

**VILLAGE OF FRANKLIN
VILLAGE COUNCIL REGULAR MEETING
MONDAY, MAY 13, 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, Ed Saenz, Mike Seltzer, Bill Lamott
(arrived at 7:40 PM)
Absent: Mira Stakhiv (excused)
Also Present: Jim Creech, Village Administrator
Eileen Pulker, Village Clerk
Lance Vainik, Treasurer
Chief Dan Roberts, Police Department
Chief Tony Averbuch, Fire Department
John Staran, Village Attorney
David Goldberg, Chairman, Planning Commission
Krista McClure, Main Street Franklin Executive Director
John Bry, Oakland County Main Street, Program Coordinator

Lamott had contacted Hansen to say he would be a few minutes late.

III. ADOPTION OF AGENDA

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

Ayes: Gallasch, Gordon, Hansen, Saenz, Seltzer

Nays: None

Absent: Lamott, Stakhiv

Motion carried.

IV. FRANKLIN-BINGHAM FARMS POLICE DEPARTMENT

1. Police Awards

Chief Roberts thanked Council for the opportunity to give out its Annual Officer Awards. Each year the Department recognized the great work of several Police Officers for their outstanding performances in the line of duty in the previous year and, if possible, this celebration was aligned with Police Week, which was the case this year. In fact, Officer Hirschfeld and Reserve Officer Sanders were currently in Washington D.C. with their horses for the celebration. Additionally, Roberts recognized the work of Reserve Sargent Vogrin who has been a volunteer officer for the last six (6) years.

2. PY2019 High Intensity Drug Trafficking Area (HIDTA) Subrecipient Agreement Between Oakland County and the Village of Franklin.

Roberts reported this was a paperwork issue needed by the Federal Government in order to reimburse the Village for overtime costs of the Officer assigned to NET and funded by federal dollars.

Gallasch confirmed that the Village initially paid the officer's overtime and would be reimbursed for such costs by the county. Roberts added there was a maximum amount that could be paid out but the Village has not been close to that limit.

#2019-27 Motion by Seltzer, seconded by Saenz to adopt the Program year 2019 High Intensity Drug Trafficking Area (HIDTA) Subrecipient Agreement between the County of Oakland and Village of Franklin.

Ayes: Gallasch, Gordon, Hansen, Saenz, Seltzer

Nays: None

Absent: Lamott, Stakhiv

Motion carried.

3. Consider Bids for the Sale of the Police SAD Vehicle.

Roberts recommended Council approve the sale as the bid price was within the vehicle's Blue Book value. In previous years the Department had done a lot of business with this particular company so he was familiar with them. This vehicle was actually used in the Bingham Farms Special Assessment District.

#2019-28 Motion by Gordon, seconded by Seltzer to accept the bid of \$15,007.00 from Chicago Motors for the purchase of the used Police SAD Vehicle (2015 Chevy Tahoe).

Ayes: Gallasch, Gordon, Hansen, Saenz, Seltzer

Nays: None

Absent: Lamott, Stakhiv

Motion carried.

VI. Reports of Village Officers and Agents.

Dan Roberts, Police Chief

Roberts referred to his written report noting that last month the Village had had its first burglary in the last couple of years. This case was solved thanks to the help of a neighbor across the street. Over the weekend there had been another larceny of an unlocked car. This would make the sixth incident this year, all of which were in subdivisions which touch Telegraph Rd. The Chief encouraged all residents to lock all cars at night.

V. MINUTES

A. Special Meeting of April 4, 2019

Motion by Seltzer seconded by Saenz to approve the Special Meeting Minutes of April 4, 2019, as presented.

Ayes: Gallasch, Gordon, Hansen, Saenz, Seltzer

Nays: None

Absent: Lamott, Stakhiv

Motion carried.

B. Special Meeting of April 8, 2019

Motion by Seltzer, seconded by Saenz to approve the Special Meeting Minutes of April 8, 2019, as presented.

Gallasch noted that last month he and Hansen had requested that Creech provide a report of expenditures by category rather than spreading them throughout the Budget. Gallasch requested that such a report be included in the Budget materials Creech sent around in the Council packets. Creech responded that he had such a report and would make copies for the Council.

Ayes: Gallasch, Gordon, Hansen, Saenz, Seltzer

Nays: None

Absent: Lamott, Stakhiv

Motion carried.

C. Regular Meeting of April 8, 2019

Motion by Seltzer, seconded by Saenz to approve the Regular Meeting Minutes for April 8, 2019, as presented.

