

**VILLAGE OF FRANKLIN
REGULAR VILLAGE COUNCIL MEETING
MONDAY, FEBRUARY 11, 2019, 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 Pam Hansen, at 7:00 PM at the Franklin Village Hall, Franklin, Michigan.

II. ROLL CALL

Present: Fred Gallasch, Brian Gordon, Pam Hansen, Bill Lamott, Ed Saenz, Mira Stakhiv
Absent: Mike Seltzer
Also Present: Jim Creech, Village Administrator
Eileen Pulker, Village Clerk
Lance Vainik, Treasurer
Chief Dan Roberts, Police Department
Ann Christ, Village Attorney
David Goldberg, Chairman, Planning Commission

III. ADOPTION OF AGENDA

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

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

IV. MINUTES

A. Regular Meeting of January 14, 2019

Motion by Stakhiv, seconded by Saenz to approve the Regular Meeting Minutes of January 14, 2019, as amended.

Stakhiv pointed out on page 5, second to last sentence on the page, the word should be “*bulletin board*”, not “co-bulletin board”. On page 6, in the last sentence of the first paragraph, there was a typographical error. The sentence should read, “...responsible for the website and be the backup person.”

Ayes: Gordon, Hansen, Lamott, Saenz, Stakhiv
Nays: None
Absent: Seltzer
Abstain: Gallasch (not in attendance at the meeting)
Motion carried.

V. REPORTS OF VILLAGE OFFICERS AND AGENTS

Dan Roberts, Police Chief, referred to his monthly written report but added some incidents which had happened recently and, thus, were not included on the report: in the area of 13 Mile and Telegraph some unlocked cars had been ransacked during the night. He advised residents to lock cars being left outside at night. He surmised that over the last couple of weeks juveniles have been taking loose change, sunglasses, and other minor things.

Roberts noted that tomorrow evening, he and a representative from the Fire Department (Averbuch is unable to attend) will be attending a fact-finding session at Bingham Farms as it related to the development of an assisted living center at 14 Mile and Telegraph. This could be a contentious meeting with Villagers voicing their opinions. Both he and the Fire Department will be giving a short presentation on their thoughts on the possible building and comparative analysis that they have done with other assisted living centers in the area. Later in the month the Bingham Farms Council will take up the issue as an agenda item adding that the construction would require a zoning change, among other things. Roberts specifically pointed out an issue the Police and Fire Departments would need to consider: the response numbers in Bingham Farms would be greatly increased. He compared last years' total police responses to Bingham Farms and those made to the Bingham Farms Special Assessment District as being about 35-37 times to each of the 24-25 buildings. Responding to Gallasch's question, Roberts replied that the Department has had several meetings with the developers who appear to be open to discussions about establishing another Special Assessment District (S.A.D.). The owners have built assisted living facilities in other states so they were aware of the strain it puts on public safety, in particular. However, he and Averbuch educated them on the fact that Franklin/Bingham Farms has a small police department and a mostly volunteer fire department. It appeared the developers were positive about establishing an additional S.A.D. The Bingham Farms Council was open to discussing the S.A.D. situation which currently only funds two (2) officers and no firefighters.

Roberts reported that he has received word from Oakland County requesting that the Village Council look at and sign an Inter-Local agreement regarding Franklin's Officer who was assigned to the Narcotics Enforcement Team which he has forwarded to Creech and Staran. This will probably be on the March Council Meeting agenda.

Stakhiv inquired about any news or movement on the forfeiture house on 13 Mile Rd. and Crestwood. Roberts replied that he was unaware of any progress. She had also noticed that traffic citations in Franklin were almost twice as many as last year. Roberts accredited it to the weather.

