

**VILLAGE OF FRANKLIN
VILLAGE COUNCIL REGULAR MEETING
MONDAY, MARCH 14, 2016, 7 PM
FRANKLIN VILLAGE HALL – BROUGHTON HOUSE
32325 FRANKLIN ROAD, FRANKLIN, MICHIGAN 48025
Meeting Location: Franklin Community Church**

I. CALL TO ORDER

The meeting was called to order by President Jim Kochensparger, at 7:02 PM at the Franklin Community Church, Franklin, Michigan.

II. ROLL CALL

Present: Fred Gallasch, Pam Hansen, Jim Kochensparger, Judy Moenck
Absent: Brian Gordon (excused), Mike Seltzer (excused), Tom Morrow (excused)
Also Present: Jim Creech, Village Administrator
Chief Dan Roberts, Police Department
Eileen Pulker, Village Clerk
Lance Vainik, Treasurer
Ann Christ, Village Attorney

Motion by Hansen supported by Moenck to excuse Brian Gordon, Mike Seltzer, and Tom Morrow from the March 14, 2016 meeting of the Village Council.

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

III. ADOPTION OF AGENDA

Kochensparger requested that **IX. NEW BUSINESS, H. Consider Scheduling Special Village Council meeting for Budget Workshop on April 5, 2016, 7:00 PM in the Franklin Community Center/Kreger House** be moved between **A. Consider Sale of Police Vehicle** and **B. Consider Rescission of Ravines Condominium Water Agreement.**

Gallasch requested that **J. Consider Franklin Grill Liquor License Renewal** be deleted due to the lack of Council members present. Moenck requested adding **J. Discussion and Consideration of the Resolution in Opposition to House Bill 5232 and Senate Bill 720, Legislation to Amend the Michigan Local Historic Districts Act.**

Motion by Moenck, seconded by Hansen, to adopt the Agenda, as amended.

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

IV. MINUTES

A. Regular Meeting of February 8, 2016

Motion by Moenck, seconded by Hansen , to approve the Regular Council Meeting Minutes for February 8, 2016, as presented.

Kochensparger requested that the minutes reflect that under **IX. NEW BUSINESS, B. Consider Referral to Planning Commission for Review of the Village's Zoning Districts**, he voted "Nay".

Motion by Moenck, seconded by Hansen, to approve the Regular Council Meeting Minutes for February 8, 2016, as amended.

Ayes: Gallasch, Hansen, Kochensparger, Moenck

Absent: Gordon, Morrow, Seltzer

Nays: None

Motion carried.

V. REPORTS OF VILLAGE OFFICERS AND AGENTS

Tony Averbuch, Fire Chief, was not in attendance, but had provided a written report.

Dan Roberts, Police Chief, referred to and provided an overview of his submitted monthly report. Roberts updated the Council on the recent activities at the group home on Bloomington Court.: media coverage of the different issues and the shifting of some of the patients to other facilities; as a result, there has been a drop off of incidents. The hiring of new Police Officers is on-going. One new full time Officer will begin at the end of the month and the part time position remains open. One of the part time Police Clerks is retiring and the position has been posted. This being Tax Season, Roberts discussed telephone schemes and scams and urged residents not to respond to personal information questions or requests for money over the phone. Roberts further provided that the IRS does not contact residents on the phone and all notices are mailed by the USPS. If residents have questions concerning this, please call him or any of the Department Detectives. The Police Department's 2015 Annual Report has arrived and copies are available and will also be on the Village website.

Main Street Franklin, Courtney Miller, Executive Director, referred to the submitted report and commented that Main Street Franklin passed its annual Oakland County evaluation and received accreditation for the year. The final report will be available shortly and she will put it on the website. Miller noted the different activities that MSF has been doing to publicize Franklin's name and attract the public into the downtown. MSF will be striving to make a stronger connection with the Chamber of Commerce in order to make a bigger presence in the area. The newsletter should be out by the end of the month.

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 two large entries to Johnson Landscaping under Major Roads and Local Roads for snow and salt services and multi work. Vainik added that a list provided of account balances is as of March 11, 2016 of those amounts 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 Gallasch, seconded by Moenck, to approve the Bill's List as submitted.

