

**VILLAGE OF FRANKLIN
VILLAGE COUNCIL REGULAR MEETING
MONDAY, DECEMBER 14, 2015, 7 PM
FRANKLIN VILLAGE HALL – BROUGHTON HOUSE
32325 FRANKLIN ROAD, FRANKLIN, MICHIGAN 48025**

I. CALL TO ORDER

The meeting was called to order by Chairman Jim Kochensparger, at 7:01 PM at the Franklin Village Hall, Franklin, Michigan.

II. ROLL CALL

Present: Fred Gallasch, Brian Gordon, Pam Hansen, Jim Kochensparger, Judy Moenck, Mike Seltzer

Absent: Tom Morrow (excused)

Also Present: Jim Creech, Village Administrator
Chief Dan Roberts, Police Department
Chief Tony Averbuch, Fire Department
Eileen Pulker, Village Clerk
Lance Vainik, Treasurer
John Staran, Village Attorney

III. ADOPTION OF AGENDA

Motion by Seltzer, seconded by Moenck to adopt the Agenda, as presented.

Ayes: Gallasch, Gordon, Hansen, Kochensparger, Moenck, Seltzer

Absent: Morrow

Nays: None

Motion carried.

IV. MINUTES

A. Regular Meeting of November 16, 2015

Motion by Seltzer, seconded by Hansen to approve the Regular Council Meeting Minutes for November 14, 2015, as presented.

Ayes: Gallasch, Gordon, Hansen, Kochensparger, Moenck, Seltzer

Absent: Morrow

Nays: None

Motion carried.

B. Special Meeting of November 20, 2015

Referring to the discussion under **IV. TO CONSIDER WHETHER TO RECONSIDER THE VILLAGE COUNCIL'S NOVEMBER 16, 2015 DECISION TO DENY THE SITE PLAN APPLICATION...** Gallasch requested a modification to the second paragraph, end of second sentence to read, "...or a change to the roof, using Village General Fund costs."

Under **IV. PUBLIC COMMENTS**, Gallasch also modified the first sentence, second paragraph to read, “Seltzer and Gallasch noted that requested additional information and materials had been...”.

Motion by Seltzer , seconded by Moenck to approve the Special Meeting Minutes of November 20, 2015, as amended.

Ayes: Gallasch, Gordon, Hansen, Kochensparger, Moenck, Seltzer
Absent: Morrow
Nays: None
Motion carried.

V. REPORTS OF VILLAGE OFFICERS AND AGENTS

Dan Roberts, Police Chief, referred to and provided an overview of his submitted monthly report. Roberts specifically pointed out those burglaries and/or larcenies which occurred in the Special Assessment District on Telegraph. These involved gaining access into the building through an unlocked door and the stealing of purses and wallets from offices; suspects have been identified. Roberts further reported that overall, Franklin has been very quiet. With regards to personnel, Officer Forton has resigned to take a similar position with the Waterford Township Police Department. His resignation was for personal and professional reasons. The open position has been posted and about twelve (12) interviews have been scheduled beginning this week. At the beginning of this year Detective Sergeant Bastianelli was sent to Staff and Command School offered through Northwestern University which is a very prestigious program from which he has now graduated. Roberts noted that he would like to offer the same opportunity to Sergeant Dyjewski in the future. Lieutenant Brian Crane will be attending the FBI Academy in the fall of 2016. Roberts updated Council on the progress of the carport.

Moenck asked the Chief for an explanation of “DWLS-Ops Lic. Suspended/Revoked” in the “Comments” section of his report. Hansen passed on a compliment to the Chief from a Bingham Farms resident regarding Detective Sergeant Bastianelli’s assistance after a storm.

Tony Averbuch, Fire Chief, referred to his monthly report and reminded the residents about fire safety during the holiday season when using electricity and candles. Kochensparger questioned the Chief whether he was aware about the demolition on Ovid Court. Averbuch stated that he was not aware but would work with the Office Staff in the future about other items coming up.

