

**VILLAGE OF FRANKLIN
VILLAGE COUNCIL REGULAR MEETING
MONDAY, JUNE 13, 2016, 7:00 PM
FRANKLIN COMMUNITY CHURCH
26425 WELLINGTON ROAD, FRANKLIN, MICHIGAN 48025**

I. CALL TO ORDER

The meeting was called to order by President Jim Kochensparger, at 7:04 PM at the Franklin Community Church, Franklin, Michigan.

II. ROLL CALL

Present: Fred Gallasch, Brian Gordon, Pam Hansen, Jim Kochensparger, Judy Moenck,
Tom Morrow

Absent: Mike Seltzer

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 Gallasch, seconded by Gordon, to strike under IX, NEW BUSINESS, F. Consider Main Street Franklin Letter of Agreement Extension, and adopt the Agenda, as amended.

Morrow asked for a clarification. Gallasch stated that no one from Main Street was present at the meeting and Council had requested a rewording of the letter of agreement.

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

Absent: Seltzer

Nays: None

Motion carried.

IV. MINUTES

A. Regular Meeting of May 9, 2016

Motion by Gordon, seconded by Moenck to approve the Regular Meeting minutes for May 9, 2016 Village Council meeting, as presented.

Ayes: Gallasch, Gordon, Hansen, Kochensparger, Moenck

Absent: Seltzer

Abstain: 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, highlighting the burglary of a home under construction on 13 Mile Rd. in Bingham

Farms adding that this is a crime problem in the area. Unfortunately the house was not secured at the time and appliances and furnaces were taken. He asked that residents report any suspicious activities around new construction, especially after hours, by contacting the police.

Administratively, he stated that in the past Oakland County has provided our officers with secure business email service free of charge. The Village had purchased a domain name and the County had been maintaining it for the Department. The county is no longer going to provide this service to the various small cities, villages, and townships in the county. Mr. Creech had suggested he contact IT Right a company which provides email service to municipalities. The cost would be \$2500 to change over and approximately \$1000 to \$1100 per year going forward, which was not in the department's 2016-17 Budget. Roberts has spoken with our Oakland County Commissioner, Bill Dwyer, who has spoken with the Oakland County IT department, but was not successful in changing the County's decision.

Morrow inquired about the possibility of the Village using the same system which might help in defraying some of the Police Dept.'s cost. Roberts did not know the cost of adding the Village but would do some research.

Tony Averbuch, Fire Chief, referred to his written report and updated Council on its annual apparatus equipment maintenance program. The trucks have been tested and passed and any deficiencies have been corrected. Last weekend 11,000 ft. of fire hose and about 450 ft. of ground ladders were tested. Five (5) feet failed and the department is in the process of finding replacements. The department has supported the Village by helping out with the changing out of the overhead cable that runs across Franklin Rd. and assisted the Historical Society's Pancake Breakfast in conjunction with the Kreger House 5K Run. Much needed maintenance to the Fire House building, such as painting, etc. will be begin in the next several weeks. Averbuch has asked that next month's Council Agenda to include an update and approval of the Mutual Aid Agreement of the Box Alarm system.

Gordon clarified that the department had money in its budget to replace the hose that had failed inspection. Moenck inquired about the comment "Malicious False Alarm" on his report and Averbuch explained why it was not "billable".

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 stated that the expenditures are generally consistent with the FY 2015-16 Budget. He also reported that the bills list included one (1) large entry, payable to Brock and Associates for the Application 3 – through May 27 for the Broughton House renovations. Vainik added that a list provided of account balances is as of June 6, 2016. He concluded by stating that the Village has sufficient funds to meet its current and anticipated obligations.

Gallasch asked for an explanation about the payment to Municipal Web Services and Intuit (Upgrade software). He also inquired about the payment to William Dinnan for Administrative functions – Court.

Morrow stated that, effective immediately, he was resigning as Assistant Treasurer. He is of the opinion that the Treasurer's sole responsibility is to sign checks. Vainik would discuss the current situation. Morrow would be voting on the Bills List but not signing checks.

VI. SUBMISSION OF CURRENT BILLS

Motion by Gordon, seconded by Moenck, to approve the Bill's List, as submitted.

TOTALS

General Administration	\$ 120,030.12
Building	\$ 6,402.89
Insurance	\$ 52,748.51
Legal	\$ 1,736.50
Police	\$ 29,218.84
Pressure Sewer	\$ -
General Debt Service	\$ -
Major Roads	\$ 14,060.48
Local Road	\$ 14,651.19
Rubbish	\$ 17,854.60
Trust & Agency	\$ 4,150.00
Tax Fund	\$ 4,914.53
Waste Water	\$ 1,959.36
ALL FUNDS	\$ 267,727.01

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

Absent: Seltzer

Nays: None

Motion carried.

VII. PUBLIC REQUESTS AND COMMENTS

Cyrus Motlagh, Bruce Lane, returned to the Council meeting with the same issue, that being the care and maintenance of the stream that flows partially through his property. Motlagh noted that at the moment, there is an invasive weed that has completely dammed the flow of water, there is a stench coming from the stagnant water and it has become a breeding ground for mosquitoes. He reiterated his suggestions to correct the issue that he had made at the October Village Council meeting and requested that Council either expend the money to remedy the situation or he would look into and work on a possible grant proposal noting that this has been going on for 4 years and is getting worse each year. His neighbors are supportive of the various alternatives he has proposed, as long as they, personally, do not have to spend any out-of-pocket money and he thanked Creech who spearheaded work with Friends of the Rouge River. Creech stated that he plans to be at a meeting at Cranbrook Science Center for Friends of the Rouge River and ARC on July 13. It was noted that the property owners may need to fund the project themselves

Gwen Weiner, Ovid Court, a 34-year resident, brought to Council's attention the demolition activity on the corner lot of Ovid Ct. and Inkster. She provided extensive background details, noting that even after numerous inquiries of the Village over a 6 month period, she and the neighbors have not been informed or kept updated on the demolition process. In addition, she questioned the Village allowing this project to continue for such a long time. Weiner also addressed the rumors that the owners want to build 2 houses on the 1 ½ acre lot. Staran commented that a ticket had been issued and the matter was in court and that the Village prosecutor would be handling the matter. Staran could not verify if the property owner intended to split the lot.

