

**VILLAGE OF FRANKLIN
VILLAGE COUNCIL REGULAR MEETING
MONDAY, JULY 9, 2018, 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 Pamela Hansen, at 7:00 PM at the Franklin Village Hall, Franklin, Michigan.

II. ROLL CALL

Present: Fred Gallasch, Brian Gordon, Pam Hansen, Judy Moenck, Ed Saenz, Mike Seltzer, Mira Stakhiv

Absent: None

Also Present: Jim Creech, Village Administrator
Eileen Pulker, Village Clerk
Lance Vainik, Treasurer
Lt. Michael Bastianelli, Police Department
Chief Tony Averbuch, Fire Department
John Staran, Village Attorney
Eddie Zmich, Hubbell, Roth & Clark
Jamie Burton, Hubbell, Roth & Clark
David Goldberg, Chairman, Planning Commission
Sarah Traxler, McKenna Associates

III. ADOPTION OF AGENDA

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

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

Nays: None

Motion carried

IV. MINUTES

A. Regular Meeting of June 11, 2018

Motion by Gordon, seconded by Saenz to approve the Regular Meeting Minutes for June 11, 2018, as presented.

Stakhiv had the following corrections to the minutes: Page 4 - under **B. Council Report**, middle of the paragraph should read, "Stakhiv mentioned that the "Police Tape" around the property had been ripped down. ; Page 5 – first paragraph, end of 4th sentence to read, "The on-going meetings with Stakhiv..."; Page 9 – under "**Revenue**, 249-000-479.00 Electrical Permits: Increase revenues account..."; Page 15 – typo in the Motion at the top of Page 15," seconded; Page 16 – under "**Resolutions/Ordinances, A. Consider Resolution Creating an Ad Hoc Joint Senior Services Committee...**", second (2nd) paragraph, end of fourth (4th) sentence, delete the words, "have-a".

Motion by Gordon, seconded by Saenz to approve the Regular Meeting Minutes for June 11, 2018, as amended.

Ayes: Gordon, Hansen, Moenck, Saenz, Seltzer, Stakhiv

Nays: None

Abstain: Gallasch
Motion carried

V. REPORTS OF VILLAGE OFFICERS AND AGENTS

Det. Lt. Mike Bastianelli, Police Department, referred to Chief Roberts' monthly written report and noted that crime was low. However, there had been an increase in motor vehicle accidents, the majority of which could be attributed to the increased traffic and property damage due to road construction and traffic being diverted to Franklin Road and also on Telegraph Road. There has been a steady stream of identity thefts being reported. Chief also wanted him to mention that applications for the Police Clerk position were still being taken. Presently, there was a new Police Officer candidate going through the background phase and testing process. If all goes well this additional officer will join the ranks which will allow Chief Roberts to assign an Officer to a position on a Narcotics Task Force. He introduced the recently promoted Sgt. Robert Mydloski, a member of the Department for the past four (4) years and a Franklin resident, and gave a brief background. Mydloski addressed the Council, thanking the members for their trust in him and in the Department. Bastianelli also personally thanked Franklin and Bingham Farms for their support. In response to a question, Bastianelli stated that he had no information about the reported Liquor Violation but would find out. Officer Kimberly Bonacorsi was complimented on her work at the most recent Mobile Watch meeting and on her interview for The Eagle newspaper.

Tony Averbuch, Fire Chief, referred to his monthly written report to Council members. He stated that the department overspent this year's budget by \$13,000. However, it was offset by a Fire Department Assistant Grant of \$209,974.00 which was awarded through a Federal Emergency Management Agency and used for much needed equipment replacement. He thanked BACB, through Council Member Stakhiv, for its grant to replace the Fire Department's server. He was asked to remain at the meeting to comment on the water issue and ballot proposition which was on the Agenda.