Saenz asked if there had been any communication between Franklin and Bingham Farms regarding the proposed assisted living center. Creech has spoken with Ken Martin, Bingham Farms Village Administrator and Clerk, and was to meet with him tomorrow. He explained the formation and governing of the S.A.D. and the Fire Department, which is essentially a vendor servicing both Villages. The issues of both were known and needed to be discussed. Saenz was in favor of Franklin making an official statement, resolution, and/or comment on it. Gallasch supported this suggestion as public safety was paramount and requested that all the Bingham Farms documents relating to these matters be available to Council, and that a written letter should be sent to Bingham Farms. Roberts remarked that he and Averbuch have copies of such documents and could make them available. Hansen suggested that this issue be placed on next month's agenda, including timelines. Roberts feared that this would be too late as the Bingham

Farms Zoning Commission was having a meeting 2 weeks from tonight which was open to the public. He will be providing a brief presentation on the S.A.D. The Bingham Farms Council will be addressing this issue as an agenda item on Monday, February 25, 2019. Hansen opined that, if approved, the impact of this project would be rather large for Franklin. Roberts stated that he and Averbuch have provided the Bingham Farms Council with their concerns about spreading thin their resources with regards to public safety, based on their study of area departments and assisted living centers in the area. Creech will email the report to the Council members.

Motion by Lamott, seconded by Stakhiv to authorize President Hansen to communicate with Bingham Farms Council about Franklin’s concerns related to the impact of public safety and impact on its budget.

Ayes: Gallasch, Gordon, Hansen, Lamott, Saenz, Stakhiv

Nays: None

Absent: Seltzer

Motion carried.

Tony Averbuch, Fire Chief, was not present at the meeting but had submitted his monthly report to Council members. Gordon, Fire Commissioner, commented there was an agenda item coming up later related to the Fire Department and added that the Bingham Farms project was discussed at length at the last Fire Commission meeting. From the feedback he has received this project was not a done deal; many options have been weighed. He felt that the Council’s decision to do something would be worthwhile input.

Main Street Franklin, Krista McClure, Executive Director, updated Council that it has shifted its fiscal year to be in alignment with other non-profits, especially “grant funding”, July 1-June 30. John Bry, Oakland County Main Street, Program Coordinator, has been helping her “clean up” the board functions and bylaws. As of yet the dates for the 2019 events have not been solidified; however, in March she is hoping to present MSF’s work plan to Council, as well as the fiscal budget. A “Meet and Greet” to meet with herself was being planned before the next Council meeting. Two (2) grants are being planned to be “rolled out” in early spring and early summer; one is for façade improvements and one would be specific to a small business “pop up”. Board member, Lisa Dunn proposed a ribbon-cutting ceremony for Lisa MacDonald who just opened up the first floor of her business, Fitness Driven. Responding to Gordon, she mentioned that she was partnering with Jane Polan (FCA President) on a grant called KaBOOM! The idea was to use those dollars to help with some pavement and some structural things on the ball field park.

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 \$225,783.02. Vainik stated that the expenditures are generally consistent with the FY 2018-19 Budget. The Bills List for this month included a large entry for a Bingham Farms Police Vehicle paid to Signature Ford Lincoln/Mercury. He concluded by stating that the Village has sufficient funds to meet its current and anticipated obligations. The list of account balances in the Council’s packets were as of February 7, 2019 held at Level One Bank. The balances held in interest bearing insured CD’s held at Multi Bank Securities, Inc., were included in the consolidated report which Council received.

Gallasch questioned the two (2) large expenditures with MERS. Creech explained that they were for last month and this month. Gallasch also asked about the large check that went to Hubbell, Roth & Clark. Creech replied it was for engineering services regarding Franklin Road. His last question was about the check to Lifeloc Technologies and Creech explained it was for bullet proof vests for the police department.

VI. SUBMISSION OF CURRENT BILLS

Motion by Gallasch, seconded by Saenz to approve the Bill's List, as submitted.

CATEGORY	AMOUNT
GENERAL	\$ 46,392.70
MAJOR RDS	\$ 11,792.00
LOCAL RDS	\$ 9,686.00
POLICE	\$ 117,078.94
GARBAGE	\$ 14,978.90
BLDG DEPT	\$ 7,200.94
STREET PROJECT	\$ 18,124.54
PRESSURE SEWER	
WASTE WATER	\$ 329.00
TRUST & AGENCY	\$ 200.00
TAX COLLECTION	
TOTALS	<hr/> \$ 225,783.02

Ayes: Gallasch, Gordon, Hansen, Lamott, Saenz, Stakhiv

Nays: None

Absent: Seltzer

Motion carried.