Mira Stakhiv, Crestwood, appealed to the residents to become volunteers, especially with Mobile Watch. She provided meeting dates, times, and whom to contact, if interested. As Franklin's representative to the Birmingham Area Cable Board, she also appealed to residents to call her if they have an issue with a cable provider. Her last comments dealt with the agenda item of appointments/reappointments to various Village Boards and Commissions. After looking at the Village website, which she mentioned needed to be updated, she did not see any public notice of such positions so residents who might be interested could apply. It was her understanding that this was standard procedure.

Cris Braun, NEXT Executive Director, referred to Council's last meeting in May, in which there was a miscommunication about Franklin's membership in NEXT and she also wanted to thank Franklin for its continued support. NEXT's membership is up about 42%, including 40 Franklin residents. Approximately 30 additional Franklin residents, who are not members, are receiving some form of support services. She wanted to remind residents that they need not be members to receive those services.

VIII. SPECIAL REPORTS

A. Police Awards

Chief Dan Roberts recognized and presented several Officers' Awards for their outstanding performances in the line of duty. He explained the process of nominating and recognizing these Officers.

Paul DeAngelis, Deputy Superintendent of Birmingham Public Schools, lead person of the Crisis Response Team, presented an award to Chief Roberts. DeAngelis related the crisis event that had occurred last month on Groves High School campus, during which the Chief saved the life of a young man who was in crisis. On behalf of the entire Birmingham Public Schools community, DeAngelis thanked Chief Roberts "for being the ultimate hero that day, stepping in when (he) didn't have to ..." Kochensparger read the proclamation provided by the Birmingham Public Schools.

B. President's Report

Kochensparger had remarks about Council's conduct and would like to see the meetings operate more smoothly. If the members had questions for the Administrator, the information should be obtained beforehand, so he could be prepared to address the matter at the meeting. He requested that members be more civil when discussing a subject.

C. Council Report

Morrow briefly commented that, although he was not at the meeting last month, he recognized that there were difficult decisions before Council. He saw that Council did reach conclusions on the millage and budget items and he wanted to commend that spirit of participation and compromise.

D. Administrator Report

Creech briefly commented on the Broughton House project which was coming to an end. The foundation and basement have been completed. Paint colors have been picked out. Bill Lamott has contacted the State about what flooring expenses would be covered. Hopefully, all will be completed by June 30. He reviewed the email situation of the Police Department and recommended the Chief contact IT Right. He had not brought up the subject previously, because he was planning to bid it out.

Kochensparger requested that Creech look into the possibility of replacing the trees directly in front of the Police Dept building which drop berries and are tracked into the building. Gallasch inquired if Creech had contacted DTE relative to the clear cutting of trees policy and possible communication with villagers before trees were cut. Creech said there was a formal process in place where DTE would notify the resident in advance and explain exactly what the company would be doing. Creech stated that he could ask a DTE representative to come to a Council meeting, if desired.

Hansen was concerned about the state not fully funding the Broughton House flooring and asked if there was there a Plan B. Creech explained that there is a flooring allowance of \$30/yd. and the contractor has stated that flooring or carpet tiles could be covered by that price. If not, the Franklin Historical Society has offered to donate some funds to have wood floors throughout .

E. Oakland County Water Resource Commission Report

Tim Prince, manager, OCWRC, with the assistance of **Drew Sandahl**, provided a brief background leading up to the proposed alarm system. Sandahl presented a power point report covering an Overview of the Grinder Pump Alarm Pilot Project, Pilate Panel Upgrade Status, Pilot Project Findings, Diagnostic Capability, Summary of Pilot Benefits, Future Upgrades – Phasing and Funding, Sewer Rates (7/1/2016 - 6/30/17), and Questions. **Bob Aubin** contributed comments about the systems and scenarios of those systems he services in Franklin.

There was a discussion of phasing in the costs vs. bonding.

Gordon inquired about the funding for and authorization of the pilot program. Moenck recalled a discussion that OCWRC would provide a comparison cost of bond vs. non-bond funding and what was provided at this meeting was only a rate increase. Prince stated that either way the cost for 10 years would be relatively close but bonding would be a little more expensive because of interest rates. Hansen clarified that those homes that have a dialer system and rely on a landline do not effectively have an alarm system except what the owners see or hear vs. a direct alarm system using cellular phone technology. Her concerns centered around not knowing how many homes in Franklin had land lines, how long land lines would be available, and questioned how realistic is it to phase in this program. Prince

suggested that a yearly letter would be sent to all residents requesting any updates to their phone systems.

For those residents who do not have a land line, priority would be provided for the new system.

Prince will come to the next Council meeting with the cost of bond vs. non-bond, noting that with that in mind, the new rates, by ordinance, would not be addressed at this meeting.

IX. NEW BUSINESS

A. Consider Proposed Contract with Beverly Hills to Provide Code Enforcement Contractor.

Creech provided a brief explanation as to the need for a code enforcement contractor and the services he would provide. Creech has spoken with the Beverly Hills Manager about engaging the same person his Village and Bingham Farms employs. Franklin would be using the same contract as that which Bingham Farms has with Beverly Hills. The job is proposed to be as it generally is now which is complaint driven and its cost was already in the budget.