Gallasch inquired if an additional meeting for the Design Committee had been scheduled. Hansen replied that to her knowledge none was. He requested to be notified when one was and Hansen acknowledged that she would notify the entire Council.

Ayes: Gallasch, Gordon, Hansen, Saenz, Seltzer

Nays: None

Absent: Lamott, Stakhiv

Motion carried.

VI. REPORTS OF VILLAGE OFFICERS AND AGENTS

Tony Averbuch, Fire Chief, referred to his written report and reported the new truck was expected to be delivered in June. The plan was to have it at one of the Music on the Green events.

Saenz was curious about the response time for the month, to which Averbuch explained the many variables taken into consideration when calculating the time.

Main Street Franklin, Krista McClure, Executive Director, updated Council on recent activities, including congratulations to Lisa McDonald for the re-launch of her business, Driven. Both Main Street and Oakland County Main Street were present for the ceremony. Oakland County presented McDonald with a Proclamation and Congratulations. McClure had nominated MSF Board Chair Elina Costello and Council President Pam Hansen for a Main Street award which they won. At the Main Street Oakland County 2019 Main Event Awards Night each received a plaque by Pewabic Pottery for being a "Community Influencer". She also reported that MSF would be moving forward with a Beer Garden on the downtown property owned by Dan and Elina Costello. A specific date had not been determined but it was hoped to be in mid-June and run through fall.

Hansen thanked John Bry and Oakland County Main Street for the award and the wonderful ceremony.

Oakland County Main Street (MSOC), John Bry, Program Coordinator, gave updates from the County which would impact Franklin: McClure had submitted an application to Genisys Credit Union for a grant and June 1 was the deadline for the next round of applications for the Flagstar Bank grants for Placemaking and Facades for which Franklin would be eligible. The MSOC would be doing its “Summer Rounds” soon. This was the time when Oakland County checked in with the businesses in the community. The annual evaluations and accreditations of the “Select” Level Main Street Programs, Franklin being one, were conducted this year. Because this was happening during the transition period when Krista was getting started and there were changes with the MSF Board, MSOC wanted to recognize the program as an “Affiliate designated Main Street Program”. He presented a plaque to McClure in recognition of this.

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 \$156,632.26. 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 road construction consulting services paid to Hubbell, Roth, and Clark. From a Bills List standpoint it was a slow month. 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 was as of May 9, 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.

Seltzer did not recognize several accounts and Creech clarified them for him: Jax Car Wash was for the police cars and Majik Graphics, Inc. was for the labeling of the new police pick-up truck. Gallasch questioned the payment to ACCAT Auto. Creech explained that it was the company which replaced the water pump in the Ford Explorer Police car. Gallasch also asked about the large check that went to Hubbell, Roth & Clark. Creech replied it was for several specified things and charged to different accounts. Creech continued that Priority One was for all the new equipment for the new police vehicle.

VII. SUBMISSION OF CURRENT BILLS

Catogory	sub totals
General	\$ 52,677.99
Maj Streets	\$ 3,214.12
Local Streets	\$ 706.59
Police	\$ 49,243.14
Garbage and Rubbish	\$ 15,188.90
Building Dept	\$ 7,588.89
Street Project	\$ 27,452.29
Waste Water	\$ 560.34
totals	\$ 156,632.26

Motion by Seltzer, seconded by Saenz to approve the Bill’s List, as submitted.

Ayes: Gallasch, Gordon, Hansen, Saenz, Seltzer

Nays: None

Absent: Lamott, Stakhiv

Motion carried.

VIII. 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.

None were made at this time.

IX. SPECIAL REPORTS

A. President's Report

1. Downtown Discussion/Franklin Road

Earlier today Hansen had gone over some of the financial statements with Creech and was pleased with what she saw. He will cover those more in his report. She mentioned that Creech had received some recognition from Roger Belknap, TAMC Coordinator with the Michigan Transportation Asset Management Council. Belknap had written a letter to the MDOT and the Department of Technology, Management and Budget acknowledging and recognizing Franklin for the work it had done on its roads.

On May 1 the Downtown Improvement Task Force met. This group was sanctioned by the Council through a Resolution to oversee the updating of the downtown. The members of that group are: Bill Lamott, Mike Seltzer, Jim Creech, John Bry, Krista McClure, and Nena Downing from the Planning Commission. That group is supported by Bill Dinnan, the Building Official, John Staran, Village Attorney, and other people, as needed. Goals were set at this meeting and a committee was formed which would interview a Project Manager.