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 items already on the Agenda would have the opportunity to comment at that time.

William Miller, Oakland County Commissioner representing the 14th District, provided a brief personal background and pointed out items which needed to be fixed or improved. He thanked the residents for their voter support in November and responded to Hansen who wanted to know what to expect in terms of mass transit support in the metro area stating that that was a concern for many.

Margaret Bancroft, Wellington, President of the Franklin Garden Club, presented the Village with a framed print of a watercolor originally owned by a member.

VIII. SPECIAL REPORTS

A. President's Report

1. The Downtown Discussion/Franklin Road

Hansen provided a brief background and purpose of this project and that the Design Team was working with Design Consultant, Tad Krear. When the committee is finished it will present ideas to the Council for discussion and/or approval or rejection of the plan. Alek Kokoszka, resident, Franklin Road and member of the Design Team, reported on the purpose of the Team and how it has proceeded. Hansen emphasized these meetings were open to all residents and suggested that someone from the Design Team give monthly updates to the Council. Gallasch suggested that there be an announced public meeting where the Design Team would present the project and residents could have some input before it was brought before the Council for a vote. Stakhiv was in support of saving the big trees; especially those along Franklin Road. Creech stated that he had had a meeting with the engineers this morning to discuss all the different possible scenarios in the Village. This then led to the idea of having a work session with the Council to make some decisions about how to accomplish the projects. Creech, Pulker, and Krear will set up a meeting.

B. Council Report

Lamott announced the passing of Bob George, January 21, 2019 stating that he was a pioneer of historic preservation in Franklin. Lamott continued stating that in the late 60's and early 70's Bob was primarily responsible for getting Franklin listed on the National Register of Historic Places. All of this took place before the state had Public Act 169 which was the enabling legislation for local historic districts. February 10, 1969 (50 years ago yesterday) was the date Franklin was listed in the National Register and about a year later Franklin became the first Michigan Historic District. Lamott expressed thanks for all the work Bob had done on behalf of Franklin.

1. Personnel Committee Report

Stakhiv summarized the long memo she had sent to the Personnel Committee. With Kelda London leaving, the Village Administrative Clerk position needs to be filled. Creech, Saenz, Seltzer, and she updated that position to be: Administrative Assistant/Deputy Clerk and added more requirements, i.e. higher education (hopefully, a college degree). Creech placed the ad on the MML (Michigan Municipal League) website and had some wonderful replies. Creech and she will interview four (4) candidates later this week. The two (2) remaining candidates will talk with the Personnel Committee. The Personnel Committee has also discussed Creech's idea of a new job description: Deputy Village Administrator. This would provide for succession planning for an Administrator Assistant or Deputy Clerk. If that person showed promise, in the future, he/she could possibly step up into the position of Administrator. The committee also discussed having a part time Administrative Clerk, if need be, and a temporary Administrative Clerk until one was hired. A "temp" would be coming in to work starting next Monday. Providing a 401K option to the new employee was also discussed.

Hansen posed a question to Council about wanting to interview perspective employees or was it comfortable delegating this responsibility to the Personnel Committee. At the moment there were only two (2) committee members available and Lamott stated that he thought it was important to have a third person on the committee. Stakhiv agreed and stated that with Seltzer not in town; Hansen had been present at the last Personnel Committee meeting. Gallasch wanted it clarified that there would be cross training in the office to which Stakhiv agreed. Creech thought that by

the end of the month or around March 1st, the new employee should be in place. Gordon was comfortable with having the Personnel Committee vet out and interview the candidates. Gallasch would like to see some background material on the finalists. Stakhiv stated that she will provide that.

C. Administrator Report

Creech will have a conference call with SHPO tomorrow regarding another grant application for the Broughton House gutters, which he believed to be copper. He also looked into other historic preservation grants for the downtown area which were only made available for public improvements and not on private property. He commented about having a brief meeting before the next regular Council meeting to vet the issues of all the proposed work on and along Franklin Road. He noted that he has spoken with the engineers about the scenario of doing some of the work of the downtown plan this year and how it would work with the current contractor and how to expedite that, if possible. Gallasch stated that if the subject of water was to be part of this discussion he would like to discuss engineers.

