

**PROCEEDINGS OF VILLAGE OF FRANKLIN
VILLAGE COUNCIL REGULAR MEETING
MONDAY, AUGUST 8, 2011, 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 Jim Kochensparger at 8:00 P.M. at the Franklin Village Hall, Franklin, Michigan.

ROLL CALL

Present: Lew Eads, Brian Gettel, Jim Kochensparger, Bill Lamott, Mike Seltzer
Absent: Fred Gallasch, Steve Rosenthal
Also Present: Amy Sullivan, Administrator
Eileen Pulker, Clerk
Patrick Browne, Police Chief
Rick Koslowski, Fire Department Representative
Jerry Johnson, Johnson Landscaping, DPW Contractor
John Staran, Hafeli Staran Hallahan & Christ, P.C., Village Attorney
Vivian Carmody, Administrator, Main Street Franklin

II. ADOPTION OF AGENDA

Motion by Seltzer supported by Eads to approve the Agenda as amended.

Sullivan suggested moving Item J to earlier in the agenda with the consensus being to add it between New Business A and B.

Ayes: Eads, Gettel, Kochensparger, Lamott, Seltzer

Absent: Gallasch, Rosenthal

Nays: None

Motion carried.

III. MINUTES

A. July 11, 2011 Special Village Council Meeting

B. July 11, 2011 Regular Village Council Meeting

C. July 28, 2011 Village Council Workshop Meeting

Motion by Gettel supported by Seltzer to approve the minutes of the July 11, 2011 Special Village Council Meeting, July 11, 2011 Regular Village Council Meeting, and July 28, 2011 Village Council Workshop Meeting as submitted.

Ayes: Eads, Gettel, Kochensparger, Lamott, Seltzer

Absent: Gallasch, Rosenthal

Nays: None

Motion carried.

IV. REPORTS OF VILLAGE OFFICERS AND AGENTS

Patrick Browne, Police Chief: Browne provided an update as to recent activity in the Village advising the Department responded to 241 calls for service in the month of July, noted that at the National Night Out event crime prevention information was handed out and some attendees may sign up for mobile watch which participated in the event, two (2) in-car cameras were installed with the third one scheduled for installation upon replacement of the Tahoe, and the grant reimbursement notification will then be submitted to the MMRMA.

Rick Koslowski, Fire Department Representative: Koslowski advised that Chief Averbuch is out of town on a training session, referred to the submitted report, and noted the average response time for the

month of June was 3.69 minutes which, he opined, is quite remarkable for a primarily volunteer based department.

Jerry Johnson, DPW Contractor: Johnson provided a brief overview of recent work noting they started July 5th on maintenance for the Village and have been addressing current calls for service as well as items left over from the previous contractor. Discussion ensued regarding brush piles with Johnson noting the piles are staging areas for current and previous brush with the goal being to increase productivity and reduce travel times over a 3-5 day time-period, signage with Johnson noting an extensive sign survey was recently done, and budget concerns. Seltzer noted the prompt response he received on a recent matter.

Thomas Morrow, Treasurer: Morrow referred to the submitted report and noted there are a couple of large items in the bills list (annual auto liability insurance, tax distributions, and bond payment). Discussion ensued regarding bond payments with it being noted as the bonds are paid off, the millage rate will be decreased to the taxpayer accordingly.

V. SUBMISSION OF CURRENT BILLS

Motion by Seltzer supported by Eads to approve the Bills List as submitted.

TOTALS

General Administration	\$	12,359.11
Building	\$	6,994.49
Insurance	\$	83,296.35
Legal	\$	2,334.50
Police	\$	33,265.08
Pressure Sewer	\$	307,762.50
General Debt Service	\$	143,500.00
Major Roads	\$	5,319.62
Local Road	\$	17,397.15
Rubbish	\$	16,502.20
Trust & Agency	\$	10,200.00
Tax Fund	\$	80,216.78
Waste Water	\$	1,624.84
ALL FUNDS	\$	720,772.62

Ayes: Eads, Gettel, Kochensparger, Lamott, Seltzer

Absent: Gallasch, Rosenthal

Nays: None

Motion carried.