(Lamott arrived at 7:46PM)

Hansen added that the Design Team is a citizens' group working with Tad Krear (Landscape Architect, Land Design Studio, and MSOC Advisory Board Member) to design a layout for the downtown from Scenic Dr. to 14 Mile Rd. The final design was almost finished and would be presented to Council when completed. Creech and Krear would be organizing a "walk through" of the Village, after which there would be a meeting to have a discussion and further questions. The goal was for the Council to be fully informed and knowledgeable about the project before it was asked to approve a design. A beautiful downtown was the final goal.

Regarding the water situation, Council had a special meeting to review what it knew so far about any issues regarding the water supply in the downtown area and the rest of the Village. The Village still had not received a definite answer from the state of Michigan Department of Environmental Quality (MDEQ) as to any risks to its well water supply which in her mind would constitute an emergency. She listed what was at stake: going ahead with the road project and the extensive infrastructure to get the road project finished which would include walkways, lighting, asphalt, and possibly a water main and more. She proposed that Council be ready next month to decide whether or not to create and approve ballot language to be put before the residents for a

vote in a special election in August or November. She felt Creech and the engineers needed to be given a direction with this project, one way or the other. If Council decided not to do it then the matter was “done”. If Council decided to approve ballot language asking permission to put in place a water system, this would then be put before the voters. Her goal was to have the Council fully informed and had a chance to talk about this issue.

Gallasch proposed that if and when the Village Council talked about having water this might be the appropriate time to re-evaluate certain engineering issues, i.e., the Village has employed the current engineering firm for 20 or 30 years without any competitive bids. This would be a big project and he felt it would be fair to the citizens to issue an RFP for those engineering companies which would be available and could submit competitive bids. Hansen did not disagree with Gallasch and commented that she had had talks with Creech about reviewing the contracts with all Franklin’s vendors. This process would start with the easy ones (i.e. the arborist) and work through the list. Both Seltzer and Gordon agreed that the review of all the contracts were crucial, as was the timing of this particular vote and getting bids for this particular project, with or without including at water system. Seltzer was in favor of being pro-active with the road project, meaning if the desire was to complete it this year the current engineering firm should be retained and proceed with the plan.

B. Council Report

1. Personnel Committee Report

On behalf of the Personnel Committee, Saenz stated there was support for the compensation for the Police Chief and an adjustment to the Budget would be required.

C. Administrator Report

Creech prepared and gave each Council member a Millage Impact Analysis Report of a Bond Issue. He also distributed HRC’s estimate of costs for the proposed water main installation along Franklin Road between Scenic Drive and 14 Mile Road. Creech had asked HRC to look at the well logs of the county. The raw data for only 471 wells out of about 1100 homes was available, which he had broken down into the various depths. Hansen made mention that during past discussions about this issue Gallasch had suggested that another solution to the problem with water in the downtown area might be to dig deeper wells. To answer that there needed to be more research to find out what the current depths were.

Regarding the Millage Impact Analysis, Gordon felt it would be beneficial and very important if there was a table showing a yearly tax dollar impact on the various home values. Creech demonstrated how to figure out such a dollar amount using the chart he provided. Hansen strongly suggested Creech put such information on the website for the residents to see the tax impact.

X. PUBLIC HEARING – ANNUAL BUDGET, FISCAL YEAR 2019-2020.

Hansen opened the Public Hearing for the Annual Budget for Fiscal Year 2019-2020 at 8:06 PM. She explained this was the opportunity for community members and any other interested parties to comment on the Village’s proposed budget that starts July 1, 2019. This was a required step in the budget process. Depending on the comments the budget would be approved at the next Council meeting.

Creech answered Gallasch question that the Budget had been on the website and, per statute, has been available at the front counter for a week in advance of this Public Hearing.

No comments were received at this time and the Public Hearing was closed at 8:08 PM.

Gallasch inquired about Street Project Fund 402. Creech answered that it was Phase 1 and Phase 2 of the Village Road Project and some of the engineering for Phase 3. Gallasch also had questions regarding the Police Department Expenditures, to which Creech responded.