Hansen stated there were a lot of moving parts regarding the improvement of Franklin Road and it was time to move on this project. Among other crucial factors were deadlines and an approval vote from our community to authorize part of it. It was now time and necessary to move the discussion from Creech, herself, and HRC to Council so direction can be given. She proposed to meet at 5:30 PM before next month's Council meeting to have that discussion. Zmich/Burton from HRC will be at that meeting because they have done the work so far. She has asked Creech to set up some of the decisions which needed to be made so Council can see which way it wanted to go and what would be the impact and implications of each way.

Saenz inquired if any of those actionable items from the 5:30 meeting would come to the regular Council meeting? Creech did not think anything would be decided but decisions would need to be acted upon shortly after because time would be required for a Special Election. Saenz inquired as to when Council would be getting the information that Council would/might consider at that pre-meeting. Creech replied that this meeting would be a work session and most of the information would be coming from Zmich and Burton, but no action would be taken.

IX. NEW BUSINESS

A. Consider Automatic Aid Agreement between the Village of Beverly Hills and the Village of Franklin.

Gordon, Council's representative on the Fire Commission presented this item. He referred to a letter from Tony Averbuch, Fire Chief, dated February 6, 2019, Re: FBRD Automatic Aid Agreement with Beverly Hills and an attachment: Auto Aid – Beverly Hills-Bingham Farms. This agreement was to the Village's benefit and pertained to Insurance Service Office (ISO) rating. The Franklin/Bingham Farms Fire Department was short one reserve ladder truck and having neither the resources nor room for a ladder truck; however, with this automatic agreement in place Franklin would be credited with having a reserve ladder truck. He continued by saying that usage of such a truck would be approximately 4-6 calls per year and there would be no additional charge or fees. It appeared Beverly Hills has signed off on this and was waiting for Franklin's and Bingham Farms' approvals.

Gallasch inquired if Farmington Hills was an option since they already handle our Police Dispatch. Gordon stated that he was unsure.

Motion by Gallasch, seconded by Saenz to approve the Automatic Aid Agreement between the Village of Beverly Hills and the Village of Franklin, as written in the document.

Stakhiv was curious about the definition of “Confirmed Structure Fires” vs. non-confirmed structure fires. Hansen explained that it related to when smoke was observed and the Fire Department was called.

Talking with Hansen, Averbuch had made the point that this was not going to increase the cost to the Department, only the process of dispatch would be changing.

Ayes: Gallasch, Gordon, Hansen, Lamott, Saenz, Stakhiv

Nays: None

Absent: Seltzer

Motion carried.

B. Consider Appointment to Historic District Commission.

Referring to the memo from Eileen Pulker, Village Clerk, dated February 6, 2019, Hansen introduced Alek Kokoszka, who would be replacing Garrett Keais who has resigned his position. Kokoszka was present at the meeting. He stated he was looking forward to being part of the Historic District Commission (HDC) as he is personally familiar with its process while dealing with his own house in the Historic District, commonly known as “the Snow House”.

Motion by Stakhiv, seconded by Gordon to approve the appointment of Alek Kokoszka to the Historic District Commission.

Ayes: Gallasch, Gordon, Hansen, Lamott, Saenz, Stakhiv

Nays: None

Absent: Seltzer

Motion carried.

C. Consider Cessation of Moratorium for Detached Accessory Buildings.

Hansen advised Council of the materials sent to them regarding this issue, including a copy of the Moratorium which was approved in November, 2018. Creech referred to his memo, "Lifting the Moratorium on Detached Accessory Buildings and Special Use Permits for 26840 Crestwood and 30645 Rosemond", dated February 5, 2019, and provided background information. He deferred to the Village Attorney, Ann Christ, to speak about the moratorium itself.