VI. PUBLIC REQUESTS AND COMMENTS

- **Marcia Gershenson, Oakland County Commissioner, District 17**, noted she has just returned from the Kennedy School of Government at Harvard which she attended on a fellowship, provided a brief overview of her extraordinary experience, opining that these types of sessions are well worth attending as they help one to see how to engage others differently, and thanked everyone for all the work they do.
- **Diane Lake, Crestwood**, advised she has been a supporter of MSF since the beginning, was the chair of its Design Committee and continues to be involved in that Committee, provided an overview of correspondence she then submitted to President Pro Tem Kochensparger, and noted that in her opinion MSF is broken and is in need of fixing and requested Council to set up a committee to do some fact-finding and report on concerns as expressed by former and current volunteers with the suggestion to include former Village trustees to ensure objectivity and trust.

- **Claire Shummel, Franklin Farms Drive**, noted her concerns with the quality of the well water and water pressure, provided a brief overview of her experience/concerns, and inquired as to whether there is any plan to switch to DWSD water. Discussion ensued with it being noted Villagers previously turned this down, there is no current plan to switch, and Council will consider her request as to what it would take to place this on the ballot again at its next work group session with Sullivan to contact her as to when this discussion will occur.
- **Pat Burke, MSF Board**, provided a brief overview of the upcoming charette noting the resulting goals will be submitted via an RFP to a consultant for synthesis. In response to Diane Lake's earlier comments she noted the MSF Board is composed of citizens and property owners, the Director is hired by the Board, and they are committed to retaining and promoting the essential character of the Village.
- **Al Beke, Colony Hill**, inquired as to funding for the consultant who will be synthesizing the goals obtained from the charette.

VII. SPECIAL REPORTS

A. President's Report

Kochensparger advised the Headlee Override informational meeting will be held at the Franklin Community Church on August 23rd with additional information posted on the website and recommended Council direct the Village Attorney to draft a resolution giving Council the right to adjust the salary, benefits, and/or hours of the elected Clerk's position to put this job within the current budget constraints as the salary and benefits of an elected official cannot be modified during a term of office.

B. Council Report

1. Potential League of Women Voters Issue Forum Regarding Headlee Override Vote.

Lamott noted he had requested that this be placed on the agenda as there is an opportunity to schedule a League of Women Voters Issue Forum on the Headlee Override matter. Discussion ensued with the consensus being this would be redundant as the scheduled informational meeting will present the facts enabling voters to make an informed decision

VIII. REVIEW HEARING

A. Review Hearing for the Property Located at 30609 N. Greenbriar Road

Kochensparger opened the Hearing at 8:45 P.M.

Kevin McCormick provided a brief history and background of the 30609 N. Greenbriar Road property, noting it was his wife's mother's property which was purchased a few years prior to her death, they hold title and deed to the property but have spent considerable funds defending ownership as it has been in litigation with another family member. McCormick noted that on the 6 items they agreed to address after the September letter regarding maintenance concerns, they have completed all but two (2) (chimney and roof work were unable to be addressed due to the severity of winter weather) by the June time frame. At the March status meeting, new violations were noted and at that time they were advised to stop expending funds on improvements until the hearing and in the material received tonight, still new concerns were raised. McCormick advised they would like to improve the property at a reasonable cost and reasonable time frame. Discussion ensued with McCormick advising he was present at the previous hearings/meetings. Sullivan noted the additional items are relative to the property's status as a non-conforming use and potential internal conditions which would need to be addressed if the demolition is stayed.

Kochensparger closed the Hearing at 8:42 P.M.

IX. NEW BUSINESS

A. Consider Demolition Order at 30609 N. Greenbriar Road

#2011-81 Motion by Seltzer supported by Gettel to enforce the Hearing Officer's Dangerous Building Order for demolition and clean up of the property located at 30609 N. Greenbriar Road within 60 days from August 8, 2011.

