

**PROCEEDINGS OF VILLAGE OF FRANKLIN
VILLAGE COUNCIL REGULAR MEETING
MONDAY, JULY 8, 2013, 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 Pro Tem, Pam Hansen, at 8:02 P.M. at the Franklin Village Hall, Franklin, Michigan.

ROLL CALL

Hansen advised she will be leading the meeting in Kochensparger's absence as he is out of town.

Present: Brian Gordon, Pam Hansen, Judy Moenck, Ed Saenz, Mike Seltzer

Absent: Jim Kochensparger, Tom Morrow

Also Present: Amy Sullivan, Village Administrator

Daniel Roberts, Police Chief

Tony Averbuch, Fire Chief

Eileen Pulker, Clerk

Lance Vainik, Treasurer

John Staran, Hafeli Staran Hallahan & Christ, P.C., Village Attorney

II. ADOPTION OF AGENDA

Hansen requested a motion to excuse Jim Kochensparger and Tom Morrow who had both advised the Village of their absence prior to the meeting.

Motion by Seltzer supported by Moenck to excuse Kochensparger and Morrow from the meeting.

Ayes: Gordon, Hansen, Moenck, Saenz, Seltzer

Absent: Kochensparger, Morrow

Nays: None

Motion carried.

Motion by Moenck supported by Seltzer to approve the agenda for the July 8, 2013, Regular Village Meeting as submitted.

Ayes: Gordon, Hansen, Moenck, Saenz, Seltzer

Absent: Kochensparger, Morrow

Nays: None

Motion carried.

III. MINUTES

A. June 10, 2013, Regular Village Council Meeting

Motion by Gordon supported by Saenz to approve the minutes for the June 10, 2013, Regular Village Council Meeting as revised.

Moенck requested to have ROW (right-of-way) included in long form at least once in the minutes to make them searchable.

Ayes: Gordon, Hansen, Moenck, Saenz, Seltzer

Absent: Kochensparger, Morrow

Nays: None

Motion carried.

IV. REPORTS OF VILLAGE OFFICERS AND AGENTS

Daniel Robert, Police Chief: Roberts referred to and provided an overview of the submitted monthly report and recent activity in the Village noting there were no home invasions in the month of June and half the officers have been through the active shooter training provided by Oakland County.

Tony Averbuch, Fire Chief, referred to his submitted report and noted the Dept. is continuing with its annual apparatus testing which should hopefully be finished by the end of the week and that runs are a little higher than in the past. Discussion ensued regarding whether false alarms and invalid assist runs are to repeated locations with Averbuch advising this is definitely occurring with invalid assist runs and while the Village has a cost recovery ordinance, the Dept. is trying to work with those residents to reduce the potential for these runs before penal action is taken.

Eileen Harryvan, Main Street Franklin (“MSF”), provided an overview of the ice cream social and community meeting for the design and sustainability guidelines noting there were approximately fifty (50) attendees. Harryvan advised that Villager’s who would like to provide input can access FocusFranklin.com and answer the same questions from the community meeting. Trustee Gordon disagreed with a response by the Executive Director to a resident’s inquiry with Harryvan providing her impression of the response and offering to meet with Gordon to discuss further.

Upon request Harryvan provided an overview of the community meetings noting this is a three (3) part process with feedback provided and input requested at each subsequent meeting. Sullivan was requested to post on the website additional information as to the question/answer process so Villagers are aware an inability to attend the first meeting is not a bar to future participation. Seltzer noted the upcoming deadline for the Villager and suggested an article recapping the process might be beneficial.

Lance Vainik, Treasurer: Vainik referred to his written report and noted the list of account balances held at Level One Bank is as of July 3, 2013. Discussion ensued regarding the Fire Dept. gas bill with it being noted this is a reimbursable monthly bill. Moenck requested Council consider picture framing costs for Council photos in the future prior to the expense being incurred.

V. SUBMISSION OF CURRENT BILLS

Motion by Gordon supported by Moenck to approve the Bill’s List as submitted.

Ayes: Gordon, Hansen, Moenck, Saenz, Seltzer

Absent: Kochensparger, Morrow

Nays: None

Motion carried.