Gallasch questioned this system of discovery. He suggested that either the Code Enforcement Officer or Creech should drive around the Village looking for violations.

#2016-46 Motion by Gordon, seconded by Hansen to approve the agreement contract between Village of Beverly Hills and Village of Franklin for Code Enforcement Services.

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

Absent: Seltzer

Nays: None

Motion carried.

B. Consider Civic Event Permit Application for Movies on the Green, July & August 2016.

#2016-47 Motion by Morrow, seconded by Moenck to approve the Civic Events Permit for Movies on the Green, July 27, August 3, and August 10, 2016.

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

Absent: Seltzer

Nays: None

Motion carried.

C. Consider Proposed Charter Amendment Ballot Language.

#2016-48 Motion by Gordon, seconded by Hansen to approve the Proposed Charter Amendment Ballot Language.

Staran provided brief comments about the initiation and purpose of the amendments, the process of publishing the proposed amendments 30 days before Council votes to submit these to the voters, and the providing a public forum during which the public would have the opportunity to provide its input. Council would decide to either vote on the amendments individually or as a whole. He added that a 2/3 vote is needed for these amendments to be put on the ballot.

Bill Lamott, Scenic Dr., expressed his concerns: There was not a separate public Commission to look at changes to the Charter; #5 - Changing the Clerk position from an elected position to an appointed one appears to be a balance of power issue. There is a public benefit to having a Clerk who is independent of the Council; #6 – Competitive quote requirement for contracts \$25,000 or greater seems excessive for a small organization as Franklin adding what was wrong with competitive quotes.; #7 – Gives Council the ability to decide on sidewalks. This is a huge emotional issue in town, adding that he finds it wrong to narrow the scope of who agrees and who doesn't; #9 – He doesn't understand why water has been added; #10 - Deals with all records vs. public records open to the public which again sounds like it narrows the scope of what people can see; #3 – The issue of 3 vs. 4 majority. If a Council member isn't present for a vote the majority requirement number should not be lowered.

Mira Stakhiv, Crestwood, asked for clarification concerning the majority vote in #3. (Staran noted that he will comment on this and other inquiries after all individuals have expressed their opinions.) Her opinion is that a majority should be 4 out of 7, not 3 out of 5 which would equate to 42% and is less than half the members voting on something as important as the Village Charter amendments or anything. On # 4 – She had concerns about the last sentence of the Proposed Ballot Question which states that the Chief of Police shall "...report to the Village President and Council and such other Village Official as the Council may prescribe by ordinance,...". Staran clarified that according to the Charter the Police Chief reports to the President, Council, and the Village Administrator.; #5 – She questioned why change the Clerk's position from elected to appointed, and asked what the motivation is; #9 – Why change it, adding that she was confused.; #10 –Regarding the public inspection amendment is merely "splitting hairs".

Jay Gardner, Evelyn Ct., found the issue about changing the Village Clerk's position from elected to appointed troubling. Currently, the residents have the authority and power to vote for that person. He stated that he finds it questionable that Council would take that right away from the residents.

Kochensparger read a statement that he had previously read at the Charter Amendment Workshop on April 5, 2016. He asked that it be included in the minutes in its entirety as follows:

"Our Charter was written in 1954 and our Village has changed and our needs have changed. There are illegal sections I our Charter that need updating to comply with State and Federal Statutes. Places in the Charter prevent us from conducting business if one or more members are absent. The Charter was created before we had an Administrator position and because of this we have an inherent conflict between the two positions. I would like to have John Staran do some housekeeping and update the Charter where there are contradictions, to fix illegal

sections, and ones that no longer apply. For the long term viability of the Village, I believe that the Clerk position should be an appointed position by the Council, and not elected, in the future.”

Morrow stated that at the Charter Amendment Workshop he had stated that he was concerned about the controversial elements of the charter amendment changing the Clerk’s position from elected to appointed and expressed his lukewarm support for the “housekeeping” issues. Going by the public comments and talking with residents, he thinks that if the amendments were presented as a “package” there would be strong opposition. He could not support the “package”. If voted on individually, there were some he could support and some he could not. Gallasch stated he could not support it as a “package”.

Moenck commented that if approved, the change from an elected Clerk to an appointed one would not happen until 2018. She complimented and noted the achievements of the current Clerk Pulker. Taking her advice and input, Pulker had also commented on the potential benefits to the Village if the position were appointed added that for this reason she, herself, would support this amendment.

Staran commented on some of the misunderstandings and confusion which had been expressed by some of the residents by further explaining the majority of the Charter Amendments. A Commission is needed for a Charter revision not a Charter amendment. He explained the difference between a “revision” and an “amendment”.

- #3 – Quorum. Nothing was being proposed that would change the quorum rules. The majority of the members constitutes a “quorum”. For a vote, the majority is that of those members present. Franklin has a unique provision in that no matter how many people are present a majority constitutes 4 out of 7 votes to take action. The quorum requirement is not being changed, except where it is required by law, a majority of the members present would be all that is necessary in order to take action.
- #4 - Elimination of the reference to “Village Marshall”. It also clarifies that the Chief of Police is accountable to the Council, as a whole, and the Village President, and the Village Administrator.
- #5 – Clerk’s position, should this position be appointed or elected. If residents decide it should be appointed it would go into effect after the Clerk’s term of office expires in 2018.
- #6 – Village contracts. This is for clarification that for all public contracts that exceed \$10,000 with the exception of construction, which are required to be advertised for sealed bids. For construction bids, the threshold is \$25,000.
- #7 – Sidewalks. The interpretation of “residential areas” has been questioned. This proposal is to clarify, not change anything.
- #8 – Change from two-thirds (2/3) to three-fifths (3/5) of the electorate voters to comply with the Michigan Constitution.
- #9 – Add the phrase “public water system” to be consistent and which has been a common understanding. #10 – Public Records. This is to make specific reference to Michigan Freedom of Information Act (FOIA).