Main Street Franklin, Barry Silverstein, Chairman of the Board, reported that the 3rd and final session of the Social Media Workshop Series was well attended. Silverstein further reported that Ron Campbell from Main Street Oakland County had spent two (2) nights with the Board conducting visioning sessions, working on the way boards ought to operate, and the facilitation processes noting that the meetings were very helpful and well attended. Silverstein reported on a few events: Small business Saturday was November 28, 2015 with varied responses from the merchants and Sip, Shop, and Stroll was Thursday, December 10,

2015, which brought new people to Franklin and was promoted in the neighborhood SEEN magazine, the community calendar, and Facebook. Silverstein further stated that the Board will be focusing in on the 2016 Work Plan finalization, adding that in February Oakland County will be in Franklin for the day doing its evaluation process. Silverstein concluded by stating that Main Street Oakland County will be offering a new training session January 27, 2016, 5-9 PM for which they will be bringing in people from the National Main Streets in Washington, D.C. The training provided is to be primarily for Committee members and Board Members.

Moenck asked if the merchants had thought that Sip, Shop, and Stroll was successful. Several comments were received from visitors offering suggestions, including some addition lighting.

Lance Vainik, Treasurer, referred to his submitted monthly report and noted that the amounts on the Bills List are consistent with normal monthly spending. Vainik noted that the expenditures are generally consistent with the FY 2015-16 Budget. Vainik also noted that the bills list included a large entry for 2015-16 Auto Liability Insurance paid to the Michigan Municipal Risk Management Fund. Vainik added that a list provided of account balances is as of December 10, 2015 of those accounts held at Level One Bank. Vainik concluded stating that the Village has sufficient funds to meet its current and anticipated obligations.

VI. SUBMISSION OF CURRENT BILLS

Motion by Hansen, seconded by Seltzer to approve the Bill's List as submitted.

Moenck requested an explanation of what the Cable Grant from the Birmingham Area Cable Board paid for.

Creech replied that it paid for the internet service at the Broughton House and Kreger House.

General Administration	\$ 8,675.53
Building	\$ 5,860.61
Insurance	\$ 91,048.66
Legal	\$ 1,633.00
Police	\$ 17,156.80
Pressure Sewer	\$ -
General Debt Service	\$ -
Major Roads	\$ 2,590.70
Local Road	\$ 1,719.38
Rubbish	\$ 17,854.60
Trust & Agency	\$ 400.00
Tax Fund	\$ 3,821.56
Waste Water	\$ 34.68
ALL FUNDS	\$ 150,795.52

Ayes: Gallasch, Gordon, Hansen, Kochensparger, Moenck, Seltzer
Absent: Morrow
Nays: None
Motion carried.

VII. PUBLIC REQUESTS AND COMMENTS

Steve Bancroft, Wellington Road, expressed his concern about the future “911” program which will be changing from being a system based on landlines to one based on cell phones and Wi-Fi and how Franklin would be affected, with the Village being a “black hole”, noting that public safety is a priority and needs to be addressed. Bancroft asked the Council to review the issue of a cell tower or equivalent and propose a solution. Bancroft’s second item concerned a “pack” of deer roaming our area and has become a public safety issue (carrying ticks and are also driving hazards), adding that they do not have any natural predators and the number is growing. Bancroft acknowledged that he did not have a solution but again noted that it was also a public safety issue.

VIII. SPECIAL REPORTS

A. Legislative Update, Jeremy Moss, State Representative

Jeremy Moss updated Council on the recent activities in Lansing: road funding, how FOIA is applied to the State Legislature and the Governor’s Office, and the non-partisan Re-Districting Commission. He is directly involved in the last two issues.

Kochensparger inquired about the fuel tax and exemptions. Hansen stated that she had received some communications from the Michigan Municipal League urging residents to talk with their legislators regarding local municipalities incurring the cost for relocation of telecom services noting that it appeared as if such an action would cost this Village a great deal of money. Moss briefed and updated Council on that particular legislation which he, personally, is against. He will “flag” this issue when it comes up and will keep the Village abreast of any and all activity.