Hansen inquired about the rental fee for Searles Hall at the Franklin Community Church.

Creech clarified that it was for the Village Council meetings for the next several months.

TOTALS	
General Administration	\$ 12,526.71
Building	\$ 6,085.10
Insurance	\$ 45,158.24
Legal	\$ 1,081.00
Police	\$ 12,753.77
Pressure Sewer	\$ -
General Debt Service	\$ 13,575.00
Major Roads	\$ 7,924.80
Local Road	\$ 8,681.50
Rubbish	\$ 17,854.60
Trust & Agency	\$ 1,000.00
Tax Fund	\$ 2,207.49
Waste Water	\$ 81.46
ALL FUNDS	\$ 128,929.67

Ayes: Gallasch, Hansen, Kochensparger, Moenck

Absent: Gordon, Morrow, Seltzer

Nays: None

Motion carried.

VII. PUBLIC REQUESTS AND COMMENTS

Marcus Koss, 32805 Wing Lake Rd., had questions for the Council about the Right-of-Way variances and a PowerPoint presentation to illustrate his points. As a representative for other residents, some of whom were present, he voiced their concerns about the enforcement (or lack thereof) of such and other Ordinances and requested a public format on these issues.

Moenck asked the Village Attorney for a legal opinion of the Agenda item, "Public Requests and Comments". Creech explained the process of putting (an) item(s) on the agenda.

Residents and non-residents voiced their opinions on these matters. Mr. Koss was invited to meet with President Kochensparger and Administrator Creech in an effort to further understand the Village's position on items within the road right-of-way.

VIII. SPECIAL REPORTS

A. President's Report

None

B. Council Report

Fred Gallasch stated that he would appreciate the packets being complete before they are sent out on Thursday in order that Council members are prepared for Monday's Council meeting. He also requested that Creech inform Council as to the source of the funding for the Broughton House renovations. Moenck supported Gallasch's comments about the packets.

C. Administrator Report

Creech reported that the waste hauling contract bid is due March 25, 2016, the Village received an Administration Grant of \$15,821.04 from the Birmingham Area Cable Board. Also, Creech stated that in his Friday memo he included information about software updates and proposals to outsource payroll. Creech closed noting that Ben Franklin had been in town celebrating his 310th birthday.

D. Planning Commission Report

Connie Ettinger, Planning Commission Chairman, River Drive, presented a general outline of the topics that the PC would be discussing at its next meeting (3/16/2016), as follows:

1. She explained and expounded on agenda item G. under **New Business, G. Consider Village Representative and Alternate on Complete Streets Committee.** and asked that Council nominate a member and alternate for the committee.
2. Fracking Regulations
3. Review the Zoning Ordinance
4. Review Sign and Special Display Ordinance
5. DTE Resolution regarding Tree Removal and Substantial Trimming,
6. Status of Design and Sustainability Guidelines
7. Audio and Video Surveillance Devices Regulation,
8. Update on Technology regarding Cell Towers.

IX. NEW BUSINESS

A. Consider Sale of Police Vehicle

Chief Roberts explained the bidding process and stated that it was his recommendation that Council accept the highest bid from Bayridge Motors in Illinois which is familiar to the Department.

#2016-07 Motion by Gallasch, seconded by Moenck, to accept the bid for the 2013 Ford Police Interceptor from Bayridge Motors Lake Island, IL, as recommended by Police Chief Roberts.

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

Nays: None
Motion carried.

G. Consider Village Council Representative and Alternate on Complete Streets Committee.

Ettinger clarified the role of the “Alternate Representative”.

#2016-08 Motion by Moenck, seconded by Hansen, to nominate Gallasch as the Village Council Representative on the Complete Streets Committee, as Gallasch had volunteered to serve as the representative.

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

Further discussion ensued regarding alternate choices with it being determined that that choice would be made at the next meeting.

B. Consider Rescission of Ravines Condominium Water Agreement

Tim Prince, WRC Manager, provided the background of the original agreement, dated 1971, between Oakland County and the Village Ravines Condominium Association and the subsequent actions as well as Oakland County Water Resources Commission’s recent request to divest itself of ownership and responsibility for the systems.

Hansen inquired as to the advantages of the Condominium’s ownership, operation, and maintenance responsibilities of the well.

