

**PROCEEDINGS OF VILLAGE OF FRANKLIN
VILLAGE COUNCIL REGULAR MEETING
MONDAY, JANUARY 9, 2012 8:00 PM
FRANKLIN VILLAGE HALL – BROUGHTON HOUSE
32325 FRANKLIN ROAD, FRANKLIN, MICHIGAN 48025**

I. CALL TO ORDER

The meeting was called to order by President James Kochensparger at 8:00 P.M. at the Franklin Village Hall, Franklin, Michigan.

ROLL CALL

Present: Lew Eads, Pam Hansen (appointed at 8:34 P.M.), Jim Kochensparger, Thomas Morrow, Steve Rosenthal, Mike Seltzer, Sherry Sparks
Also Present: Amy Sullivan, Village Administrator
Eileen Pulker, Clerk
Patrick Browne, Police Chief
Tony Averbuch, Fire Chief
John Staran, Hafeli Staran Hallahan & Christ, P.C., Village Attorney
Vivian Carmody, Administrator, Main Street Franklin

II. ADOPTION OF AGENDA

Motion by Seltzer supported by Eads to approve the agenda for the January 9, 2012, Regular Village Council Meeting as submitted.

Ayes: Eads, Kochensparger, Morrow, Rosenthal, Seltzer, Sparks

Nays: None

Motion carried.

III. MINUTES

A. December 12, 2011 Regular Village Council Meeting

Motion by Eads supported by Seltzer to approve the minutes of the December 12, 2011, Regular Village Council Meeting as revised.

Eads noted the motion on the top of page 13 referencing the reaffirmation of Morrow was not denied, it was passed.

Ayes: Eads, Kochensparger, Seltzer, Sparks

Nays: None

Abstain: Morrow, Rosenthal

Motion carried.

IV. REPORTS OF VILLAGE OFFICERS AND AGENTS

Patrick Browne, Police Chief: Browne referred to his submitted report and noted that officers responded to 239 calls for service in the month of December. Browne advised there has been an increase in residential break-ins in both the Village and Bingham Farms as well as surrounding communities and noted the Department is employing various strategies to combat this situation: Communicating tips to Villagers such as to secure property and lock vehicles/remove valuables if they are parked outside; Increased patrols/house checks during the holiday season with the assistance of reserve officers who donated their time. Posting of additional overtime; Utilization of Website; Preparation of pamphlet to distribute to all residents and post on website which is almost ready for distribution (Browne distributed a draft of the pamphlet to Council noting that a section relative to cybercrime will be ready for inclusion shortly); and Check List (still in the works). Discussion ensued regarding the strategies with Browne noting that residents have also been doing their part to minimize the chance of becoming a victim and cost of pamphlet with Browne noting this is not covered in the budget, the Department is hoping to cover the

cost of the first 200 copies, and distribution to all residents could run an additional \$600.00. The Department as well as its reserve officers was thanked for their service.

Tony Averbuch, Fire Chief: Averbuch referred to his written report, noting the Department responded to nine (9) citizen assist calls in the month of December which is almost double a typical month and provided information relative to Knox-Box Rapid Entry Systems (affords entry to home when Knox-Box is purchased by homeowner). Discussion ensued regarding Knox-Box with it being noted this is a good program, information relative to key storage does not go over the air, cost depends on what box is purchased but could be as low as \$150, potential for PD to utilize Knox Box, and minimizes potential for damage when emergency access is gained through Knox-Box.

Thomas Morrow, Treasurer: Morrow referred to his submitted written report and noted that month-end balances are also included.

Vivian Carmody, Executive Director, Main Street: Carmody wished all a Happy New Year, thanked Pat Burke for her service as Board Member/Secretary and advised that Barry Silverstein and Eileen Harryvan are new Board Members, Harryvan is also the Secretary, Elina Costello is continuing as the Chair, Charles Dunn the Vice-Chair, Jim Zack the Treasurer, Pat Burke, will move to Design Committee Chair, and the Board is looking forward to kicking off its fundraising campaign drive and events.

