

**PROCEEDINGS OF VILLAGE OF FRANKLIN
VILLAGE COUNCIL REGULAR MEETING
MONDAY, AUGUST 13, 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, Brian Gordon, Pam Hansen, Jim Kochensparger, Thomas Morrow, Steve Rosenthal
Absent: Mike Seltzer
Also Present: Amy Sullivan, Village Administrator
Daniel Roberts, Police Chief
Eileen Pulker, Clerk
Lance Vainik, Deputy Treasurer
John Staran, Hafeli Staran Hallahan & Christ, P.C., Village Attorney
Vivian Carmody, Administrator, Main Street Franklin

II. ADOPTION OF AGENDA

Motion by Morrow supported by Eads to approve the agenda for the August 13, 2012, Regular Village Council Meeting as submitted.

Ayes: Eads, Gordon, Hansen, Kochensparger, Morrow, Rosenthal

Nays: None

Absent: Seltzer

Motion carried.

III. MINUTES

A. July 16, 2012, Special Village Council Meeting

Motion by Morrow supported by Eads to approve the minutes for the July 16, 2012, Special Village Council Meeting as submitted.

Ayes: Eads, Gordon, Hansen, Kochensparger, Morrow, Rosenthal

Nays: None

Absent: Seltzer

Motion carried.

B. July 16, 2012, Regular Village Council Meeting

Motion by Morrow supported by Eads to approve the minutes for the July 16, 2012, Regular Village Council Meeting as corrected.

Kochensparger noted that he voted no on Agenda Item F not yes as stated in the draft minutes.

Ayes: Eads, Gordon, Hansen, Kochensparger, Morrow, Rosenthal

Nays: None

Absent: Seltzer

Motion carried.

C. July 19, 2012, Special Village Council Meeting

Motion by Gordon supported by Eads to approve the minutes for the July 19, 2012, Special Village Council Meeting as submitted.

Ayes: Eads, Gordon, Hansen, Kochensparger

Nays: Morrow, Rosenthal

Absent: Seltzer

Abstain: Morrow

Motion carried.

IV. REPORTS OF VILLAGE OFFICERS AND AGENTS

Daniel Roberts, Police Chief: Roberts referred to the written report and provided a brief overview of recent police activity in the Village noting the Department responded to 315 calls for service in the Village for the month of July. Regarding personnel issues, Chief Roberts advised the number one priority is to fill the two vacant officer positions noting Steve Thompson was hired and one-week in is working out very well whom he hopes to change to a full-time position and hire a second officer as soon as possible. Roberts also noted the part-time police clerk position is vacant with interviews scheduled for this week.

Tony Averbuch, Fire Chief: Kochensparger referred to Averbuch's written report.

Lance Vainik, Deputy Treasurer: Vainik referred to the written report and the Bills List and provided a brief overview noting the entry on the Bills List in the amount of \$322,506.25 is for the "Pressure Sewer" principal and interest payment. Vainik noted he has been reviewing Village reports with Tom Morrow and is being brought up to speed on duties that need to be covered monthly. Vainik also provided a brief overview of the Retiree Health Funding Trust Analysis (through second quarter of 2012) included in the packet.

Vivian Carmody, Executive Director, Main Street: Carmody provided an update on Committee activities noting Business Development is working on filling the space vacated by Escapades, Design is working on design and sustainability guidelines with potential funding through a partnership with MSU or accessing a grant, Promotions is working on Franklinstein Frenzy and looking to incorporate more kids activities, and Fundraising has the Gem of the Night event this Saturday. Discussion ensued regarding the Gem of the Night with Carmody providing an overview and registration/contact information.

V. SUBMISSION OF CURRENT BILLS

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

TOTALS

General Administration	\$	40,586.34
Building	\$	7,979.30
Insurance	\$	30,965.69
Legal	\$	1,000.50
Police	\$	20,168.26
Pressure Sewer	\$	322,506.25
General Debt Service	\$	-
Major Roads	\$	7,897.32
Local Road	\$	4,295.63
Rubbish	\$	16,525.28
Trust & Agency	\$	3,300.00
Tax Fund	\$	132,167.71
Waste Water	\$	400.40
ALL FUNDS	\$	587,792.68

Ayes: Eads, Gordon, Hansen, Kochensparger, Rosenthal

Nays: None

Absent: Seltzer

Abstain: Morrow

Motion carried.

