

**PROCEEDINGS OF VILLAGE OF FRANKLIN
VILLAGE COUNCIL REGULAR MEETING
MONDAY, MAY 14, 2012 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 James Kochensparger at 8:00 P.M. at the Franklin Village Hall, Franklin, Michigan.

ROLL CALL

Present: Lew Eads, Pam Hansen, Jim Kochensparger, Thomas Morrow, Mike Seltzer, Sherry Sparks
Absent: Steve Rosenthal
Also Present: Amy Sullivan, Village Administrator
Eileen Pulker, Clerk
William Castro, Detective Lt.
Tony Averbuch, Fire Chief
John Staran, Hafeli Staran Hallahan & Christ, P.C., Village Attorney
Vivian Carmody, Executive Director, Main Street Franklin

II. ADOPTION OF AGENDA

Motion by Seltzer supported by Eads to approve the agenda for the May 14, 2012, Regular Village Council Meeting as submitted.

Ayes: Eads, Hansen, Kochensparger, Morrow, Seltzer, Sparks

Nays: None

Absent: Rosenthal

Motion carried.

III. MINUTES

B,C: April 16, 2012, April 30, 2012, Special Village Council Meetings, Budget Workshops

Motion by Morrow supported by Seltzer to approve the Minutes for the April 16, 2012 and April 30, 2012 Special Village Council Meetings, Budget Workshops as submitted.

Trustees discussed minutes in general with it being noted the goal is to have more action oriented minutes to ensure the minutes accurately reflect what transpired at a meeting.

Ayes: Eads, Hansen, Kochensparger, Morrow, Seltzer, Sparks

Nays: None

Absent: Rosenthal

Motion carried.

A. April 9, 2012, Regular Village Council Meeting

Motion by Morrow supported by Eads to approve the Minutes for the April 9, 2012 Regular Village Council Meeting as amended.

Morrow noted specific corrections to the Minutes.

Ayes: Eads, Hansen, Kochensparger, Morrow, Seltzer, Sparks

Nays: None

Absent: Rosenthal

Motion carried.

IV. REPORTS OF VILLAGE OFFICERS AND AGENTS

Tony Averbuch, Fire Chief: Averbuch referred to his written report.

Detective Lt. Bill Castro: Castro advised that Chief Browne was on vacation and provided the Police update on his behalf, noting in April the Police Department responded to 208 calls for service, prepared 29 incident reports, made 1 felony arrest, 6 misdemeanor arrests, and wrote 57 traffic violations. Det. Lt. Castro provided an update on recent police activity in the Village and noted the 5th Annual Award presentation was held last Thursday which was a great opportunity to recognize work done by Village police officers last year. Discussion ensued regarding recent police activity and the Annual Award presentation with it being noted the Village has an incredible team of officers and staff who do a great job protecting the community. It was also noted the Village's Mounted Patrol travelled to Washington D.C. to represent the Village during the Police Officers' Memorial Week events. Upon request, Det. Lt. Castro noted the Village has 6 trained reserve/auxiliary officers who assist the Department by volunteering their time to support the officers/Village and summarized their contributions.

Thomas Morrow, Treasurer: Morrow referred to his submitted written report and reviewed two items on the Bills Report: Pressure Sewer Relining Project and Michigan Tax Tribunal property tax refunds. Discussion ensued regarding the property tax refunds amount and impact to the budget.

Vivian Carmody, Executive Director, Main Street: Carmody advised that MSF had an exciting month earning recognition/awards at the County and National levels (Outstanding Board Member of the Year – resident Pat Burke; Outstanding Façade/Building Rehabilitation under \$10,000 – LaSpezia Flavor Market; Outstanding Brand/Image Campaign Effort – “Historic Franklin – Experience It” Brand) and noted the great work done by MSF volunteers. Carmody advised that MSF will be meeting with Michigan Economic Development Corporation (MEDC) to review the potential for acquiring grant funds to facilitate barn renovations/preservation, work is continuing on façade improvements, and reviewed upcoming MSF events.

V. SUBMISSION OF CURRENT BILLS

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

TOTALS

| | | |
|------------------------|-----------|-------------------|
| General Administration | \$ | 11,315.51 |
| Building | \$ | 8,948.12 |
| Insurance | \$ | 33,037.00 |
| Legal | \$ | 1,540.75 |
| Police | \$ | 23,849.25 |
| Pressure Sewer | \$ | 19,282.00 |
| General Debt Service | \$ | - |
| Major Roads | \$ | 2,743.80 |
| Local Road | \$ | 3,180.25 |
| Rubbish | \$ | 16,525.28 |
| Trust & Agency | \$ | 400.00 |
| Tax Fund | \$ | 19,977.62 |
| Waste Water | \$ | 899.53 |
| ALL FUNDS | \$ | 141,699.11 |

Ayes: Eads, Hansen, Kochensparger, Seltzer, Sparks

Nays: None

Abstain: Morrow

Absent: Rosenthal
Motion carried.