Kochensparger inquired if anyone from Johnson Landscaping was present with no one responding.

V. SUBMISSION OF CURRENT BILLS

Motion by Eads supported by Rosenthal to approve the Bills List as submitted.

TOTALS

General Administration	\$	7,594.65
Building	\$	2,575.72
Insurance	\$	35,689.61
Legal	\$	2,271.25
Police	\$	9,356.34
Pressure Sewer	\$	100.00
General Debt Service	\$	450.00
Major Roads	\$	10,615.40
Local Road	\$	7,715.00
Rubbish	\$	16,525.28
Trust & Agency	\$	1,400.00
Tax Fund	\$	15,228.89
Waste Water	\$	-
ALL FUNDS	\$	109,522.14

Ayes: Eads, Kochensparger, Rosenthal, Seltzer, Sparks

Nays: None

Abstain: Morrow

Motion carried.

VI. PUBLIC REQUESTS AND COMMENTS

No one from the public responded.

VII. SPECIAL REPORTS

A. Birmingham Area Cable Board, Annual Report, FY2010-2011

Elaine McLain, Chair, Bob Borgon, Executive Director, and Ken McFadden, Vice-Chair and Treasurer were in attendance representing the Cable Board. McLain noted that Comcast remains the incumbent provider, ATT U Verse product is completely deployed (no further roll out), and there is no evidence that WOW will be expanding into the area at this time. Kochensparger inquired as to revenue and potential for grant allocations. McFadden advised that user fees from Franklin were less than anticipated, however, due to strong fiscal controls and budgetary practices, the Board will still be able to offer an administrative grant, this is under the Inter local Agreement (ILA) from 1986. McFadden noted the mission of the Board is to protect the revenue stream through 2015, when the franchise agreements expire, and provide educational/governmental programming to local communities in a fiscally responsible manner. Discussion ensued regarding user fees, ILA, and franchise fees/rate with it being noted the rate is defined in the ILA.

B. President's Report

Kochensparger commented that Franklin is a very special place, all on Council are in essence volunteers; working for the Village and at its collective will, Council is here to listen and receive input – which is appreciated, apologized for any instance in which Council was thought to be confrontational as that is not its goal, requested all to be as polite as possible, and noted the importance of understanding the millage information regarding the upcoming millage request.

C. Council Report

Morrow noted the Finance Committee met and considered four (4) agenda items (investment policy; proposed budget amendments; Q/A regarding millage request; dissemination of Q/A). Rosenthal noted the Legal Committee met and discussed the Q/A as well as other items.

VIII. NEW BUSINESS

A. Consider Appointment to Village Council.

Kochensparger noted that four (4) Villagers have applied for this position. Discussion ensued with the applicants and the public being offered an opportunity to address Council. Applicants Joe Roisman, Elise Morrison, and Mark Shaye were not present.

Pam Hansen, Wing Lake Road: Hansen noted as Chair of the Planning Commission she has been at this podium several times over the years and with Gettel's resignation, she felt the time was right for her personally to seek the appointment. Hansen provided an overview of her service to the Village as well as her professional experiences/skill sets and noted she has a positive relationship with all on Council and would be coming on board, relatively unencumbered and with a clean slate. Discussion ensued with it being noted the Village is blessed to have four (4) strong applicants.

#2012-01 Motion by Morrow supported by Eads to appoint Pamela Hansen to Village Council.

Connie Ettinger, River Drive, noted that Hansen is a friend, colleague, and neighbor and will be an asset to Council. Ettinger noted Hansen's character/attributes as follows: Honest, open, strives for transparency, possesses integrity, forthright, tenacious, excellent listening skills, seeks input, accountable, process oriented, and able and willing to make difficult but necessary decisions. Ettinger stated she is proud to call Hansen her friend and will be proud to call her Trustee Hansen.

Rosenthal noted all four (4) applicants are excellent people and Hansen is a great choice.

Fred Gallasch, Rosemond Drive, noted that he has known Hansen for decades and her accomplishments on PC are indicative that she will do a great job on Council.