Christ outlined two (2) options which were available to the Council: 1. Accept the Planning Commission’s recommendation to leave the Ordinance as it was and rescind the Moratorium, which would expire within a 180 day timeframe, or 2. Determine and reaffirm to the Planning Commission that Council wanted the Planning Commission to work up an Ordinance to re-establish a maximum size or area of limitation of an accessory building because there was no area

of limitation defined. If option #2 was chosen: 1. Leave the Moratorium in place because it is effective for 180 days, or 2. Rescind the Moratorium.

Hansen commented that if Council chose not to lift the Moratorium, the two (2) applications which Council received in its packet would be deferred. For the purpose of discussion, Stakhiv made the motion.

Motion by Stakhiv, seconded by Saenz to approve the cessation of Moratorium for Detached Accessory Buildings.

David Goldberg, Planning Commission Chairman, presented the Planning Commission's viewpoints on this and other issues: Goldberg noted that had a mistake been made in 2017 when changes were made, the overall consensus was that no mistake had been made. The way the language read was what was intended at that time. He thought the confusion arose from the directive from Council; Was Planning supposed to change the Ordinance or decide whether or not to change it. Unanimously, it was decided that it would be appropriate to revise the Ordinance regarding the maximum size of accessory structures. Planning recommended the lifting of the Moratorium but still proceeding with the process of amending the Ordinance. This would be the main topic at next Wednesday's meeting. Ordinances of the surrounding communities would also be reviewed.

Gordon stated he did not think this was the time to lift the Moratorium; however, it was time for Planning Commission to consider the issue. According to Creech, without the Moratorium in place the process would be: a Special Land Use application would come to Council which would refer it to the Planning Commission; Planning would take action on it and refer it back to the Council and Council would make their decision. Stakhiv clarified that if the Moratorium was rescinded applications could be considered under the current ordinance, Special Land Use. That being said and acknowledging that this could be a 3-4 month process, she urged the Planning Commission to have special meetings to work on the Ordinance and get this accomplished as there were two (2) applicants waiting for a resolution. If the Moratorium were to be suspended these two (2) applicants could go through the process as it stood now while the Planning Commission reviewed it. Stakhiv had wished that in November when the Moratorium was being considered Council had been informed that there were two (2) applicants who were seriously pursuing approval, but had not filed any paperwork. She wanted the Planning Commission to consider this as a high priority issue.

Saenz clarified with Attorney Christ that the Moratorium need not be rescinded but Council could direct the Planning Commission to look at the Ordinance with regards to size or area of the accessory structure, as well as considering whether or not it would be a Special Land Use. According to Goldberg the timeframe was sufficient as this issue was #1 on this Wednesday's meeting agenda.

Goldberg responded to Saenz who was curious as to what were the points of discussion between what the Village has now and what things were under consideration.

Attorney Christ confirmed that for approval the Ordinance proposal still needed two (2) readings.

Armand Velardo, spoke on behalf of Scott Baker, Rosemond Drive, who had filed a Special Use Application which was received by the Village on January 29, 2019. He provided a brief history of events which led up to this point, including his client's request that the Moratorium be lifted as it applied to his project. According to Velardo, a lot of time and money have been spent on this project, tradesmen have been lined up for this job, and a delay would be detrimental to Mr. Baker.

Scott Baker, Rosemond Drive, President of Dako Group, looked into the rules for an accessory building before he purchased the house in April, 2018 so that he could do what he wanted to do. He explained the purpose of this structure was to be a place for his car collection. He had spoken with the Building Department and followed all the rules.

Mary Hepler, Rosemond Drive, a former member of the Planning Commission, having spent 18 years on the commission, spoke to some issues which related to Accessory Buildings in Ordinance Chapter 1268.13 and the process of getting an application approved. She was of the opinion that this Ordinance was very much in need of reconsideration and clarification. She urged Council to maintain the Moratorium and request that the Planning Commission to revise the Accessory Building Ordinance as quickly as possible to make it clear, easy to understand, and consistent with the Village Master Plan and other Ordinances.

Bennett Donaldson, Rosemond Drive, commented that the Moratorium was put in place to give direction to the Planning Commission to establish an Ordinance that was in the best interest of the Village. He thought the Planning Commission should be able to do that as there was evidence of some ambiguity in the existing one. It should be quickly expedited so the applicants weren't unduly held up.