VI. PUBLIC REQUESTS AND COMMENTS

Kochensparger advised the public as to the three (3) minute time limit and requested comments directed towards agenda items be brought forth when the agenda item is being considered.

- **Matthew Gibb, Deputy Oakland County Executive for Economic Development**, noted the value Main Street brings to a community in terms of economic development and preservation of community identity.

Motion by Morrow supported by Hansen to extend Mr. Gibb's comment time past the three (3) minute limit.

Ayes: Eads, Hansen, Kochensparger, Morrow, Seltzer, Sparks
Nays: None
Absent: Rosenthal
Motion carried.

Continuing, Matthew Gibb expressed his hopes that Franklin and the County can continue to partner for the Main Street program.

- **Robert E. Donohue Jr., MSOC Program Coordinator, Principal Planner, Oakland County**, distributed information relative to Main Street, noted MSF is coming out of a transition period and entering a growth phase, congratulated the Village on its efforts, offered ongoing assistance, and expressed his hopes that Franklin will continue to support MSF.

- **Les Gorback, property owner of commercial real estate and Gorback Studio of Photography**, advocated on behalf of MSF, noting its importance far outweighs its minimal cost and the changes that have materialized under Carmody's leadership. Les Gorback thanked the Eagle for its recent article about Main Street.

Kochensparger, with the consensus of Council, deferred the Special Reports (Agenda items VII -A B, and C) and advanced to New Business Agenda item A to facilitate increased time for public comments on budget related matters.

VII. SPECIAL REPORTS

A. President's Report; B. Council Report; C. Administrative Report
Deferred.

VIII. PUBLIC HEARING

A. Proposed Budget FY 2012-2012

#2012-38 Motion by Morrow supported by Seltzer to open the FY 2012-2013 Budget Public Hearing at 8:40 P.M.

Ayes: Eads, Hansen, Kochensparger, Morrow, Seltzer, Sparks
Nays: None
Absent: Rosenthal
Motion carried.

Kochensparger reminded as to the three (3) minute time limit for comments and requested Clerk Pulker to be the timekeeper.

- **Judy Moenck, Meadow Drive**, recognized Village volunteer Bob Smith for his work done at the Kreger House/Franklin Community Center, expressed concerns over distracting negative energy directed at MSF and the missed opportunity to generate positive buzz regarding the MSF awards, and proposed

tying a percentage of MSF funding to Trustee established benchmarks and incentivizing collaboration between MSF and the Historic District Commission.

- **Judy Meade, Captains Lane**, noted she is supportive of the Village's efforts to improve commerce, she is anticipating the day when MSF gets its 501c(3) status, the importance of preserving the General Fund, and does not support any additional residential tax funds going to this organization.
- **Walter Denison, Franklin Road**, noted the value of obtaining financial information and suggested MSF reconsider its budget (funding and detail) and opined MSF can balance the budget without help from the Village by making adjustments.
- **Vivian Carmody, MSF**, provided information relative to transmittal of MSF budget information and MSF budget, noting detailed information regarding the budget is posted on the website under Committee work plans.
- **Ruth Kochensparger, Kirk Lane**, advocated on behalf of funding MSF noting that significant achievements have been made in the last two years with not much happening the first two years under the previous MSF Director.
- **Jay Gardner, Evelyn Court**, expressed his MSF oriented concerns, and opined setting benchmarks for MSF would be appropriate.
- **Diane Lake, Crestwood**, noted all want MSF to succeed, but to succeed in a way that is consistent with residents and merchants expectations/direction for the Village and opined it is essential to first seek community input on those expectations to ensure MSF is moving in the direction the Villagers expect.
- **Charles Dunn, Kirk Lane**, advocated on behalf of supporting MSF and noted people are very interested in moving into the Village (interest is up), in part, because of the spirit of the downtown community.
- **Judy Weiner, Franklin Road**, ceded her time to Pat Burke.
- **Pat Burke, Franklin Court**, summarized a MSF report, noting MSF's achievements and hard/soft benefits to the community.
- **Connie Ettinger, River Drive**, continued the MSF report summary and noted its recent awards, successful initiatives, and successful business recruitment efforts, and opined no one is saying MSF is a bad thing; it simply is a question of how to best allocate scarce resources.
- **Nomi Joyrich, Bead Works, Franklin Road**, read correspondence from her parents, Ida and Ron Joyrich, Rosemond Drive, which advocated on behalf of fully funding MSF permanently and noted its many community benefits – tangible and intangible.
- **Steve Showers, owner of commercial property**, advocated on behalf of funding MSF, noted he was one of its original supporters, still believes in it, the many hands that are volunteering to move MSF forward, and hi-lighted its' successes which have benefited and will benefit the Village as a whole.
- **Linda Deutsch, Evelyn Court, Realtor Cranbrook For Living**, advocated on behalf of funding MSF and noted the increased positive energy as it relates to those considering relocating to the Village.
- **Lisa Dunn, Garden Way, owner Déjà Vue**, thanked Council for considering the budget, noted she supports funding MSF as it creates a family friendly environment with the events it holds, and turned over a donation to MSF.
- **Bill Finnicum, German Mill Road**, noted that MSF benefits the community and elaborated on the ways in which it does so.