#2016-09 Motion by Gallasch, seconded by Hansen, to resolve that the Franklin Village Council hereby withdraw and rescind its prior (1971) consent to the County’s operation of the Ravines’ water system. It is further resolved, the Village Council takes this action, at the request of Oakland County and the Franklin Ravines Condominium, in order to allow those parties to terminate their Water Service Agreement and to transfer ownership of the water system and its assets to the Franklin Ravines Condominiums as may be negotiated and agreed by those parties. In adopting this action, the Village Council makes no representation about, and does not intend to assume or take on any responsibility or liability for, the condition of the Ravines’ water system or its ongoing operation and maintenance.

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

C. Consider Demolition Application for 26675 Normandy.

Charles Whitelaw, builder and owner of Whitelaw Custom Homes, represented the owners, Marc and Alyssa Tushman, and was present to answer any questions.

Moenck inquired about the inclusion in the packet of Mike's Tree Surgeon's site review. Creech noted that Mr. Barger's correspondence about the trees is for the "new" build, not the demolition. Creech reviewed the "new" build permit process.

#2016-10 Motion by Moenck, seconded by Hansen, to approve the Demolition Application for the property located at 26675 Normandy contingent upon the tree issues being administratively resolved, not to impede demolition, but, in fact, to ensure all Ordinances are met and the tree arborist agrees that they are properly followed.

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

D. Consider Civic Event Permit for Main Street Bank Music on the Green to be held on July 13, 20 and 27, 2016.

Margaret Adler represented the sponsor, Main Street Bank and was available for questions. Moenck inquired if she saw this as a commercial endeavor, to which Adler responded that Main Street Bank wanted to be more prominent in the community. Moenck also inquired if the bank had any linkage to any non-profit or civic organization relative to this event. She was reminded that the President of the bank was a resident of the Village. Hansen inquired as to what kind of bank promotion and advertising and visual displays there would be in conjunction to the concerts, if any. Adler replied that there would be the same as in the past when the bank sponsored them. Moenck pointed out that on the application no signage was requested.

Motion by Hansen, seconded by Gallasch, to approve the Civic Event Permit Application for Main Street Bank Music on the Green to be held on July 13, 20, and 27, 2016.

Ayes: Gallasch, Hansen, Kochensparger
Absent: Gordon, Morrow, Seltzer
Nays: Moenck
Motion failed.

Moenck explained that her "nay" vote was because she felt the application was not complete.

E. Consider Civic Event Permit Application for Franklin Historical Society 5K Run, Kid's Dash, Strut Your Mutt, and Pancake Breakfast to be held on June 4, 2016.

#2016-11 Motion by Moenck, seconded by Gallasch, to approve the Civic Event Permit Application for Franklin Historical Society 5K Run, Kid's Dash, Strut Your Mutt, and Pancake Breakfast to be held on June 4, 2016.

Bill Lamott, representing the Historical Society, explained that the only changes from past years are the start times of the Kid's Dash and the 5K Run.

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

F. Consider Civic Event Permit Application for the Franklin Garden Club Garden Walk to be held on June 15, 2016.

Moenck inquired about the insurance for the banner over Franklin Road. Bill Lamott, representing the Franklin Garden Club, stated that everything was the same as in the past years.

#2016-12 Motion by Moenck, seconded by Gallasch, to approve the Civic Event Permit Application for the Franklin Garden Club Garden Walk to be held on June 15, 2016, with the condition that a copy of the insurance be provided.

Gallasch stated that on the application the Police Chief approved the application on the condition that the police are provided a list of homes on the tour as soon as possible in order to establish parking on the streets. Lamott stated that as soon as the Garden Club has formalized the list it would be submitted to the Police Department.

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

H. Consider scheduling Special Village Council meeting for Budget Workshop on April 5, 2016, 7:00 PM at the Franklin Community Center/Kreger House.

Discussion ensued as to the capacity of the Kreger House and if there would be sufficient room for the public. If need be, an alternate location could be the Searles Hall in the Franklin Community Church, pending its availability for that date. The Kreger barn was also suggested.