Gordon noted that if several committed and knowledgeable residents were confused and needed explanations of these Proposals, the Council may have an uphill battle getting a

positive response from the general public. People tend to vote “no” if they do not understand the changes. Hansen stated that she had the same concerns and stated that Council would need to have a “communications campaign.”

Gordon and Hansen stated that they were comfortable with presenting all these proposals, as written, to the residents for a vote.

Staran reminded Council that if these proposals go to the voters each one would be voted on separately.

Kochensparger read the formal Resolution into the minutes, as follows:

WHEREAS, the Village Council has considered proposed amendments to various sections of the Village Charter; and

WHEREAS, the Village Council, at its May 9, 2016 regular meeting, tabled and postponed further deliberation or action on the proposed Charter amendments until this June 13, 2016 regular meeting; and

WHEREAS, the Village Clerk caused a Notice of Proposed Charter Amendment to be published on May 13, 2016, in the Oakland Press notifying residents that Village Council, at this June 13, 2016 meeting, would consider taking action on the proposed Charter amendments and further setting forth the present Charter language, the proposed Charter language and the proposed ballot questions; and

THEREFORE, it is resolved:

1. The Village Council hereby approves for submittal to the electors the proposed Charter amendments as set forth in the published Notice of Proposed Charter Amendments (copy attached).
2. The Village Clerk shall certify a copy of this resolution for submittal to the Governor of the State of Michigan for approval.
3. The proposed Charter amendments shall be submitted to the electors for approval at a general election, which will be held on November 8, 2016.
4. The Village Clerk shall give notice in accordance with state law of the election by publishing notice twice in the Birmingham Eccentric. The notice shall contain the present Charter language, the proposed Charter language and the proposed ballot questions. The first publication of said notice shall not be less than two (2) weeks, nor more than four (4) weeks prior to the date of the election. The notice shall also be posted in at least ten (10) public places within the Village not less than two (2) weeks prior to the election.

5. The proposed Charter amendments shall be placed on the ballot in the form set forth in the published Notice of Proposed Charter Amendments (copy attached), with provision for voting “yes” or “no.”

Roll Call vote:

Gallasch	nay
Gordon	aye
Hansen	aye
Kochensparger	aye
Moenck	aye
Morrow	nay

Motion carried.

Gallasch read into the record a portion of a letter, dated 9/15/2005, from the current Village attorney to then Village Administrator, Jon Stoppels, regarding the election of the Village President and/or the Village Clerk which would require a “Charter Revision” as opposed to a “Charter Amendment”. He questioned Staran’s reversal of this statement. Staran replied that he had issued at least two (2) letters correcting and clarifying that it would require an “amendment” not a “revision”. His change of opinion was the result of a discussion he had had with the Attorney General who had advised him that this, in fact, was an “amendment”.

Kochensparger stated that this interaction with the Attorney was an example of Council’s inappropriate conduct.

D. Consider Budget Amendments, FY2015-2016.

#2016-49 Motion by Morrow, seconded by Gordon to approve the Budget Amendments, FY2015- 2016 as follows:

POLICE FUND

WHEREAS: The Village must assure that expenditures in each account do not exceed those budgeted. A review of the Village’s Fiscal Year 2015/2016 Police Fund indicates accounts where a budget amendment is required. We resolve that the following budget amendment be made to the 2015-2016 Police Fund Budget with funds coming from the appropriation of other funds.

Expenditure

207-301-701 Police Overtime: Decrease expenditure account to a new total of \$30,663 (original \$33,663).

207-301-742 Pistol Range Expense: Increase expenditure account to a new total of \$5,900 (original \$2,900).

207-265-920 Utilities: Decrease expenditure account to a new total of \$9,159 (original \$13,159).

207-265-930 Repairs & Maintenance: Increase expenditure to a new total of \$15,480 (original \$11,480).

MAJOR ROAD FUND

WHEREAS: The Village must assure that expenditures in each account do not exceed those budgeted. A review of the Village's Fiscal Year 2015/2016 Major Road Fund indicates accounts where a budget amendment is required. We resolve that the following budget amendment be made to the 2015-2016 Major Road Fund Budget with funds coming from the appropriation of other funds.

Expenditure

202-449-818 Engineering Services: Increase expenditure account to a new total of \$10,000 (original \$5,000).

202-449-819: Increase expenditure account to a new total of \$7,000 (original \$5,000).

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

Absent: Seltzer

Nays: None

Motion carried.

E. Consider Resolution Adopting Fiscal Year 2016-2017 Budgets.

#2016-50 Motion by Morrow, seconded by Gordon to approve the FY 2016-2017, as presented in the General Appropriations Resolution, as follows:

RESOLUTION

Section 1: Title

This resolution shall be known as the Franklin Village General Appropriation Act.

Section 2: Chief Administrative Officer

The Village Administrator shall be the Chief Administrative Officer and shall perform the duties of the Chief Administrative Officer enumerated in this act.

Section 3: Fiscal Officer

The Clerk shall be the Fiscal Officer and shall perform the duties of the Fiscal Officer enumerated in this act.

Section 4: Public Hearings on the Budget

Notice of a public hearing on the proposed budget was published in a newspaper of general circulation on May 1, 2016, and a public hearing on the proposed budget was held on May 9, 2016.