- **Carolyn Weiner, Franklin Road**, noted as an analyst by training, most of the information provided by MSF is very quantifiable, and touched on some of the ways that MSF is reaching out to the community to educate it on what MSF is and its benefits to the community.
- **Dan Carmody, Study Team with MSOC**, echoed the comments made by MSOC representatives, restated the perspective that under the first Director, there was no real progress in terms of MSF but real progress has been made in its second two years, touched base on economic development as it relates to Franklin, noting that minimal changes will make more people want to relocate in the Village; significant changes are not in Franklin's DNA.
- **Bill Lamott, Scenic Drive**, expressed concern as it relates to MSF. Bill Lamott noted its benefits as well as its drawbacks and opined it is time to shift gears and move forward differently and touched base on some ways in which it could do so including tapping into more local talent/expertise, more use of volunteers, and more Historic District Commission involvement.
- **Charlie Havlin, Tudor Lane**, noted the value provided by MSF is immense.
- **Correspondence advocating funding MSF was received from Angela Hanke, Michael Saulson, and Ida and Ron Joyrich,**

#2012-39 Motion by Morrow supported by Hansen to close the FY 2012-2013 Budget Public Hearing at 9:31 P.M.

Ayes: Eads, Hansen, Kochensparger, Morrow, Seltzer, Sparks

Nays: None

Absent: Rosenthal

Motion carried.

IX. NEW BUSINESS

A. Consider Proposed Budget FY2012-2013.

#2012-40 Motion by Eads supported by Seltzer to approve the proposed FY2012-2013 Budget as submitted.

Morrow noted he has items of concern and would like to present modifications for Council's consideration and provided a rationale for those modifications. Trustees discussed procedure with Staran advising as to an appropriate course of action. Discussion ensued regarding process, potential amendments and related concerns, the positive aspect that this budget as presented is balanced, and MSF, with the public being thanked for their passionate comments.

Motion by Morrow to change the FY2012-2013 Planning Operations line item from \$14,400 to \$12,000 (20% increase from previous year's allocation).

Discussion ensued regarding PC funding with Hansen providing a brief historical and prospective perspective. Fred Gallasch, Rosemond Drive, noted the importance of PC and expressed a concern relative to Main Street as it relates to a potential conflict of interest on Council with Staran advising he doesn't see a legal conflict of interest.

Motion failed for lack of a second.

Motion by Morrow to change the allocation for Main Street Expense to \$15,000 to be funded at \$5,000 per quarter for the first two quarters and \$2,500 per quarter for the second two quarters.

Discussion ensued regarding the importance of flexibility in the budget to address unanticipated matters.

Motion failed for lack of second.

Motion by Sparks to change the FY2012-2013 allocation to Main Street to \$9,650.00 as a cushion for the money that will come in the future to be dispersed July 1, 2012 to enable MSF to leverage these funds towards its fundraising efforts and with this being the final payment to MSF from the Village.

Motion failed for lack of second.

Main Motion – Roll Call Vote:

| | |
|----------------------|------------|
| Eads | Aye |
| Hansen | Aye |
| Seltzer | Aye |
| Kochensparger | Aye |
| Morrow | Nay |
| Sparks | Nay |

Absent: Rosenthal

Motion Carried.

B. Consider Budget Amendments FY2011-2012.

#2012-41 Motion by Morrow supported by Eads to approve the Budget Amendments FY 2011-2012 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 - Restricted: Increase revenue account to a new total of \$36,800 (original \$30,800).

Expenditures

305700 – Police Salaries: Decrease expense account to a new total of \$623,321 (original \$628,321).