B. Rubbish Contract Update, Brian Conaway, Waste Management

Brian Conaway, representing Waste Management, addressed Council and requested that it allow Waste Management to negotiate an extension of its 2011 contract which will expire in June 16, 2016. Conaway reminded Council that his extension proposal in 2011 was less than the other bids that came out in 2011. Conaway asked Council to consider that the impact of the savings would be effective January 1, 2016 and not in July when the current contract expired. Conaway stated that he believed that in the 10 years of their relationship with the Village, no major issues had arisen and those that did were worked out. Conaway added that he hoped the Council would consider his request.

Ronald Caramagno, representing Rizzo Environmental Services, stated that Rizzo would like to be included in the competitive process. He briefed Council on the number of households it services in the city of Detroit and noted their recent additions of the city of Livonia and Canton and many cities on the east side. Recycling is a major part of its operation.

Gallasch inquired if the company had a size limit of cans. The answer was negative.

C. President's Report

None

D. Council Report

Hansen had two (2) questions:

1) In the draft minutes from November 4, 2015 HDC meeting she read there had been a discussion about retaining the services of a professional to do a streetscape in the Historic District. Given the fact that several years ago MSF, PC, and Council had had several community meetings and had been presented a streetscape plan from MSU, she was curious if groups were talking to each other. She asked Creech if he knew anything more about this and if so, was there a way for all these groups to talk with each other.

2) She inquired about the process that was taken to nominate a replacement for Mike Heisel on the Township Board of Review. Creech stated that he was unsure as to how it came about; Staran advised that he would look into it and advise Council of the process. Gallasch recollected from his experience that these types of appointments were random and that the Township Board tries to have representation from each of the municipalities but, as he understands it, it is not mandatory.

E. Administrator Report

Creech reported that in January the waste hauling contract will be bid out, as well as obtaining the final design and bidding out of the foundation project for the Broughton House. Creech stated that he will also be looking into other projects associated with its interior design and/or small alternative plans for the main floor of the Broughton House which would improve and make operations more efficient. The Liquor License inspection process will be looked into, the Commission would meet and would make a recommendation in February. Next Wednesday, he will attend the Birmingham Area Cable Board meeting and present Franklin's request for the Cable Board grants. Creech noted that he will also be looking at an application for Federal Aid for the improvement of Franklin Road, south of 13 Mile Road with a joint application with the City of Southfield. Because of the funding timeline, it probably won't be funded until 2019 and the Village would be looking at the entire length of Franklin Road up to 14 Mile Road and what it would entail.

IX. NEW BUSINESS

A. Consider Demolition Application for the property located at 27345 Ovid Court. Salim Khalife, representing Alfa Properties, LLC, owner and contractor of the property, briefed Council that his company has filed a complete application with the requested documentation to demolish the house. HDC has recommended that Council approve said application. Kochensparger confirmed receipt of the appropriate documents, including letters from the Building Official and Administrator who both recommend approval of the demolition permit.

Khalife was complimented on the completeness of the application.

Gallasch clarified that the septic and well would remain in the same location depending on the size of the new home.

#2015-80 Motion by Seltzer, seconded by Gordon to approve the Demolition Application for the property located at 27345 Ovid Ct.

Ayes: Gallasch, Gordon, Hansen, Kochensparger, Moenck, Seltzer
Absent: Morrow
Nays: None
Motion carried.

B. Consider Lot Split Application for the property located at 27115 Wellington. Eric Bean, Willowgreen Dr. and owner of 27115 Wellington, made the request to split the lot into two (2) lots. Based on his engineer's report and that of the Village's, it conformed with the Village's Schedule of Regulations and the Land Division Act promulgated under the laws of the State of Michigan. He is asking for approval.

Motion by Seltzer, seconded by Moenck to consider the Lot Split Application for the property located at 27115 Wellington.

Staran advised that the motion should be "to approve" the Lot Split Application.

#2015-81 Motion by Seltzer, seconded by Moenck to approve the Lot Split Application for the property located at 27115 Wellington, as amended.

Moenck questioned Bean to confirm that a recent listing was found on the internet stating that the lot was for sale with the possibility of a lot split, pending approval. She wanted to make sure that a potential purchaser would be aware that the rectangular lot would be considered having two (2) front yards and that there was a Fence Ordinance that stated that no fencing is allowed in the front yard. Moenck also noted that it is self-evident that the triangular lot has two (2) front yards, as well.

