PROCEEDINGS OF VILLAGE OF FRANKLIN VILLAGE COUNCIL REGULAR MEETING MONDAY, JANUARY 14, 2013, 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: Brian Gordon, Pam Hansen, Jim Kochensparger, Thomas Morrow, Steve Rosenthal,

Mike Seltzer

Absent: Lew Eads

Also Present: Amy Sullivan, Village Administrator

Daniel Roberts, Police Chief Tony Averbuch, Fire Chief Eileen Pulker, Clerk Lance Vainik, Treasurer

John Staran, Hafeli Staran Hallahan & Christ, P.C., Village Attorney

Vivian Carmody, Main Street Franklin

II. ADOPTION OF AGENDA

Motion by Seltzer supported by Morrow to approve the agenda for the January 14, 2013, Regular Village Meeting as submitted.

Morrow suggested moving the consideration of the Trustee appointment to the February meeting to afford an opportunity for notice of the vacancy to be provided with the consensus being to discuss this under the scheduled agenda item.

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

Absent: Eads Nays: None Motion carried.

III. MINUTES

A. December 10, 2012, Regular Village Council Meeting

Motion by Morrow supported by Seltzer to approve the minutes for the December 10, 2012, Regular Village Council Meeting as revised.

Kochensparger requested the summary of the DTE presentation be changed to include his inquiry to DTE as to what the Village could do to help reduce problems and their reply, to cut down trees.

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

Absent: Eads Nays: None Motion carried.

IV. REPORTS OF VILLAGE OFFICERS AND AGENTS

Lance Vainik, Treasurer: Vainik referred to his written report noting there is a large entry for trash pickup and recycle bins and the list of account balances at Level One bank is as of December 31, 2012.

Daniel Roberts, Police Chief: Referred to his written report and provided a brief update on recent activity in the Village, noting that home invasions are down from the prior year, a new reserve officer started last week, and the Department will be interviewing candidates for the position vacated by the retirement of Officer Goulet. Discussion ensued regarding the recent home invasion and home invasions

in general with the suggestion made to communicate to the residents what the classification of "home invasion" means.

Tony Averbuch, Fire Chief: Averbuch referred to his written report, noting that year end statistics show an increase in runs of over 10% with EMS runs exceeding the norm. Averbuch reminded residents that the secure Knox Box program would facilitate entry to a residence suitably equipped and provided a brief overview of the program including cost. Discussion ensued regarding the benefits of the program, placement of box, cost, and number of Franklin residents participating in the program. The Department was thanked for its quick response times.

Vivian Carmody, Main Street Franklin ("MSF"): Carmody provided an update on MSF accomplishments/considerations as they relate to the Village's 2007 Master Plan, 2007 Commercial District presentation, and the 2008 Strategy for Revitalization of the Village Center focusing on two key recommendations from these plans: Maintaining viability of the downtown and walkable downtown environment. Carmody noted that recent events show that walkability (pathways) needs to be a continued focus and the sustainability guidelines will go a long way in addressing these issues. Carmody touched on funding noting that MSF is continuing to pursue funding for the sustainability guidelines and is hoping to initiate the process in a few weeks. Carmody further noted a healthy downtown has close to 70% first floor retail and the Village's current first floor occupied retail percentage is around 34%, which makes it difficult for the merchants to stay competitive and speaks to the importance of supporting projects such as the Costello barn project. Carmody expressed excitement for the progress made in recent years and noted MSF is looking forward to working with the Village as it moves forward.

V. SUBMISSION OF CURRENT BILLS

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

Discussion ensued regarding payments to Mike's Tree Surgeons with Hansen noting concerns relative to the general fund expenditure to the Arborist to drive two (2) residents through the Village for a review of Hazardous Tree Removal Program. Kochensparger inquired as to whether the fees paid to Mike's Tree Surgeons from the building fund and the BASCC Newsletter expenses are reimbursable (pass through) with Sullivan answering in the affirmative for both.

Ayes: Gordon, Hansen, Kochensparger, Rosenthal, Seltzer

Absent: Eads Abstain: Morrow Nays: None Motion carried.

TOTALS

1011120	
General Administration	\$ 35,183.91
Building	\$ 7,064.29
Insurance	\$ 62,467.32
Legal	\$ 1,181.24
Police	\$ 22,376.64
Pressure Sewer	\$ -
General Debt Service	\$ 450.00
Major Roads	\$ 6,813.41
Local Road	\$ 14,153.42
Rubbish	\$ 16,844.30
Trust & Agency	\$ 5,400.00
Tax Fund	\$ 8,735.96

Waste Water	\$ -
ALL FUNDS	\$ 180,670.48

VI. PUBLIC REQUESTS AND COMMENTS

Kochensparger opened the meeting for public comments on non-agenda items.

