

**VILLAGE OF FRANKLIN
VILLAGE COUNCIL REGULAR MEETING
MONDAY, JUNE 10, 2019, 7 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 7:01 PM at the Franklin Village Hall, Franklin, Michigan.

II. ROLL CALL

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

III. ADOPTION OF AGENDA

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

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

IV. MINUTES

A. Regular Meeting of May 13, 2019

Motion by Seltzer, seconded by Saenz to approve the Regular Meeting Minutes of May 13, 2019, as presented.

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

V. REPORTS OF VILLAGE OFFICERS AND AGENTS

Dan Roberts, Police Chief

Roberts referred to his written report and brought to the Council's attention the increase in Felony Incidents. This was due to increased thefts from automobiles, as well as some mail thefts. He encouraged residents to lock and secure their parked vehicles at night. The last incident on the report also involved the loss of a firearm in an unlocked vehicle. He advised residents that guns should not be kept in cars or, if need be, to lock them in the trunk. The Misdemeanor Incidents were traffic related. The Department has also seen an increase in Ordinance violations; i.e. construction on Sundays, property line disputes between neighbors, loud parties, and vendor signs on roadways. The Officers have been spending a lot of time on such incidents. The Code

Enforcement Officer takes care of such things during the week but on evenings and weekends the Officers respond. He updated the Council on the Assisted Living Center project in Bingham Farms on 14 Mile and Telegraph Road, including the Police Department providing data on cost projections. He was hopeful that at the end of the month the Bingham Farms Council would make a decision on which way they were going to go on the project. Responding to Hansen inquiry about what he thought were the central issues of concern, Roberts stated that it was a density issue; some residents don't want the additional traffic that they believed it would bring into the village, and some technical issues, like the height of the buildings.

Seltzer inquired if the Chief had been aware of an incident on 14 Mile and Northwestern Hwy., just outside of Franklin, about a week ago involving the attempted kidnapping of dogs which were being walked by their owners. The Chief had not been aware of such an incident.

Tony Averbuch, Fire Chief, was out of town. Gordon, the Council representative on the Fire Commission, referred to the Fire Chief's written report for April. Two (2) items of interest in the Department: the delivery of the new truck was expected any day and there was some electrical work currently being done on the Fire Department itself. Seltzer inquired about the "False Medical Alarms" listed on the report, to which Gordon had to defer to the Department for an explanation.

Main Street Franklin, Elina Costello, Chairman of the Board of Directors, updated Council on recent activities, including the MSF's planting 24 planters and lining them along Franklin Road between the Post Office and 14 Mile Road. This was part of the beautification project of Franklin. Franklin had been awarded a Genesis Credit Union matching façade grant and on June 22-23 there would be MSF's third annual Summer Solstice Sidewalk Sale in the commercial downtown. Gordon was curious about any current information about the business moving into the former Farmhouse. Costello had no new information other than according to the owner of the new business; the project was taking longer than anticipated.

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 \$514,956.34 (incl. MERS payments). 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 Project services paid to Cadillac Asphalt. 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 June 6, 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.

VI. SUBMISSION OF CURRENT BILLS

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

Catogory	sub totals
General	\$ 34,509.18
Maj Streets	\$ 1,260.44
Local Streets	\$ 3,615.00

Police	\$	54,951.00
Garbage and Rubbish	\$	15,068.90
Building Dept	\$	18,586.00
Street Project	\$	386,847.10
Waste Water	\$	118.72
totals	\$	514,956.34

Gordon commented that other communities had had some less than stellar reviews about GFL Environmental, the Village's waste hauler and recycler. He questioned if the Village had had any particular issues with them. Creech replied that regarding yard waste, there had been some issues. Stakhiv questioned the vendor, The Gardens AFCE, LLC. to which Creech answered that it was a tree bond refund.

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

Nays: None

Absent: Gallasch

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, had handouts on the GSI which he gave to the Village Clerk to put on the Village's front counter. He introduced himself including his background and listed his county responsibilities. He provided an overall report on important issues: local road improvement, National Gun Lock give away in June, celebration of the 100th Anniversary of the passage of the 19th amendment (women suffrage) and he hoped Franklin would adopt a Resolution supporting this issue, annual economic outlook summary in conjunction with U of M, measles outbreak update, availability of a County Discount Card for certain medical and dental services, and many more.