VI. PUBLIC REQUESTS AND COMMENTS

- Andrea Gilles Briggs, Democratic candidate for Southfield Township Clerk, introduced herself and provided a brief overview of her qualifications and community involvement, noting community service was what prompted her to run for this position and her goal is to promote positive, collaborative, and respectful dealings with all. Briggs provided her Facebook page and website address.
- Fred Gallasch, Rosemond Drive, thanked all for supporting his unsuccessful candidacy for the Southfield Township Supervisor position and requested Villagers to attend the Southfield Township Board of Trustee meetings (Board of Trustees meets the second Tuesday of each month at 7:30 p.m. at the Township offices located at 18550 W. 13 Mile Road) as the Village has lost any representation on the Board.

VII. SPECIAL REPORTS

A. President's Report

None.

B. Council Report

None.

C. Administrator's Report

Sullivan advised that Planning Commission has a full agenda this week with two public hearings scheduled and is close to finalizing the review of the sign ordinance with the hope of transmitting a recommendation to Council in the next month or two. Sullivan noted the bracket supporting the banner over Franklin Road came loose from the Market Basket and has been replaced with the assistance of Steve Showers and with FCA splitting the costs. Sullivan noted her next project after planning and zoning will be getting recycling to businesses in the Village Center Area and introduced the Executive Director of the Birmingham Bloomfield Community Coalition.

D. Birmingham Bloomfield Community Coalition

Carol Mastroianni, Executive Director, provided an overview of the Community Coalition and its initiatives noting it is a 501(c) 3 Non-Profit organization founded in 1994 which using research driven and evidenced based strategies works with different community sectors to bring skills and insight into the community to achieve long-term positive outcomes in terms of substance abuse prevention and save kids lives. Mastroianni requested the Village to consider incorporating information relative to the Coalition in Village newsletters and the website.

VIII. NEW BUSINESS

A. Consider Main Street Franklin Letter of Agreement

Sullivan provided a brief overview noting this is a formal letter of agreement (Agreement) for one year between the Village and Main Street Franklin (Main Street) which outlines what services the Village is expected to receive in return for an annual fee to be determined during the budget process. Morrow raised a point of order requesting clarification on what action Council is being asked to consider with Sullivan advising Council is requested to review and authorize the Agreement.

Motion by Rosenthal supported by Eads to adopt the 2012/2013 Letter of Agreement between Main Street Franklin and the Village of Franklin as amended.

Trustees discussed the Agreement in terms of financial flexibility, term, termination, and historical perspective, with Staran noting this is a good first attempt at reducing to writing the relationship between the two parties and advising the Agreement doesn't bind the Village beyond any particular year, each party has the ability to terminate the Agreement after providing 90 day notice, and Council would make an annual determination during budget considerations as to whether funds are in the budget and whether this is an appropriate expense. Morrow noted that Main Street is a positive program, applauded those involved for their service, defined conflict of interest, and suggested members in common disclose the dual duty of loyalty as a conflict and recuse themselves from pertinent discussions. Morrow requested the motion be amended as follows: Section 3 (1) replace provided language with "Budget \$19,300 for Fiscal Year 2012-2013 to Main Street Franklin"; Section 3 (7) insert "Consider requests to" before "Provide Village services".... with Rosenthal agreeing to the changes. Discussion ensued regarding conflict of interest with Staran providing additional clarification and the suggestion made that conflicts of interest should be similarly addressed in all Village entities. Trustees continued to review the Agreement and discussed the origin of the Agreement, original agreement with Main Street Oakland County, importance and benefit of measuring the results, and importance of financial flexibility.

Al Beke, Colony Hill, noted the soft costs in the Agreement and the importance of an objective metric to evaluate the results such as changes in assessed values.

Bill Lamott, Scenic Drive, requested clarification as to the deliverables and offered suggestions as to how the deliverables might be measured.

Sherry Sparks, Evelyn Court, noted the deliverables focus on the business community and questioned if resident satisfaction should be measured. Sparks also requested clarification as to whether the Village would be able to modify the allocation if faced with an unexpected financial situation with Morrow advising his amendment addressed that.

Mira Stakhiv, Crestwood Drive, suggested incorporating a performance evaluation of the Main Street Director and noted concerns relative to the abbreviation for Main Street ("MSF"). Discussion ensued with it being noted the Director works for the Board and with the suggestion made to add language requesting an evaluation to the Agreement.

John Pulker, Ponds View Drive, noted business contracts typically address measurement of deliverables as well as timely delivery and review of the results and suggested aligning a review of the deliverables to the quarterly payment. Discussion ensued with it being noted quarterly reports on goals and objectives are included.

Ayes: Eads, Gordon, Hansen, Kochensparger, Morrow, Rosenthal

Nays: None

Absent: Seltzer

Motion carried.