Discussion ensued regarding process with Morrow/Eads modifying the original motion to appoint as opposed to nominate.

Ayes: Eads, Kochensparger, Morrow, Rosenthal, Seltzer, Sparks

Nays: None.

Motion carried.

Hansen was sworn in to office by the Village Clerk at 8:34 P.M. and immediately assumed her role as Trustee.

B. Consider Budget Amendments, FY2011-2012, 2nd Quarter.

Kochensparger introduced this item and Sullivan provided a brief overview noting there are four (4) amendments, with the recommendation being to consider each item separately.

1) Budget Amendment – Reverse amendment made at the December 2011 meeting relative to the increase in General Fund income for the MMRMA dividend.

Sullivan noted that while this was received in the current fiscal year, it was placed in the 2010-2011 fiscal year by the auditors as this was a dividend from that year. Consequently, it is now necessary to reverse the transfer.

#2012-02 Motion by Eads supported by Rosenthal to transfer \$12,869 from General Fund Miscellaneous Revenue to General Fund Balance, as follows:

WHEREAS: The Village must assure that expenditures in each account do not exceed those budgeted. A review of the Village's 2011/2012 General Fund indicates several accounts where budget amendments are required. We resolve that the following budget amendment be made to the 2011-2012 General Fund Budget with funds coming from the appropriation of other funds.

000680 – Miscellaneous: Reduce revenue account to a new total of \$27,131 (original \$40,000).

000999 – Appropriation of prior year funds: Increase revenue account to a new total of \$57,381 (original \$44,512).

Ayes: Eads, Hansen, Kochensparger, Morrow, Rosenthal, Seltzer, Sparks

Nays: None.

Motion carried.

2) Budget Amendment – Transfer funds from General Fund to Building Fund.

Sullivan provided a brief overview noting she is projecting a \$23,000.00 deficit based on five (5) months of figures, which takes into account setting aside permit money for future payments to the Building Official, and funds can be transferred back if the situation improves.

#2012-03 Motion by Seltzer supported by Eads to transfer \$23,000 from General Fund to Building Fund as follows:

WHEREAS: The Village must assure that expenditures in each account do not exceed those budgeted. A review of the Village's 2011/2012 General Fund indicates several accounts where budget amendments are required. We resolve that the following budget amendment be made to the 2011-2012 General Fund Budget with funds coming from the appropriation of other funds.

000999 – Appropriation of prior year funds: Increase revenue account to a new total of \$80,381 (original \$57,381).

854961 – Transfer to bldg fund: Increase expense account to a new total of \$23,000 (original \$0).

WHEREAS: the Village must assure that expenditures in each account do not exceed those budgeted. A review of the Village's 2011/2012 Building Fund indicates several accounts where budget amendments are required. We resolve that the following budget amendment be made to the 2011-2012 Building Fund Budget with funds coming from the appropriation of other funds.

000583 – Transfer From General Fund: Increase revenue account to a new total of \$23,000 (original \$0).

000812 – Building Inspections: Increase expense account to a new total of \$36,000 (original \$18,750).

000813 – Building Administration: Increase expense account to a new total of \$18,750 (original \$13,000).

Discussion ensued regarding time period, potential for future adjustments, pulled permits, and clarification as to process.

Ayes: Eads, Hansen, Kochensparger, Morrow, Rosenthal, Seltzer, Sparks

Nays: None.

Motion carried.

3) Budget Amendment – Mailing of the Q/A material for the millage election.

Sullivan provided an overview noting that printing, mailing, and postage costs Village-wide are estimated to be \$1,300.00 and if the Police Department crime prevention pamphlet is included, the additional cost is \$1,130 for a total of \$2,430. Discussion ensued regarding mailing options.

#2012-04 Motion by Morrow supported by Seltzer to discuss the budget amendment relative to mailing either or both items.