TOTALS

General Administration	\$	18,448.39
Building	\$	5,979.49
Insurance	\$	35,088.69
Legal	\$	1,222.50
Police	\$	12,473.54
Pressure Sewer	\$	-
General Debt Service	\$	-
Major Roads	\$	1,766.60
Local Road	\$	9,404.18
Rubbish	\$	16,850.62
Trust & Agency	\$	600.00
Tax Fund	\$	1,613.33
Waste Water	\$	77.44
ALL FUNDS	\$	103,524.78

VI. PUBLIC REQUESTS AND COMMENTS

Hansen opened the meeting for public comments on non-agenda items.

- Fred Gallasch, Rosemond Drive, thanked the Fire Department for its remarkably quick response time and noted he toured the Franklin Historic Society's museum which he opined is a spectacular jewel with much information and artifacts relative to Franklin's history.

VII. SPECIAL REPORTS

A. President's Report

None.

B. Council Report

None.

C. Administrator's Report

Sullivan noted there was an article in the Oakland Press relative to the FocusFranklin initiative with an article expected in the Observer/Eccentric next week.

D. Special Report – Birmingham Area Cable Board (“BACB”) Budget Report

Mira Stakhiv distributed the Budget Report (“Report”). Ken McFadden, Vice-Chair, introduced the Executive Director, Catherine White and provided a brief overview of the Report noting a very conservative approach has been taken in terms of projected revenue as well as proposed expenditures. McFadden apologized for not providing a copy of the Report in advance and offered to send a soft copy. Discussion ensued relative to grants, growth/decline projections, office location (Executive Director home), legal fees, current providers, bill structure as it relates to fees, and WOW potential with McFadden noting WOW has no plans at this time to service the Village and adding a third provider could result in a reduction in franchise fees. Executive Director White noted she recently retired from the municipal law field and has immersed herself in cable matters and encouraged Villagers to contact her with any questions/concerns (248.366.9445).

Mira Stakhiv, Crestwood Drive, noted the contact information is on the back of a cable bill and opined that White was very capable at handling complaints.

VIII. NEW BUSINESS

A. Consider President's Appointments to Planning Commission

Hansen provided a brief procedural overview noting these are President appointments subject to Council confirmation. Hansen referred to the list submitted by President Kochensparger noting Dean Moenck would be a reappointment and Bill Sheppard and Robert Wilke would be new appointments and requested feedback from Council. Trustees noted the candidates are all well-qualified and capable with Hansen inquiring as to the possibility of considering two (2) of the three (3) appointments tonight and holding the third appointment open until the next meeting when President Kochensparger would be present so Mary Hepler's reappointment could be further discussed as her experience with the Master Plan process, which she has led twice, could be invaluable to the Village. John Staran provided procedural input and noted upon request that as a matter of law, those currently seated would continue to serve until a successor is appointed.

- David Goldberg, Dennison, commenting in general as the Chairman of the Planning Commission, noted all who are willing to volunteer their time to the benefit of the Village are a welcome asset and reiterated Hansen's concerns regarding the potential lack of continuity especially as it relates to the Master Plan process if the three (3) most senior members of the Commission, who had all graciously requested to remain in their positions, are not reappointed.
- Mira Stakhiv, Crestwood, inquired as to the criteria for selection and noted there should be some measure of continuity especially as it relates to the Master Plan process. Stakhiv further noted Oakland County sponsors Planning certification training which she has attended.

Discussion ensued with it being noted those who have volunteered to continue in their position bringing their talents and experience/institutional knowledge and those seeking a new appointment potentially bringing fresh ideas have all stepped up to serve the Village. Saenz referred to the provided memo from

the President noting he has detailed why these appointees were selected. Procedurally, the consensus was to consider each appointee individually for a specific appointment.

#2013-61 Motion by Seltzer supported by Gordon to confirm President Kochensparger's reappointment of Dean Moenck to the Planning Commission.

Moenck noted she would recuse herself from consideration of this reappointment.

Ayes: Gordon, Hansen, Saenz, Seltzer

Absent: Kochensparger, Morrow

Recuse: Moenck

Nays: None

Motion carried.

Motion by Gordon supported by Moenck to confirm President Kochensparger's appointment of Bill Sheppard to the Planning Commission.

Discussion ensued regarding process and which seat this appointment would fill.

#2013-62 Motion to amend the main motion by Gordon supported by Moenck to clarify this presidential appointment, Bill Sheppard, is for the seat currently held by Commissioner Al Beke.

