

**PROCEEDINGS OF VILLAGE OF FRANKLIN
VILLAGE COUNCIL REGULAR MEETING
MONDAY, SEPTEMBER 10, 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
Jim Zack, Treasurer, Main Street Franklin

II. ADOPTION OF AGENDA

Motion by Morrow supported by Eads to approve the agenda for the September 10, 2012, Regular Village Council Meeting as submitted.

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

Nays: None

Absent: Seltzer

Motion carried.

III. MINUTES

A. August 13, 2012, Regular Village Council Meeting

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

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

Nays: None

Absent: Seltzer

Motion carried.

IV. REPORTS OF VILLAGE OFFICERS AND AGENTS

Daniel Roberts, Police Chief: Roberts referred to his written report and provided an update on personnel matters noting the part time officer has been converted to full time as of last week, he is hoping to have a decision by the end of the week on the well-qualified candidate being considered for the other open position, and a police clerk has been hired. Upon request, Roberts noted the Department has been receiving positive feedback regarding the new Ford Taurus police cruiser including being contacted by a Ford representative regarding the potential to use the vehicle in Ford's marketing material.

Tony Averbuch, Fire Chief: Averbuch referred to his written report and requested Villager's familiarize themselves with the permit process and rules relative to burning of leaves. Upon request it was noted that information relative to the burning of leaves can be obtained from the Village Office, website, permit, or Police and Fire Departments. Clerk Pulker was requested to ensure this information was communicated via email.

Lance Vainik, Deputy Treasurer: Vainik referred to his written report and noted there are large entries for General Debt (US Bank bond interest and agent fees) as well as tax distributions to the Fire Department and Library. Discussion ensued regarding the US Bank general debt servicing payment with Morrow noting this is an annual payment for the semi-annual interest and annual principal payment on the three (3) bonds that were refinanced and combined a year ago and the tax distributions are pass through items.

Jim Zack, Treasurer, Main Street Franklin: Zack advised that Business Development has recruited a new business, Love Child, to the former Escapades space and that second quarter volunteer hours were 423 with a corresponding IRS dollar value of approximately \$9,306. Zack provided an overview on Main Street activity at the committee level and noted the volunteer hours/work show solid and trackable results that are on target with the 2007 Master Plan update, 2007 Village of Franklin Downtown Commercial District presentation and the 2008 Strategy for Vitalization of the Village Center and reflects a return on investment to the Village similar to what it has seen in the past two years and can expect to receive in the future on its quarterly investment of approximately \$4,800.00. Zack provided an overview of upcoming events and noted details can be found on Main Street's website.

V. SUBMISSION OF CURRENT BILLS

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

TOTALS

General Administration	\$	31,791.63
Building	\$	5,747.78
Insurance	\$	32,146.75
Legal	\$	-
Police	\$	19,907.42
Pressure Sewer	\$	114,071.88
General Debt Service	\$	567,275.00
Major Roads	\$	1,753.46
Local Road	\$	3,554.58
Rubbish	\$	16,525.28
Trust & Agency	\$	2,500.00
Tax Fund	\$	367,163.76
Waste Water	\$	646.88
ALL FUNDS	\$	1,163,084.41

Ayes: Eads, Gordon, Hansen, Kochensparger, Rosenthal

Nays: None

Abstain: Morrow

Absent: Seltzer

Motion carried.

VI. PUBLIC REQUESTS AND COMMENTS

- Andrea Gilles Briggs, candidate for Southfield Township Clerk, noted her desire to bring transparency to Southfield Township government and customer service improvements in the Clerk's office, requested Villagers to vote for her and noted additional information relative to her candidacy can be found on her website www.andreabriggs.com and provided her email (andrea.briggs@ameritech.net).

- Sharon Tischler, Southfield Township Clerk, provided an overview of collaboration efforts she has put in place while serving as the Township Clerk since 1984 and noted a few years back she brought a package to the Township regarding a website which was declined by the Township Board.
- Greg Burry, Council Member Village of Beverly Hills, Chair Joint Senior Services Committee, provided an update on the Committee and requested Franklin to appoint two (2) Trustees to serve on the Committee to represent Franklin and assist in the task of studying service and program needs of the growing senior population in the area.
- Mira Stakhiv, Crestwood Drive, inquired about the crime prevention booklet and requested Council's assistance in getting this mailed out.

VII. SPECIAL REPORTS

A. President's Report

None.

B. Council Report

Eads initiated a discussion relative to the crime prevention booklet and requested clarification as his recollection is that Council was and is supportive of this and had approved funds which along with donations would cover this item. Sullivan concurred noting this covered printing; FCA is covering mailing and with the new Police Chief in place and FCA's Roundup done, this will be moving forward. Kochensparger suggested adding this to next month's agenda for further review and consideration. Rosenthal noted the Legal Committee has met and items discussed are on tonight's agenda for consideration.