Lamott questioned Miller about the condition and repaving of 13 Mile Rd. as he had not heard any specific feedback. Miller replied that talks were taking place about this subject.

Hansen promised the 19th Amendment Resolution would be considered at next month's meeting.

Relating to the 19th Amendment, Lamott reported about the Cemetery Tour which had taken place the previous weekend was based on the minutes of the Cemetery Society meetings, which started around 1850. Part of the tour focused on Women's involvement in the Cemetery Society Association which was an all-male board 1850-95. In 1895 the by-laws were changed and women were allowed to be board members. Franklin was about 25 years ahead of the curve of getting women involved.

Miller also brought a box of new county books which he would leave on the front counter.

VIII. SPECIAL REPORTS

A. President's Report

1. Downtown Discussion/Franklin Road

President Hansen reported that there had not been a lot of action this month for several reasons: work was being done on ballot language for the vote to approve construction of a water main along Franklin Road in the downtown area and a Project Manager had been interviewed to help the Task Force to get its' work done. Krear and the Task Force would be at Council's July meeting with the plan for discussion. It was her hope that Council would be ready to approve with modifications the project proposal from Krear. Hansen, Stakhiv, and Saenz have been invited to participate in Governor Whitmer's Budget Roundtable on July 17 in Beverly Hills.

B. Council Report

Stakhiv read her announcement that, as of July 31, 2019 she would be stepping down from her position as Franklin's representative on the Birmingham Area Cable Board. She thanked Franklin for the opportunity to serve on and represent the Village on such a worthwhile Board which cared about its consumers. She also congratulated Mr. Creech on his five (5) year anniversary as Franklin's Administrator. As President of Mobile Watch she announced a presentation on "the latest technology on home security on September 11, 2019, to be held at the Franklin Community Church at 7 PM.

Lamott reported on the NEXT presentation about environmental awareness which was held on May 30, 2019 in the Broughton House. Fifteen (15) people attended. It was a successful event and hopefully the beginning of many more. Thursday, June 13, 2019 will be the Historical Society's Annual meeting in conjunction with an art show of Ken Bristol's paintings and held in the Kreger Barn. Saturday, June 15, 2019 at 2:00 PM will be the re-dedication of the historic marker on the Village Green with a reception following at the Historical Museum on Kirk Lane. Descendants of early Franklin settlers will be in attendance.

C. Personnel Committee Report

On behalf of the Council, Hansen congratulated Creech on his five (5) year anniversary. She also thanked Stakhiv for her service as Franklin's representation on the Cable Board. The position would be posted on the Village's website.

Seltzer read the prepared committee report and recommendation for an increase in the Police Chief's salary. Next month the committee would bring an updated contract for the Council's review.

#2019-42 Motion by Seltzer, seconded by Gordon to increase the Police Chief's annual base salary to \$88,000 effective with our new fiscal year of July 1, 2019.

Gordon had some budgetary questions: Is this within the contemplated budget? Does Bingham Farms have any say in this? Both were answered in the affirmative.

Hansen stated that she and the Chief would be meeting to discuss his contract.

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

D. Administrator Report

Creech reported that there had been a “tree” complaint about a new homeowner who immediately began clearing numerous trees on his property which was a violation of the Village’s Tree Ordinance. There had been many different issues: drainage complaints due to the wet weather we had had, parking violations of commercial vehicles, and dealing with residents who were trying to run a business out of the home which is not allowed. Creech had been notified by the city of Southfield it would be paving its portion of Rosemond.

Responding to Gordon’s inquiry, Creech noted that the house on Crestwood had been sold to a private individual.

E. Engineering Report, Franklin Road Project/Change Orders

Jamie Burton, Hubbell Roth & Clark, Village Engineers, addressed the Council about all the road projects. Weather permitting the contractor had been able to continue work on several items of Phase 1 and 2, warranty work and additional work which was the result of all the rain which had fallen; i.e., drainage and additional restoration. In addition, he also had a detailed map and spread sheet to share with Creech of all the overlay cracks which had occurred and would be worked on later this summer. Franklin Road, south of 13 Mile Road should be opened to traffic at the end of this week. Burton provided an update of the overall road project from a budgetary standpoint and commented that some of the areas where cracking had occurred would be examined more closely.

Hansen had questions about the cracks, especially regarding the warranty process. Burton explained that it all depended on the cracks, as not every crack was the same and, therefore, the correction would be different. He explained and detailed different examples of each.

