

**VILLAGE OF FRANKLIN
VILLAGE COUNCIL REGULAR MEETING
MONDAY, MAY 11, 2015, 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, Jim Kochensparger, at 7:04 PM at the Franklin Village Hall, Franklin, Michigan.

II. ROLL CALL

Present: Fred Gallasch, Brian Gordon, Pam Hansen, Jim Kochensparger, Judy Moenck (arrived at 8:06 PM), Tom Morrow, Mike Seltzer

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
Tom Biehl, Hubbell, Roth & Clark, Village Engineer

III. ADOPTION OF AGENDA

Motion by Seltzer, seconded by Morrow to adopt the Agenda, as presented.

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

Absent: Moenck

Nays: None

Motion carried.

IV. MINUTES

A. Special Meeting, Special Meeting, April 7, 2015

Motion by Seltzer, seconded by Gordon to approve the Special Village Council Meeting Minutes for April 7, 2015 as presented.

Morrow asked that the minutes reflect more precisely the in-depth discussion the Council had about **Pressure Sewer Fund (#401) Revenues and Pressure Sewer Fund Expenditures**, i.e. he requested that the millage rate be materially reduced to save the taxpayers money that had already been collected.

Motion withdrawn by Seltzer.

Amended minutes for April 7, 2015 meeting to be considered at next Council meeting.

B. Regular Meeting of April 13, 2015

Motion by Seltzer, seconded by Morrow to approve the Regular Village Council Meeting Minutes for April 13, 2015 as presented.

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

V. REPORTS OF VILLAGE OFFICERS AND AGENTS

Dan Roberts, Police Chief, referred to his written report, provided an overview of the submitted monthly report and highlighted that during April there was one (1) burglary in Bingham Farms. Other than that there wasn't much activity to report, with exception of traffic citations. He also reported on a meeting he and the Administrator attended with the Oakland County Road Commission. He was very disappointed in the meeting in terms of substance. In comparison with those which he has attended on several levels of government, including in Washington, D.C. he characterized it as "horrendous". He noted the different issues discussed, especially those affecting Franklin. Council discussed how to solve them. Gallasch suggested that Bill Dwyer, Franklin's representative on the Oakland County Commission Board and possibly a representative from the Road Commission be invited to a Council meeting for further discussion and clarification.

Roberts addressed the 5K Run Civic Event Permit Application, sponsored by Women for Humanity and proposed for Oct. 3, 2015. He stated that there was no mention on the application of traffic control assistance for the event and he stressed that this is a necessary component.

A. Police Awards

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.

Seltzer, on behalf of the Council and the Village residents, expressed appreciation to the Franklin Police and Fire Departments.

Tony Averbuch, Fire Chief, referred to his written submitted report and added a warning to residents about burning yard waste. There were 2 fire incidents reported in the last month. He reminded residents to pay more attention to adverse conditions and pointed out that a Burning Permit is available from the Fire and Police Departments or on the Village website at: www.franklin.mi.us, which is free of charge.

Katherine White, Main Street Executive Director, reminded Council that on Thursday, June 4, 2015 at 9 AM there will be a Main Street Accreditation Ceremony on the steps of the Franklin Community Church. Oakland County Officials will be attending. All are welcome to attend. The actual award ceremony will start at 9:30 AM. The Design Committee accepted Façade Grant applications, and recently awarded a matching \$1,000 grant to Dan Costello for the renovated barn. A ribbon cutting ceremony for that property will be scheduled shortly. MSF is partnering with Birmingham-Bloomfield Art Center (BBSC) to host a public arts project/community day in Franklin on July 26, pending the Civic Events Permit by Council. She provided a brief

description of the events, "Paint the Town: A Brush with Historic Franklin Village", as attached to the Civic Event permit application provided to Council.

VI. SUBMISSION OF CURRENT BILLS

Motion by Seltzer, seconded by Gordon to approve the Bill's List as presented.

Lance Vainik, Treasurer, referred to his submitted monthly report and noted that the amounts on the Bills List are consistent with normal monthly spending. The expenditures are generally consistent with the FY2014-15 budget. It includes a large entry for a S.A.D. (Special Assessment District) vehicle payable to Berger Chevrolet. The list provided of account balances is as of May 7, 2015 and held at Level One Bank. The Village has sufficient funds to meet its current and anticipated obligations.

Gallasch inquired about the bills from Great Lakes Internet and Municipal Web Services, with Creech clarifying that Great Lakes is for the Village email service and MuniWeb is for the Village website. He also noted the large amount paid to the Oakland County Treasurer for resident delinquent sewer bills collected via tax bills.

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

Abstain: Morrow

Absent: None

Nays: None

Motion carried.