C. Administrator's Report

Sullivan noted the Household Hazardous Waste Day was successful and provided a Planning Commission update: Rezoning on barn from parking to commercial: public hearing held; review at September meeting; if decision is made it will be added to Council's October agenda. Snow House rezoning: Consideration of setting a public hearing will be on the September Planning Commission agenda.

VIII. NEW BUSINESS

A. Consider Scheduling Public Hearing for Proposed Village Election Change to Even Year November

Bill Bullard, Jr., Oakland County Clerk/Register of Deeds, noted he and Joe Rozell, Oakland County Director of Elections were present to provide information relative to an overview of trends in Michigan regarding consolidated elections and noted it is anticipated the upcoming November election is likely to have the highest voter turnout in history.

Joe Rozell Oakland County Director of Elections, provided an overview of consolidated elections noting that of the ten (10) villages in Oakland County only three (3) remain on the September odd year election schedule: Franklin, Bingham Farms, and Lake Orion. Rozell reviewed concerns school districts had before moving to the even year schedule and noted that using community college as a test case, voter fatigue was found to be not as significant as one might have expected, turnout was significantly increased, and costs became essentially zero. Rozell noted he was available for further questions and his contact information can be obtained from the Village Clerk.

Motion by Eads supported by Hansen to schedule a public hearing for the October Council Meeting to discuss the change to even year November elections, as follows:

VILLAGE OF FRANKLIN

RESOLUTION SCHEDULING PUBLIC HEARING ON WHETHER TO CHANGE THE VILLAGE'S

REGULAR MUNICIPAL ELECTION DATE

WHEREAS, the Hammerstrom Election Consolidation Law, 2003 PA 298 et seq, as amended, requires villages to hold their regular municipal elections on the even-year November general election date, or alternatively, on the September primary election date in odd-number years; and

WHEREAS, on September 13, 2004, the Franklin Village Council resolved to hold the Village's regular municipal election on the September primary date in odd-number years commencing in 2005; and

WHEREAS, Section 642a(6) of the Michigan Election Law, MCL 168.642a(6), authorizes a village council that resolved to hold its regular election on the odd-year September primary election date to later, by resolution, change its regular election to the even-year November general election date; and

WHEREAS, the Franklin Village Council believes changing the Village's regular election date from the odd-year September regular election date to the even-year November general election date will benefit the Village by saving costs (because Southfield Township will conduct the November general election at no cost to the Village); eliminating duplication of effort and duties by the Village and Township clerks; reducing time spent by the Village Clerk on elections and related recordkeeping; and improving voter turn-out.

THEREFORE, the Franklin Village Council resolves:

1. The Village Council shall hold a public hearing during the Village Council's October 8, 2012 regular meeting on the issue whether to change the Village's regular municipal election from the odd-year September primary election date to the even-year November general election date. After the public hearing, the Village Council shall deliberate and decide whether to change the election date (If a resolution to change the election date is not adopted, the Village's regular municipal election will continue to be held on the odd-year September primary election date).
2. The Village Clerk shall give notice of the public hearing in accordance with MCL 168.642.

Kochensparger opined that after listening to the information provided he is concerned that Village issues would not have exposure and is concerned with the impact to term end dates by the change to even year November elections. Discussion ensued regarding the proposed change, potential for cost savings, term impact, potential to address in the short term and long term, impact of migrating to more of a partisan v. non partisan type schedule, and timing, with it being noted concerns would be raised and considered at the public hearing and the general election has both partisan and non-partisan considerations. Staran noted the public hearing is a procedural requirement, the change, if adopted, would not involve changing the Charter, and a change would go into effect by law the year following its adoption. Rozell noted school boards had similar concerns relative to a partisan ballot impact and subsequent review indicated no overall increase in the cost of campaigning.

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

Nays: None

Absent: Seltzer

Motion carried.

B. Consider Historic District Commission ("HDC") Appointments

Kochensparger introduced this item noting Gary Roberts provided a preliminary list of appointees and recommended the reappointment of Mike Brassfield and Madeline Haddad and the appointment of either

Eileen Harryvan or Laura Witty as they both are good candidates. Kochensparger noted his suggestion is to reappoint Brassfield and Haddad and appoint Witty simply to give a new board member the chance to serve the Village and requested a motion on these Council appointments.

Upon request, Eileen Harryvan (only applicant present) advised she lives in the Historic District, provided an overview of her Village experience and qualifications and noted she is seeking this appointment because she believes it is important to stay involved in her community and the HDC specifically effects how the Historic District is managed.

Discussion ensued with it being noted both applicants for the appointment are highly qualified and credentialed, the appointments are for a three (3) year term, and the importance of the HDC as it has the final word on certain Village decisions. Staran provided procedural input for consideration.

Kochensparger opened the floor for nominations with Trustee Hansen presenting nominees as follows: Brassfield, Witty, and Harryvan. No other nominees were presented by other Trustees.

Kochensparger closed the nominations and called the vote.

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

Nays: None

Absent: Seltzer

Motion carried.

C. Consider Birmingham Area Cable Board Representative Appointment

Motion by Eads supported by Rosenthal to appoint Mira Stakhiv as the representative to the Birmingham Area Cable Board.