Ayes: Gordon, Hansen, Moenck, Saenz, Seltzer

Absent: Kochensparger, Morrow

Nays: None

Motion carried.

Motion by Seltzer supported by Saenz to confirm President Kochensparger's appointment of Robert Wilke to the Planning Commission for the seat currently held by Commissioner Mary Hepler.

Discussion ensued regarding how to best move forward on the third appointment with the benefit of deferring this confirmation based on input from Hansen and Goldberg being noted and with Staran advising upon request a motion to postpone the pending motion would be in order.

#2013-63 Motion by Moenck supported by Seltzer to postpone further action on the motion to confirm President Kochensparger's appointment of Robert Wilke to the Planning Commission for the seat currently held by Commissioner Mary Hepler.

- The motion on the table was discussed with Staran advising the motion to postpone would take priority over the pending motion.

Ayes: Gordon, Hansen, Moenck, Saenz, Seltzer

Absent: Kochensparger, Morrow

Nays: None

Motion carried.

Hansen noted this appointment will be revisited next month when President Kochensparger is present and recommended Robert Wilke is present at the meeting.

B. Consider Appointments to Historic District Commission

Hansen provided a brief overview and listed the seven (7) who have volunteered for the two (2) Council appointments. Discussion ensued as to process with Staran advising a formal motion to remove Sheppard from consideration is not required and the process as currently established is for each Trustee to nominate two appointees and based on tonight's Council attendance with any two (2) receiving three (3) or more nominations being appointed.

- Fred Gallasch, Rosemond Drive, noted his dedication to and experience with the Village which would be of benefit to any Village appointment. Upon request Gallasch noted his preference is the Zoning/Sign Board of Appeals appointment.
- Mira Stakhiv, Crestwood, noted her involvement with the Village and that it would be an honor to serve on the Commission.
- Jill Wilke, Roberts Drive, noted her involvement with the Village and that she currently works for the City of Southfield

Roll Call for Nominations:

Seltzer: Timmis; Wilke
Moenck: Wilke; Stakhiv
Hansen: Wilke; Timmis
Saenz: Wilke; Timmis
Gordon: Timmis; Liut

Staran noted that Timmis and Wilke having each received three (3) or more nominations are appointed and advised as to process.

#2013-64 Motion by Seltzer supported by Saenz to appoint Timmis and Wilke to the Historic District Commission.

Ayes: Gordon, Hansen, Moenck, Saenz, Seltzer

Absent: Kochensparger, Morrow

Nays: None

Motion carried.

C. Consider Appointments to Zoning/Sign Board of Appeals

Hansen noted procedurally this would follow the same process as for the Historic District Commission appointments, listed the six (6) individuals volunteering for the two (2) appointments, and provided a brief overview of the Board, noting it has seven (7) members and meets as necessary.

Roll Call for Nominations:

Seltzer: Gallasch; Meyer
Moenck: Gallasch; Meyer
Hansen: Gallasch; Meyer
Saenz: Gallasch; Meyer
Gordon: Waived the right to nominate as the required numbers to appoint have been met.

#2013-65 Motion by Moenck supported by Seltzer to appoint Gallasch and Meyer to the Zoning/Sign Board of Appeals.

Ayes: Hansen, Moenck, Saenz, Seltzer

Absent: Kochensparger, Morrow

Nays: Gordon

Motion carried.

D. Consider Eaton Conservation District Tree Grant Application

Sullivan provided a brief overview noting the application requested support of the governing body and the required match from the Village would be met with planting the trees and use of the Village's arborist. Discussion ensued regarding tree locations with Sullivan providing additional clarification and noting site visits were done and the intent is to replenish the tree canopy in locations or similar locations to where a hazardous tree was removed.

#2013-66 Moved by Seltzer and supported by Gordon that the Franklin Village Council is in support of the Matching Grant for the purchase and planting of trees through the Eaton

Conservation District, with a maximum award being \$2,000, to aid in the replacement of trees removed through the Hazardous Tree Program.

Discussion ensued regarding whether the trees are guaranteed, follow up mechanism, similar prior grant, and tree quantity/quality. Sullivan noted in 2011 the Village received a similar grant from DTE, the proposed grant includes a three (3) year maintenance plan, the grant in today's prices would cover fourteen (14) trees, and the Village Arborist will handpick each tree to ensure the highest grade of tree is selected.