TOTALS

General Administration	\$ 7,814.36
Building	\$ 5,808.32
Insurance	\$ 43,183.68
Legal	\$ 365.50
Police	\$ 47,714.10
Pressure Sewer	\$ 5,877.50
General Debt Service	\$ -
Major Roads	\$ 2,617.95
Local Road	\$ 1,611.94
Rubbish	\$ 17,519.94
Trust & Agency	\$ 3,600.00
Tax Fund	\$ 35,251.93
Waste Water	\$ 53.90
ALL FUNDS	\$ 171,419.12

VII. PUBLIC REQUESTS AND COMMENTS

None

VIII. SPECIAL REPORTS

A. President's Report

Kochensparger read the press release from MSHDA (Mich. State Housing Development Authority) announcing the awarding of the grant for the Broughton House rehabilitation noting that without the cooperative effort of many involved this might not have been successful. He thanked all parties involved in contributing to the application process, including Administrator Creech, Village Clerk Eileen Pulker, Katherine White (MSF Director), and Ann & Bill Lamott.

Gordon highly praised the cooperation of the different parties within the Village.

B. Council Report

Gallasch congratulated Eileen Pulker, Village Clerk, on achieving the prestigious CMMC (Certified Michigan Municipal Clerk) Designation through the Michigan Association of Municipal Clerks.

C. Administrator's Report

Creech clarified that the meeting with the Oakland County Road Commission, went much the same as he would expect it to be in as much as the Village does receive the appropriate funding for roads in the Village. He also advised the Council of items which he expects will be on the June meeting Agenda, i.e. Budget approval, Master Plan approval, Board and Commission appointments, Water Resources Commission will have a presentation on rates, and Birmingham Area Cable Board recent return of funding.

IX. PUBLIC HEARING – FY 2015-2016 VILLAGE BUDGET

#2015- 22 Motion by Seltzer, seconded by Morrow to open the Public Hearing .

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

Absent: None

Nays: None

Motion carried.

Creech mentioned that the proposed budget has been available to the public and on the website. The content is similar to that as was presented at the workshop, with the exception of the millage amounts being less than originally stated for the Pressure Sewer and Debt Service Funds.

Gallasch inquired if the Designated Fund Balance in the General Fund was for the Broughton House funding which Creech affirmed.

Morrow questioned the Pressure Sewer Fund. Referencing his opinion at the workshop about the lowering of the millage, he commented that the rate on the current proposed budget was

still higher than he had suggested. He reiterated his desire to reduce it lower and return the overage back to the residents. He feels strongly that it is an obligation to the taxpayers to return the monies to them as soon as possible.

Hansen requested that there be a conversation concerning the process. She would like to hear other opinions but would also like to understand the fund restrictions and Creech's recommendations. She asked for clarification of the Council's role in providing some collective input on what the Council plans to do with the amount.

Creech summarized the research he had done on possible future plans for the funds.

There was a discussion of reduction of property tax vs. refund.

Morrow gave a brief history of the Pressure Sewer Fund.

Kochensparger emphasized that the public needs to be educated about the workings of fund balance.

(Judy Moenck arrived at 8:06PM)

- Bill Sheppard, Tudor Lane, asked the Council if it wouldn't be appropriate to communicate with the residents involved as to how the tax reduction affects them financially.

Kochensparger suggested putting a calculator on the website.

Gordon responded that this is a Village budget issue involving all Village property owners not just those who have pressure sewers.

X. UNFINISHED BUSINESS

A. Consider Civic Event Permit Application for the Franklin Garden Walk, to be held on June 17, 2015 from 10 AM to 9 PM.

#2015-23 Motion by Seltzer, seconded by Moenck to approve the Civic Event Permit Application for the Franklin Garden Walk, to be held on June 17, 2015 from 10 AM To 9 PM.

Clerk Pulker, representing the Franklin Garden Club, stated that the club will be providing the Franklin Bingham Farms Police Dept. with a list of homes within the Village, even though many of them are outside the Village. They will work with the other communities to make sure the people only park on one side of the street, as has been done in years past. Even though the Village Green is listed as the event location, the Artisan market will be set up near the gazebo. The Franklin Community Association is aware and approves of its usage and the church has signed off on the permit application.

Ayes: Gallasch, Gordon, Hansen, Kochensparger, Moenck, Morrow, Seltzer
Absent: None

Nays: None
Motion carried.

XI. NEW BUSINESS

A. Consider Proposed FY 2015-2016 Property Tax Millage Rate to be Levied.

Motion by Seltzer, seconded by Gordon to approve the Proposed FY 2015-2016 Property Tax Millage Rate to be Levied.

Morrow stated he cannot support the Sewer millage rate (.2420) as stated in the 5/7/15 Memorandum Creech sent to the Council. He favored a modification of the motion to change the sewer millage rate to .1 or 0.