Discussion ensued regarding costs with it being noted the Police Department is planning on using drug forfeiture funds to cover the cost of 200 copies of the crime prevention pamphlet, pros and cons of mailing each separately, and goal of transparency. Morrow requested input from Chief Browne with Browne noting that mailing the crime prevention pamphlet as soon as possible is his preference as the information will get to the residents and hopefully have positive results. Discussion continued regarding mailing options and associated costs with Hansen inquiring as to the complete communication plan and potential to update/change provided information. It was noted that February 8th is the date set for the informational meeting, the Q/A will be mailed prior to that date (probably middle of January), and all Villagers are invited to attend the meeting. Fred Gallasch, Rosemont Drive, expressed appreciation for Council's desire to not combine the two (2) mailings and suggested the crime prevention pamphlets costs could easily be raised by volunteers/mobile watch. Morrow suggested postponing consideration of the mailing of the crime prevention pamphlet one month to afford the Village time to consider other methods of funding.

#2012-05 Motion by Eads supported by Seltzer to take \$1,300 from the General Fund to cover the costs of mailing the millage election Q/A the election which will occur on February 28, 2012, Presidential Primary, to every Village resident, as follows:

WHEREAS: The Village must assure that expenditures in each account do not exceed those budgeted. A review of the Village's 2011/2012 General Fund indicates several accounts where budget amendments are required. We resolve that the following budget amendment be made to the 2011-2012 General Fund Budget with funds coming from the appropriation of other funds.

000999 – Appropriation of prior year funds: Increase revenue account to a new total of \$81,681 (original \$80,381).

101980 – Miscellaneous Council Expense: Increase expense account to a new total of \$8,550 (original \$7,250).

Ayes: Eads, Hansen, Kochensparger, Morrow, Rosenthal, Seltzer, Sparks

Nays: None.

Motion carried.

4) Budget Amendment – Acknowledge receipt of an additional \$3,000 grant from the Birmingham Area Cable Board for website development and maintenance.

Sullivan provided a brief overview noting the Cable Board has requested the Village to document expenses and return any unused funds.

#2012-06 Motion by Eads supported by Rosenthal to transfer in \$3,000 in General Fund Revenue, as follows:

WHEREAS: The Village must assure that expenditures in each account do not exceed those budgeted. A review of the Village's 2011/2012 General Fund indicates several accounts where budget amendments are required. We resolve that the following budget amendment be made to the 2011-2012 General Fund Budget with funds coming from the appropriation of other funds.

000690 – Grant Proceeds other: Increase revenue account to a new total of \$12,000 (original \$9,000).

101980 – Miscellaneous Council Expense: Increase expense account to a new total of \$11,550 (original \$8,550).

Discussion ensued regarding time frame and website costs with it being noted that costs for the website are a moving target right now because of training.

Ayes: Eads, Hansen, Kochensparger, Morrow, Rosenthal, Seltzer, Sparks

Nays: None.

Motion carried. .

C. Consider Review of Question & Answer on Millage Proposals, Election to be held on February 28, 2012.

Sullivan referred to the latest draft, noting that Legal and Finance committees reviewed and provided input, Staran also reviewed, and the draft is ready for Council's final sign off. Discussion ensued with it being noted the draft includes modifications suggested by both Finance and Legal.

#2012-07 Motion by Morrow supported by Eads to mail the Q/A relevant to the upcoming Village election on February 28, 2012 at the Presidential Primary, to all Village residents.

Kochensparger requested input from the public. Discussion ensued regarding timing considerations with it being noted the handout will be posted on the website, website and meeting handouts can be different than what was mailed, and presented material is factual not opinion based.

Ayes: Eads, Hansen, Kochensparger, Morrow, Rosenthal, Seltzer, Sparks

Nays: None

Motion carried.

D. Consider Overage on Road Construction Project.

Sullivan provided a brief overview and noted that Eddie Zmich from Hubbell Roth and Clark, Village Engineers, was in attendance to address this issue. Zmich provided a brief overview noting that due to miscommunication between HRC and the contractor which resulted in the repair of an entire intersection instead of a portion of it, the project came in over budget by \$9,711. Discussion ensued regarding the miscommunication, Act 51 funds, Bill's List, process, culpable party, potential to defer billing/payment until the next fiscal year, and usage of contingency funds, with it being noted the process should be looked at.

