, Recording Secretary

Eileen H. Pulker, Clerk

Pamela Hansen, President