Angie Hanke, new Main Street Franklin Board Member and Franklin resident shared her personal background and her connection to MSF. It was her hope to get new volunteers and a new direction for the program. She updated Council on MSF's efforts to fill the Executive Director's position and detailed many of the Oakland County and Main Street Oakland County grants. Oakland County Main Street would like to be in town August 20 and 21 with its "Building Doctor" program, the purpose being their architects would meet with building owners to discuss such things as, structural problems, the proper way to handle any repairs, and design concepts. Gem of the Night will be September 29, 2018 at the Seltzer home on Scenic Dr. Hanke further commented on the Sign Ordinance and asked that the final decision on the Sign Ordinance be postponed until the next Council meeting. She added that due to a lack of communication the MSF Board had only seen the proposed revisions 10 days ago. Hanke further reported, regarding the Village Agreement with MSF, and hoped that the legal issue would be resolved and finalized at the August Council meeting. When asked how communication with the business and/or property owners was currently handled, Hanke stated that at the moment it was through emails and over the phone. Hopefully, in the future there would be monthly meetings with the business and property owners.

Lance Vainik, Treasurer, referred to his monthly report and noted that the amounts on the Bills List are consistent with normal monthly spending for a total of \$1,934,361.19. Vainik stated that the expenditures are generally consistent with the FY 2017-18 Budget. The Bills List for this month includes a large entry for Road Contract Asphalt services paid to Cadillac Asphalt LLC and a large entry to Hubbell, Roth & Clark, Inc. He concluded by stating that the Village has sufficient funds to meet its current and anticipated obligations. The list of account balances was in the Council's packages as of July 6, 2018, held at Level One Bank. The balances held in interest bearing insured CD's at Multi Bank Securities, Inc., were included in the consolidated report which Creech was putting together. Vainik commented that it appears that the interest earning was growing every month as balances get bigger.

Responding to Council questions about some of the checks, Creech clarified that one was a reimbursement for travel to Canada by a member of the Village Mounted Police Division to represent the Village. The other check in question was to provide a stipend for the health insurance for a retired Police Officer. A check written to SOCRRA was for monthly usage per vehicle at the SOCRRA site on Coolidge for drop off of hazardous materials. Creech reported that another check was to the Michigan Education Savings Program for the Police Chief's pension contribution. Creech also identified checks to AERKO which related to the Police Department's Aerosol Instructor Training program and to SWPS.COM which was a Public Safety Supplier. The Oakland County Water Resources Commission check was for the sewer bill and the Main Street Franklin check was to cover the three (3) month period beginning in July.

It was requested that MBS (Multi-Securities Bank) send a detailed "booklet" to Council members similar to that provided to the Birmingham Area Cable Board Members.

VI. SUBMISSION OF CURRENT BILLS

Motion by Gordon, seconded by Stakhiv to approve the Bill's List, as submitted.

Bills List

General	\$ 23,748.18
Police	\$ 61,843.00
Local Road	\$ 4,890.00
Major Road	\$ 1,028.67
Building	\$ 8,348.34
Garbage and Rubbish	\$ 15,244.90
Road Project Fund	\$ 1,818,760.10
Waste Water	\$ 98.00
Trust & Agency	\$ 400.00
Total:	\$ 1,934,361.19

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

Nays: None

Motion carried.

Ed Zmich, Project Engineer, Hubbell, Roth & Clark, updated Council on the progress of the Road Program, and noted the map of those completed roads which had been included in the

Council packet. At this point approximately 65% of the project had been finished as far as paving in Phase 2 and was ahead of schedule. Weather permitting it was estimated that the paving could be completed in five (5) to six (6) weeks. Restoration would still be needed which might take the project into the fall. Zmich added that there had been a change order for some drainage work. Weekly meetings were still scheduled with the contractor and the field staff and the Council Road Committee would be meeting in the next week or two. The email blasts have been working out well.

VII. PUBLIC REQUESTS AND COMMENTS

President Hansen explained the normal procedures for Public Requests and Comments. However, she suggested those in attendance who wished to address Main Street and the Sign Ordinance could do so at this juncture since this would be a “listening” session. The Agenda item about the same subject would remain.