Section 5: Estimated Revenues, Expenditures and Fund Balances

(As listed on attached pages)

- A. General Fund
- B. Police Fund
- C. Building Department Fund
- D. Major Streets Fund
- E. Local Streets Fund
- F. Rubbish Fund
- G. General Debt Service Fund
- H. Pressure Sewer Fund
- I. Waste Water Fund
- J. Fire Fund
- K. Library Fund

Section 6: Millage Levy

The Village of Franklin shall cause to be levied and collected the general property tax on all real and personal property within the Village upon the current tax roll an estimated amount equal to 6.25 mills as authorized under state law and approved by the electorate.

Section 7: Adoption Budget by Reference

The general fund budget of the Village of Franklin is hereby adopted by reference, with revenues and activity expenditures as indicated in Sections 5 and 7 of this act.

Section 8: Adoption of Budget by Cost Center

The Village Council of the Village of Franklin adopts the 2016/2017 fiscal year general budget by cost center. Village officials responsible for the expenditures authorized in the budget may expend village funds up to but not to exceed, the total appropriation authorized for each cost center, and may make transfers among the various line items contained in the cost center appropriation. However, no transfers of appropriations for line items related to personnel or capital outlays may be made without prior Council approval by budget amendment.

Section 9: Appropriation not a Mandate to Spend

Appropriations will be deemed maximum authorizations to incur expenditures. The fiscal officer shall exercise supervision and control to ensure that expenditures are within appropriations, and shall not issue any order for expenditures that exceed appropriations.

Section 10: Transfer Authority

The Chief Administrative Officer shall have the authority to make transfers among the various cost centers (or line items) without prior Council approval, if the amount to be transferred does not exceed \$10,000. The Council shall be notified at its next meeting of any such transfers made, and reserves the right to modify, amend or nullify any such transfers made. Under no circumstances may the total general fund budget be changed without prior Council approval.

Section 11: Periodic Fiscal Reports

The fiscal officer shall transmit to the Council at the end of each of the first three quarters, and at the end of each month occurring during the fourth quarter, a report of financial operations, including, but not limited to:

- a. A summary statement of the actual financial condition of the general fund at the end of the previous quarter (month);
- b. a summary statement showing the receipts and expenditures and encumbrances for the previous quarter (month) and for the current fiscal year to the end of the previous quarter (month);
- c. a detailed list of:
 - i. Expected revenues by major source as estimated in the budget; actual receipts to date for the current fiscal year compared with actual receipts for the same period in the prior fiscal year; the balance of estimated revenues to be collected in the then current fiscal year; and any revisions in revenue estimates resulting from collection experience to date.
 - ii. For each cost center: the amount appropriated; the amount charged to each appropriation in the previous quarter (month) for the current fiscal year and as compared with the same period in the prior fiscal year; the unencumbered balance of appropriations; and any revisions in the estimate of expenditures.

Section 12: Limit on Obligations and Payments

No obligation shall be incurred against, and no payment shall be made from any appropriation account unless there is a sufficient unencumbered balance in the appropriation and sufficient funds are or will be available to meet the obligation.

Section 13: Budget Monitoring

Whenever it appears to the Chief Administrative Officer or the Village Council that the actual and probable revenues in any fund will be less than the estimated revenues upon which appropriations from such fund were based, and when it appears that expenditures shall exceed an appropriation, the Chief Administrative Officer shall present to the Village Council recommendations to prevent expenditures from exceeding available revenues or appropriations for the current fiscal year. Such recommendations shall include proposals for reducing appropriations, increasing revenues, or both.

Section 14: Violations of This Act

Any obligation incurred or payment authorized in violation of this resolution shall be void and shall subject any responsible official(s) or employee(s) to disciplinary action as outlined in P.A. 621 (1978) and the Village of Franklin personnel manual.

Section 15: Council Adoption

Motion made by Seltzer seconded by Morrow to adopt the foregoing resolution. Upon roll call vote, the following voted aye: Gallasch, Gordon, Hansen, Moenck, Morrow, Kochensparger. The President declared the motion carried and the resolution duly adopted on the 13th day of June 2016.

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

Absent: Seltzer

Nays: None

Motion carried.

G. Consider Appointments/Reappointments of Citizens to Various Boards and Commissions.

Kochensparger had not spoken with the various residents whose terms were expiring and was not comfortable with acting on this issue.

#2016-51 Motion by Moenck, seconded by Hansen to table any action with regards to the appointments/reappointments of citizens to various boards and commissions.

Gallasch inquired that since the President only appoints the Planning Commission members could Council appoint/reappoint the other. Hansen inquired if these positions had been posted on the website. Kochensparger stated he had seen them several times in the email blast that the Clerk sends out. Hansen stated that several years ago, in the quest of greater transparency, Council requested that all open positions be posted on the website and applications be made available to the public. In light of the omission of this practice, she supported tabling the action.

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

Absent: Seltzer

Nays: None
Motion carried.

H. Consider Contracted Payroll Services Proposals.

Creech stated he solicited payroll proposals from some well-known vendors who perform this type of work for municipalities. He personally has used ADP and Paychex, but after reviewing all the services and prices from those submitted vendors he had no preference.

Moenck inquired if this expense was in the budget. Creech replied that it was in the same line item as the Bookkeeper (Contracted Services).

Discussion ensued. Kochensparger stated that he would like to see this service initiated and then have Creech provide information on how this was going to function, how we were going to implement it, save hours, and reduce cost by doing it.

#2016-52 Motion by Gordon, seconded by Hansen to extend a contract offer to ADP for Payroll Services.