#2015-24 Motion by Gallasch, seconded by Seltzer to amend the original motion to approve the Proposed FY 2015-2016 Property Tax Millage Rate to be Levied, by changing the Sewer millage rate to .1. (7.2022 Total Mills)

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

Hansen stated her reasoning for voting nay on the reduction in the Sewer Debt Millage, noting that she needed additional information to understand the decrease at this time.

B. Consider Bids for 2015 Road Rehabilitation Program.

Tom Biehl, Hubbell, Roth & Clark, Inc., consulting engineers, gave a brief history of past maintenance programs for Franklin's roads and the 2015 PASER Road Rating survey scheduled for completion in May, 2015. He referenced a letter to the Administrator from Edward Zmich (5/4/15) explaining the four (4) bids received, bid determination, tabulation, and HRC's recommendation to award the contract to the low bidder Midwest Pavement Contracting, Inc. for \$106,740.00. The total budget for the project is not-to-exceed \$124,420.00.

Moenck reminded Council about the 2012 miscommunication between HRC and the contractor, resulting in a budget overage. Biehl assured Council that, in the future, if HRC is at fault, it will be responsible for all costs.

Gordon asked Biehl for an explanation about the wide range of pricing of line items among the bidding contractors. Biehl added that this contract is scheduled to begin in early June and be completed by Sept. 1, 2015.

Morrow asked the Administrator if the cost was reflected in the proposed budget. Creech replied that the cost is in the current year budget.

#2015-25 Motion by Seltzer, seconded by Morrow to accept the bid for 2015 Road Rehabilitation Program to the low bidder, Midwest Pavement Contracting, Inc.,

including costs for contingencies and construction engineering, not-to-exceed \$124,420.00.

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

C. Consider Bids for Grass Cutting.

#2015-26 Motion by Morrow, seconded by Seltzer to accept the bid for 2015 Grass Cutting to Johnson Landscaping and to direct the Administrator to negotiate a contract for signature.

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

D. Consider Extension of DPW Contract for three (3) years.

#2015-27 Motion by Morrow, seconded by Seltzer to extend the DPW Contract to Johnson Landscaping for three (3) years and to direct the Administrator to negotiate a contract for signature.

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

E. Consider Appointment to the NEXT Board (Birmingham Seniors Council).

#2015-28 Motion by Moenck, seconded by Gordon to appoint Donald Brundirks as Franklin's representative to the NEXT Board (Birmingham Seniors Council).

Kochensparger thanked Mr. Brundirks for volunteering for this position. Gallasch complimented him on his reporting.

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

F. Consider Civic Permit Application for Village Yoga, "108 Sun Salutations Free", on June 21, 2015.

#2015-29 Motion by Moenck, seconded by Seltzer to approve the Civic Permit Application for Village Yoga, "108 Sun Salutations Free", on June 21, 2015.

Merrily McDonald, representing Village Yoga, provided an explanation as to what the event will be, noting that the Sun Salutations are a series of Yoga positions. Location will be near the gazebo and FCA has given its approval.

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

Gordon requested that the Civic Events Permit application be updated to include more information, such as, specific location of the event, a FCA “sign off”, more specific description of the particular event.

G. Consider Civic Event Permit Application for Women for Humanity, 5K Run on October 3, 2015.

Kochensparger reminded the Council that Chief Roberts had a question about additional information required for traffic control. The Police Dept. needs clarification on the matter before it can give its approval.

#2015-30 Motion by Hansen, seconded by Seltzer to postpone the approval of the Civic Event Permit Application for Women for Humanity, 5K Run on October 3, 2015 as submitted.

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

Hansen proposed that the “new” Civic Events form include a space for the applicant’s affiliation with Franklin.

H. Consider Civic Event Permit Application for Main Street Franklin, “Paint the Town: A Brush with Historic Franklin Village” on July 25, 2015.

#2015-31 Motion by Seltzer, seconded by Gordon to approve the Civic Event Permit Application for Main Street Franklin, “Paint the Town: A Brush with Historic Franklin Village” on July 25, 2015.

Hansen complimented MSF Executive Director White on the thoroughness of the form, especially the inclusion of the detailed event description on the back adding that this is an excellent example for other applicants to follow.

Ayes: Gallasch, Gordon, Hansen, Kochensparger, Moenck, Morrow, Seltzer
Absent: None

Nays: None
Motion carried.

XII. ORDINANCES/RESOLUTIONS

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

#2015-32 Motion by Seltzer, seconded by Moenck 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, Kochensparger, Moenck, Morrow, Seltzer
Absent: None
Nays: None
Motion carried.

XIII. ADJOURNMENT

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

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

There being no further business, the meeting adjourned at 8:48 P.M.

Respectfully submitted,

Gail Beke, Recording Secretary

Eileen H. Pulker, Clerk

James Kochensparger, President