Susan Siegal and Terri Trepeck, owners of Event Bliss, Franklin Road, confirmed that they had just received the email from Elina Costello on July 3, 2018 about the proposed revised Sign Ordinance. They related the difficulty in attracting not only customers but also perspective new store owners to the Village. Signs and the placement of them were very crucial to business and felt that Franklin businesses had conformed to the Sign Ordinance. The businesses were getting no support from the Village which needed to approach this matter from the business’ perspective. They were in favor of postponing a vote until after the Village guidelines were set.

Lisa Dunn, resident and owner of Déjà Vu, Franklin Road, apologized for the communication problem with the former Director of MSF and its Board, however, she was not informed and, therefore, the merchants were not. The biggest concern with the Sign Ordinance was with the sandwich boards. They had been a great benefit for increasing sales for her store and other businesses and if taken away businesses would be impacted. She asked for another month to discuss this matter with the Planning Commission before a decision was made.

Jim Kochensparger, resident and owner of the Franklin Grill, Franklin Road, expressed his personal opinion that the Sign Ordinance did not work. He addressed the fact that the signage in town was not adequate and, thus, businesses were forced to use the sandwich signs. He discussed the design of signs and placement of signs with regards to the right-of-ways. Communication among the Planning Commission, Village Council, residents, and business owners needed to improve. He supported the postponement of the vote on the Ordinance.

Jim Kochensparger, Kirk Lane, gave some compliments about the road work and made some observations. Stakhiv encouraged him to send an email to her or Gallasch with his concerns.

Lisa Dunn, on behalf of Lisa MacDonald, owner of Fitness Driven, read a letter to the Council concerning the Sign Ordinance, especially sandwich board signs. She suggested that a standard sign be designed so all would be identical.

Angie Hanke, Wing Lake Road, as a former business owner in a building which was set back from Franklin Road, related that those road signs were extremely important. She noted that whatever Ordinance was approved it needed to be enforced.

Holly Kaiser, new owner of Madeleine's French Patisserie (old Farmhouse), Franklin Road, had not received the Sign Ordinance, however, had heard a lot about it. She was a little concerned about it as she would be submitting her application for a new sign to HDC on Wednesday. She agreed the long setback from Franklin Road was a huge challenge to attract and bring people in. She expressed her thoughts about the correct signage within the Village and supported sandwich signs. She detailed her new business and its offerings.

VIII. SPECIAL REPORTS

A. President's Report

Hansen noted there would be an increased visibility of Franklin in the social media via MetroMode which was an online newsmagazine focusing on positive community news. This activity would be funded through a grant from Main Street Oakland County and would be during the Music on the Green, which was sponsored by Main Street Bank. This would be very positive, taking into consideration the dismal and depressing news the Village had received last March about the air quality in the Jones Building. This and the story in The Eagle were very positive. She explained how reporters would be interviewing residents and visitors about their experience in Franklin and with Franklin. They would be written up and/or posted on social media (Facebook Live, Facebook post, article). This program would be in Franklin through July.

1. Downtown Discussion

Hansen stated that the Council would continue discussing Downtown improvements. Hansen noted that she would be calling this project, "Franklin 2020". On the agenda was a discussion for the ballot language for two (2) issues: Pedestrian Lighting and Public Water and its funding. Regarding the water supply, she addressed several potential issues according to the Michigan Department of Environmental Quality (MDEQ) and the Village's obligation to protect the safety of the residents. Discussion of this subject was pertinent and timely not only for the safety of the residents. Hansen stated that she would like the Council to identify what questions residents might need answered regarding these issues and determine the immediate next step it wanted to take based on the data it had at the moment. Kim Etheridge from the MDEQ would be at next month's meeting to talk about the "final fix" on the Jones Building, which at the moment was not in place, but she had passed on some relevant information for this discussion.

B. Council Report

Stakhiv had two items. In an effort to promote the downtown, she has spoken with Costello and Dunn and the Cable Board to produce a show on cable television about Franklin: 10-15 minutes about Main Street and the remaining minutes about the different organizations that exist in Franklin. At the last Planning Commission meeting she read into the minutes a letter she wrote to Ettinger who was retiring (resigning) from the Commission, expressing her personal appreciation for all the hard work and time over the years she had put into the Planning Commission, as a former member and Chairman. She read the same letter into the Council minutes.