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

I. Consider Millage Proposals on 2016 Ballot to pay for Village Road Improvement Program.

Creech stated that this was just a discussion item as he did not have any “hard numbers” for the projects but he wanted to start the process. He would need Council to direct him to get numbers and to work with the attorney to generate the millage language to be placed on the 2016 ballot or wait until the 2018 ballot.

Morrow led a discussion as to the process and time line.

#2016-53 Motion by Gordon, seconded by Moenck to direct the Administrator to contact Hubbell, Roth & Clark to obtain a cost study for the Village Road Improvement Program.

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

X. RESOLUTIONS/ORDINANCES/PROCLAMATIONS

A. Consider an Ordinance to Amend Section 1042.13 of Chapter 1042, Sewer Use and User Charges, of Part Ten, Title Four of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Modify Sewage Disposal System Rates and Charges, and Repeal Conflicting Ordinances (first reading).

This item will be addressed at the next meeting, following additional information provided by the Oakland County Water Resource Commission.

XI. ADJOURNMENT

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

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

Absent: Seltzer

Nays: None

Motion carried.

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

Respectfully submitted,

Gail Beke, Recording Secretary

Eileen H. Pulker, Clerk

James Kochensparger, President

Attachment #1

Village of Franklin

NOTICE OF PROPOSED CHARTER AMENDMENTS

The Franklin Village Council, at its regular meeting on Monday, June 13, 2016, at 7:00 p.m., at the Franklin Community Church, 26425 Wellington, Franklin, Michigan 48025, will consider taking action on the following proposed amendments to the Franklin Village Charter. If approved by the Village Council, the proposed charter amendments shall be submitted on the ballot to the electors at the Tuesday, November 8, 2016 general election.

**PROPOSED CHARTER AMENDMENT NO. 1
CHAPTER III, Section 3**

Present Charter Language

Section 3. The President and Trustees shall be elected on a non-partisan ticket from the Village of Franklin at large and shall be subject to recall as hereinafter provided. No person shall be eligible to the office of President or Trustee who shall not be at the time of his or her election or appointment twenty-five (25) years of age and a citizen of the United States; and have been a resident of the territory incorporated as the Village of Franklin at least two (2) years immediately prior to the last day for filing nominating petitions for such office or prior to the time of his or her appointment to fill a vacancy; and an owner of real property in the Village of Franklin; or the lawful wife or husband of such person.

Proposed Charter Language

Section 3. The President and Trustees shall be elected on a non-partisan ticket from the Village of Franklin at large and shall be subject to recall as hereinafter provided. No person shall be eligible to the office of President or Trustee who shall not be at the time of his or her election or appointment eighteen (18) years of age and a citizen of the United States; and have been a resident of the territory incorporated as the Village of Franklin at least two (2) years immediately prior to the last day for filing nominating petitions for such office or prior to the time of his or her appointment to fill a vacancy.

Proposed Ballot Question

Shall Chapter III, Section 3 of the Village of Franklin Charter be amended to change the minimum age of eligibility for election or appointment to the office of Village President or Trustee to eighteen (18), and to repeal the unconstitutional requirement that in order to be eligible to hold office a person must own real property in the Village?

YES NO

**PROPOSED CHARTER AMENDMENT NO. 2
CHAPTER III, Section 3-A**

Present Charter Language

Section 3-A. No person shall be elected to any office unless he or she shall be an elector of the Village of Franklin. And no person shall be elected or appointed to any office in the Village of Franklin who is a defaulter to the Village. All votes for or any appointment of any such defaulter shall be void. All officers of the Village of Franklin, elected or appointed, shall take and subscribe the oath of office prescribed by the Constitution of the State, and file the same with the Village Clerk, and in case of failure to do so, within ten (10) days after receiving notice of their election or appointment, shall be deemed to have declined the office.

Proposed Charter Language

Section 3-A. No person shall be elected to any office unless he or she shall be an elector of the Village of Franklin. And no person shall be elected or appointed to any office in the Village of Franklin who is a defaulter to the Village. All votes for or any appointment of any such defaulter shall be void. All officers of the Village of Franklin, elected or appointed, shall take and subscribe the oath of office prescribed by the Constitution of the State, and file the same with the Village Clerk, and in case of failure to do so within ten (10) days after the time fixed for taking office shall be deemed to have declined the office.

Proposed Ballot Question

Shall Chapter III, Section 3-A of the Village of Franklin Charter be amended to be consistent with Chapter III, Section 24 of the Charter and require the oath of office to be taken within ten (10) days after the time fixed for taking office?

YES NO

PROPOSED CHARTER AMENDMENT NO. 3
CHAPTER III, Section 7
Present Charter Language

Section 7. Four (4) members of the Council shall constitute a quorum, but a lesser number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance, and all pending business noticed or set down for hearing at such meeting shall be taken up and heard at such adjourned meeting or at the next regular meeting without further notice. The Council shall act only by ordinance or resolution. The affirmative vote of a majority of the Trustees, which shall be four (4) votes, shall be required for the passage of any ordinance or resolution, unless in any given case a different number is required by this Charter or State law.

Proposed Charter Language

Section 7. Four (4) members of the Council shall constitute a quorum, but a lesser number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance, and all pending business noticed or set down for hearing at such meeting shall be taken up and heard at such adjourned meeting or at the next regular meeting without further notice. The Council shall act only by ordinance or resolution. The affirmative vote of a majority of the Trustees voting shall be required for the passage of any ordinance or resolution, unless in any given case a different number is required by this Charter or State law.

Proposed Ballot Question

Shall Chapter III, Section 7 of the Village of Franklin Charter be amended to provide that the affirmative vote of a majority of the Council Trustees voting shall be required to pass any ordinance or resolution, unless a different number is required by Charter or state law?