XI. NEW BUSINESS

A. Consider Agreement for Sewer System Operation and Maintenance with Oakland County Water Resource Commissioner.

Tim Prince, Chief Manager for Oakland County Water Resource Department, reviewed what had been discussed at the December 10, 2018 Special Council Meeting regarding the timeline of coordinating with the sewer system rates. He added some history involving Oakland County's corporation counsel's initiative requesting that all the operations and rate agreements for the water and sewer systems the commission operated and maintained be replaced. The Village's current agreement was originally executed in June, 1990. John Basch, Oakland County Water Resource Commission Senior Attorney, was in attendance to answer any questions. Prince detailed the County's new agreement and responsibilities, including a new scope of work, and new insurance provisions offered to the communities. The actual service being provided had not changed, only documented better and more properly than in the past.

Gordon questioned Staran about the insurance regarding the payout responsibility. Staran has reviewed the agreement and had no concerns or objections about it.

Gallasch inquired what data it would be sharing, to which Prince replied that it would enable the various infrastructure details (not relative to individual homes) to be shared with other communities as needed.

XII. ORDINANCES/RESOLUTIONS

C. Consider the Village of Franklin Resolution to Authorize Oakland County to Share Village of Franklin's GIS Data with other Governmental Agencies.

Prince explained that this was based on a pilot program organized by the State of Michigan and SEMCOG based on the research of infrastructure replacement costs of water and sewer over the years. The program also looked at coordinating this type of work with construction (road construction, sewer lines, and water lines) instead of doing "piecemeal-type" work. Since then an asset management council had been formed to take this pilot work a step further by asking the municipalities to share its public infrastructure information. Thus, this coordination would provide one source for all the information as opposed to separate resolutions from all the communities. He gave examples of how the improved levels of service would work. The benefits of coordinating projects of those municipalities would be: protecting the environment, financial savings, and improved asset management procedures.

GIS Data stands for “Geographic Information System Data” which would include the diameter of pipes, the location of pipes (sewer and water), and other infrastructure.

Gordon and Gallasch clarified that the information would not involve private individual homes, only public infrastructure.

Motion by Seltzer, seconded by Gordon to approve the Village of Franklin Resolution to Authorize Oakland County to Share Village of Franklin’s GIS Data with other Governmental Agencies.

Hansen asked what would the risks be to the Village, if any, and voiced her general concerns about data privacy for homeowners. She inquired about what were the limitations placed on those agencies to which the county would be providing the Village data. Prince answered that the biggest risk for a small community would be security. He stressed that no private information about private property would be shared, only what was in the public right of way. He also explained the current process of getting information for a particular project. Hansen preferred this agreement be linked to the rate agreement and both would be considered annually so the terms could be reviewed, if need be.

Seltzer amended his last motion.

#2019-29 Motion by Seltzer, seconded by Gordon to approve the Village of Franklin Resolution to Authorize Oakland County to Share Village of Franklin’s GIS Data with other Governmental Agencies, to be renewed annually, as follows:

WHEREAS, sharing data with other regional and governmental agencies improves the ability to coordinate with such agencies during emergency situations, understand the criticality of a municipality’s assets, coordinate construction and other maintenance activities, as well as participate in comprehensive approaches to utility asset management; and

WHEREAS, the County of Oakland has participated, and continues to participate, in numerous data-sharing agreements with state and federal agencies, including the Michigan Department of Environmental Quality and the United States Environmental Protection Agency; and

WHEREAS, the Village of Franklin believes it would benefit from such data sharing through financial savings, improved asset management procedures and improved levels of service; and

WHEREAS, the Village of Franklin, in the interest of convenience and efficiency, desires the County to include Franklin’s infrastructure assets in the County’s data-sharing program by granting data-sharing authorization to the County.

NOW THEREFORE BE IT RESOLVED, that the Village of Franklin authorizes the County, by this resolution, upon notice to the Village by Oakland County, to enter into agreements with other governmental agencies on behalf of the municipality and share such infrastructure data with regional, state and/or federal agencies that incorporates the Village’s GIS data.

BE IT FURTHER RESOLVED, that an executed copy of said resolution by the Clerk shall be forwarded to the Oakland County Water Resources Commissioner, located at One Public Works Drive, Waterford, Michigan 48328 to the attention of the Senior Attorney.

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

Nays: None

Absent: Stakhiv

Motion carried.

#2019-30 Motion by Gordon, seconded by Seltzer to approve the Agreement for Sewer System Operation and Maintenance with Oakland County Water Resource Commissioner.

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

Nays: None

Absent: Stakhiv

Motion carried.