Ayes: Gordon, Hansen, Moenck, Saenz, Seltzer

Absent: Kochensparger, Morrow

Nays: None

Motion carried.

E. Consider Franklin Community Association ("FCA") Letter Requesting Reevaluating Installation of Safety Paths

Saenz noted a survey by the FCA indicated there was interest in reconsideration of this initiative. Discussion ensued regarding historical perspective, how to best move forward, and need to understand the full implications of the request/initiative.

#2013-67 Motion by Seltzer supported by Moenck to refer the consideration of the FCA letter requesting reevaluating installation of safety paths to Council's next workshop meeting for further discussion.

Saenz noted he composed the first draft of the FCA letter, voted in support of sending this to Council, and is supportive of trying to find a way to accomplish this yet realizes there are associated challenges. Clarification as to the topic of discussion was requested. Staran noted extensive material was provided when this was earlier considered/defeated and suggested with a new Council on board there would be merit to reviewing a summary of this material.

- Dean Moenck, Meadow Drive, noted as the Planning Commission Chair of that committee at the time, he looks forward to joining Council at its workshop and reviewing/sharing that previous material.
- David Goldberg, Dennison, noted the sidewalk pathway movement was the main reason he got involved in Franklin governance, he is a strong supporter of this initiative which desperately needs to be revisited, there is considerable information/material from the prior initiative, Planning Commission would provide as much support as possible, and opined broad economic challenges were problematic during the previous initiative.
- Lew Eads, Franklin Ct., noted the timing is right for this to be revisited and encouraged others to be brought in to provide input or for a committee to be set up tasked on this issue.

Discussion ensued regarding transparency with it being noted that Council Workshops replace the prior committee format and are public meetings subject to the Open Meetings Act which are appropriately noticed to the public; decisions are made at formal Council meetings - not workshop meetings. Process was further discussed with Staran suggesting an appropriate course of action would be for Council to first decide if the concept merits further discussion with public hearings, town hall type meetings, etc., occurring down the road if Council chooses to move forward. Hansen noted the initiative was an action item from the Master Plan and urged Trustees to become educated as to what safety paths are and other implications such as how they are paid for. The consensus was to have an exploratory type discussion at a Council workshop in terms of the FCA letter, learn what a safety path is and what it isn't, and put some edges around what Council may or may not want to do with input provided from those involved in the past initiative.

Ayes: Gordon, Hansen, Moenck, Saenz, Seltzer

Absent: Kochensparger, Morrow

Nays: None

Motion carried.

F. Consider Formal Recognition of Historic Franklin Fund as a 501(c)3

Hansen provided a brief introduction referencing Sullivan's memorandum which includes a recommended motion. Discussion ensued regarding process with Staran advising the requirement for formal recognition comes right out of the Charitable Gaming Statute and is more a recognition that Lansing recognizes local units of government are in the best position to filter whether a particular local organization has some legitimate standing in the community.

#2013-68 Moved by Seltzer and supported by Saenz that the request from Historic Franklin Fund of Franklin Village, County of Oakland, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining charitable gaming licenses, be consider for approval.

Gallasch inquired as to whether Council would approve raffle requests with Staran advising they would request that of the State not Village Council.

Ayes: Gordon, Hansen, Moenck, Saenz, Seltzer

Absent: Kochensparger, Morrow

Nays: None

Motion carried.

G. Consider Landfill Permit Application for 26155 Hawthorne

Sullivan referenced her July 2, 2013 memorandum and provided a brief overview.

#2013-69 Motion by Moenck supported by Saenz to approve the Landfill Permit Application ("Application") for 26155 Hawthorne as presented by Village Administrator Sullivan.

Discussion ensued as to whether this resolves or exacerbates a problem with Sullivan advising this does not resolve the problem of the increase in impervious surface and associated run off concerns as that is a separate matter and it also does not exacerbate those. Sullivan reviewed the measures in place to address potential overflow drainage onto Woodlore and additional detail as provided in the memorandum noting the recommended course of action is for Council to approve the Application. Council continued its discussion raising precedent setting concerns, other related concerns, current requirements to ensure Engineer review, lack of completeness of the Application, and consequences of approving or denying the Application. Staran noted this is an unfortunate circumstance which unfortunately happens from time-to-time either inadvertently or with intent with the Village trying to deal with it as best as it can from an enforcement perspective.