Stakhiv opined that both she and Gallasch who were the Council’s overseers of the projects, did not feel that Phase 1 had been worked on as sufficiently as Phase 2. They were very disappointed with the numerous cracks which had developed in Phase 1, as well as the difference of efficiency, smoothness, and length of time between Phase 1 and Phase 2. Gordon also added his disappointment with the efficiency of the Phase 1.

Burton acknowledged the points which had been brought forward and further stated that with the money leftover with the contingencies in the program those concerns would be looked at and corrected.

Mark Ziessow, Redfern, stated there was now a crack all across Redfern at his driveway and it was already opening up.

IX. NEW BUSINESS

A. Present Proposed Ballot Language

Hansen stated that it was Council's choice to take a vote and approve the ballot language tonight or defer it until July's meeting. August would be the absolute deadline to get this into the county in time for a special election in November, 2019.

#2019- 43 Motion by Gordon. seconded by Seltzer to approve the Ballot Language for the Special Village Election to take place in November, 2019.

Hansen requested that Creech present and explain the ballot language for Proposal A and Proposal B. For the benefit of the residents, she also asked that he explain what the water project actually entailed and she would follow with comments on the impact on the downtown, including the timeline.

Creech explained that Proposal A authorized construction of a public water system and included some advantages for such a proposal, including having fire hydrants. This proposed main would be on Franklin Road between 14 Mile Road and Scenic Hwy. and connected to Bloomfield Township's water system; the construction of which would be in conjunction with the paving of Franklin Road. Proposal B authorized the Village to borrow money and issue tax bonds for such a project. The maximum number of years for each series of bonds, exclusive of refunding, would be 15 years. The proposal also stated the annual village-wide millage rate to be levied.

Creech also provided the Council with a letter from the Bond Counsel explaining this needed to be a separate funded approval from that which authorized the funding for the sidewalks, crosswalks, lighting, etc. which had already been approved.

Saenz was in general support of putting these proposals on the ballot but had five (5) changes to Proposal A, all designed to let the Villagers understand that this water main was only for the benefit of residents and businesses downtown and/or nearby. He wanted to make it clear that Proposal A did not benefit all Villagers, such as those in his neighborhood.

Stakhiv agreed with Saenz that the verbiage of the Proposal needed to stress that it was only for the downtown area and the Council needed to be pro-active for the future. However, she wanted to make it clear that according to a letter from MDEQ, dated 3/27/19, "...to date no private water supply wells sampled exceed Michigan health advisory levels."

Selzer agreed with all of the above and stressed the importance of educating the residents prior to the election which was what the Council was specifically doing. Saenz wanted a maximum transparency on this matter.

Hansen also supported putting this to the voters. She provided background given to the Village by MDEQ of the possible contamination of the ground water; MDEQ checks every couple of months to see if there had been any progression southeast from the "strip mall" (Jones Building). MDEQ has been uncertain about the time-frame of possible contamination but has been certain that it will come in the future. Considering that Franklin Road was going to be repaved it only made sense that the water main construction would be done at the same time, as well as this being an opportunity to connect with Bloomfield Twp. at a very good price. She was thinking of the future of the downtown businesses and residents and wanted to assure them that there would not

be any risk to their wells. Hansen pointed out that according to some data, a large number of wells in the downtown area were shallow. Another factor of the project would be that a postponement of this schedule for the downtown improvements with the repaving and repair of Franklin Road would push it into 2020, which to her was disappointing but the reality.

Hansen stated that given everything we knew and what we don't know, she would rather respect the voters and ask them what they wanted to do. If voters said they were not ready then the Village would deal with it when it has to. She further remarked that because roads can last 15 years, the next time this issue might be considered would be in 15 years or more.

Gordon pointed out that because the residents and private property owners were responsible for their own supply of safe drinking water with individual wells, the Village did not have any responsibility to provide them with water. However, he felt that this was a community which would feel very uncomfortable with some neighbors not having access to safe drinking water. Gordon opined that this was not a Village obligation but more of a moral obligation. He felt it important to explain to the electorate the reasons why the Village was considering this and give the residents the opportunity to voice their opinions. This was similar to the time when waste water and sewer issues were being considered.