XI. NEW BUSINESS

- B. Consider an Ordinance to Amend Section 1042.13 of Chapter 1042.13 of Chapter 1042, 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 stated this was an Ordinance similar to the one Council considers on an annual basis. Changes had been made which had been recommended to the Village by WRC. If adopted the new rates would go into effect July 1, 2019.

#2019-31 Motion by Seltzer, seconded by Gordon to approve the Ordinance to Amend Section 1042.13 of Chapter 1042.13 of Chapter 1042, 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 in the first reading.

Raphael Chirolla (OCDC) stated that the rates were going up noting that the department had completed its annual rate analysis and found an increase in usage. Prince recapped Franklin's history with the grinder pump system, including the installation of the grinder pump alarm upgrades.

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

Nays: None

Absent: Stakhiv

Motion carried.

#2019-32 Motion by Seltzer, seconded by Gordon to suspend normal procedures to waive the second reading and approve an Ordinance to Amend Section 1042.13 of Chapter 1042,

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.

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

Gordon pointed out that if Council wanted to consider participating in the insurance coverage that issue would need to be on next month's agenda for discussion. Creech gave his opinions on the subject.

C. Consider Adoption of Millage Rates for Fiscal Year 2019-2020, beginning July 1, 2019.

#2019-33 Motion by Seltzer, seconded by Saenz to approve the adoption of Millage Rates for Fiscal Year 2019-2020, beginning July 1, 2019 at 8.400.

Creech referred to and detailed form L-4029 which was attached to his Memo to Council, May 1, 2019. Gallasch brought to Council's attention that the General Operating Millage would go away in 2020 and Council should be prepared to address that issue. Creech predicted that Villagers would be asked to renew that millage in 2020, just as was done in 2015.

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

D. Consider Application for Demolition at the property located at 30575 Oakleaf.

Patrina Scurlock, property owner, requested Council's approval to demolish the property in order to build another residence which would be more handi-cap accessible for her mother.

#2019-34 Motion by Seltzer, seconded by Gordon to approve the Demolition Application for the property located at 30575 Oakleaf.

It was confirmed that all demolition permit application materials had been completed and attached to the application. Dinnan, the Building Official, had reviewed and approved it as did the Historic District Commission.

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

- E. Consider Civic Event Permit Application for Music on the Green, July 10, 17, 24, 31, 2019.**

#2019-35 Motion by Seltzer, seconded by Saenz to approve the Civic Permit Application for Music on the Green, July 10, 17, 24, 31, 2019.

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

- F. Consider Civic Event Permit Application for Food Trucks at Music/Movies on the Green, July 31, 2019, by the Friends of the Franklin Public Library.**

#2019-36 Motion by Seltzer, seconded by Saenz to approve the Civic Event Permit Application for Food Trucks at Music/Movies on the Green, July 31, 2019, by the Friends of the Franklin Public Library.

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

- G. Consider Civic Event Permit Application Groves Senior Skip Day, Friday, May 24, 2019.**

#2019-37 Motion by Gordon, seconded by Saenz to approve the Civic Event Permit Application for Groves Senior Skip Day, Friday, May 24, 2019.

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

- H. Consider Village President Appointment to the Planning Commission.**

#2019-38 Motion by Seltzer, seconded by Gallasch to affirm President Hansen's appointment of Stuart Wooters to the Franklin Village Planning Commission term to expire July, 2019.

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

- I. Consider Appointment to the Zoning/Sign Board of Appeals.**

#2019-39 Motion by Seltzer, seconded by Saenz to appoint Paul Brakeman to the Board of Zoning and Sign Appeals term to expire July, 2019.

There was a discussion about the applicant being the son of the Commission Chair and that the ZBA was a very critical and vital board in the Village.

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

XIII. RESOLUTIONS/ORDINANCES

- A. Consider an Ordinance to add Chapter 625, Marihuana, to Part Six of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Prohibit and Prescribe Penalties for Possession, Consumption, Cultivation, Processing, Transport, Transfer or Sale of Marihuana and Marihuana Accessories that Exceeds or Violates what the Michigan Regulation and Taxation of Marihuana Act Authorizes, (second reading).**

#2019-40 Motion by Seltzer, seconded by Gordon to approve the Ordinance to add Chapter 625, Marihuana, to Part Six of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Prohibit and Prescribe Penalties for Possession, Consumption, Cultivation, Processing, Transport, Transfer or Sale of Marihuana and Marihuana Accessories that Exceeds or Violates what the Michigan Regulation and Taxation of Marihuana Act Authorizes, in the second reading.