YES NO

PROPOSED CHARTER AMENDMENT NO. 4
CHAPTER III, Section 8, Subsection (b)

Present Charter Language

Section 8

(b) The President shall appoint a Village Marshall, which appointment shall require the ratification of Council, who shall be the Chief of Police of the Village. As police officer, he or she shall be subject to the direction of the President and Council. In case of a vacancy in the office of Chief of Police, the vacancy shall be filled through appointment by the President of the Village Council, subject to ratification by the Council. The Chief of Police shall report directly to the President. It shall be his or her duty to see that all ordinances and regulations of the Council, made for the preservation of quiet, good order, and for the safety and protection of the inhabitants of the Village, are promptly enforced. As peace officer, he or she shall, within said Village, be vested with all the powers conferred upon sheriffs for the preservation of quiet and good order. He or she shall have power to serve and execute all process directed or delivered to him or her, in all proceedings for violations of the ordinances of the Village. Such process may be served anywhere within the county in which said Village is located.

Proposed Charter Language

(b) The President shall appoint a Chief of Police, which appointment shall require the ratification of Council. In case of a vacancy in the office of Chief of Police, the vacancy shall be filled through appointment by the President of the Village Council, subject to ratification by the Council. The Chief of Police shall be subject to the direction of, and shall report directly to, the President and Council and such other Village Official as the Council may prescribe by ordinance. The Chief shall be authorized to enforce all ordinances and regulations of the Council. The Chief shall, within said Village, be vested with all the powers conferred upon sheriffs for the preservation of quiet and good order. The Chief shall have power to serve and execute all process directed or delivered to him or her, in all proceedings for violations of the ordinances of the Village. Such process may be served anywhere within the county in which said Village is located.

Proposed Ballot Question

Shall Chapter III, Section 8, Subsection (b) of the Village of Franklin Charter be amended to delete reference to Village Marshall and to provide that the Chief of Police shall report to the Village President and Council and such other Village official as the Council may prescribe by ordinance, and to restate the Chief's authority to enforce Village ordinances and regulations?

YES NO

PROPOSED CHARTER AMENDMENT NO. 5

CHAPTER III, Section 13

Present Charter Language

Section 13. At the regular 1966 Municipal election, there shall be elected a Village Clerk and a Treasurer whose terms of office shall begin at 8:00 p.m. on the second Monday following the said Municipal election in the year 1966. The offices of Clerk and Treasurer shall not be filled by the same person.

The Village Clerk shall serve until 8:00 p.m. on the second Monday following the Municipal election in March 1967 and at the regular Municipal election in every second year thereafter, there shall be elected a Clerk whose term of office should commence at 8:00 p.m. on the second Monday following the election and shall expire at 8:00 p.m. on the second Monday following the regular Municipal election in every second year thereafter.

The Treasurer shall serve until 8:00 p.m. on the second Monday after the regular Municipal election in 1968. At the regular Municipal election in the year 1968 and every second year thereafter, a Treasurer shall be elected whose term of office shall begin at 8:00 p.m. on the second Monday following his or her election and shall expire at 8:00 p.m. on the second Monday following the regular Municipal election in every second year thereafter.

However, commencing upon the expiration of the Treasurer's elected term of office in 2002, the Treasurer shall be appointed by the Village Council and shall hold office at the will of the council and shall be subject to the direction of the Council and such other Village officials as the Council may prescribe by ordinance.

Proposed Charter Language

Section 13. At the regular 1966 Municipal election, there shall be elected a Village Clerk and a Treasurer whose terms of office shall begin at 8:00 p.m. on the second Monday following the said Municipal election in the year 1966. The offices of Clerk and Treasurer shall not be filled by the same person.

The Village Clerk shall serve until 8:00 p.m. on the second Monday following the Municipal election in March 1967 and at the regular Municipal election in every second year thereafter, there shall be elected a Clerk whose term of office should commence at 8:00 p.m. on the second Monday following the election and shall expire at 8:00 p.m. on the second Monday following the regular Municipal election in every second year thereafter. However, commencing upon the expiration of the Clerk's elective term of office in 2018, the Clerk shall be appointed by the Village Council and shall hold office at the will of the Council and shall be subject to the direction of the Council and such other Village officials as the Council may prescribe by ordinance.

The Treasurer shall serve until 8:00 p.m. on the second Monday after the regular Municipal election in 1968. At the regular Municipal election in the year 1968 and every second year thereafter, a Treasurer shall be elected whose term of office shall begin at 8:00 p.m. on the second Monday following his or her election and shall expire at 8:00 p.m. on the second Monday following the regular Municipal election in every second year thereafter.

However, commencing upon the expiration of the Treasurer's elected term of office in 2002, the Treasurer shall be appointed by the Village Council and shall hold office at the will of the council and shall be subject to the direction of the Council and such other Village officials as the Council may prescribe by ordinance.

Proposed Ballot Question

Shall Chapter III, Section 13 of the Village of Franklin Charter be amended to provide that thereafter upon the expiration of the Village Clerk's elective term of office in 2018, the Clerk shall be appointed by the Village Council?

YES NO

PROPOSED CHARTER AMENDMENT NO. 6

CHAPTER VIII

Present Charter Language

Section 1. No contract shall be entered into by the Village for the making of any public improvement or for the purchase of any materials, tools, apparatus, supplies or services, exclusive of professional services, which professional services include but are not limited to Village Attorney, Village Engineer, Village Planner, Village Accountant and Village Auditor, the consideration or cost of which shall exceed ten thousand dollars (\$10,000), until specifications shall be prepared therefor, and published advertisement made for sealed proposals thereon; provided, however, that by a vote of two-thirds (2/3) of the members of the Council-elect, such contracts may be made without advertisement. The Village shall have the right to reject any or all such proposals.