- Bill Dwyer, Oakland County Commissioner, District 14, introduced himself and noted he is looking forward to working with and updating Council/Villager's on County related matters. Discussion ensued regarding Oakland County's Women's Advisory Commission ("Commission") with Commissioner Dwyer noting to his knowledge there is nothing on the agenda to eliminate the Commission. Kochensparger brought to his attention concerns relative to 13 and 14 Mile Roads (County roads) and requested Commissioner Dwyer to look into these roads and County funding to address concerns.
- **Judy Moenck, Meadow Drive**, expressed condolences to the Molnar family on the recent passing of Imre and thanked Village staff for posting this information on the website.
- Mark Ziessow, Redfern, advised he is in agreement with Council's recent action relative to its
 hazardous tree removal strategy which he opined are funds well-invested and stated he has known
 Dan (Dan's Landscaping) a long time and finds him to be very professional and providing excellent
 work.
- Mira Stakhiv, Crestwood Drive., Birmingham Area Cable Board Representative ("BACB") noted BACB's website has been updated (http://www.birminghamareacableboard.org/) and encouraged residents to bring their cable concerns to BACB (phone: (248) 336-9445) as they are very effective in resolving problems. Stakhiv noted WOW has no plan for Franklin at this time. Gordon requested her to look into cable mailings that are not going to a Franklin address.

VII. SPECIAL REPORTS

A. President's Report

Kochensparger noted crews are out cutting down hazardous Village trees (in road right-of-way) and advised the logs are free for the taking.

B. Council Report

Morrow noted the Finance Committee in addition to agenda items discussed two (2) actuarial evaluations which will need to be updated. Hansen noted the Legal Committee met and discussed items on the agenda.

C. Administrator's Report

Sullivan noted revenue/expenditures are on track with the budget and the State mandated Citizens Guide and Dashboard are on the Village's website and were done at no charge to the Village by Eastern Michigan University finance students.

VIII. NEW BUSINESS

A. Consider Resignation of Council Trustee E. Lewis Eads

Rosenthal read into the record a communication from Lew Eads in which Eads noted the resignation is due to health concerns requiring him to reside elsewhere for part of the year which would cause him to miss at least 4 consecutive Council meetings which, he opined, mandated his resignation from Council, the Fire Commission and Assistant Treasurer, as the residents of Franklin deserve full-time representation.

#2013-01 Motion by Seltzer supported by Hansen to accept the resignation of Trustee Lew Eads effective immediately.

Discussion ensued with Eads being thanked for his support, contributions, civic-mindedness, spirit, hard work, and passionate approach to governance.

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

Absent: Eads Nays: None Motion carried.

B. Consider Village Council Trustee Appointment.

#2013-02 Motion by Morrow supported by Gordon to consider the Village Council Trustee Appointment at the February, 2013, Village Council meeting.

Trustees discussed timing with it being noted the requirement is to appoint someone within 30 days with that time period starting with acceptance of the resignation. Trustees discussed the obligation to let the community know of the vacancy so interested residents can consider and perhaps pursue applying for the appointment. Clerk Pulker was requested to post the resignation/vacancy on the website.

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

Absent: Eads Nays: None Motion carried.

C. Consider Planning Commission Recommendation for the Revised Site Plan at the rear of 32749 Franklin Road

Sullivan provided a brief overview nothing this is the revised site plan for what the Village has been calling the Costello barn project which has Historic District Commission (HDC) approval, received a few variances from the Zoning Board of Appeals (ZBA), and has been recommended for approval by the Planning Commission (PC); Council approval is the last step. PC Chair, David Goldberg, upon request from Kochensparger, provided a brief overview of considerations/actions from the PC. Discussion ensued regarding whether the request is in harmony with the Master Plan with Goldberg opining the site plan certainly is due to the Master Plan calling for revitalization wherever possible in the Village center area. Trustees discussed parking, zoning, fence, and process, with Kochensparger noting the various actions open to Council.

#2013-03 Motion by Seltzer supported by Morrow to approve the Costello barn project at the rear of 32749 Franklin Road, as recommended by the Planning Commission.

Applicant, Dan Costello, offered to answer any questions. Discussion ensued regarding the grant, with Costello providing an overview of the grant process. Trustee Hansen thanked Costello for his patience and participation, noting she has high expectations of this building.

Aves: Gordon, Hansen, Kochensparger, Morrow, Rosenthal, Seltzer

Absent: Eads Nays: None Motion carried.

D. Consider Planning Commission Recommendation for the Site Plan for the Rain Garden and Parking Lot Improvements at 32740 Franklin Road

Sullivan provided a brief overview noting HDC has approved the project, PC recommended approval with conditions (handicapped barrier-free parking concerns be addressed), the project is partially funded by the Village and a grant for the rain garden itself, property owner is responsible for parking lot rehabilitation and striping, and outlined potential actions. Discussion ensued regarding irrigation, boulders/rocks, parking, and time-table, with Catherine Watkins, Landscape Designer, providing additional input and Sullivan directed to cover the irrigation concerns.

#2013-04 Motion by Seltzer supported by Gordon to approve the Site Plan for the Rain Garden and parking improvements at 32740 Franklin Road as recommended by the Planning commission.

Mira Stakhiv, Crestwood Drove, brought forward concerns relative to the boulders. Discussions ensued regarding the boulders/rocks which Sullivan noted are in lieu of a curb and pose no conflict with the ordinance currently being worked on.

