

**VILLAGE OF FRANKLIN
VILLAGE COUNCIL REGULAR MEETING
MONDAY, JANUARY 9, 2017, 7:00 PM
FRANKLIN VILLAGE HALL – BROUGHTON HOUSE
32325 FRANKLIN ROAD, FRANKLIN, MICHIGAN 48025**

I. CALL TO ORDER

The meeting was called to order by President Pam Hansen, at 7:00 PM at the Franklin Village Hall, Franklin, Michigan.

II. ROLL CALL

Present: Fred Gallasch, Brian Gordon, Pam Hansen, Judy Moenck, Tom Morrow, Mike Seltzer, Mira Stakhiv
Absent: None
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
Rana Emmons, CPA, PSLZ LLP
Sarah Traxler, McKenna Associates, Planning Commission consultant

All Members of the Council are in attendance.

III. ADOPTION OF AGENDA

Motion by Gordon, seconded by Seltzer to adopt the agenda, as presented.

Ayes: Gallasch, Gordon, Hansen, Moenck, Morrow, Seltzer, Stakhiv

Nays: None

Motion carried.

IV. MINUTES

A. Regular Meeting of December 12, 2016.

Stakhiv noted some typos: on Page 2, and on Page 6.

Motion by Seltzer, seconded by Stakhiv to approve the Regular Meeting minutes for December 12, 2016, as amended.

Ayes: Gallasch, Gordon, Hansen, Moenck, Morrow, Seltzer, Stakhiv

Nays: None

Motion carried.

V. REPORTS OF VILLAGE OFFICERS AND AGENTS

Dan Roberts, Police Chief, referred to his written report and noted that the holidays were quiet and typical with a few drunken driving arrests and a few family disturbances. He noted that about

2 weeks ago the officers responded to an “unresponsive man” call. Working with the Fire Department they were able to revive a Franklin resident by using CPR and the department’s Defibrillator after which the man was transported to Beaumont Hospital. Those officers and firefighters will be suggested for awards this spring. Chief Roberts is finalizing the annual crime statistics for 2016 adding that the good news involves the Special Assessment District (SAD), which consists of those commercial properties in Bingham Farms along Telegraph Road, and pays for two (2) of our officers. The District was started in 1986 because of the high incidents of crime associated with those properties; this past year it had the lowest crime rate ever recorded. Last year there were over 2100 tickets issued, mainly in the SAD and on Telegraph Road, and over 200 arrests.

Stakhiv congratulated and commended the officers for making the large number of house checks over the holidays and noted that it is a very good program.

Commenting on Hansen’s inquiry about the robberies in vacant houses, Roberts reported that it has stabilized due to the arrest of a group of men who had been caught in the midst of such a robbery, adding that he was not aware of any robberies being reported in the area since that time.

Tony Averbuch, Fire Chief, referred to his written report, and added that last year they had over 500 runs which is an increase of about 8% over the prior year. He mentioned that there had been a slight increase in “careless cook” calls because of a lot of smoke and setting off the alarms. He requested that residents not only turn their stoves off but also call their alarm companies, not 911, not the fire department, which will let the companies know it was an accident.

Lance Vainik, Treasurer, referred to his 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 2016-17 Budget. He also reported that the bills list included a large entry to PSLZ CPA for the 2016 Audit. Vainik added that a list provided of account balances is as of January 5, 2017. He concluded by saying that the Village has sufficient funds to meet its current and anticipated obligations. Regarding last month’s discussion about the safety of the funds, he suggested that the Finance committee, Morrow, Creech, and he have a conference call to discuss this matter. In the meantime, he has spoken with Bingham Farms to see how it handles the safety of its funds. It was important to note that different municipalities have different approaches. He has also spoken with the Village’s contact at Level One Bank for more information, some of which he explained to the Council.

Morrow suggested that the subject needed further investigation. Vainik recommended a conference call with the Village’s contact at the bank to make sure all questions are answered. If they are not, then they can look at an alternative. Gordon stated that he is in favor of finding the best method to eliminate any risk for the Village funds. Vainik will present more information at the next meeting. Hansen suggested a Finance Committee meeting to work with Vainik to think through the options and bring back a recommendation to the next Council meeting.

No Main Street Franklin report was received or presented.

VI. SUBMISSION OF CURRENT BILLS

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

Ayes: Gallasch, Gordon, Hansen, Moenck, Morrow, Seltzer, Stakhiv

Nays: None

Motion carried.

Morrow pointed out that on the first page there were three entries with the identical check number 25335; one to Comcast and two checks to Consumer Energy. Creech commented that it was a typographical error.

TOTALS

| | | |
|------------------------|-----------|-------------------|
| General Administration | \$ | 27,992.24 |
| Building | \$ | 5,179.17 |
| Insurance | \$ | 48,286.36 |
| Legal | \$ | 379.50 |
| Police | \$ | 28,097.59 |
| Pressure Sewer | \$ | - |
| General Debt Service | \$ | - |
| Major Roads | \$ | 6,305.19 |
| Local Road | \$ | 4,431.38 |
| Rubbish | \$ | 14,881.70 |
| Trust & Agency | \$ | 6,300.00 |
| Tax Fund | \$ | 5,739.73 |
| Waste Water | \$ | - |
| ALL FUNDS | \$ | 147,592.86 |

VII. PUBLIC REQUESTS AND COMMENTS

Hansen opened the meeting for public comments on non-agenda items with no one from the public responding.