Discussion ensued with the consensus being that while they are sympathetic to the McKormick's situation the property presents safety concerns, negatively impacts the Village, and has been vacant for a considerable period of time. McKormick reiterated they have not made as much progress as hoped due to winter conditions and being advised to defer additional improvements until the hearing, inquired as to the time frame for demolition, noted their desire to retain the garage if demolition is ordered they would like to rebuild the main structure. Staran provided a brief historical overview noting at the March Hearing the Hearing Officer, pursuant to the Village's Dangerous Building Ordinance which is consistent with the State Construction Code, determined the building is dangerous on multiple basis and consequently ordered the building demolished by June 15th, 2011 which was not complied with and which is why this matter is before Council this evening. If demolition is ordered, the property owner would have sixty (60) days to perform the demolition, which if not complied with, would result in the Village seeking a court order compelling compliance or authorizing the Village to enter onto the property to fulfill the order. Staran cautioned that retaining the garage could be problematic in terms of zoning as it would create an accessory structure without a primary structure and noted the effect of the motion, if approved, would be to enforce the Hearing Officer's Order which would require the property to be demolished and cleaned up within sixty (60) days from today's date.

Ayes: Eads, Gettel, Kochensparger, Lamott, Seltzer

Absent: Gallasch, Rosenthal

Nays: None

Motion carried.

Kelli McCormick noted they are looking into the feasibility of listing the property for sale as well as drawing up plans to build another home which is why they would like to retain the garage but they will proceed with demolition of the home. Discussion ensued with Kelli being advised to discuss the garage issue with the Village Administrator during office hours.

B. Consider Budget Amendments FY 2011-2012

Sullivan noted this was discussed at Council's workshop meeting and provided a brief review noting the first is for the next phase of the road repair program which requires the expense and revenue accounts be adjusted to reflect the expense of the project (see New Business Item A) and the second is to correct the Fire Fund expenditure which was incorrectly stated in the adopted budget. Discussion ensued with it being noted the road repair amendment will be impacted by Council's vote on the bid award later in the agenda.

#2011-82 Motion by Gettel supported by Seltzer to approve the budget amendment for the Fire Fund as follows:

GENERAL FUND

WHEREAS: The Village must assure that expenditures in the each account do not exceed those budgeted. A review of the Village's 2011/2012 General Fund indicates several accounts where budget amendments are required. We resolve that the following budget amendments be made to the 2011-2012 General Fund Budget with funds coming from the appropriation of other funds.

Revenue:

000999 – Appropriation of prior year funds: Increase revenue account to a new total of \$151,544 (original \$112,882).

Expenditures:

875817 – Transfer to Fire Fund: Increase expense account to a new total of \$38,662 (original \$0).

FIRE FUND

WHEREAS: The Village must assure that expenditures in the each account do not exceed those budgeted. A review of the Village's 2011/2012 Fire Fund indicates several accounts where budget amendments are required. We resolve that the following budget amendments be made to the 2011-2012 Fire Fund Budget with funds coming from the appropriation of other funds.

Revenue:

000000 – Transfer from General Fund: Increase revenue account to a new total of \$38,662 (original \$0).

Expenditures:

336818 – Franklin Bingham Farms FD: Increase expense account to a new total of \$311,168 (original \$272,506).

Discussion ensued with it being noted this is basically a housekeeping matter as the numbers are the same; the transfer just wasn't shown on paper.

Ayes: Eads, Gettel, Kochensparger, Seltzer

Absent: Gallasch, Rosenthal

Nays: Lamott

Motion carried.

C. Consider Planning Commission Parking Study Report

Calvin Cupidore, 30888 Rosemont, PC Commissioner, provided a brief historical overview and review of the Report, noting the Planning Commission ("PC") adopted the Report at its August 4th special meeting, acknowledged Committee members which was representative of all Franklin, summarized the charge to the PC, noted parameters which influenced the report (funding, charette) which resulted in a focus on the core essentials of parking spaces in the downtown Village area as well as Village Green area, reviewed the major components of the Report, noted the contributions by Sullivan (reviewed prior studies) and Main Street Oakland County (aerial views and data), and summarized the results (did not find acute parking issues as to allotment of parking spaces; potential for opportunities). Discussion ensued regarding whether the recommendation is for the Report to be used during the charette with Cupidore advising the data would be beneficial for the charette, providing it is noted there is no Council direction as to specific developmental activities associated with use of the data and traffic flow issues.