C. Administrator Report

Creech stated that the Parking Lot Project would be in the fall and would be funded through the General Fund and the Police Department. The Window Project for the existing windows in the Broughton House was underway. The work was being done in the Kreger barn and residents

could stop by and ask questions. The doors at Broughton House were not in the bid. Creech concluded by stating that continuing the WS4 process, storm water management through the Clean Water Act, ECT would be doing the screening of the out falls for Bingham Farms, Bloomfield Hills, and Franklin over the next couple of weeks.

Creech provided an update on the maintenance of the Rain Garden which had been delegated to Johnson Landscaping.

IX. NEW BUSINESS

A. Discuss Ballot Language for November 6, 2018 Election.

Lighting

Staran reminded Council about the amendments which had been brought to the voters about two (2) years ago. There were certain public services or utilities which needed voter approval; i.e., public water and public lighting. Both would require voter approval but public water would need additional approval for the funding. Funding for Lighting would be in conjunction with the new Franklin Road project Bond issue which had been previously voted on and approved. Proposed ballot language for both was written to be succinct, clear, and informative, indicating that the lighting was for pedestrians within downtown Franklin. Also important in the wording of the lighting ballot was that the proposal did not require additional tax millage. Staran asked for some direction from Council, however, at this particular meeting, Council's approval of the proposed specific wording was not needed. However, by mid-August approval of the ballot language would be required before it could be sent to Oakland County.

Education of the Villagers was most important and might necessitate possible concept(s)/plan(s). Discussion ensued. The Charter would not need to be changed as the proposal was following the existing one. If and when this is approved by the voters there needs to be some serious discussions about the many facets of the project before a final project was set forth. This was only the first step and the timing of putting this before the voters was an important factor. During the discussion, caution was expressed regarding the last sentence of the first (1st) paragraph about "No additional tax millage..." which appeared to be deceiving as there was a lack of data, including the source of funding. Staran clarified the differences between "education" vs. "lobbying" and "advocating". Additional verbiage of the ballot was discussed. Staran explained that a favorable outcome of the vote would be an "authorization" for Council to consider moving forward. It was not a "directive".

Jim Kochensparger, Kirk Lane, noted that since permission was not needed to install the electrical infrastructure in the ground the Village should do the construction now and at a later date begin the process of educating the residents, getting designs, and then getting all the particular approvals from the pertinent commissions, etc.

Public Water and Funding

Hansen began this discussion by saying that the ballot approval would clear the path so that, if the Village needed to, it could move ahead on a public water source.

Staran explained the format of Proposal A which was similar to that of the Pedestrian Lighting Proposal A. He further added that the voting requirement was in the same Charter section, i.e., voter approval was needed before any installation of public lighting system and public water. He

read the Proposed A ballot language for the benefit of the public. Proposal B required voter approval of a Bond Issue for its funding. Presently those figures were unknown and thus the dollar amounts had been left blank. Even though the road project came in under budget the voters would still need to be asked for the money to construct a water system. Because there were other elements needed to be considered, i.e., SOCRRA costs for the connection, Creech acknowledged that more information was necessary and assured Council the dollar amounts would be known by the next Council meeting.

Jamie Burton, HRC, provided more information, including several finite details that needed to be researched and discussed to accomplish such a project. Those meetings have already been set up. Council would then have the information at the August meeting in order to have a conversation and for Staran to write the Ballot verbiage. Hansen stressed that the scope of the project needed to be discussed, including several scenarios: immediate water in the downtown and running the main along Franklin Road. Burton also identified several factors and questions: cost, condition and/or reconstruction of Franklin Road, the possibility of extending the main to every side street, where fire hydrants would be located, leads to buildings, and 13 Mile Road east and west. Another big factor to be considered was water quality; sedentary water loses quality and thus the more users circulating that water the better. These and more issues plus those about the lighting needed to be framed out by August to give the voters a general and anticipated range of cost.