Stakhiv noted she would be honored to accept the appointment. Eads noted he has spoken with Mira Stakhiv regarding this appointment and believes she would make a very fine representative.

Kochensparger thanked Stakhiv for her patience while waiting for an opportunity to serve the Village in an official capacity.

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

Nays: None

Absent: Seltzer

Motion carried.

D. Consider Forest Drive Dedication

Sullivan referred to her memorandum and provided a brief overview noting a special assessment district (SAD) would need to be set up to bring this private road up to Village standards with 19 out of 21 benefitted residents signing the SAD petition. Discussion ensued regarding the petition and the potential for Village costs with Sullivan noting the Village would undertake the program but costs would be passed on to the homeowners and Morrow noting if the dedication is approved the Village would receive a small increase in its Act 51 funding.

Patrick O'Leary, Forest Drive, President Franklin Forest Homeowners Association, provided an overview of the road and request, noting the association is active, is seeking to have the road improved via an SAD and then dedicated to the Village to get out of the burden of having to improve it a second time years down the road, and would continue to maintain all landscaping in the road right-of-way. Discussion ensued regarding the pros and cons of the Forest Drive dedication.

Motion by Rosenthal supported by Eads to direct the Village/Road Administrator to prepare plans and specifications for the proposed project and to prepare and file a report with the Village Clerk which shall estimate the life of the proposed project, a description of the properties to be affected, and a cost of the estimates.

Discussion ensued regarding the effective date with Sullivan noting the dedication would be effective simultaneously with the final approval of the SAD and Staran noting the process could take several months. Trustees continued to discuss the pros and cons, road standards, historical perspective, costs, and impact to snow plowing costs.

Ayes: Eads, Hansen, Kochensparger, Morrow, Rosenthal

Nays: Gordon

Absent: Seltzer

Motion carried.

E. Consider Revision to Personnel Policy to Address Vacation Pay-Out for Non-Union Employees at Separation

Sullivan introduced this item noting the Personnel Manual is silent on the pay-out of accrued vacation pay for non-union employees at separation and the recommendation is to make this retroactive to Chief Browne's separation. Kochensparger noted the revision is to bring the Personnel Policy in line with the recently redone Administrator and Police Chief contracts. Sullivan explained the vacation pay policy. Eads requested clarification as to cost and availability of funding if made retroactive with Sullivan providing the costs and noting funds would be available as the Chief's salary was budgeted for the entire year and the Village went a month without a Chief.

Motion by Eads supported by Rosenthal to revise the Personnel Policy to include at separation a pay-out of 100% of accrued vacation time that remains in an employee's vacation bank to non-union employees in good standing, retroactive to last year's budget.

Trustees requested clarification as to "accrued" with Sullivan advising this applies to the prior year not the year in which an employee separates. Gallasch requested clarification as to time period with Morrow noting this is for one year only as it is not possible to accrue more than one year's vacation and vacation pay is built into the budget. Discussion ensued relative to the pros and cons of this matter with Stakhiv opining she is supportive of employees in good standing receiving accrued vacation pay.

Ayes: Eads, Hansen, Kochensparger, Morrow, Rosenthal

Nays: Gordon

Absent: Seltzer

Motion carried.

F. Consider Road Improvements on Scenic and Devon Roads

(Sullivan requested Council to reverse the order of the last two (2) agenda items out of consideration for a homeowner present for the last agenda item and the lateness of the hour.)

Sullivan provided a brief overview including options for Council to consider and noted the Village would tap into Farmington Hills sources to complete these two repairs. Trustees requested clarification as to road conditions and Kochensparger noted he had contacted a few other paving companies for cost comparisons with all indicating the cost is considerably lower than what they could do the work for. Discussion ensued regarding options, terms relative to crew days, funds, and process with the consensus being to move forward on the option to rehab half of the road surface from the approximate middle to the north edge, with a budget amendment to be provided for consideration at the next meeting.

G. Consider Zoning Ordinance Text Amendment to Eliminate Step in Rezoning Process

Sullivan provided an overview of the current process and the recommended change with Hansen providing additional input. Trustees considered the pros and cons of the change with Staran echoing the positive timing impact if the process is changed, providing an overview of the Zoning Enabling Act which starts the process at Planning Commission, includes a public hearing at Planning Commission, and ends the process at Council. Staran noted the Village is the only jurisdiction that both he and the Planning Consultant can think of that has Council as the starting point as well as the required ending point

and the current process sets inappropriate expectations for residents appearing before Council at the first meeting in terms of decision making when all Council can do is to refer the matter to the Planning Commission. Discussion ensued regarding procedure.

Motion by Eads supported by Gordon to refer consideration of Zoning Ordinance text amendment to eliminate step in rezoning process to the Planning Commission.

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

Nays: None

Absent: Seltzer

Motion carried.

IX. 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 9:53 P.M.

Respectfully submitted,

Lori Rich, Recording Secretary

Eileen H. Pulker, Clerk

James Kochensparger, President