Gordon asked that since Council hadn't seen such a request in many years, he would like Staran to verbalize Council's options before it acted on the motion. Staran advised that Council's options were limited under the law but Michigan's Land Division Act really controls and spells out what the local authority has to regulate land divisions. If the application was complete and met the requirements of the Land Division Act, specifically Sections 108 and 109, the Village had no discretion but to approve. However, it didn't mean that in the future Council couldn't revisit particular Ordinances.

Hansen pointed out that each new lot was barely the minimum size, the Village has setback rules, and that there is a rigorous process a builder was required to meet in order to build a house.

Gordon requested a Roll Call Vote.

Roll Call Vote:

Seltzer	Aye
Moenck	Aye
Hansen	Aye
Gallasch	Nay
Gordon	Nay
Kochensparger	Aye

Motion carried.

X. RESOLUTIONS/ORDINANCES

A. Consider Proposed Ordinance to Amend Section 1202.02 of Chapter 1220, Planning Commission, of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Reduce the Number of Planning Commissioners from Nine to Seven, Repeal Conflicting Ordinances and Prescribe a Penalty for Violations (first reading).

#2015-82 Motion by Moenck, seconded by Seltzer to approve the first reading of an Ordinance to Amend Section 1202.02 of Chapter 1220, Planning Commission, of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Reduce the Number of Planning Commissioners from Nine to Seven, Repeal Conflicting Ordinances and Prescribe a Penalty for Violations (first reading).

Ayes: Gallasch, Gordon, Hansen, Kochensparger, Moenck, Seltzer

Absent: Morrow

Nays: None

Motion carried.

B. Consider Resolution to Authorize Exemption Option of PA 152.

Creech explained Public Act 152, which is the Publicly Funded Health Insurance Contribution Act. Each year municipalities wishing to exempt themselves from the requirements must pass a resolution to do so. Franklin has elected to comply with the act by adopting the annual exemption resolution.

#2015-83 Motion by Hansen, seconded by Seltzer to approve the Resolution to Authorize Exemption Option of PA 152, as follows:

WHEREAS, 2011 Public Act 152 (the "Act") was passed by the State Legislature and signed by the Governor on September 24, 2011;

WHEREAS, the Act contains three options for complying with the requirements of the Act;

WHEREAS, the three options are as follows:

1. Section 3 – “Hard Caps” Option – limits a public employer’s total annual health care costs for employees based on coverage levels, as defined in the Act;
2. Section 4 – 80%/20% Option – limits a public employer’s share of total annual health care costs to not more than 80%. This option requires an annual majority vote of the governing body;
3. Section 8 – “Exemption” Option – a local unit of government, as defined in the Act, may exempt itself from the requirement of the Act ay an annual 2/3 vote o the governing body;

WHEREAS, the Village of Franklin has decided to adopt the annual exemption option as its choice of compliance under the Act;

NOW, THEREFORE, BE IT RESOLVED the Village Council of the Village of Franklin elects to comply with the requirements of 2011 Public Act 152, the Publicly Funded Health Insurance Contribution Act, by Adopting the annual Exemption option of the medical benefit plan coverage year January 1, 2016 through December 31, 2016.

Upon a call of the roll, the vote was as follows:

Ayes: Gallasch, Gordon, Hansen, Kochensparger, Moenck, Seltzer
Absent: Morrow
Nays: None
Motion carried.

Moenck recognized Franklin resident Mark Hanke and his son, Dominic, who were in the audience. Dominic introduced himself and explained that he is a Star Scout with Boy Scout Troop 1699 and was working on his Personal Management Merit Badge.

X. ADJOURNMENT

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

Ayes: Gallasch, Gordon, Hansen, Kochensparger, Moenck, Seltzer
Absent: Morrow
Nays: None
Motion carried.

There being no further business, the meeting was adjourned at 8:10 P.M.

Respectfully submitted,

Gail Beke, Recording Secretary

Eileen H. Pulker, Clerk

James Kochensparger, President