Council members had questions and expressed their concerns and opinions, among them: There was frustration concerning the lack of data, i.e., quality of the water which needed to be tested by the MDEQ, the Village budget, and this appeared to be a rush job in getting all the analysis from the engineering company and communicating with the residents; Because this was a big topic for everybody and more information was needed a Special Election might be necessary. The inclusion of the phrase "... to enhance fire suppression..." in Proposal A was challenged as a form of "advocacy". There was no clarity of the magnitude in the proposal and was this for the entire Village or was it just the businesses on Franklin Road. The cost was an issue for the construction including what would be the resident's cost of paying for public water vs. for the private free wells. This issue was rejected years ago by a 2-1 vote and these were basic issues that the voters needed answers to in order to make an educated decision. This was not about an immediate need but an opportunity to do something in connection with other work. The timing would be more efficient and at a far greater cost savings than having a Special Election or not having a Special Election.

Responding to some of the opinions and questions, Burton noted that considering the savings, Franklin Road had been an add-on to the road project from the beginning. If the water main project was postponed there would be significant road work costs. For timing and cost efficiency factors it was always good to do utility and road work together.

Fire Chief Averbuch discussed firefighting in general, highlighting Franklin's and Bingham Farms' background education and stated that he couldn't have an opinion on this subject as he felt it was a political issue. The Fire Department, which was owned by the Franklin and Bingham Farms residents, would do what it could to serve the needs as best as possible with the assets that were available. He, however, did note that fire hydrants would be a benefit and help them with future apparatus that might be purchased. It would also help with the roads, as less water carried

means less weight on the streets. He summarized that if approved there would be a lot involved; issues with maintenance, infrastructure costs, hook-up fees, issues with the roads and trees, and everything that makes Franklin what it is. He could say there would be a benefit but for every benefit there would be a cost. He apologized for being very vague but he was intentionally trying to do that.

Hansen thanked Averbuch for his perspective on this issue. According to Averbuch the quality of the water depended upon the location within the Village. He included that the subject of testing of the well water might be a good question to ask Etheridge when she came to the next Council meeting. However, he did say that wells in the Village don't support fire service. Council members had scenario questions for the Chief.

Hansen stated it was a good discussion and summarized the points that had been brought up. The Council was now at a point where it needed to pursue some ballot language for the November 2018 Ballot. A Special Election was still an option, if Council decided to do that. The resident health and safety were important personal issues for her. Each Council member expressed his/her personal opinions: the timing of the vote, the language of the Ballot questions, the lack of information and data, the issue of being pro-active on the subject, and the need for more data before making a decision.

X. RESOLUTIONS/ORDINANCES

A. Consider an Ordinance to Amend Chapter 1474, Signs and Outdoor Display Structures, of the Village of Franklin, Oakland County, Michigan, to Modify Regulations Governing Temporary Signs, Repeal Conflicting Ordinances, and Prescribe a Penalty for Violations (second reading).

Staran stated that Council had options: 1) Council could discuss this as many times as it wanted and it could have multiple readings, 2) Council could decide tonight to postpone consideration until additional information and data was gathered, 3) Make a final decision to adopt it tonight, or 4) Reject it altogether. Staran noted that some of the merchants had indicated they have only had a short time to review the Ordinance and they had questions and comments and wanted to be part of the process. He acknowledged the presence of David Goldberg, Planning Commission Chair, Nena Downing, member of the PC, and Sarah Traxler, McKenna & Associates, Planning Consultant. The question centered around whether Council, itself, wanted to do further vetting and possible re-drafting based on the feedback from residents or did it want to refer it back to the Planning Commission to get feedback and input from merchants and residents and then return to Council with a report with either no changes or with a modified version of the Ordinance.

Hansen stated that she preferred sending it back to Planning because they were better equipped to do this. Gordon stated that after hearing from the merchants and their lack of knowledge of this issue he had a few comments about the arduous process the Planning Commission had gone through over the last two (2) year period to arrive at this juncture.