305701 – Police Overtime: Increase expense account to a new total of \$53,000 (original \$48,000).

305845 – Drug Forfeiture Funds: Increase expense account to a new total of \$31,800 (original \$25,800).

| General Fund | | | | |
|---------------------|--|----------------|----------------------|----------------|
| Acct # | | New Budget Amt | Old Budget Amt | change |
| REVENUE | | | | |
| 999 restricted | | \$36,800 | \$30,800 | \$6,000 |
| | | | Total Revenue | \$6,000 |
| EXPENDITURES | | | | |
| | | New Budget Amt | Old Budget Amt | change |
| 305700 | | \$623,321 | \$628,321 | (\$5,000) |
| 305701 | | \$53,000 | \$48,000 | \$5,000 |
| 305845 | | \$31,800 | \$25,800 | \$6,000 |
| | | | Total Expense | \$6,000 |

LOCAL ROAD 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 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 fund balance: Increase revenue account to a new total of \$188,252 (original \$179,252).

Expenditures

451818 – Road & Street construction: Decrease expense account to a new total of \$130,400 (original \$144,400).

458818 – Trees & Shrubs: Increase expense account to a new total of \$33,000 (original \$10,000).

| LOCAL ROAD | | | | |
|---------------------|--|------------|----------------------|----------------|
| Acct # | | New Budget | Old Budget | Change |
| REVENUE | | | | |
| 000999 | | \$188,252 | \$179,252 | \$9,000 |
| | | | Total Revenue | \$9,000 |
| EXPENDITURES | | | | |
| 451818 | | \$130,400 | \$144,400 | (\$14,000) |
| 458818 | | \$33,000 | \$10,000 | \$23,000 |
| | | | Total Expense | \$9,000 |

PRESSURE SEWER 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 Pressure Sewer Fund indicates several accounts where budget amendments are required. We resolve that the following budget amendments be made to the 2011-2012 Pressure Sewer 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 \$19,000 (original \$0).

Expenditures

875930 – Sewer System Maintenance: Increase expense account to a new total of \$21,500 (original \$2,500).

| Pressure Sewer | | | | |
|-----------------------|--|----------------|----------------------|-----------------|
| Account # | | New Budget Amt | Old Budget Amt | change |
| REVENUE | | | | |
| 000999 | | \$19,000 | \$0 | \$19,000 |
| | | | Total Revenue | \$19,000 |
| EXPENDITURES | | | | |
| 875930 | | \$21,500 | \$2,500 | \$19,000 |
| | | | Total Expense | \$19,000 |

Ayes: Eads, Hansen, Kochensparger, Morrow, Sparks

Nays: None

Absent: Rosenthal, Seltzer

Motion carried.

C. Consider Planning Commission Appointment.

Kochensparger advised he is recommending Peter Halick be appointed to fill the Planning Commission vacancy.

#2012- 42 Motion by Morrow supported by Seltzer to appoint Peter Halick to the Planning Commission.

Ayes: Eads, Hansen, Kochensparger, Morrow, Seltzer, Sparks

Nays: None

Absent: Rosenthal

Motion carried.

Peter Halick expressed his appreciation for the appointment.

D. Consider Interim Police Chief Appointment.

Sullivan provided a brief overview noting the recommendation is to appoint Det. Lt. Castro as the interim Police Chief. Discussion ensued regarding compensation.

#2012-43 Motion by Morrow supported by Seltzer to appoint Det. Lt. Castro as the interim Police Chief with compensation increased by \$500.00 per month.

Ayes: Eads, Hansen, Kochensparger, Morrow, Seltzer, Sparks

Nays: None

Absent: Rosenthal

Motion carried.

E. Consider Police Chief Replacement Process.

Sullivan provided a brief overview noting two (2) resumes have been received. Discussion ensued regarding process. Fred Gallasch, Rosemond Drive, provided input as to previous process for filling this position.

#2012-44 Motion by Morrow supported by Sparks to move forward with the two candidates, post the position with the Michigan Municipal League, and not engage a search firm at this time, with the Personnel Committee assigned the task of developing a process for vetting the candidates.

Ayes: Eads, Hansen, Kochensparger, Morrow, Sparks

Nays: None

Absent: Rosenthal, Seltzer

Motion carried.

F. Consider Sign Ordinance Amortization Date Change.

Sullivan provided a brief overview. Trustees considered the pros and cons of leaving the date open as presented in the submitted draft resolution or setting a firm end date. Bill Meade, Captains Lane -Van Avery House, noted he is seeking to update/repair the sign at the Van Avery house and would appreciate direction so he can get this done before the weather turns. Discussion ensued regarding timing, date, and signs with Sullivan providing input and Bill Meade requested to offer suggestions to PC.