Section 2. Subject to the provisions of the Charter, the Village may through its departments, officers, and employees perform public work of all kinds or it may let any of such work by contract. The Village shall not, however, undertake the performance of any construction work exceeding an estimated cost of twenty-five thousand dollars (\$25,000), until it has first advertised for sealed proposals therefor.

Section 3. No public improvement, costing more than ten thousand dollars (\$10,000), shall be contracted for or commenced until drawings, profiles, and estimates for same shall have been submitted to the Council and approved by it; and the same or a copy thereof shall thereafter remain on file in the office of the Village Clerk subject to inspection of the public.

Section 4. No member of the Council shall vote for the authorization of any contract with or for the Village, or for the expenditure of any money on the part of the Village, if he or she shall be financially interested in the proceeds of such contract or in the money so expended.

Proposed Charter Language

Section 1. No contract shall be entered into by the Village for the making of any public improvement or for the purchase of any materials, tools, apparatus, supplies or services, exclusive of construction work or professional services, which professional services include but are not limited to Village Attorney, Village Engineer, Village Planner, Village Accountant and Village Auditor, the consideration or cost of which shall exceed ten thousand dollars (\$10,000), until specifications shall be prepared therefor, and published advertisement made for sealed proposals thereon; provided, however, that by a vote of two-thirds (2/3) of the members of the Council-elect, such contracts may be made without advertisement. The Village shall have the right to reject any or all such proposals.

Section 2. Subject to the provisions of the Charter, the Village may through its departments, officers, and employees perform public work of all kinds or it may let any of such work by contract. The Village shall not, however, undertake the performance of any construction work exceeding an estimated cost of twenty-five thousand dollars (\$25,000), until it has first advertised for sealed proposals therefor.

Section 3. No member of the Council shall vote for the authorization of any contract with or for the Village, or for the expenditure of any money on the part of the Village, if he or she shall be financially interested in the proceeds of such contract or in the money so expended.

Proposed Ballot Question

Shall Chapter VIII of the Village of Franklin Charter be amended to clarify that construction contracts with an estimated cost exceeding Twenty-Five Thousand Dollars (\$25,000) shall not be awarded without first advertising for sealed bids, and also to delete the requirement that Council must have and approve drawings, profiles and cost estimates before contracting for any public improvements costing more than Ten Thousand Dollars (\$10,000)?

YES NO

**PROPOSED CHARTER AMENDMENT NO. 7
CHAPTER XI, Section 5**

Present Charter Language

Section 5. The Council shall not have the power to construct any new sidewalks in residential areas.

Proposed Charter Language

Section 5. The Council shall not have the power to construct any new sidewalks in residential areas. Construction of new sidewalks and pathways shall be allowed only along routes identified as arterial, major or collector roads in the Village's Master Plan.

Proposed Ballot Question

Shall Chapter XI, Sections 5 of the Village of Franklin Charter be amended to allow construction of new sidewalks and pathways only along routes identified as arterial, major or collector roads in the Village's Master Plan?

YES NO

PROPOSED CHARTER AMENDMENT NO. 8

CHAPTER XII, Sections 1 and 2

Present Charter Language

Section 1. The Village shall not own or operate any public utility, nor shall it grant a franchise for the operation of any public utility within the Village limits other than for electric service, telephone service, gas service or public transportation, unless the same shall first have been approved by two-thirds (2/3) of the electors voting thereon at a general or special elections.

Section 2. No franchise which is not revocable at the will of the Village shall be granted or become operative until approved by two-thirds (2/3) of the electors voting thereon at a general or special election.

Proposed Charter Language

Section 1. The Village shall not own or operate any public utility, nor shall it grant a franchise that is not revocable at the will of the Village for the operation of any public utility within the Village limits other than for electric service, telephone service, gas service or public transportation, unless the same shall first have been approved by three-fifths (3/5) of the electors voting thereon at a general or special elections.

Section 2. No franchise which is not revocable at the will of the Village shall be granted or become operative until approved by three-fifths (3/5) of the electors voting thereon at a general or special election.

Proposed Ballot Question

Shall Chapter XII, Sections 1 and 2 of the Village of Franklin Charter be amended to modify the vote required to approve a public utility franchise in the Village to be consistent with the Michigan Constitution and statutes?

YES NO

PROPOSED CHARTER AMENDMENT NO. 9

CHAPTER XIV

Present Charter Language

MAINTENANCE OF VILLAGE UTILITIES

Public sewers, drains, lighting and water systems or supplies shall not be constructed, provided, or maintained, unless the proposed sewers, drains, lighting systems or supplies shall first have been approved by a majority of the electors voting at any general or special election.

Proposed Charter Language

MAINTENANCE OF VILLAGE UTILITIES

Public sewers, drains, lighting and water systems or supplies shall not be constructed, provided, or maintained, unless the proposed sewers, drains, lighting and water systems or supplies shall first have been approved by a majority of the electors voting at any general or special election.

Proposed Ballot Question

Shall Chapter XIV of the Village of Franklin Charter be amended to clarify that any public water system must first be approved by the electorate at an election?

YES NO

PROPOSED CHARTER AMENDMENT NO. 10

CHAPTER XVI, Section 6

Present Charter Language

Section 6. All records of the Village shall be public and open to inspection at all reasonable times.

Proposed Charter Language

Section 6. Public records of the Village shall be available and open to inspection in accordance with the Freedom of Information Act, MCL 15.261 et seq, as amended.

Proposed Ballot Question

Shall Chapter XVI, Section 6 of the Village of Franklin Charter be amended to provide that the Village's public records shall be available and open to inspection in accordance with the Michigan Freedom of Information Act?

YES NO