B. Consider Rezoning Application for 32635 Franklin Road

Kochensparger noted this is not a public hearing and provided a brief introduction. Sullivan advised that when Council refers this to the Planning Commission ("PC") for consideration, it would be added to the PC's September agenda, PC is the body that holds the public hearing, reviews the rezoning request, and makes a recommendation back to Council, with Council ultimately making a decision on the request.

Motion by Morrow supported by Eads to refer the Rezoning Application for 32635 Franklin Road to the Planning Commission.

Lisa McDonald, Fitness Driven, provided an overview of her qualifications and business, reasons for siting her business in Franklin, her appreciation of the Village, and her business needs. McDonald presented a power point which covered Fitness Driven's mission and vision statement, benefits of a revitalized commercial district, and the proposed rezoning.

Bill Finnicum, Finnicum Brownlie Architects, provided an overview of the rezoning, noting an adaptive reuse is nothing new to the Village, showed renderings of the proposed addition, noted the benefits of incorporating a residential component into the commercial district, noted residential use was favorably evaluated in the Charette, reviewed the site plan, and noted the essence of the Snow House should be maintained and preserved.

Susan Morrison, Esq., Rentrop Morrison, P.C., advised she is representing an organization of Franklin homeowners – Keep Franklin Franklin, many of whom are in the audience. Morrison noted the proposed rezoning is contrary to the Master Plan and pointed out defects on the submitted Application recommending Council reject the Application.

Discussion ensued with Staran advising that PC typically reviews an Application as to its completeness, providing an overview of the application process and advising that Council can either refer to PC or table for additional information that is deemed to be missing. Upon request Staran further advised that Council has the discretion to refer to PC, this is the normal course of action, and this is the process in the ordinance, and all defects in the Application should be addressed prior to the PC meeting.

Diane Lake, Crestwood, noted if rezoned, when the property is sold the use can be changed to anything the new zoning classification allows, similarly situated properties, as a matter of law, would be granted the rezoning if requested, noted the impact on not the one structure but ultimately the four (4), and opined that as the Master Plan was a community driven plan which has these houses as residential, changing the zoning should similarly involve input from the community.

Roger McClow, corner of Vincennes, opined the Village as a whole needs to change the historic nature of that area – not a single application or property, noted concerns relative to the idea that changing the zoning on one property will have a positive impact on businesses in the downtown, and stated he is opposed unless it is determined to be the collective will of the Village.

Jay Gardner, Evelyn Court, noted concerns with the favorable evaluation in the Charette and stated this is a decision that needs to be made by the Village not just Council or PC.

Mira Stakhiv, Crestwood, noted the percentage in the Charette in favor represents about .0073 of the Village, recommended Council not push an incomplete application to PC, and noted they are in attendance tonight fully realizing this is not a public hearing but it is a televised forum.

Discussion ensued regarding Master Plan and PC, process as outlined in the Charter, and due process concerns.

Mike Flevaris, Franklin Road, inquired if he should talk to the PC or Council if he wanted to open a tattoo parlor.

Ayes: Eads, Gordon, Hansen, Kochensparger, Morrow, Rosenthal

Nays: None

Absent: Seltzer

Motion carried.

C. Consider Civic Event Permit Application for Dorchester Neighborhood Picnic, September 9, 2012

Motion by Hansen supported by Eads to approve the Civic Event Permit Application for Dorchester Neighborhood Picnic, September 9, 2012.

Kochensparger inquired if all is in order and inquired if they were aware the Church parking lot might not be available with Clerk Pulker answering in the affirmative.

Ayes: Eads, Gordon, Hansen, Kochensparger, Morrow, Rosenthal

Nays: None

Absent: Seltzer
Motion carried.

D. Consider Civic Event Permit Application for Corn Roast, October 6, 2012
Motion by Rosenthal supported by Morrow to approve the Civic Event Permit Application for Corn Roast, October 6, 2012.

Morrow inquired if all was in order with Pulker answering in the affirmative. Kochensparger noted the Church will have to provide a waiver to serve alcohol at the event.

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

E. Consider Civic Event Permit Application for 1950's Family Fun Day, October 7, 2012
Motion by Morrow supported by Eads to approve the Civic Event Permit Application for 1950's Family Fun Day, October 7, 2012, including temporary signage.

Morrow inquired if all was in order with Clerk Pulker answering in the affirmative.

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

F. Consider Civic Event Permit Application for Franklinsien Frenzy, October 20, 2012, Including Temporary Signage
Motion by Eads supported by Hansen to approve the Civic Event Permit Application for Franklinsien Frenzy, October 20, 2012 including temporary signage.

Morrow inquired if all was in order with Pulker answering in the affirmative. Hansen inquired as to the road closure with Chief Roberts noting the closure will be monitored by attendance and overtime may be incurred.