D. Consider Civic Event Permit Application for Church Picnic

Sullivan advised the application has been withdrawn

E. Consider Civic Event Permit Application for "Franklinstein Frenzy"

#2011-83 Motion by Seltzer supported by Gettel approve the Civic Event Permit Application for "Franklinstein Frenzy" as submitted including proposed police overtime costs.

Discussion ensued as to departmental approvals with it being noted the Fire Department will be keeping trucks in the station so it can respond to calls, Building Official approval is not in at this time as temporary signage considerations are scheduled to be on Council's September agenda, and Police have approved and noted three items which must be addressed: overtime will be incurred, barricades will be needed (RCOC has been contacted), and MSF will need to advise all residents impacted by the road closure by letter of the event. Discussion ensued regarding overtime with the understanding that the overtime will come out of the Police budget.

Ayes: Eads, Gettel, Kochensparger, Lamott, Seltzer

Absent: Gallasch, Rosenthal

Nays: None

Motion carried.

F. Consider New Village Logo

Sullivan provided background information noting this was a collaborative effort to identify a logo/brand that would represent historic Franklin that could be used by everyone to drive home the message that

Franklin is a place to be ‘experienced’ but there was no vote by Council as to whether this logo would replace the ‘buggy’ logo. Discussion ensued regarding the pros and cons of the new “Experience It” logo, whether the goal was to replace the current Village logo, and branding exercise (graphic representation of statements made as to what Franklin represents by those participating in the exercise; clearly communicated goal to be the sole Village logo/brand; nearly unanimous vote).

#2011-84 Motion by Seltzer supported by Gettel to retain the original Village logo and to begin to integrate the new logo where appropriate.

Ayes: Eads, Gettel, Kochensparger, Lamott, Seltzer

Absent: Gallasch, Rosenthal

Nays: None

Motion carried.

Discussion ensued with Al Beke noting graphic challenges (color and size) and inquiring as to whether the creator has released the logo for use by the Village (not Main Street) and Judy Meade opining the logo is not appropriate to represent the Village as a whole, is fine for Village businesses, and some organizations might have concerns.

G. Consider Appointment of Election Poll Workers and Election Board of Review Members

#2011-85 Motion by Seltzer supported by Eads to appoint Carol Fisher as the Election Inspector Chairperson, Earl Wolfe, Bonnie Cook, and Al Beke as Election Inspector’s and Sharon Tischler, Southfield Twp. Clerk and Sandy LaJoie, Southfield Twp. Deputy Clerk, as Election Board of Review members for the September 13, 2011 election.

Ayes: Eads, Gettel, Kochensparger, Lamott, Seltzer

Absent: Gallasch, Rosenthal

Nays: None

Motion carried.

H. Consider MERS Conference Attendees.

#2011-86 Motion by Gettel supported by Lamott to approve Clerk Pulker and Sgt. Crane to attend the MERS conference scheduled for September 27-20, 2011 at no cost to the Village.

Ayes: Eads, Gettel, Kochensparger, Lamott, Seltzer

Absent: Gallasch, Rosenthal

Nays: None

Motion carried.

I. Consider Building Official Mutual Aid Agreement

Sullivan noted this has been discussed at a Council work and provided a brief overview noting this is a mutual aid program for the services of damage assessment in case of an emergency or disaster.

#2011-87 Motion by Seltzer supported by Eads to approve the Building Official Mutual Aid Agreement.

Staran noted this bears similarities with respect to mutual aid agreements for fire and police services; however, this only pertains to disaster type situations.

Ayes: Eads, Gettel, Kochensparger, Lamott, Seltzer

Absent: Gallasch, Rosenthal

Nays: None

Motion carried.

J. Consider Amendment to Road Repair Project Bid Award

Sullivan advised this did not get discussed at a Council work session as it came to her attention last week, provided a brief overview noting that based on footage identified last week, the Project came in approximately \$90,000.00 higher than what was bid, which was based on footage identified in Spring 2010. Subsequently, Project scope was reviewed by driving the Village with some items being removed and other more problematic areas added, with the end result still higher than what was bid with a change order being required. Discussion ensued as to funding (major v local road funds; pay now or pay later), project changes, and need for funding of roads to be properly identified at budget setting.