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

Absent: Eads Nays: None Motion carried.

E. Consider Recommendation of the Finance Committee for the Lease of a New Police Vehicle Sullivan introduced and advised as to funding. Morrow advised this was discussed at Finance, noting that as the Village has been transitioning to leasing these vehicles, the Village's budget will need to include three (3) lease payments annually.

#2013-05 Motion by Morrow supported by Seltzer to amend the budget as follows:

GENERAL FUND

WHEREAS: The Village must assure that expenditures in each account do not exceed those budgeted. A review of the Village's Fiscal year 2012/2013 General Fund indicates several accounts where budget amendments are required. We resolve that the following budget amendments be made to the 2012-2013 General Fund Budget with funds coming from the appropriation of other funds.

Revenue

000681 – Miscellaneous Police Income: Increase revenue account to a new total of \$3,000 (original \$1,000)

Expenditures

305863 – Police Car Operation: Decrease expense account to a new total of \$42,000 (original \$44,000).

305892 – Receipts from Building Dept: Increase revenue account to a new total of \$10,000 (original \$0).

305981 – Police Automobiles and Equipment: Increase expense account to a new total of \$34,000 (original \$0).

870726 – Capital Lease Debt (Auto): Decrease expense account to a new total of \$0 (original \$20,000).

BUILDING FUND

WHEREAS: The Village must assure that expenditures in each account do not exceed those budgeted. A review of the Village's Fiscal year 2012/2013 Building Fund indicates several accounts where budget amendments are required. We resolve that the following budget amendments be made to the 2012-2013 Building Fund Budget with funds coming from the appropriation of other funds.

Expenditures

000900 – overhead: Increase expense account to a new total of \$10,000 (original \$0).

Discussion ensued regarding historical funding, prior budget, and funding/budget considerations. Sullivan noted the prior budget was tight which resulted in a strategy to try to stretch the miles out on the lease as the historical option of transferring funds from building was not possible due to the downturn in building activity with the opportunity now existing because of an increase in building activity. Fred Gallasch noted concerns relative to prior building fund deficits with Sullivan outlining changes to the Building Official's contract (flat annual rate) which help minimize this risk. Trustees noted they are mindful of this lesson and will be tracking the in – and out of funds appropriately.

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

Absent: Eads Nays: None Motion carried.

A. Consider Finance Committee Recommendation for Budget Amendments FY2012-2013

1. Police In-Car Video Camera

Chief Roberts provided a brief overview noting this is not a budgeted expense but due to failure of one of the in-car cameras and related officer safety and evidentiary concerns, there was no choice but to have the camera replaced. Roberts noted part of the cost will be offset by a grant from the Michigan Municipal Risk Management Authority (MMRMA).

#2013-06 Motion by Morrow supported by Seltzer to amend the budget to reduce expenditures to Police Car Operation line item by \$5,350 and transfer to Police Equipment account for the purchase and installation of the Police in-car video camera.

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

Absent: Eads Nays: None Motion carried.

B. Consider Formation of Kreger (Franklin Community Center) Study Committee

Sullivan noted the recommendation is to form a committee composed of Kreger team representatives, Trustees, and members at large, to consider issues relative to operations of the facilities and make a recommendation to Council which is needed as the Certificate of Occupancy will be issued shortly. Discussion ensued regarding committee formation, membership, public notice, budgetary concerns/implications, and prior requests for development of a business/operation plan, with it being noted the facilities are a great addition to the Village assets and a wonderful addition to the Village as a whole.

#2013-07 Motion by Morrow supported by Rosenthal to authorize the Village Administrator to form a study committee tasked with making a recommendation to Council relative to a business/operation plan for the Franklin Community Center, Kreger House.

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

Absent: Eads Nays: None Motion carried.

IX. RESOLUTIONS/ORDINANCES

A. Consider An Ordinance to Add New Chapter 1028, Road Right-Of-Way Obstructions, to Part Ten of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Prohibit and Provide a Procedure for Removal of Man-Made Obstructions Placed in the Public Road Rights-of-Way, Repeal Conflicting Ordinances and Prescribe a Penalty for Violations (Second Reading)

Sullivan noted that implementation would not be immediate if approved due to weather considerations.

#2013-08 Motion by Seltzer supported by Hansen to adopt new Chapter 1028, Road Right-Of-Way Obstructions, to Part Ten of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Prohibit and Provide a Procedure for Removal of Man-Made Obstructions Placed in the Public Road Rights-of-Way, Repeal Conflicting Ordinances and Prescribe a Penalty for Violations, in the second reading.

Aves: Gordon, Hansen, Kochensparger, Morrow, Rosenthal, Seltzer

Absent: Eads

Nays: None Motion carried.

X. ADJOURNMENT

Motion by Gordon supported by Seltzer to adjourn the meeting.

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

Absent: Eads Nays: None Motion carried.

There being no further business, the meeting adjourned at 9:31 P.M.

Respectfully submitted,
Lori Rich, Recording Secretary
Eileen H. Pulker, Clerk
James Kochensparger, President