

**VILLAGE OF FRANKLIN
VILLAGE COUNCIL SPECIAL MEETING
TUESDAY, APRIL 5, 2016, 6:00 PM
FRANKLIN COMMUNITY CHURCH
26425 WELLINGTON ROAD, FRANKLIN, MICHIGAN 48025**

VILLAGE CHARTER WORKSHOP

I. CALL TO ORDER

The meeting was called to order by President Jim Kochensparger at 6:01 PM at the Franklin Community Church, Franklin, Michigan.

II. ROLL CALL

Present: Fred Gallasch, Brian Gordon, Pam Hansen, Jim Kochensparger, Judy Moenck,
Tom Morrow, Mike Seltzer
Absent: None
Also Present: Jim Creech, Village Administrator
Eileen Pulker, Village Clerk
John Staran, Village Attorney

III. VILLAGE CHARTER REVIEW

Kochensparger began the discussion with a brief historical background of Franklin's Charter and the purpose of this meeting being to correct those parts which were obsolete, inconsistent, vague, and unlawful, as stated in Mr. Staran's April 1, 2016 memo to the Council. Kochensparger highlighted several items including: the required votes needed for Council to take action if a Council member (s) is (are) absent, the conflicts created within the Charter now that the Village has an Administrator, and his belief that for the long term viability of the Village the Village Clerk's position should be appointed by the Council and not elected.

Gallasch clarified that the Council would be doing some "housekeeping" of the Charter, not changing it, and he does not wish changes to be made that would change the way the Village is run such as in the changing of the position of the Village Clerk from an elected one to an appointed one and prefers that the position remain an elected one, and that the choice should remain in the hands of the voters. Gallasch added that he thought the Clerk has done an excellent job.

Kochensparger replied stating that the Clerk, Eileen Pulker, had originally been appointed by Council, and had subsequently been re-elected many times, with opposition one time, adding that he believed that people vote for her only by name such as they would for a judge, and that the Council would be able to appoint a better person than one that would be elected. Kochensparger noted that this was not about the person, but about the position, and that the Clerk should report to the Village Council and work with the Village Administrator as an employee, not the electorate.

Moenck inquired of Staran as to the method for making the changes.

Staran explained that he had identified issues which could be put into three (3) categories: those things that were unlawful or unenforceable as written; those things that had awkward, vague, and/or inconsistent language; and those more substantive things, i.e, changing the Clerk's position

from an elected position to an appointed position, similar to what was done with the Treasurer's position. Staran noted that he had listed other issues under the last category, such as, purchasing limits, current tax rate limitations, sidewalks, water, liquor licenses, minimum age for Council members, among other things.

Staran further explained that any amendment made to the Charter first needed to be approved by Council and a Public Hearing held before it could be placed on the ballot. Approval would be by at least 50% of the Franklin voters. All Charter amendments needed to be presented and voted on as individual items. If the goal was to have these on the ballot in November 2016, Council would need to make a decision at the end of June, at the latest. Staran checked with the Clerk, asking when the last Charter changes were elected upon, in 2002, at which time several changes were decided upon in favor.

Staran outlined differences and the processes between a "Charter Revision" and a "Charter Amendment". Staran further explained that a Charter Commission, which would be elected, could completely rewrite the Charter, which would then go to a vote of the people for approval.

Morrow stated that he was in favor of immediately dealing with the "housekeeping" issues but was concerned about the time frame required for the other substantial categories. Morrow suggested that a working group be put together to formalize the more difficult issues and asked when the next election was scheduled, to which Staran replied 2018.

Staran re-iterated that at a previous meeting Council requested that he present possible amendments to the Charter and that was the basis for this particular meeting. He outlined the different avenues Council might want to take in pursuing these issues, noting that Public Hearings and various public informational meetings would be needed before any items could be placed on a ballot.

Moenck asked about effective dates, for example could the question of the Clerk position be effective two (2) years hence, or would it be effective immediately, to which Staran replied that both immediate and effective in 2018 are possible options. Moenck opined that it would be awkward for the electorate to vote for the Clerk, possibly with more than one person running and also vote to eliminate that as a voted office, all in the same election and how that would affect those running for office, and would prefer a seamless transition. Staran added that Council has the ability to assign the effective date of such a change, either immediate or two (2) years hence.