- Lew Eads, Franklin Ct., noted this is a real dilemma but it primarily is a procedural issue and suggested approval might be in order as well as revisiting the ordinance to include some measure of a penalty provision for this type of situation.

Ayes: Saenz, Seltzer

Absent: Kochensparger, Morrow

Nays: Gordon, Hansen, Moenck

Motion failed.

Hansen suggested revisiting the ordinance and reconsidering this item at a Council workshop to remedy the situation.

H. Consider Civic Events Permit Application for "Questers Horse Race Party", September 27, 2013, 6:00 PM to 9:00 PM.

Pulker provided a brief overview noting there are three (3) applications for three (3) Historic District Society events the same weekend with approvals in place and the church being notified. Discussion ensued with it being noted this is essentially the same format as used previously, there will be no alcohol provided, two (2) of the events will require temporary signage, all will be held in the tent, and clarification as to the location on the applications requested.

#2013-70 Motion by Moenck supported by Seltzer to approve the Civic Events Permit Applications for “Questers Horse Race Party”, September 27, 2013, 6:00 PM to 9:00 PM, “Folk Concert”, September 28, 2013, 6:00 PM to 9:00 PM, including Temporary Signage, and “Family Oriented Entertainment”, September 29, 2013, 2:00 PM to 4:00 PM, including temporary signage.

Ayes: Gordon, Hansen, Moenck, Saenz, Seltzer

Absent: Kochensparger, Morrow

Nays: None

Motion carried.

IX. ORDINANCES/RESOLUTIONS/PROCLAMATIONS

- A. Consider an Ordinance to Amend Chapter 1262.01, Parking Requirements, of the Codified Ordinance of the Village of Franklin, Oakland County, Michigan, to Modify Off-Street Parking Requirements; Repeals Conflicting Ordinances and Prescribe a Penalty for Violations. (second reading)**

#2013-71 Motion by Moenck supported by Gordon to adopt an Ordinance to Amend Chapter 1262.01, Parking Requirements, of the Codified Ordinance of the Village of Franklin, Oakland County, Michigan, to Modify Off-Street Parking Requirements, Repeals Conflicting Ordinances and Prescribe a Penalty for Violations.

Clarification as to when it would take effect was requested with Staran advising it would take effect twenty (20) days after adopted.

Ayes: Gordon, Hansen, Moenck, Saenz, Seltzer

Absent: Kochensparger, Morrow

Nays: None

Motion carried.

- B. Consider an Ordinance to Amend Section 695.03 of Chapter 695, Fireworks, of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Prohibit the Ignition, Discharge or use of Consumer Fireworks between the hours of 12 Midnight and 8 A.M. or Between the Hours of 1 A.M. and 8 A.M. on New Year’s Day, Repeal Conflicting Ordinances and Prescribe a Civil Fine for Violations. (first reading)**

Staran provided a brief background/overview noting the 2012 State law disallowed local regulations that would impact the use and discharge of consumer fireworks on the day of, before or after, a national holiday which the Legislature revisited and subsequently restored some local authority enabling local units of government to further regulate the use and discharge of consumer fireworks during the three (3) day period around a national holiday between the hours as specified in the proposed amendment.

Discussion ensued with it being noted that times other than what is provided would be prohibited as a matter of law.

#2013-72 Motion by Gordon supported by Moenck to approve in first reading an Ordinance to Amend Section 695.03 of Chapter 695, Fireworks, of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Prohibit the Ignition, Discharge or use of Consumer Fireworks between the hours of 12 Midnight and 8 A.M. or Between the Hours of 1 A.M. and 8 A.M. on New Year’s Day, Repeal Conflicting Ordinances and Prescribe a Civil Fine for Violations.

Ayes: Gordon, Hansen, Moenck, Saenz, Seltzer

Absent: Kochensparger, Morrow

Nays: None

Motion carried.

X. ADJOURNMENT

Motion by Moenck supported by Saenz to adjourn the meeting.

Moenck thanked all who volunteered for the Council appointments and suggested a volunteer recognition component be added to the central part of the next meeting agenda.

Ayes: Gordon, Hansen, Moenck, Saenz, Seltzer

Absent: Kochensparger, Morrow

Nays: None

Motion carried.

There being no further business, the meeting adjourned at 10:08 P.M.

Respectfully submitted,

Lori Rich, Recording Secretary

Eileen H. Pulker, Clerk

Pamela Hansen, President Pro Tem