#2012-45 Motion by Morrow supported by Eads to move the Sign Ordinance Amortization date to October 30, 2012.

Ayes: Eads, Hansen, Kochensparger, Morrow, Seltzer, Sparks

Nays: None

Absent: Rosenthal

Motion carried.

G. Consider DPW Contract extensions for tree removal, grass cutting & public works maintenance.

Sullivan provided an overview and noted the recommendation is to extend the current contracts for an additional two (2) years) with an expiration date of June 30, 2014. Discussion ensued with Sullivan advising there was a one year trial period with no price increase for the contract extensions term.

#2012-46 Motion by Seltzer supported by Eads to approve DPW Contract extensions for tree removal, grass cutting & public works maintenance as presented.

Ayes: Eads, Hansen, Kochensparger, Morrow, Seltzer, Sparks

Nays: None

Absent: Rosenthal

Motion carried.

X. ORDINANCES/PROCLAMATIONS/RESOLUTIONS

A. Consider An Ordinance to Amend Chapter 410, Michigan Vehicle Code, of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Adopt by Reference Section 625 (1) (c) of the Michigan Vehicle Code, Repeal Conflicting Ordinances, and prescribe penalties for Violations (second reading).

#2012-47 Motion by Morrow supported by Eads to adopt the Ordinance to Amend Chapter 410, Michigan Vehicle Code, of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Adopt by Reference Section 625 (1) (c) of the Michigan Vehicle Code, Repeal Conflicting Ordinances, and prescribe penalties for Violations as presented.

Ayes: Eads, Hansen, Kochensparger, Morrow, Seltzer, Sparks

Nays: None

Absent: Rosenthal

Motion carried.

B. Consider Resolution in Support of Local Control to Set Speed Limit on Gravel Roads.

#2012-48 Motion by Eads supported by Morrow to adopt the Resolution in Support of Local Control to Set Speed Limit on Gravel Roads and transmit to the State noting the Village clearly supports passage of this Act, as follows:

RESOLUTION

WHEREAS, 2006 PA 85, effective November 9, 2006, amended the Michigan Vehicle code concerning methods for establishing speed limits on public highways based, in part, on the number of vehicular access points within a ½ mile segment; and

WHEREAS, as a result of 2006 PA 85, 14 Mile Road which is the border of the Village of Franklin and Bloomfield Township that was previously posted with a lower speed limit had its speed limit increased to the 55 mph prima facie speed limit; and

WHEREAS, concerned residents of the Village of Franklin believe that a higher speed limit on this unpaved road creates unsafe and dangerous conditions for motorists, bicyclists and pedestrians, especially where the unpaved road is bumpy, narrow and lacks shoulders and sidewalks; and

WHEREAS, Senate Bill No. 52, introduced by State Senators Marleau, Kowall and Pappageorge, would amend the Michigan Vehicle code to reinstate speed limits for unpaved roads that were lawfully posted before the effective date of 2006 PA 85, unless the city, village or township where the road is located asks its county road commission to increase the speed limit and the road commission concurs; and

WHEREAS, SB 52 has been referred to the Senate Committee on Transportation; and

WHEREAS, the Franklin Village Council believes enactment of SB 52 will promote the health, safety and welfare of the Village residents, visitors and the traveling public.

THEREFORE, it is resolved that the Franklin Village Council declares its support for SB 52 and urges the State Legislature and the Governor to promptly enact it.

It is further resolved that the Village Clerk shall transmit this resolution of support to State Senators Marleau, Kowall and Pappageorge, the Senate Committee on Transportation, Bloomfield Township Supervisor Leo Savoie, State Representative Moss, Senator Gregory, Governor Snyder, Oakland County Executive Patterson, Oakland County Commissioner Gershenson, the Road Commission for Oakland County, and the Michigan Municipal League.

Ayes: Eads, Hansen, Kochensparger, Morrow, Seltzer, Sparks

Nays: None

Absent: Rosenthal

Motion carried.

XI. ADJOURNMENT

Motion by Seltzer supported by Morrow to adjourn the meeting.

Ayes: Eads, Hansen, Kochensparger, Morrow, Seltzer, Sparks

Nays: None

Absent: Rosenthal

Motion carried.

There being no further business, the meeting adjourned at 10:30 P.M.

Respectfully submitted,

Lori Rich, Recording Secretary

Eileen H. Pulker, Clerk

James Kochensparger, President