

**FRANKLIN VILLAGE COUNCIL
REGULAR MEETING, DECEMBER 9, 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.

II. ROLL CALL

Present: Jim Kochensparger, Judy Moenck, Ed Saenz, Mike Seltzer, Tom Morrow
(arrived 8:01 PM).

Absent: Brian Gordon, Pam Hansen

Also Present: Amy Sullivan, Village Administrator
John D. Staran, Village Attorney
Daniel Roberts, Police Chief
Eileen Pulker, Clerk
Lance Vainik, Treasurer
Lew Eads, Main Street Franklin

III. ADOPTION OF AGENDA

Motion by Seltzer supported by Saenz to adopt the agenda for the December 9, 2013 Regular Village Council Meeting.

Ayes: Kochensparger, Moenck, Saenz, Seltzer

Absent: Gordon, Hansen, Morrow

Nays: None

Motion carried.

IV. MINUTES

A. Special Village Council Meeting, November 5, 2013

Motion by Moenck, seconded by Saenz to approve the minutes for the November 5, 2013 Special Village Council Meeting as submitted.

Ayes: Kochensparger, Moenck, Saenz, Seltzer

Absent: Gordon, Hansen, Morrow

Nays: None

Motion carried.

B. Special Village Council Meeting, November 11, 2013

Motion by Seltzer, seconded by Moenck to approve the minutes for the November 11, 2013 Special Village Council Meeting as submitted.

Ayes: Kochensparger, Moenck, Saenz, Seltzer

Absent: Gordon, Hansen, Morrow

Nays: None

Motion carried.

C. Regular Village Council Meeting, November 11, 2013

Motion by Seltzer, seconded by Saenz to approve the minutes for the November 11, 2013 Regular Villager Council Meeting as submitted.

Ayes: Kochensparger, Moenck, Saenz, Seltzer

Absent: Gordon, Hansen, Morrow

Nays: None

Motion carried.

V. REPORTS OF VILLAGE OFFICERS AND AGENTS

Tony Averbuch, Fire Chief: Averbuch was not present at the meeting, but Kochensparger asked the Council to refer to the Chief's written report.

Daniel Roberts, Police Chief: referred to and provided an overview of the submitted monthly report and recent activity in the Village and noted that home invasions have remained the same. We did not have any last month. The major incident that did occur was the closure of Telegraph Rd. due to a "hot" DTE wire down across the road from the Franklin side to the Bingham Farms. It was a major line which fed into the businesses along the east side of Telegraph, north of 13 Mile Rd and had the road closed for 13 hours. Even though it was in Bingham Farms, Franklin was directly affected because it used all of our police assets, supported by our Fire Dept., to cover that time period. It was also a significant expense due to calling in extra officers for overtime. He indicated that they are working with the Village of Bingham Farms for cost recovery by invoicing DTE for expenses. Personnel actions which the Council should be aware of: Detective Lieutenant Castro will be retiring after the 1st of the year (March) and Sgt. Hirschfeld will retire in May for which a succession plan is in place. The painting of the interior of the Police Station has been completed and he thanked the Council for their support in this matter.

Lew Eads, Representative of Main Street and VP of the Historic Franklin Fund, reminded everyone that the annual Sip, Shop, and Stroll event would be occurring this Thursday from 5-8 PM in downtown. He encouraged everyone to attend and support the local businesses. On another matter, he addressed an article that was published and sent to all Franklin residents that erroneously stated the purposes of the Historic Franklin Fund. He corrected the misinformation and expounded on its goals.

Lance Vainik, Treasurer, referred to his submitted written report and noted that the amounts on the Bills List are consistent with normal monthly spending. The expenditures are generally consistent with the new '13-14 budget. It includes a large entry for the Village Auto/Liability Insurance through June, 2014. The list of account balances is as of December 6, 2013 and held at Level One Bank. The Village has sufficient funds to meet its current and anticipated obligations.

As an add-on to the retirement comments Chief Roberts gave the Council, Morrow wanted to point out that several years ago a Trust was set up to set aside money to pay the retirement health insurance obligations the Village had promised its police force. A recently received MERS Financial Report totaling the money the village had contributed plus interest income which will ease the burden on our taxpayers.