Seltzer expressed his opinion on the issue of electing vs. appointing the Village Clerk and the harmonious running of the Village Office, or lack thereof, with regards to employees elected vs. appointed. Seltzer also commented that the public, of which very few members were present at this meeting, while discussing the significant issue of the Village Charter, has very little understanding of what the Village Council's responsibilities are. Seltzer stated that the current Clerk, who has done a fine job for many years, has a fine reputation, is popular, however, other positions such as Police Chief and Village Administrator are appointed by the Council. Seltzer also opined on the financial aspect of a full time employee vs. a part time employee.

Gordon questioned whether the question of full time or part time, and at what salary would be decided by the electorate or by the Village Council.

Staran summarized the legal responsibilities that Council had with regards to an elected official, stating that you cannot reduce the compensation and duties during the current term, but you may do so to be applied at a later date, all of which would be covered through the budgeting process.

Gallasch spoke in support of the Clerk remaining at full time, due to the current staffing of the office.

Seltzer clarified the issues being: 1.) Whether the Clerk position should report to the Council or report to the public and 2.) Whether the Village has a need for a full time Clerk given the changes the Village has made and the comments received from the current and two previous Administrators about how the office is run. He found it important that Council concentrate on the "position" and not on the "person".

Kochensparger agreed with Seltzer and stated that the Village has changed and he felt it was appropriate to change the Clerk position, as it is now a difficult position for the Village, that Villagers are not aware of, not faulting a particular person, and also commented that provisions could be made, either an agreement or a contract to "complete" the Clerk in the upcoming two years.

Moenck inquired from Pulker, Village Clerk, about her opinion of "elected" vs. "appointed" position. Pulker provided her opinion on full time vs. part time, noting that appointed might be the preferred method due to the level of skills necessary for the job, adding that creating the ballot language to include the election of the Clerk for one term followed by the appointment of the Clerk in the year 2018, at the end of the term, just as had been provided for the Treasurer previously would be her preference and included a brief history of how the position of the Village Clerk evolved from part time to full time, at the time that she was originally appointed.

Staran noted that the Treasurer, had been running for the position at the same time that the voters were asked to decide on whether or not to appoint a Treasurer and it was decided that the current term would be completed and then the appointed position would take effect.

Hansen commented and confirmed that the Clerk's job description written at the request of the previous Administrator, Amy Sullivan, was still accurate and current. Pulker noted that the report had been updated over time as additional responsibilities had been added and clarifications made to other descriptions. Pulker noted that election work while infrequent, did take quite a bit of time, with great support from Southfield Township as they have the Qualified Voter Files (QVF) for the Village, but most of the work could only occur after hours, as the busy days in the office prevented completion during the day.

Gordon inquired what experiences Creech has had in other communities, what kind of control he had had over employees, what his personnel needs might be, in his opinion, and what level of employment he found appropriate. Creech responded, noted that there were several things that the Clerk kept track of and helped with such as Public Notices and Agendas, and listed different

benefits of having a different alignment of responsibilities, adding that he would prefer an appointed position that would serve as a full time Finance Director/Clerk, and to also hire an accounts payable clerk, to satisfy the separation of duties as required. Creech further elaborated on the disadvantage of working with an elected clerk, who in his opinion does not perform as an employee would, and is not subject to normal performance requirements that would apply to an appointed employee. Creech further stated that cajoling and persuasion are often necessary to accomplish what is necessary to be completed, which again would not be necessary in working with an employee.

Morrow explained the reasoning behind the contract employee for the accounting clerk, based on past experience in that position. Creech reiterated that a finance person with more relevant municipal experience and as an employee of the Village would be beneficial.

Morrow questioned the costs that would be incurred with the hiring of a full time employee with those capabilities, to which Creech replied that the combination of the Clerk's salary and the contract cost would combine to make up an appropriate salary.

Kochensparger stated that if all documents were stored electronically the Village office would run more efficiently. Issues and possible solutions with and in the Building Department and Financial Departments were discussed.

Staran stressed that he was looking for some general direction if Council was interested in having him proceed with some or all of these issues. He proposed different formats the Council might want to consider for its further review. The optimal number of items put before the voters and the mandatory time frame needed were also discussed. The legal aspects of the Charter were discussed, none of which is being handled inappropriately, but Staran pointed out the most obvious changes that have been out of date for years.

Council members voiced their opinions. For the next Council meeting Staran will separate the issues into the three (3) previously mentioned categories and prioritize within those categories.

IV. PUBLIC COMMENTS

None

V. ADJOURNMENT

There being no further business, the meeting adjourned at 7:09 P.M.

Respectfully submitted,

Gail Beke, Recording Secretary

Eileen H. Pulker, Clerk

James Kochensparger, President