VIII. SPECIAL REPORTS

A. President's Report

Hansen commented on this past month's events and her education on snow falls, snowplowing, and road conditions. She noted that on December 21, 2016, she met with Kelda (Building Clerk), Creech, and Jerry Johnson (Johnson Landscaping) to discuss how the process of snowplowing worked and how it could be improved. Prior to the meeting, she personally had read some comments from neighbors made on a social media website regarding this issue. Hansen listed some of the additional procedures and improvements which she wanted implemented. The Legal Committee, consisting of herself, Seltzer, Gordon, with the assistance of Staran and Creech met

for the first time noting that one of its purposes is to plan the agendas for upcoming Council meetings.

B. Council Report

Regarding the snowplowing, Morrow stated that he believed that with the last significant snowfall the Village failed to provide adequate services to the Villagers. He had solicited input from Villagers on a social media site and received 10 comments of which a few were positive but most were negative. However, almost all responses identified where improvements were necessary. It appeared that the problems weren't with the main roads but rather with the rest of the Village's roads. He related his personal observations of the roads two days after the storm and some personal events which followed. After reviewing the snowplow contract he found that there had been gross negligence in its overseeing/management by the Administrator.

Stakhiv voiced her opinion on the snow removal contract which she had reviewed and had some specific questions: 1) Why did Johnson Landscaping provide salting services for the Church's parking lot and how is this part of the Village contract. Creech stated that he had contracted for it as has been done for the last several years; 2) The contract provides snow clearance from road edge to road edge, noting that she personally has not seen this in a couple of years; 3) She asked for a clarification of the contract in which it states that after normal business hours and on the weekend, within one (1) hour of being contacted by either Police Department or Village Administrative staff, she asked who is considered Village Administrative staff and can call Johnson to clear the snow. Creech said he can be contacted on his cell phone. She made mention of the last big snowfall when it snowed the entire Sunday and no one was clearing the roads for about 14 hours. She referenced part of the contract that states that clearing should be during and after the snow fall. She had documented that the snowplows did not come out until after the snow had stopped. Referencing the contract, she doesn't feel Johnson Landscaping is fulfilling the contract terms.

Moenck asked Creech for his opinion on the matter of Johnson's contract fulfillment. Creech stated that Johnson now has a clearer understanding of what the Village's expectations are.

Discussion ensued about the contract and its terms. Morrow clarified that his issue was not with the contractor who works at the direction of the Administrator. The shortcomings were with the Village Administrator. Moenck was concerned that if this contract has been in force since 2013, why was the Administrator talking about the contractor now having a clearer understanding of the expectations. Hansen suggested that Johnson be invited to the next Council meeting after the next snowfall and plowing of the Village.

C. Administrator Report

Creech reported that there were a few code enforcements activities by Mr. Gosselin which dealt with political signs, storage of items in a driveway, storage of vehicles, and an ongoing issue on Inkster Road. He issued a "Stop Work" order on a project due to some permits not having been pulled. These issues were initiated by Villagers. Gallasch inquired about an update on the City of Southfield's participation in the Franklin Road improvement. Creech replied that the Village Engineers (Hubbell, Roth and Clark) were discussing the prospects with the City of Southfield's engineers.

D. Attorney Report, John Staran, Village Attorney

Hansen stated that every couple of years Council has a discussion on the Open Meetings Act. Staran provided the Council with an informative three (3) page summary of the do's and don'ts from the Open Meetings Act handbook published by MASB (Michigan Association of School Boards) and an article from November in the Oakland Press. He updated and conducted a discussion about the Act, especially in terms of electronic, social media, and telephone communications. Stakhiv clarified that if she has a concern or receives a concern from a resident, she understands that she may have a one-on-one communication with a member of Council but it should not be circulated to the entire Council. Hansen mentioned and supported the formation of Council ad hoc committees and Staran provided guidelines for the conversations within those meetings. He suggested that if a Council member has some information that he/she wanted to share, it would be appropriate that it is circulated by the Village Administrator.

E. Audit Report, Rana Emmons, CPA, PSLZ LLP

Creech provided a brief background about the handling of the yearly audit as required by statute. Each Council member was given a written audit report. Emmons presented the Village audit and financial statement for the fiscal year ending June 30, 2016. The audit has been filed with the state and is in full compliance. She highlighted a few specific items for Council and brought to its attention that the Post Employment Healthcare Plan requirements would be changing in two (2) years which would necessitate a new actuarial evaluation, effective 2018.

Gallasch had concerns about the pension funding and the health insurance funding and stated that he thought the Finance Committee needed to review and discuss this information. Moenck inquired if Emmons found any weaknesses or inefficiencies that the Village should be addressing. Emmons explained the two (2) required letters which must be included as part of an audit, noting that the only inefficiency was one that many communities shared, in which her firm performed the financial documents for the audit.