#2011-88 Motion by Seltzer supported by Gettel to approve the Road Repair change order as submitted with 100% funding allocated to local road fund as follows:

LOCAL ROAD

WHEREAS: The Village must assure that expenditures in the each account do not exceed those budgeted. A review of the Village's 2011/2012 Local Road Fund indicates several accounts where budget amendments are required. We resolve that the following budget amendments be made to the 2011-2012 Local Road Fund Budget with funds coming from the appropriation of other funds.

Revenue:

000999 – Appropriation of prior year funds: Increase revenue account to a new total of \$178,352 (original \$19,352).

Expenditures:

451818 – Road & Street Construction: Increase expense account to a new total of \$162,500 (original \$25,000).

478818 – Engineering Services: Increase expense account to a new total of \$29,000 (original \$7,500).

Ayes: Eads, Gettel, Kochensparger, Lamott, Seltzer

Absent: Gallasch, Rosenthal

Nays: None

Motion carried.

K. Consider Main Street Franklin Ex-officio Position Appointment

#2011-89 Motion by Gettel supported by Eads to appoint Mike Seltzer as the Main Street Franklin Ex-Officio Council member.

Pat Burke, MSF Secretary noted MSF is getting better and gaining traction every day and further noted she rejects Diane Lake's comments relative to MSF.

Ayes: Eads, Gettel, Kochensparger, Lamott, Seltzer

Absent: Gallasch, Rosenthal

Nays: None

Motion carried.

X. ORDINANCES/RESOLUTIONS/PROCLAMATIONS

A. Consider Fund Balance Resolution

Sullivan noted this was discussed at a Council work session and entails adopting a resolution setting a minimum fund balance for the General Fund and identifying a corrective course of action if the General Fund balance falls below the specified minimum balance.

#2011-90 Motion by Eads supported by Gettel to adopt the Fund Balance Policy Resolution as submitted (attachment #1) and acknowledging the FY 2011-2012 budget has a General Fund Balance at 15% of expenditures instead of the recommended 20% for which Council has authorized the placement of a Headlee override proposition on the September 15, 2011 ballot which if passed will reinstate the General Fund Balance to its minimum level.

Ayes: Eads, Gettel, Kochensparger, Seltzer

Absent: Gallasch, Rosenthal

Nays: Lamott
Motion carried.

B. Consider Comerica Governmental Cash Investment Fund Authority Resolution

Sullivan provided a brief overview noting the recommendation is to adopt the submitted resolution to enable Comerica to comply with its internal audit requirements relative to wire transfers.

#2011-91 Motion by Kochensparger supported by Eads to adopt the Comerica Governmental Cash Investment Fund Authority Resolution as follows:

Resolved:

1. That Comerica Bank, a Texas banking association (the "Trustee"), is hereby designated as Trustee on behalf of Village of Franklin (the "Local Unit") and authorized to accept up to all of the Local Unit's Surplus Funds, as defined in Michigan Public Act No. 367 of the Public Acts of 1982 (the "Act").
2. That the Treasurer of the Local unit, or the individual acting in the official capacity of _____ (blank) _____, is hereby authorized to enter into a trust agreement with the Trustee, Comerica Bank, providing for the investment of Surplus Funds in accordance with the Act.
3. That any other authorizations or directions required to be signed or given in connection with the intent of this resolution may be signed or given from time to time by the Treasurer, or any individual then acting in any one of the following official capacities: (Please check all that apply)

<input checked="" type="checkbox"/> Finance Director/Treasurer	<input type="checkbox"/> Mayor
<input type="checkbox"/> Assistant Finance Director	<input type="checkbox"/> Supervisor
<input checked="" type="checkbox"/> Deputy Treasurer	<input checked="" type="checkbox"/> Other: Clerk
<input checked="" type="checkbox"/> Village Administrator	

Whose signature(s) shall be duly certified to the Trustee, and the Trustee is hereby authorized to accept any Surplus Funds for investment in accordance with the Act and any agreement entered into between the Local Unit and Trustee in connection therewith.