VI. SUBMISSION OF CURRENT BILLS

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

TOTALS

General Administration	\$	25,713.61
Building	\$	7,424.65
Insurance	\$	59,443.98
Legal	\$	1,100.00
Police	\$	15,858.41
Pressure Sewer	\$	-
General Debt Service	\$	-
Major Roads	\$	3,121.50
Local Road	\$	2,071.50
Rubbish	\$	29,074.28
Trust & Agency	\$	16,235.18
Tax Fund	\$	699.53
Waste Water	\$	-
ALL FUNDS	\$	160,742.64

Kochensparger questioned if the dollar entry under Major Roads for gravel/salt (\$2.70) was a typo. Sullivan will look into it.

Ayes: Kochensparger, Moenck, Saenz, Seltzer

Nays: None

Abstain: Morrow

Motion carried.

VII. PUBLIC REQUESTS AND COMMENTS

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

- **Fred Gallasch**, Rosemond Dr., agreed with Tom Morrow and complimented the Council for having the insight to pre-fund the retirement and healthcare for the police officers. He urged the Council to continue doing that at the same rate.

VIII. SPECIAL REPORTS

A. President's Report

None

B. Council Report

None

C. Administrator's Report

Because the vote to authorize HRC to design and prepare the bid specifications for the Short-Term Road Rehab Project failed at the last Council meeting, Sullivan spoke with the engineer at HRC about the engineering fees. Because the scope is small it was suggested that Franklin might be able to tag along with Bloomfield Township when it does its improvement project in the spring. She also sent Jerry Johnson, DPW contractor,

a copy of the areas that needed to be done. Jerry will look into renting a paver and what the cost would be to do the overlay himself.

Morrow suggested that the Village shift its schedule from the fall to spring to look at where significant deterioration from the winter is and where repairs are needed.

IX. PUBLIC HEARING

A. Community Development Block Grant (CDBG) for Plan Year 2014.

Kochensparger opened the Public Hearing at 8:20 PM.

Sullivan gave a brief history of Franklin's involvement stating that Franklin alternates years of funding between Birmingham Area Seniors Coordinating Council (BASCC) and Birmingham Youth Assistance. Following that rotation the 2014 grant funds would go to BASCC.

There being no Public Comments on the distribution of the 2014 funds to BASCC, Kochensparger closed the Public Hearing at 8:21 PM.

X. NEW BUSINESS

B. Consider the Plan Year 2014 Community Development Block Grant Funds Acceptance PY 2014 Community Development Block Grant (CDBG) Application #2013-112 Motion by Seltzer, seconded by Saenz to approve the Program Year 2014 Community Development Block Grant Application in the approximate amount of \$5,000 as follows and authorize the Village President to sign the Application and submit the documents to Oakland County.

<u>Account Number</u>	<u>Project Name</u>	<u>Amount</u>
172160-731712	Public Services (Senior Services)	\$5,000.00

Ayes: Kochensparger, Moenck, Morrow, Saenz, Seltzer

Absent: Gordon, Hansen

Nays: None

Motion carried.

A. Consider Metro Act and Bilateral ROW Telecommunications Permits for ACD Telecom.

Sullivan introduced Phil Brown from ACD, which is the 2nd Metro Act permit request to come before the Council this year. The company is seeking permission to access the road right-of-way to put up 5 utility poles around the village: locations are listed on the memo Sullivan sent to the Council. Mr. Brown explained that the company's goal is to string fiber optic lines throughout the Village, and detailed the several methods it would use depending on location of the poles. He emphasized the company's desire to provide an improved service to all residents and would work with the Village to determine the most optimum methods and locations. Discussion and questions about the system, equipment, environmental impact, and location of the new poles were posed by Council. There was a concern that due to a Michigan State policy decision the Village is obligated to approve the permit without local opposition.

Lew Eads, Franklin Ct., being a former Cable Board Member, is aware that the “unnamed” company which is interested in servicing the Village has different products other than what the Comcast and AT&T provide. These current companies generate revenue for the Village. He is concerned that the Village would not see any benefit from the inclusion of this “unnamed” company. He is asking that numerous issues be explored before a ROW is granted to any carrier. He pointed out that the information provided is very vague.