IX. NEW BUSINESS

A. Consider Budget Amendments, FY2016-2017

Creech addressed the budget amendments for FY2016-2017, as written in his memo dated January 5, 2017. The changes were in the Major and Local Streets accounts. Engineering costs increased due to work associated with the road project, storm damage increased the trees and shrubs budget, and there was a large expenditure for the removal of the catalpa tree on the Village Green.

#2017-01 Motion by Seltzer, seconded by Gordon to approve the Budget Amendments, FY2016-2017 as follows:

WHEREAS: The Village must assure that expenditures in each account do not exceed those budgeted. A review of the Village's Fiscal Year 2016/2017 Major Street Fund indicates accounts where a budget amendment is required. We resolve that the following budget amendments be made to the 2016/2017 Major Street Fund with funds coming from the appropriation of other funds.

Major Streets

Expenditures

- 202-449-818 Engineering Services: Increase expenditure account to a new total of \$15,000 (original \$5,000).
- 202-451-818 Construction: Increase expenditure account to a new total of \$21,000 (original \$20,000).
- 202-468-818 Trees and Shrubs: Increase expenditure account to a new total of \$22,608 (original \$18,608).
- 202-463-818 General Road Maint: Decrease expenditure account to a new total of \$35,000 (original \$50,000).

WHEREAS: The Village must assure that expenditures in each account do not exceed those budgeted. A review of the Village's Fiscal Year 2016/207 Local Street Fund indicates accounts where a budget amendment is required. We resolve that the following budget amendments be made to the 2016/2017 Local Street Fund with funds coming from the appropriation of other funds.

Expenditures

Local Streets

Description

- 203-468-818 Trees and Shrubs: Increase expenditure account to a new total of \$23,000 (original \$15,000).
- 202-451-818 Construction: Decrease expenditure account to a new total of \$142,000 (original \$150,000) .

Ayes: Gallasch, Gordon, Hansen, Moenck, Morrow, Seltzer, Stakhiv

Nays: None

Motion carried.

X. RESOLUTIONS/ORDINANCES

- A. Consider Ordinance to Amend Chapter 1240, General Provisions and Definitions; Chapter 1244, Board of Zoning Appeals, Chapter 1250, Single-Family Residential Districts; Chapter 1252, Single-Family Planned Residential Development Option; Chapter 1254, RO-1 Restricted Office District; Chapter 1258, P-1 Vehicular Parking District; Chapter 1262, Off Street Parking and Loading; and Chapter 1268, Supplementary Regulations; of Part 12 Planning and Zoning Code, of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, Repeal Conflicting Ordinances, and prescribe a Penalty for Violations (first reading).**

Sarah Traxler, of McKenna Associates and consultant to the Planning Commission, provided background information and comments on the proposed amendments. She provided Council members with a memorandum dated January 4, 2017, a copy of the proposed amendments and summarized the key features. The Planning Commission is recommending to Village Council the adoption of the proposed amendments.

Gallasch inquired if Randy Brakeman, Chairman of the ZBA, had a chance to review the amendments and provide input, if need be. Traxler was not aware of any but she recommended

that there be some training and re-introduce the proposed amendments to the ZBA. She reiterated that the standards that were written into the Zoning Ordinances were state standards. Gallasch also had specific questions concerning the number of allowable garages, out-buildings, and the descriptions of playhouses/structures.

#2017-02 Motion by Seltzer, seconded by Gordon to approve the Ordinance to Amend Chapter 1240, General Provisions and Definitions; Chapter 1244, Board of Zoning Appeals, Chapter 1250, Single-Family Residential Districts; Chapter 1252, Single-Family Planned Residential Development Option; Chapter 1254, RO-1 Restricted Office District; Chapter 1258, P-1 Vehicular Parking District; Chapter 1262, Off Street Parking and Loading; and Chapter 1268, Supplementary Regulations; of Part 12 Planning and Zoning Code, of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, Repeal Conflicting Ordinances, and prescribe a Penalty for Violations in its first reading.

Ayes: Gallasch, Gordon, Hansen, Moenck, Morrow, Seltzer, Stakhiv

Nays: None

Motion carried.

Hansen requested that Randy Brakeman and the ZBA review the proposed amendments before this item comes back before Council for a final vote.

B. Consider Ordinance to Approve the Editing and Inclusion of Certain Ordinances and a Resolution as Parts of the Codified Ordinances (second reading).

#2017-03 Motion by Gordon, seconded by Gallasch to Approve the Editing and Inclusion of Certain Ordinances and a Resolution as Parts of the Codified Ordinances in the second reading.

Ayes: Gallasch, Gordon, Hansen, Moenck, Morrow, Seltzer, Stakhiv

Nays: None

Motion carried.

XI. ADJOURNMENT

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

Ayes: Gallasch, Gordon, Hansen, Moenck, Morrow, Seltzer, Stakhiv

Nays: None

Motion carried.

There being no further business, the meeting was adjourned at 8:31 P.M.

Respectfully submitted,

Gail Beke, Recording Secretary

Eileen H. Pulker, Clerk

Pamela Hansen, President