#2012-08 Motion by Rosenthal supported by Sparks to pay Hubbell, Roth and Clark the original amount as contracted with overage issues, of \$9,711, to be considered at the next Council meeting.

Ayes: Eads, Hansen, Kochensparger, Morrow, Rosenthal, Seltzer, Sparks

Nays: None

Motion carried.

E. Consider Whether to Convene in Closed Session Immediately Following the Regular Meeting to Discuss a Written Attorney Client Privileged Communications and to Discuss Negotiation Strategy Relating to a Collective Bargaining Agreement.

#2012-09 Motion by Morrow supported by Eads to convene in closed session immediately following the regular meeting to discuss a written attorney client privileged communication and to discuss negotiation strategy relating to a collective bargaining agreement.

Roll Call Vote:

**Ayes: Eads
Hansen
Kochensparger
Morrow
Rosenthal
Seltzer
Sparks**

**Nays: None
Motion Carried.**

IX. ORDINANCES/RESOLUTIONS/PROCLAMATIONS

A. Consider Resolution Reaffirming Thomas Morrow as Village Treasurer.

Kochensparger noted as there weren't enough Council Members in attendance and voting in the affirmative to get the required majority to carry the motion at the last meeting, this item is up for consideration again.

#2012-10 Motion by Seltzer supported by Eads to approve the Resolution to Reaffirm Thomas Morrow as the Village Treasurer as follows:

WHEAREAS, the Franklin Village Council appoint Village Treasurer Thomas Morrow to the Village Council to fill a vacancy on Council; and

WHEREAS, MCL 15.183(4)(c) permits the governing body of a municipality with a population less than 25,000 to authorize a public officer to perform other additional services for the municipality; and

WHEREAS, the Village Council desires for Trustee Morrow to also continue serving as Village Treasurer.

THEREFORE, the Franklin Village Council resolves to approve and reaffirm trustee Morrow's appointment and continuation as Treasurer for the Village of Franklin.

Discussion ensued as to how to ensure the Village will continue to seek qualified/interested applicants, with it being noted the Treasurer serves at the will of Council, "interim" could be added to the Resolution, and the posting will continue to appear on the Village's website.

Ayes: Eads, Hansen, Kochensparger, Rosenthal, Seltzer, Sparks

Nays: None

Abstain: Morrow

Motion carried.

B. Consider Resolution to Amend the Village's Sign Ordinance at Section 1474.07

Sullivan provided a brief overview noting the final draft of the ordinance will be presented to PC for consideration this month.

#2012-11 Motion by Eads supported by Rosenthal to approve the Resolution subject to adding a deadline of June 30, 2012 for postponement of enforcement of the December 31, 2011 deadline for removal of non-conforming signs in Franklin Village Ordinance §1474.07.

Morrow inquired about time frame and suggested that language relative to a finite deadline be included with Sullivan noting the goal is to have this back before Council in March. Discussion ensued regarding deadline with the consensus being six (6) months; (June 30, 2012).

Al Beke, Colony Hill, noted that Planning Commission, Historic District Commission and Main Street will be providing input which could impact the timeframe for PC to return the ordinance to Council and could be outside PC's control. Sullivan noted the final draft has been transmitted to the Planning Consultant.

Ayes: Eads, Hansen, Kochensparger, Morrow, Rosenthal, Seltzer, Sparks

Nays: None

Motion carried.

X. ADJOURNMENT

Motion by Rosenthal supported by Morrow to adjourn the meeting.

Ayes: Eads, Hansen, Kochensparger, Morrow, Rosenthal, Seltzer, Sparks

Nays: None

Motion carried.

There being no further business, the meeting adjourned at 9:25 P.M.

Respectfully submitted,

Lori Rich, Recording Secretary

Eileen H. Pulker, Clerk

James Kochensparger, President