

**SPECIAL MEETING
VILLAGE OF FRANKLIN
VILLAGE HALL-BROUGHTON HALL
32325 FRANKLIN ROAD
September 16, 2011, 6:00 PM**

I. CALL TO ORDER

The Special Meeting of the Franklin Village was called to order by Jim Kochensparger, President Pro-Tem, at 6:13 PM at the Franklin Village Hall.

II. ROLL CALL

Present: Mike Seltzer, Brian Gettel, Lew Eads, Jim Kochensparger, Bill Lamott, Steve Rosenthal

Absent: Fred Gallasch (excused)

Also Present: Amy Sullivan, Village Administrator; John Staran, Village Attorney; Eileen Pulker, Village Clerk; Tom Morrow, Village Treasurer

III. CONSIDER VILLAGE CLERK COMPENSATION RESOLUTION

Kochensparger, opened the discussion.

John Pulker, Ponds View Dr., yielded his time to Eileen Pulker, Village Clerk. Pulker read a prepared statement, as follows:

“I am speaking to you tonight as a fellow Village resident, and your Village Clerk. In my re-election brochure, I wrote that I believed we should all work together and that I would encourage adherence to our adopted budget. Therefore, in the spirit in which those statements were intended, I have the following to say to you (our Village Council) and all Village residents. Just like you, I know there is State Legislation prohibiting the mid-term reduction of an elected official's compensation and that given the Village's current financial condition Council is concerned that unless you resolve to change my future compensation now, you may have to pay for something you cannot afford. I, therefore, would like to submit to you my agreement to work with Council both now and in my new term to voluntarily agree to shared sacrifices in my compensation, hours, including mandated employee benefit plan contributions, if necessary, and to help maintain a balanced Village budget. Thank you.”

Brian Coyer, River Drive, asked that the Council advise the residents in attendance as to the procedure for Public Comments.

Kochensparger, began the discussion about the draft resolution with a brief history of the Headlee Override and its possible repercussions. Kochensparger noted that that being said, the Council needed to do the responsible thing and felt that there needed to be an adjustment/reduction/modification to the Clerk's compensation package. He also stated that he felt that the Clerk's pension needed to be protected, noting that the gist of the resolution is to reduce the overall pay so the Village sees savings.

Eads stated that the resolution, not necessarily this version, was introduced at the last Council Meeting but was postponed until a later meeting.

Gettel asked Staran if the resolution before them, dated 9/15/11 would comply with the statute. Staran answered affirmatively and added that the Council could add more specifics if it wanted.

Sullivan led a discussion about the ramifications of possible adjustments to the health insurance benefits due to reduction of hours.

Mira Stakhiv, Crestwood, a resident for 28 years, is a compensation manager and has a consulting business. She is concerned and did some research on the Bureau of Labor and Statistics comparing Villages comparable to Franklin. The Council has not had a survey done, whether it be on a local,

state, mid-west, and/or national level, a projection has not been done, and a report has not been written. The employee must be considered when the Council makes a decision. She felt that the Village had not explored everything.

Seltzer made a comment that the discussion of this resolution began several months ago. It gives the Council the flexibility to deal with the salary and perk packages adding that the Council will explore all options.

Staran explained that the proposed resolution needed to be voted upon before the beginning of the Clerk's new term.

Brian Coyer, River Dr., liked that the Council is considering all options and taking them cautiously. He explained his interpretation of what the Villagers were saying with the rejection of the Headlee Override. He offered to work with Council to achieve the most amicable solutions to the budget deficit.

Judy Moenck, Meadow Drive, called a "Point of Order" on the agenda. She claimed that at the beginning of the election process she was aware that there would be changes in the Clerk's position if the Override did not pass.

Randy McElroy, Woodside Drive, offered to help in the reconciliation between the two groups involved in the Headlee Override budget issue.

Sherry Sparks, Evelyn Court, offered some thoughts that have nothing to do with the emotions of this issue but rather two democratic principles which she thought had been violated and thusly significant in the defeat of the Override. She cautioned the Council to consider that there was more than the financial/economic issue riding on this vote outcome.

Discussion ensued on the topic of whether the Council should have the ability, and flexibility to reduce the Village Clerk's compensation if it chooses to do so should this resolution pass.

Staran explained that the resolution is stated in general terms. But it ties the Clerk's compensation to the Clerk's hours of service which is specific. The Council is reserving to a later date, if ever, whether to reduce those hours. He stated that the Clerk's statement was consistent with the Council's budgetary needs and/or constraints and what is proposed in the resolution.

Jay Gardner, Evelyn Court, acknowledged the generous gesture that the Clerk made in her statement. He wanted to make sure that she was protected and he emphasized that he wanted the Council to be fair and reasonable. The issue he has is that now there is an official who was elected based upon certain expectation and now her compensation is being left vague. How does the Council reconcile the offer the Clerk has tendered today with the open-ended item that is on the agenda this evening? He understood that the Clerk was willing to make a concession until the budget situation was alleviated. There were some expectations said that there might be some changes and in his opinion Pulker is now faced with an uncertain future. He is asking for assurances that the Council be fair and reasonable as Pulker has been a long term employee.

Seltzer said that all this was all out on the record prior to this meeting. A discussion has been in-place for a couple of months and is based on the budget and the Headlee Override.

Rosenthal stated that the Village needed the flexibility that the Resolution provided.

#2011-103 Motion by Seltzer, seconded by Eads to approve the Village Clerk Compensation Resolution, dated September 15, 2011, as follows:

“WHEREAS, the weak economy, reductions in state revenue sharing, and declining property values and resulting erosion of the Village’s tax base have, in recent years, placed considerable strain on the Village’s budget and ability to fund village operations and services; and WHEREAS, to address a projected budget deficit, the Village Council submitted a question on the September 13, 2011 Village election ballot asking voters whether to authorize a Headlee Override to restore the charter tax rate for police and administration and fire protection services; and WHEREAS, at the election, voters disapproved the Headlee Override, making it necessary for the village council to further explore ways to address the budget deficit including reducing expenditures and personnel costs; and WHEREAS, the Village Attorney has advised that Michigan Law does not allow the Village Council to change the compensation of elected Village officials during their term of office; and WHEREAS, the Village Clerk is an elected official whose term of office will expire and next term of office will commence on the second Monday following the September 13, 2011 election (i.e. September 26); and WHEREAS, The Village Council desires to establish the Village Clerk’s compensation and benefits to be effective for the Clerk’s next term of office. THEREFORE, the Franklin Village Council resolves that if the Village Council decides to reduce the work hours of the Village Clerk, the Clerk’s current compensation and benefits shall be correspondingly adjusted in the same proportion as the reduction in the Clerk’s work hours, and a co-pay for health insurance benefits may be mandated.”

Ayes: Seltzer, Gettel, Eads, Kochensparger, Lamott, Rosenthal

Nays: Lamott

Absent: Gallasch

Motion carried.

IV. CONSIDER WHETHER TO MEET IN CLOSED EXECUTIVE SESSION, TO DISCUSS WRITTEN ATTORNEY CLIENT PRIVILEGED COMMUNICATIONS.

#2011-104 Motion by Eads, seconded by Gettel to Meet in Closed Executive Session to Discuss Written Attorney Client Privileged Communications.

Roll Call Vote:

Seltzer: Yes

Gettel: Yes

Eads: Yes

Kochensparger: Yes

Lamott: Yes

Rosenthal: Yes

Motion carried.

V. ADJOURNMENT

The meeting adjourned at 7:00 P.M.

Submitted,

Gail Beke

Eileen H. Pulker, Village Clerk

James Kochensparger, Pres. Pro Tem