Lamott remarked that it was his understanding that the state was only looking at two (2) properties along Franklin Road which had contamination. After figuring out the possible cost of a water main for those two (2) properties and then expanding it to the entire Village, the monetary cost might be close to \$60 million. After speaking with some downtown residents, he found that the consensus was not favorable for a water main and more in favor of keeping private wells, possibly digging deeper wells. Lamott stressed that clarity was important and that the overall expense of a potential Village project was very costly. The documented risk was small and nobody knows about the future. He was concerned that Council was not providing the facts needed to make an educated decision. Hansen asked that Lamott provide the calculations he used in determining the possible cost for the entire Village.

Hansen called for a vote.

Ayes: Gordon, Hansen, Saenz, Seltzer, Stakhiv

Nays: Lamott

Absent: Gallasch

Motion carried.

Staran stated that the vote was to agree on the concept of the ballot language. He further explained that for next month's meeting, specific ballot language would be modified per the comments made during this meeting. Pulker clarified that the ballot language needed to be to the county by August 13, 2019. Staran asked that if any Council member had any additional comments on the wording of the ballot to forward them to Creech or to himself.

B. Consider Civic Event Permit Application for the "Women for Humanity" walk/run on September 21, 2019.

#2019-44 Motion by Seltzer, seconded by Gordon to approve the Civic Event Application for the “Women for Humanity” walk/run on September 21, 2019, including a banner over Franklin Road.

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

Nays: None

Absent: Gallasch

Motion carried.

C. Consider Civic Event Permit Application for Main Street Franklin “Sidewalk Sales” including a banner over Franklin Road.

#2019-45 Motion by Stakhiv, seconded by Saenz to approve the Civic Event Permit Application for Main Street Franklin “Sidewalk Sales” including a banner over Franklin Road.

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

Nays: None

Absent: Gallasch

Motion carried.

D. Consider Compensation for Exempt Personnel
Stakhiv stated this item would be brought back in July.

E. Consider Village Annual Budget for Fiscal Year July 1, 2019 to June 30, 2020.

#2019-46 Motion by Seltzer, seconded by Gordon to approve the Annual Budget, by the Resolution that follows, for Fiscal Year July 1, 2019 to June 30, 2020.

RESOLUTION

A resolution to establish a general appropriations act for the Village of Franklin; to define the power and duties of the Village of Franklin officers in relation to the administration of the budget; and to provide reminders for refusal or neglect to comply with the requirements of this resolutions

The Village Council of the Village of Franklin resolves:

Section 1: Title

This resolution shall be known as the Franklin Village General Appropriation Act.

Section 2: Chief Administrative Officer

The Village Administrator shall be the Chief Administrative Officer and shall perform the duties of the Chief Administrative Officer enumerated in this act.

Section 3: Fiscal Officer

The Clerk shall be the Fiscal Officer and shall perform the duties of the Fiscal Officer enumerated in this act.

Section 4: Public Hearings on the Budget

Notice of a public hearing on the proposed budget was published in a newspaper of general circulation on May 5, 2019, and a public hearing on the proposed budget was held on May 13, 2019.

Section 5: Estimated Revenues, Expenditures and Fund Balances

(As listed on attached pages)

- A. General Fund
- B. Police Fund
- C. Building Department Fund
- D. Major Streets Fund
- E. Local Streets Fund
- F. Rubbish Fund
- G. General Debt Service Fund
- H. Pressure Sewer Fund
- I. Waste Water Fund
- J. Fire Fund
- K. Library Fund

Section 6: Millage Levy

The Village of Franklin shall cause to be levied and collected the general property tax on all real and personal property within the Village upon the current tax roll an estimated amount equal to 8.40 mills as authorized under state law and approved by the electorate.

Section 7: Adoption Budget by Reference

The general fund budget of the Village of Franklin is hereby adopted by reference, with revenues and activity expenditures as indicated in Sections 5 and 7 of this act.

Section 8: Adoption of Budget by Cost Center

The Village Council of the Village of Franklin adopts the 2019/2020 fiscal year general budget by cost center. Village officials responsible for the expenditures authorized in the budget may expend village funds up to but not to exceed, the total appropriation authorized for each cost center, and may make transfers among the various line items contained in the cost center appropriation. However, no transfers of appropriations for line items related to personnel or capital outlays may be made without prior Council approval by budget amendment.

Section 9: Appropriation not a Mandate to Spend

Appropriations will be deemed maximum authorizations to incur expenditures. The fiscal officer shall exercise supervision and control to ensure that expenditures are within appropriations, and shall not issue any order for expenditures that exceed appropriations.