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

G. Consider Temporary Sign Permit Application for Franklin Community Church Pre-School
Motion by Eads supported by Rosenthal to approve the Temporary Sign Permit Application for Franklin Community Church Pre-School.

Kochensparger inquired if all was in order with Clerk Pulker answering in the affirmative.

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

H. Consider Revised Planning Commission By-Laws

Sullivan introduced this item noting Council amended the PC ordinance last year which drove the review of the By-Laws which has been provided to Council for information purposes and consent. Discussion ensued regarding Council action with Sullivan advising a motion to receive and file would be appropriate.

Motion by Eads supported by Hansen to receive and file the revised Planning Commission By-Laws.

Ayes: Eads, Gordon, Hansen, Kochensparger, Morrow, Rosenthal

Nays: None

Absent: Seltzer

Motion carried.

I. Consider Proposal for Planning Services

Sullivan provided an overview as well as a brief historical perspective and noted the Proposal outlines the scope of services and the increased allocation was included in the adopted budget and more accurately reflects the cost of the services provided by the Planning Consultant. Discussion ensued regarding consistency with the budget and historical perspective.

Motion by Eads supported by Hansen to approve the Contract for Professional and Technical Planning Services with between the Village of Franklin and McKenna Associates as submitted.

Discussion ensued regarding impact to PC's budget, term, potential to bid, cost of living increase, and 90 day notice provision for termination.

Dean Moenck, PC Member, noted PC would need a budget increase as an offset with it being noted this rate was built into the Village's adopted budget.

Ayes: Eads, Gordon, Hansen, Kochensparger, Morrow, Rosenthal

Nays: None

Absent: Seltzer

Motion carried.

J. Consider Snow Removal Contract Extension

Sullivan provided a brief overview as well as an historical perspective, noting the contract reflects the current rate, is for the next two winter seasons, and incorporates a sliding scale with a 10% refund of the contract fee when the snow fall is less than 40" during a winter season and 10% additional billing when the snow fall is more than 75" during a winter season.

Motion by Morrow supported by Rosenthal to authorize the Village Administrator to enter into a two (2) year contract with Johnson Landscaping based on a sliding scale and existing rates as submitted.

Discussion ensued regarding benefits to the Village under the sliding scale strategy, bid concerns, concerns with previous contractor, and in-kind additional work provided by the contractor to the Village.

Mira Stakhiv, Crestwood, noted concerns with snow removal servicer and that she is a fan of the bid process especially on multi-year contracts.

Ayes: Eads, Gordon, Hansen, Kochensparger, Morrow, Rosenthal

Nays: None

Absent: Seltzer

Motion carried.

K. Consider Union Grievance Settlement

Motion by Morrow supported by Eads to agree to the Union Grievance Settlement as recommended.

Fred Gallasch, Rosemond Drive inquired as to overall cost with it being noted the expense is already in the budget and there will be no increase in the Police Department budget.

Discussion ensued with Hansen requesting how items of a sensitive nature dealing with employees are generally handled with it being noted, procedurally, these are considered in conjunction with a written legal opinion at a closed meeting and approved in a public meeting, however in this case, funds were saved by not hiring legal counsel to write a legal opinion, and once settled the financial information is available to the public.

Ayes: Eads, Gordon, Hansen, Kochensparger, Morrow, Rosenthal

Nays: None

Absent: Seltzer

Motion carried.

IX. ORDINANCES/PROCLAMATIONS/RESOLUTIONS

- A. Consider An Ordinance to Add Section 678.02 to Chapter 678, Safety, Sanitation and Health, of Part Six of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Regulate the Placement and Removal of Residential Garbage and Waste Containers, Repeal Conflicting Ordinance and Prescribe a Penalty for Violations (*first reading*).**

Sullivan referred to her Memorandum to Council dated August 2, 2012, provided a brief overview and noted the proposed Ordinance has been recommended by the Legal Committee and correspondence from a resident is also included in the packet.

Motion by Morrow for discussion purposes to consider an Ordinance to Add Section 678.02 to Chapter 678, Safety, Sanitation and Health of Part Six of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Regulate the Placement and Removal of Residential Garbage and Waste Containers, Repeal Conflicting Ordinance and Prescribe a Penalty for Violations in the first reading.

Motion failed for lack of a second.

X. ADJOURNMENT

Motion by Rosenthal supported by Eads to adjourn the meeting.

Ayes: Eads, Gordon, Hansen, Kochensparger, Morrow, Rosenthal

Nays: None

Absent: Seltzer

Motion carried.

There being no further business, the meeting adjourned at 10:02 P.M.

Respectfully submitted,

Lori Rich, Recording Secretary

Eileen H. Pulker, Clerk

James Kochensparger, President