Eric Francois, Executive Personnel Assistant, Dako Group, on behalf of Scott Baker, stated that they did a lot of the research for this project to make sure there was clear communication and he followed all the rules. He took issue with what Gordon said concerning "clarification or clarity" of this Ordinance. Directly after speaking with the Building Official about different aspects of the project, including the lot size and formula for an accessory building, he (Francois) hand delivered a letter to London, the Building Assistant, for the Building Official explaining what he had understood the Building Official's interpretation to be. His issue was that the clarity was there and that he had followed the current Ordinance. His point was that he did everything possible, including open disclosure and being above board, in order to make this project go forward. He followed the Ordinance and much to his disappointment, less that one month later, there was a Moratorium on building accessory buildings.

Armand Velardo, on behalf of Scott Baker, stated that when Goldberg addressed Council, he twice mentioned that no one made a mistake in 2017. His client followed the Ordinance that was in place and he worked within that Ordinance.

Hansen inquired of Creech about how much time it would have taken Baker's application of January 29, 2019 to go through to final approval under the existing Ordinance. Being extremely optimistic and using the Special Land Use Permit process, Creech guessed at least 2 months. Hansen cautioned that that would be the most optimistic and as other people had mentioned was

open-ended, being unsure of outcomes, and very discretionary. This put the decision entirely on the Planning Commission. She then provided an example of a project in the Village which took two (2) years to complete.

Hansen expressed her regret of any inconveniences the applicant had incurred. Stakhiv stated she thought it to be advantageous for Baker to not go under a Special Land Use which might take an uncertain amount of time, based on history, but to wait for the Planning Commission to reword the Ordinance. She agreed there was a lot of miscommunication in this whole process.

Ayes: Stakhiv
Nays: Gallasch, Gordon, Hansen, Lamott, Saenz
Absent: Seltzer
Motion denied.

Motion by Gordon, seconded by Saenz to refer the matter of revising the Ordinance concerning detached accessory buildings to the Planning Commission. The Planning Commission will promptly make a recommendation to the Council for approval.

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

Eric Francois referred to a conversation at the November Council meeting in which a Council member mentioned that there was a lack of enforcement in the Village. Unauthorized things were being done in the Village and yet Baker and his group followed the current Ordinance and this was how they were rewarded. Hansen responded by saying that the Village has levied some incredibly high fines and taken people to court for disobeying Village rules and she was sorry that he felt disrespected. She thought it had been a very respectful exchange and appreciated his time coming here. Hansen stated that the Village Council will do its best to give Baker the tools he needed to proceed with his building project.

X. ORDINANCES/RESOLUTIONS

- A. Consider an Ordinance to Amend Section 695.03 of Chapter 695, Fireworks, of Part Six, Title Ten of the codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Modify and Reduce the Days and Times when the Ignition, Discharge, and use of Consumer Fireworks is Lawful, Repeal Conflicting Ordinances, and Prescribe a Penalty for Violations (first reading).**

Motion by Stakhiv, seconded by Gallasch to approve the Ordinance to Amend Section 695.03 of Chapter 695, Fireworks, of Part Six, Title Ten of the Codified Ordinances of the Village Of Franklin, Oakland County, Michigan, to Modify and Reduce the Days and Times when the Ignition, Discharge, and use of Consumer Fireworks is Lawful, Repeal Conflicting Ordinances, and Prescribe a Penalty for Violations (first reading).

Hansen explained that this was a local Ordinance which is being changed to align with current State of Michigan requirements.

Ayes: Gallasch, Gordon, Hansen, Lamott, Saenz, Stakhiv

Nays: None

Absent: Seltzer

Motion carried.

XI. ADJOURNMENT

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

Ayes: Gallasch, Gordon, Hansen, Lamott, Saenz, Stakhiv

Nays: None

Absent: Seltzer

Motion carried.

There being no further business, the meeting was adjourned at 9:08 PM

Respectfully submitted,

Gail Beke, Recording Secretary

Eileen H. Pulker, Clerk

Pamela Hansen, President