Section 10: Transfer Authority

The Chief Administrative Officer shall have the authority to make transfers among the various cost centers (or line items) without prior Council approval, if the amount to be transferred does not exceed \$10,000. The Council shall be notified at its next meeting of any such transfers made, and reserves the right to modify, amend or nullify any such transfers made. Under no circumstances may the total general fund budget be changed without prior Council approval.

Section 11: Periodic Fiscal Reports

The fiscal officer shall transmit to the Council at the end of each of the first three quarters, and at the end of each month occurring during the fourth quarter, a report of financial operations, including, but not limited to:

- a. A summary statement of the actual financial condition of the general fund at the end of the previous quarter (month);
- b. a summary statement showing the receipts and expenditures and encumbrances for the previous quarter (month) and for the current fiscal year to the end of the previous quarter (month);
- c. a detailed list of:
 - i. Expected revenues by major source as estimated in the budget; actual receipts to date for the current fiscal year compared with actual receipts for the same period in the prior fiscal year; the balance of estimated revenues to be collected in the then current fiscal year; and any revisions in revenue estimates resulting from collection experience to date.
 - ii. For each cost center: the amount appropriated; the amount charged to each appropriation in the previous quarter (month) for the current fiscal year and as compared with the same period in the prior fiscal year; the unencumbered balance of appropriations; and any revisions in the estimate of expenditures.

Section 12: Limit on Obligations and Payments

No obligation shall be incurred against, and no payment shall be made from any appropriation account unless there is a sufficient unencumbered balance in the appropriation and sufficient funds are or will be available to meet the obligation.

Section 13: Budget Monitoring

Whenever it appears to the Chief Administrative Officer or the Village Council that the actual and probable revenues in any fund will be less than the estimated revenues upon which appropriations from such fund were based, and when it appears that expenditures shall exceed an appropriation, the Chief Administrative Officer shall present to the Village Council recommendations to prevent expenditures from exceeding available revenues or appropriations for the current fiscal year. Such recommendations shall include proposals for reducing appropriations, increasing revenues, or both.

Section 14: Violations of This Act

Any obligation incurred or payment authorized in violation of this resolution shall be void and shall subject any responsible official(s) or employee(s) to disciplinary action as outlined in P.A. 621 (1978) and the Village of Franklin personnel manual.

Section 15: Council Adoption

Roll Call Vote:

Gordon **Aye**
Hansen **Aye**
Lamott **Aye**
Saenz **Aye**
Seltzer **Aye**
Stakhiv **Aye**
Gallasch **Absent**

Motion carried.

F. Consider Budget Amendments, FY2018-2019.

Creech explained these were the amendments to bring the budget into balance. He further stated that under **General Fund, Police Fund, Expenses**, Police Salaries, part of a week had been credited to this year but there were days beyond that where the compensation ended.

Stakhiv questioned the last item under **Building Department Fund, Revenue, Misc. Income/Consultant**. Creech explained it was for an engineering review or a planning review. Hansen clarified under **General Fund, Expenses** that part of the parking lot work was allocated to the Kreger House fund.

#2019-47 Motion by Gordon, seconded by Stakhiv to approve the Budget Amendments, FY2018-2019, as follows:

GENERAL FUND

WHEREAS: The Village must assure that expenditures in each account do not exceed those budgeted. A review of the Village's Fiscal Year 2018/2019 General Fund indicates accounts where a budget amendment is required. We resolve that the following budget amendment be made to the 2018-2019 General Fund Budget with funds coming from the appropriation of other funds.

Expenditures

- 101-265-956.000 Kreger House: Increase expense account to a new total of \$18,000 (original \$14,000).
- 101-747-818.000 Planning Operations: Increase expense account to a new total of \$29,000 (original \$25,000).
- 101-747-824.000 Historic District Commission: Increase expense account to a new total of \$2,500 (original \$2,000).

POLICE FUND

WHEREAS: The Village must assure that expenditures in each account do not exceed those budgeted. A review of the Village's Fiscal Year 2018/2019 Police Fund indicates accounts where a budget amendment is required. We resolve that the following budget amendment be made to the 2018-2019 Police Fund Budget with funds coming from the appropriation of other funds.

Revenue

207-000-626.000: Police Services POS: Increase revenue account to a new total of \$460,665 (original \$453,665).

207-000-672.000: Police Services SAD: Increase revenue account to a new total of \$300,462 (original \$294,262).