#2013-113 Motion by Morrow, seconded by Seltzer to approve the Metro Act and Bilateral ROW Telecommunications Permits for ACD Telecom, provided that all new power and line feeds will be underground, the abandoned pole at Hersheyvale and Franklin Rd. be removed, ACD will work with the Historic District Commission to find a suitable location for the pole in the downtown area, if possible, and work with the Administrator to minimize the visual impact of the poles.

Ayes: Kochensparger, Moenck, Morrow, Saenz, Seltzer

Absent: Gordon, Hansen

Nays: None

Motion carried.

C. Consider Ratification of Police Union Letter of Agreement on Health Insurance

Sullivan reminded Council that in closed session it had authorized her to negotiate with the Police Union regarding the Health Insurance which would take effect January 1, 2014. One issue involved requesting an employee contribution of 10% as outlined in the second paragraph of the Letter of Agreement.

#2013-114 Motion by Morrow, supported by Seltzer to implement the Community Blue PPO Platinum 250 Plan as negotiated with the Police Union. The Village shall opt out of Public Act 152 of 2011 and instead require a 10% contribution as outlined in paragraph two of the Police Union Letter of Agreement.

Ayes: Kochensparger, Moenck, Morrow, Saenz, Seltzer

Absent: Gordon, Hansen

Nays: None

Motion carried.

Fred Gallasch, Rosemond Dr., asked that the budget implications of this new agreement be explained to the public.

D. Consider Schedule for 2014 Meetings of Village Council, Waste Water Management Board, Historic District Commission, Planning Commission and Sign/Zoning Board of Appeals

#2013-115 Motion by Moenck, seconded by Seltzer to approve the 2014 Meeting Schedule as presented.

Ayes: Kochensparger, Moenck, Morrow, Saenz, Seltzer

Absent: Gordon, Hansen

Nays: None

Motion carried.

XI. RESOLUTIONS/ORDINANCES/PROCLAMATIONS

A. Consider Resolution to Waive Recapture of CDBG Funds

Sullivan explained that Village still has about \$1500 CDBG funds from 2011 that had not been spent. The funds are set aside for administration of the Community Development Block Grant.

#2013-116 Motion by Seltzer, seconded by Saenz to approve the resolution to Waive Recapture of CDBG Funds, as follows:

RESOLUTION TO WAIVE RECAPTURE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) mandates that Community Development Block Grant (CDBG) balances not exceed 1.5 times the current program year allocation sixty (60) days prior to the end of the program year (February 28th); and

WHEREAS, the Oakland County Board of Commissioners adopted a policy allowing communities to protect funds from their two most recent program years to help comply with this regulation; and

WHEREAS, all unobligated 2011 and older funds are at risk of recapture December 31, 2013; and

WHEREAS, the **Village of Franklin** may protect unobligated 2011 funds from recapture for one additional year by requesting a waiver; and

WHEREAS, a separate Waiver request form must be submitted for each line item to the Manager of the Oakland County Community & Home Improvement Division no later than **December 31, 2013**.

NOW, THEREFORE, BE IT RESOLVED, that the **Village of Franklin** hereby requests to waive recapture of 2011 CDBG funds as follows:

<u>Account Number</u>	<u>Project Name</u>	<u>Amount</u>
730789	General Program Administration	\$1,505.34

Ayes: Kochensparger, Moenck, Morrow, Saenz, Seltzer

Absent: Gordon, Hansen

Nays: None

Motion carried.

B. Consider Proposed Resolution to Support DTE Tree Grant Application.

Sullivan explained that it is a 1:1 grant so the Village would be responsible for at least \$3000 which would come out of the Major and Local Roads Funds.

#2013-117 Motion by Seltzer, seconded by Saenz to support the DTE Tree Grant Application.

Ayes: Kochensparger, Moenck, Morrow, Saenz, Seltzer

Absent: Gordon, Hansen

Nays: None

Motion carried.

XII. ADJOURNMENT

Motion by Moenck, seconded by Seltzer to adjourn the meeting.

Ayes: Kochensparger, Moenck, Morrow, Saenz, Seltzer

Absent: Gordon, Hansen
Nays: None
Motion carried.

There being no further business, the meeting adjourned at 9:15 P.M.

Respectfully submitted,

Gail Beke, Recording, Secretary

Eileen H. Pulker, Clerk

James Kochensparger, President