Staran confirmed there had been no changes in the Ordinance.

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

- B. Consider an Ordinance to Amend Chapter 1240, General Provisions and Definitions, Section 1240.08, Definitions; Chapter 1250 Single Family Residential, Section 1250.02 Permitted Uses, Section 1250.03 Special Approval Uses, Section 1250.04 Accessory Uses, Buildings and Structures; Chapter 1268, Supplementary Regulations, Section 1268.13 Accessory Buildings; of Part Twelve Planning and Zoning Code of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan to Modify Accessory Building Procedures (first reading).**

David Goldberg, Willowgreen Ct., Planning Commission Chairman, recounted the urgency to consider the matter of detached accessory buildings in residential zoning districts and Council's request that Planning Commission review and consider revised standards. He referred to Sarah

Traxler's memo to Council dated May 2, 2019 and addressed each change on the individual pages and gave the reasoning. Goldberg recognized Sakhiv's attendance and participation in all the meetings in the last four (4) months and she would be able to attest to all the meticulous vetting which took place.

Sarah Traxler, Planning Consultant, McKenna Associates, addressed Council by explaining the advantages of using and having the Table of Allowances for Detached Accessory Buildings as part of the Ordinance.

Gallasch's concern was that some homeowners weren't aware of the Ordinances and proceed on their own with building or buying accessory buildings. Having multiple buildings was another concern of his. Goldberg summarized the new provisions, including the placement of a structure and the maximum size of (an) accessory structure(s).

Goldberg stated there had been a Public Hearing for this Ordinance which no one attended to provide comments.

Hansen mentioned that the Moratorium needed to be rescinded. Staran advised it could be done at the second reading of the Ordinance.

Lamott commented that he would much rather the Village have less buildings, less yard coverage, and less size in the Ordinance, recognizing a resident's option of going to the ZBA. "Green space" was important and if a resident wanted more buildings on his/her property, documents would need to be reviewed. The purpose and concept of the ZBA was discussed. Impervious surface, such as a driveway, was a concern and an issue Lamott thought should be discussed.

Hansen requested that Traxler/Goldberg provide Council with the aerial photos and overlays of the random properties with relative structures the Planning Commission referred to in its report. Traxler would send them to Creech who would pass them on to Council.

Traxler spoke to the concept of open space requirements and how other communities had dealt with the issue of "green space". Staran agreed that addressing this subject might be the more direct way to address Lamott's issue. Seltzer felt that there was an issue regulating how much "green space" in a resident's backyard visually impacted the community. Several Council members added that the neighbors were part of the community to which Goldberg mentioned the Planning Commission struggled with "personal property rights vs. neighbors' rights." Traxler mentioned the Village did not provide a large amount of collective open space. Franklin has no park system, the majority of roads were paved, and where there was open space it was on private property. The importance of open space was to be determined and although this was not part of this assignment it certainly was an element of the Master Plan. Preservation of open space was a goal and an objective.

Hansen opined that she would like to see the Planning Commission work on an Open Space Ordinance. Staran advised Council to consider the Ordinance amendments tonight and then give the Planning Commission a direction to look into the subject of having open space regulation and come back to Council with a report and recommendation on that. Goldberg stated that this issue

of open space had been on the Commission's radar for a while and became prominent when the Commission began to tackle the subject of accessory buildings. Impervious spaces were not buildings but had huge impacts as they took away more space than just the footprint of a couple of little structures.

#2019-41 Motion by Gordon, seconded by Seltzer to approve the Ordinance to Amend Chapter 1240, General Provisions and Definitions, Section 1240.08, Definitions; Chapter 1250 Single Family Residential, Section 1250.02 Permitted Uses, Section 1250.03 Special Approval Uses, Section 1250.04 Accessory Uses, Buildings and Structures; Chapter 1268, Supplementary Regulations, Section 1268.13 Accessory Buildings; of Part Twelve Planning and Zoning Code of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan to Modify Accessory Building Procedures in the first reading.

Ayes: Gordon, Hansen, Saenz, Seltzer

Nays: Gallasch, Lamott

Absent: Stakhiv

Motion carried.

XIII. ADJOURNMENT

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

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

Nays: None

Absent: Stakhiv

Motion carried.

There being no further business, the meeting was adjourned at 9:50 PM.

Respectfully submitted,

Gail Beke, Recording Secretary

Eileen H. Pulker, Clerk

Pamela Hansen, President