Expenditures

207-301-700.000 Police Salaries: Increase expense account to a new total of \$725,000 (original \$714,000).

207-301-709.000 Payroll Taxes: Increase expense account to a new total of \$65,740 (original \$64,898).

207-301-808.000 OPEB Study: Increase expense account to a new total of \$4,300 (original \$3,000).

207-901-981.000 Autos and Related Equip: Increase expense account to a new total of \$69,000 (original \$39,908).

BUILDING FUND

WHEREAS: The Village must assure that expenditures in each account do not exceed those budgeted. A review of the Village's Fiscal Year 2018/2019 Building Fund indicates accounts where a budget amendment is required. We resolve that the following budget amendment be made to the 2018-2019 Building Fund Budget with funds coming from the appropriation of other funds.

Revenue

249-000-475.000: Engineering Income: Increase revenue account to a new total of \$8,000 (original \$5,000).

249-000-476.000: Building Permits: Decrease revenue account to a new total of \$69,000 (original \$75,000).

249-000-479.000: Electrical permits: Decrease revenue account to a new total of \$16,000 (original \$20,000).

249-000-462.000: Mechanical Permits: Decrease revenue account to a new total of \$16,000 (original \$20,000).

249-000-487.000: Tree Removal Permits: Increase revenue account to a new total of \$3,000 (original \$1,000).

249-000-680.000: Misc Income/Consultant: Increase revenue account to a new total of \$3,000 (original \$1,000).

Expenditures

249-371-820.000: Electrical Inspector: Decrease expense account to a new total of \$10,000 (original \$14,000).

249-371-830.000: Engineering Consulting: Increase expense account to a new total of \$9,000 (original \$7,000).

249-371-835.000: Tree Consultant: Increase expense account to a new total of \$3,000 (original \$850).

249-371-840.000: Mechanical Inspector: Decrease expense account to a new total of \$8,000 (original \$10,000).

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

Nays: None

Absent: Gallasch

Motion carried.

G. Consider Land Design Studio Addendum.

Creech referred to his memo, of June 5, 2019, Professional Landscape Architectural Services Proposal, and attached letter (5/29/19) from Krear. It explained Krear's fulfillment of his contract; however, there remained additional work which Creech and Hansen felt needed to be completed, including meetings with property owners of the four homes in the downtown area.

#2019-48 Motion by Seltzer, seconded by Gordon to approve the additional work for Land Design Studios for \$5,677.00. Funds to be paid from Franklin Road Bond proceeds.

Gordon questioned the reasoning and goal of having special meetings with the owners of the four (4) homes on Franklin Road. Did this imply that those 4 homes had special veto power or more of a say in a project that involved 1100 homes due to their specific location? Hansen replied that part of the contract with Krear was to meet and have discussions with all property owners between Scenic and 14 Mile Road and not all of them had met. She was of the opinion that those four (4) specific houses were of a special circumstance and different from the rest of the residences because of their unique location in that area. After a resident meeting she had asked Krear and his team to address particular matters by drawing different possibilities and talk with the homeowners. She was looking for engagement not an agreement and she didn't believe all the residents had been consulted. Seltzer stated that when those owners purchased their homes they were cognizant that they were on a major road. He felt that equal consideration should be given to everyone in the community. He was in favor of a dialogue.

Stakhiv did not believe Krear met the hour-requirement of his original contract and additional payment should not be necessary. She disagreed with Seltzer in that those residents bought their property on Franklin Road with the understanding that this was a residence and as a residence there would not be any sidewalks in front of it. Continuing the discussion was important but she did not want to appropriate any more funds to Krear. Hansen took issue with Stakhiv's facts that Krear had not put in the hours as agreed upon in the contract and which were documented by time sheets which Krear had submitted. Stakhiv was concerned that in October it had been discussed there would be several Franklin-wide meetings held and she was aware of only one in March. It appeared to her there had been a miscommunication between Krear and the sub-committee as was demonstrated in the March meeting. In January the Land Design Committee agreed upon one thing and then turned around and did something totally different in the March meeting.

Lamott expressed his respect for Krear, and thought the Village should pay him for the time he put forth on this project; however, he would like to understand where it was going. For him there

were major issues that the Council needed to weigh in on; i.e., the possibility of paying for retaining walls in the downtown area. The Council needed to meet with the stakeholders to talk about the major concepts, agree on them, and then move forward. Bottom line; pay him for the contract work but not for future meetings and another plan.