David Goldberg, Willowgreen Court, Planning Commission Chairman, noted that two months ago he brought the Ordinance to Council to receive Council thoughts, some questions, and some feedback and direction. Planning did not ask it to go to a First (1st) reading or Second (2nd)

reading. It was important to keep in mind that the Planning Commission works at the direction of Council. If the direction was to meet with the business owners, continue on this path to figure out what to do with the sandwich boards and a compromise between the two (2) sizes for signs, Planning would follow Council's directives. Hansen acknowledged Planning's hard and diligent work on the Ordinance but had concerns with the merchants' feelings about the sandwich signs. Hansen continued stating that there needed to be more conversations about those questions which were raised a few months ago and in the eyes of the business owners seem to have not been answered. Goldberg was in disagreement about the sandwich signs, as several months ago, at a Council meeting, he specifically addressed those concerns and offered some alternatives.

Saenz explained his reasoning for proposing the postponement of approving the Sign Ordinance amendments, in as much as changes could be made to the ordinance about sign sizes and placements, and reconsideration of all of the changes would be at a later meeting.

Motion by Saenz, seconded by Gallasch to postpone consideration of an Ordinance to Amend Chapter 1474 Signs and Outdoor Display Structures, of the Village of Franklin, Oakland County, Michigan , to Modify Regulations Governing Temporary Signs, Repeal Conflicting Ordinances, and Prescribe a Penalty for Violations until next month's meeting.

Saenz withdrew his previous motion.

Motion by Saenz, seconded by Gallasch to refer the Ordinance to Amend Chapter 1474 Signs and Outdoor Display Structures, of the Village of Franklin, Oakland County, Michigan , to Modify Regulations Governing Temporary Signs, Repeal Conflicting Ordinances, and Prescribe a Penalty, back to the Planning Commission for further consideration.

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

Nays: None

Absent: None

Motion carried.

B. Consider an Ordinance to Amend Section 1042.13 of Chapter 1042.13 of Chapter 102, Sewer Use and User Charges, of Part Ten, Title Four of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Modify Sewage Disposal System Rates and Charges, and Repeal Conflicting Ordinances (first reading).

Motion by Seltzer, seconded by Gordon to approve an Ordinance to Amend Section 1042.13 of Chapter 1042.13 of Chapter 102, Sewer Use and User Charges, of Part Ten, Title Four of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Modify Sewage Disposal System Rates and Charges, and Repeal Conflicting Ordinances (first reading).

Staran explained why this came to the Village at such a late date. The new 2019 Sewer Rates needed to go into effect immediately so he suggested Council wave its first and second readings and adopt it.

Motion by Seltzer, seconded by Gordon to waive the procedures and waive the first and second readings and approve an Ordinance to Amend Section 1042.13 of Chapter 1042.13 of Chapter 102, Sewer Use and User Charges, of Part Ten, Title Four of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Modify Sewage Disposal System Rates and Charges, and Repeal Conflicting Ordinances.

Raphael Chirolla, and Drew Sandahl, Oakland County Water Resources Commissioner's Office explained the reasons for the late notice of the Proposed 2019 Sewer Rates. These rates were put into effect on July 1, 2018. Chirolla highlighted a few items in the report, dated July 9, 2018. Due to the new control panels, problems were being identified in advance of them becoming critical maintenance and fees were increasing. Sandahl reported that the panel project upgrade was now complete and gave some examples of the savings.

Ayes: Gallasch, Gordon, Hansen, Moenck, Saenz, Seltzer, Stakhiv
Nays: None
Absent: None
Motion carried.

XI. ADJOURNMENT

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

Ayes: Gordon, Hansen, Moenck, Saenz, Seltzer, Stakhiv
Nays: None
Absent: Gallasch
Motion carried.

There being no further business, the meeting was adjourned at 9:55 P.M.

Respectfully submitted,

Gail Beke, Recording Secretary

Eileen H. Pulker, Clerk

Pamela Hansen, President