#2016-13 Motion by Moenck, seconded by Hansen to schedule a Special Village Council meeting for Budget Workshop on April 5, 2016, 7:00 PM at the Franklin Community Center/Kreger House, with alternative locations being the Franklin Community Church or Kreger Barn.

Ayes: Gallasch, Hansen, Kochensparger, Moenck

Absent: Gordon, Morrow, Seltzer
Nays: None
Motion carried.

I. Consider Charter Review and Revisions for November Ballot.

Creech presented the Charter Review and Revisions again for further discussion adding that the Charter was last updated 15 years ago and there were several items which were obsolete, some of which are not constitutional and/or not legal, and some language needed to be changed, among other things. According to the State Election law, there are steps and a strict time line which must be followed before the wording of a Ballot can be placed on the Ballot for the November 8, 2016 General Election. Christ emphasized the tight time line, if Council wanted something on the November ballot. Creech stated that he was interested in doing some “housekeeping” and such things as, language clarification. Hansen and Moenck inquired if there were other ways the Charter could be revised and/or modified. Christ stated that no matter how the Charter was revised the time line remained the same. Gallasch stated he didn’t object to “cleaning up” the Charter, but was concerned about progressively changing it.

Hansen suggested that Creech make a short list of prioritized parts of the Charter which, if changed, could help with a smooth operation of the Village. Gallasch stated his preference that several meetings be scheduled to discuss the changes.

Mira Stakhiv, Crestwood, did not want the public to think that the Council was rushing through the updating of the Charter adding that she felt that the residents need to be involved in the process.

J. Discussion and Consideration of the Resolution in Opposition to House Bill 5232 and Senate Bill 720, Legislation to Amend the Michigan Local Historic Districts Act.

After the discussion about this matter at the last Council meeting, Moenck requested this issue be added to the agenda, as she felt it was appropriate for Franklin to support it. Creech presented the Resolution which, with the assistance of John Staran, he had drafted.

Gary Roberts, Historic District Commission Chairman, Woodlore, and Bill Lamott, Franklin Historical Society Treasurer, Scenic Hwy. spoke to this issue, providing background and historical points and emphatically urged the passage of the Resolution. Eileen Harryvan, Vincennes, member of the Historic District Commission and resident of the Historic District, urged the Village Council to adopt the Resolution tonight.

#2016-14 Motion by Hansen, seconded by Gallasch, to adopt the Resolution in Opposition to House Bill 5232 and Senate Bill 720, Legislation to Amend the Michigan Local Historic Districts Act, as follows:

RESOLUTION IN OPPOSITION TO HOUSE BILL 5232
AND SENATE BILL 720, LEGISLATION
TO AMEND THE MICHIGAN LOCAL HISTORIC DISTRICTS ACT

WHEREAS the Village of Franklin has a proud and successful historic district, that was the second established historic district in the State of Michigan under PA 169 of 1970; and

WHEREAS the Village of Franklin actively maintains this historic district and supports the Franklin Historical Society and Historic District Commission in order to preserve its local history, historic district and Franklin's unique character; and

WHEREAS legislation was recently introduced in Lansing in the form of House Bill 5232 and Senate Bill 720 that would amend current legislation in regard to local historic districts, and will negatively impact historic resources, and local government processes and budgets; and

WHEREAS these amendments pose an immediate threat to the continued preservation of the Village of Franklin's many valuable historic resources. NOW THEREFORE BE IT

RESOLVED the Village Council of Franklin, its Historic District Commission and the Franklin Historical Society do not support House Bill 5232 and Senate Bill 720, and asks that the state legislature reject these bills as written; AND BE IT FINALLY

RESOLVED that a copy of this resolution shall be transmitted to the House Committee on Local Government, the Senate Committee on Local Government, and the Governor of the State of Michigan.

Roll Call Vote:

Gallasch aye

Hansen aye

Kochensparger aye

Moenck aye

Motion carried.

X. ADJOURNMENT

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

Ayes: Gallasch, Hansen, Kochensparger, Moenck

Absent: Gordon, Morrow, Seltzer

Nays: None

Motion carried.

There being no further business, the meeting adjourned at 8:50 P.M.

Respectfully submitted,

Gail Beke, Recording Secretary

Eileen H. Pulker, Clerk

James Kochensparger, President