Hansen noted all the details Krear has had to deal with, including his personally drafting a compromise plan due to his skepticism that the original one from the Design Team would not meet engineering standards. He provided a copy for Creech (she was aware of this after the fact). Krear then contacted Hansen requesting some direction who told him to give it to the Design Team since Council had given them certain responsibilities. She felt the Team didn't have to own it but they couldn't sit on a plan like that. When the revised plan was presented to the Team, the concept appeared to be very disturbing to the residents; i.e., putting sidewalks in people's front yards. Although she was not in favor of such a proposal she didn't want to withhold information from the citizens and homeowners. Rather, she wanted the conversation to continue. She felt that not enough attention had been paid to the four (4) homes on Franklin Road: the feature of the Village's downtown. With that in mind, at the end of February she asked Krear if he could and would spend more time with the homeowners to come up with an acceptable plan. She wanted Council to be as familiar with the new plan as the committee and has asked Krear to come to a Council meeting to present it. To do all this extra work would cost the Village additional money. By not approving this would mean the design that was done at the end of February did not reflect an adequate solution for the residential area. Responding to Lamott's idea of using the February design as a "jumping off point concept plan", Hansen emphasized that she would rather provide the actual proposed design and have the time to speak with the residents before bringing this back to Council.

Gordon was in favor of spending the money to get some acceptable design plans. Lamott confirmed that next month Krear would present a plan to Council. Since hardcopies of Krear's plan had not been sent out to the Council, Stakhiv requested that a copy of his plan be provided to the Village Office. Creech would be responsible for that.

Saenz stated that although all residents and residences were equal he believed there were parts of this design that impact some residents and some residences more so than others and he was extremely sensitive to that point/fact. However, now he was OK with the expense.

Ayes: Gordon, Hansen, Lamott, Saenz, Seltzer

Nays: Stakhiv

Absent: Gallasch

Motion carried.

H. Consider Planning Commission Appointments.

#2019-49 Motion by Seltzer, seconded by Stakhiv to approve Presidents Hansen's re-appointment of Dean Moenck and Stuart Wooters for three (3) year terms on the Planning Commission.

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

Nays: None
Absent: Gallasch
Motion carried.

I. Consider Board and Commission Appointments.

#2019-50 Motion by Seltzer, seconded by Stakhiv to re-appoint Gayle Timmis and Jill Wilke to three (3) year terms to the Historic District Commission.

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

Motion by Seltzer, seconded by Lamott to re-appoint Paul Brakeman and Fred Gallasch to three (3) year terms to the Zoning/Sign Board of Appeals.

Hansen began the conversation by stating that when Paul Brakeman was appointed to the Zoning Board in May, 2019, there had been some dissention, including hers, however, she was out-voted. Her objections to this appointment remained the same as were stated at the May 13, 2019 Council meeting.

Stakhiv was not at the May meeting but agreed with Hansen. She knows Brakeman, but agreed that having two (2) family members on the same Board was unacceptable to her. Gordon also voiced his dissent and added that for those who have the same concern about the four (4) residences on Franklin Road and the sidewalk, he was surprised they wouldn't share the same concern about having a father and son on the same board representing this Village in questions that overwhelmingly would be answered with a "no". The only recourse for the resident would be not to come to Council but go to Circuit Court which could be expensive and a lengthy proposition. He was of the opinion that it would be better to have a vacancy on the seven (7) member board.

Because Council was making appointments to other boards, Seltzer suggested that Brakeman might consider an appointment to another board and a member from that particular board switch over to ZBA.

David Goldberg, Planning Commission Chair, Willowgreen Ct., reminded Council that Moenck, who it had just been re-appointed to the PC, was also the liaison to ZBA. Moenck has been on the PC for a long time and enjoys his time on both commissions. Goldberg was of the opinion that if given a choice, Moenck might chose to be a permanent member of the ZBA.

Responding to Gordon's inquiry about the process of making such a change, Staran stated there were two (2) aspects to this issue: 1) Technically and procedurally move to reconsider the two (2) Planning Commission appointments and do it again. 2) Since Planning Commission appointments were actually made by the Council President and then approved by the Council as a whole, there could be a reconsideration at which time the Council President would need to announce her appointment if different from what had already been presented. Council would then vote on it.

Staran confirmed Gordon's statement that one appointment could be approved at this meeting and the vote on the other vacancy could be postponed another month.