4. These Resolutions shall continue in force until notice to the contrary in writing is duly served on the Trustee (such notice to have no effect on any action previously taken by the Trustee in reliance on these Resolutions).
5. Any person, corporation or other legal entity dealing with the Trustee may rely upon a certificate signed by an officer of the Trustee to effect that these Resolutions and any agreement, instrument or document executed pursuant to them are still in full force and effect and binding upon the Local Unit.

Ayes: Eads, Gettel, Kochensparger, Lamott, Seltzer
Absent: Gallasch, Rosenthal
Nays: None
Motion carried.

XI. ADJOURNMENT

Motion by Gettel supported by Seltzer to adjourn the meeting.

Ayes: Eads, Gettel, Kochensparger, Lamott, Seltzer
Absent: Gallasch, Rosenthal

Nays: None
Motion carried.

There being no further business, the meeting adjourned at 9:47 P.M.

Respectfully submitted,

Lori Rich, Recording Secretary

Eileen H. Pulker, Clerk

Jim Kochensparger, President Pro Tem

Attachment #1

VILLAGE OF FRANKLIN
OAKLAND COUNTY, MICHIGAN
FUND BALANCE POLICY (GOVERNMENTAL FUNDS)
Effective June 30, 2011

Background:

The Governmental Accounting Standards Board (GASB) has issued Statement No. 54 regarding the classification of fund balance in governmental funds. The Village of Franklin will comply with this Statement effective in the fiscal year ending June 30, 2011. The Village Council established this Policy implementing the Statement.

Fund Balance Classification:

Governmental funds in the Village of Franklin accounts and financial statements will include the following classifications of fund balance:

1. **Non-Spendable Fund Balance:** represents those resources that cannot be used to liquidate current liabilities because the related assets are either not in spendable form (e.g. prepaids, inventory, and long-term receivables) or because the related assets are required to be maintained intact (e.g. the corpus of an endowment).
2. **Restricted Fund Balance:** represents amounts that are restricted to use for a specific purpose by externally imposed requirement or enabling legislation.
3. **Committed Fund Balance:** represents amounts that are designated to be used for specific purposes as determined by formal action of the Village's highest level of decision-making authority. Such action must occur prior to the end of the fiscal year for which such amounts are being reported.

The Village Council, as the Village's highest level of decision-making authority, is the only entity capable of "committing" fund balance to a specific purpose. Such action shall be performed in a properly called and conducted meeting of the Council and shall require a majority vote of Council members.

4. **Assigned Fund Balance:** in the General Fund represents amounts that are intended to be used for specific purposes, but have not been so designated by the governing body.

Designation of amounts on the General Fund Financial statement as “assigned fund balance” shall be the prerogative of the Finance Committee. Such designations shall be reported to the Village Council in the monthly financial statements produced.

In governmental funds other than the General Fund, assigned fund balance includes all residual amounts not restricted or committed because the fund itself is created and maintained to support a specific purpose (e.g. the library).

5. Unassigned Fund Balance: represents all residual amounts, after the assignment of all of the foregoing categories, in the General Fund.

Fund Balance “Spending” Prioritization:

As required by GASB 54, the Village Council hereby establishes that the Village’s policy shall be that when multiple classifications are available and appropriate for particular expenditures, fund balance will be “spent” first from the most restrictive category working toward unassigned fund balance. Relative “restrictiveness” of fund balance shall proceed from most to least in order of the five classifications listed in this policy, from one to five above.

Minimum Fund Balance:

For the General Fund, the Village will strive to maintain an unassigned fund balance that will be no less than 20% of the General Fund expenditures, except in case of emergency of financial distress. Circumstances of emergency or distress shall be reported to the Village Council at the earliest practical time. Upon such reports, Council may direct that additional action be taken to preserve the minimum fund balance.

Status of this Policy:

The terms and conditions of this policy shall supersede and replace other statements by the Village of Franklin on the same subject. This policy shall remain in force and effect until replaced or contradicted by later action of the Franklin Village Council or other competent authority.