#2019-51 Motion by Seltzer, seconded by Stakhiv to amend the motion to re-appointment Fred Gallasch to a three (3) year term to the Zoning/Sign Board of Appeals.

Hansen stated that she would talk with Moenck about vacating his position on the Planning Commission and as the PC Liaison on the ZBA for a permanent Council appointment to the ZBA.

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

Nays: None

Absent: Gallasch

Motion carried.

Hansen verified there was still a vacancy on the Zoning Board. The PC Liaison to the Zoning Board would be appointed by the Council.

X. ORDINANCES/RESOLUTIONS

- A. 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 (second reading).**

Motion by Seltzer, seconded by Stakhiv 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 for the second reading.

Gordon stated that the Legal Committee had discussed the allowed number of accessory structures (up to 5 in the larger lots) and the possibility of limiting that number. Lamott had a concern about "green space". However, until PC explored and resolved this issue, he was of the opinion that five (5) buildings on a lot would be too many.

Goldberg, Chairman of the Planning Committee, listed examples of five (5) possible structures. The issue PC grappled with what certain structures were called; i.e., the same structure could be labeled and used differently by different people. In theory, PC had been talking about massing, placement, and size. Numbers, the different labels of the structures, and the different usages of the structures varied, depending on the different owners.

Gordon stated that he was comfortable with assigning 3 structures as the maximum number.

Nena Downing, Bruce Lane, Planning Commission member, clarified that when PC was evaluating large properties, the total square footage didn't change whether there were 5 buildings or 3 buildings.

#2019-52 Motion by Seltzer, seconded by Lamott 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 (second reading), amending Section 1268.13 Accessory Buildings, (i) "Table of Allowances for Detached Accessory Buildings", Maximum Number of Buildings to not to exceed 3 in R-E, R-L, and R-M Zoning Districts, in the second reading.

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

#2019-53 Motion by Stakhiv, seconded by Seltzer to lift the Moratorium on Detached Accessory Buildings to coincide with the new ordinance effective date of June 30, 2019.

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

- B. Consider an Ordinance to Add Chapter 411 to Part Four – Traffic Code of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Adopt the Uniform Traffic Code for Cities, Townships, and Villages, to Repeal Conflicting Ordinances, and to Prescribe a Penalty for Violations. (first reading).**

Staran explained the background history of this Resolution noting that over time inconsistencies arose with the Michigan Vehicle Code which the state legislature had enacted. The state legislature recognized that problem and allowed communities to abandon the Uniform Traffic Code and then authorized municipalities to instead adopt by referencing and enforcing the state Motor Vehicle Code which was what Franklin did. Meanwhile, the State Police issued an updated version of the Uniform Traffic Code with supplements to the Michigan Vehicle Code. By adopting this Ordinance, Franklin would be supplementing the Motor Vehicle Code which was currently enforced.

The reason this was coming to the Council now for approval was because Chief Roberts had inquired about having better regulations to enforcing crosswalks "rules". The Michigan Vehicle

Code didn't say much about crosswalks but the Uniform Traffic Code did and the Chief liked what and how the Uniform Traffic Code dealt with them.

Staran was in favor of the Council adopting this to supplement the Michigan Vehicle Code which the Village currently enforced and give the Chief the additional tools that he needed. This did not put any additional burdens on drivers and there were no additional registration fees. It just gave the Police a few more tools to regulate and enforce traffic.

Motion by Stakhiv, seconded by Seltzer to approve an Ordinance, in its first reading, to Add Chapter 411 to Part Four – Traffic Code of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Adopt the Uniform Traffic Code for Cities, Townships, and Villages, to Repeal Conflicting Ordinances, and to Prescribe a Penalty for Violations.

Lamott proposed waiving of the second reading.

#2019-54 Motion by Stakhiv, seconded by Lamott to approve the Ordinance to Add Chapter 411 to Part Four – Traffic Code of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Adopt the Uniform Traffic Code for Cities, Townships, and Villages, to Repeal Conflicting Ordinances, to Prescribe a Penalty for Violations, and to suspend normal procedures and waive the second reading.

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

XI. ADJOURNMENT

Motion by Gordon seconded by Stakhiv to adjourn the meeting.

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

There being no further business, the meeting was adjourned at 9:22 PM.

Respectfully submitted,

Gail Beke, Recording Secretary

Eileen H. Pulker, Clerk

Pamela Hansen, President