

**VILLAGE OF FRANKLIN
VILLAGE COUNCIL REGULAR MEETING
MONDAY, JULY 8, 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 7:36 PM at the Franklin Village Hall, Franklin, Michigan.

II. ROLL CALL

Present: Fred Gallasch, Brian Gordon, Pam Hansen, Bill Lamott, Ed Saenz, Mike Seltzer, Mira Stakhiv

Absent: None

Also Present: Jim Creech, Village Administrator
Eileen Pulker, Village Clerk
John Staran, Village Attorney
David Goldberg, Chairman, Planning Commission

III. ADOPTION OF AGENDA

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

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

Nays: None

Absent: None

Motion carried.

IV. MINUTES

A. Regular Meeting of June 10, 2019

Motion by Seltzer, seconded by Saenz to approve the Regular Meeting Minutes of June 10, 2019, as presented.

Stakhiv commented that in the last paragraph on page 16, second to last sentence “Gordon” should be changed to “Goldberg”. On page 17, the tally for the vote on amending Chapter 1250, she was listed as a “nay” when, in fact, she had voted “Aye”.

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

Nays: None

Abstain: Gallasch

Motion carried.

V. REPORTS OF VILLAGE OFFICERS AND AGENTS

Tony Averbuch, Fire Chief, stated he would be displaying the new fire truck at the Village Green for Music on the Green and the July FCA Super Sunday. Unfortunately, they wouldn't be able to participate in August due to the Department's training schedule. The Department had hired another full time firefighter who would be the Village's second full time firefighter, working opposite of Tim Adams to maintain consistent coverage at the station: 7 AM to 7 PM, 7

days a week, excluding several holidays and vacation times. The deadline for the Assistance to Firefighters Grant Program was July 5 and Franklin had been awarded money for turnout gear, helmets, boots, high visibility response jackets, as well as, a laundry machine designed for turnout gear. This funding also helped with the modifications to the electrical and plumbing systems needed for the building. The department was also waiting for information on another grant application it had submitted.

Referring to the Fire Report, he noted that during the last month the number of false alarms had increased. In that report which he had just sent out, the number of false alarms exceeded the number of EMS runs. Some of them were to be expected but many were by contractors, residents who don't want to maintain a system, humidity issues, and normal things that normal maintenance could handle. He asked that those residents who hadn't had their alarm company out to their house in several years to check on their system, to please do so. In conclusion he stated that he was very pleased with the progress of the Fire Department.

Det/Lt. Michael Bastianelli, Police Department reported that crime was relatively okay for the summer months. However, mail thefts had increased in the last couple of weeks. Mailbox flags being up had not been the enticements, as the thieves had been opening random mailboxes. Reports from postal carriers had stated that stolen mail had been found in other places, not necessarily within the same community. He listed those types of mail, financial transactions, which were most vulnerable. The good news was that he had been working closely with the US Postal Inspectors and two (2) of Franklin's cases would be part of some indictment charges. A new program had been implemented empowering some of the Reserve Officers to perform parking enforcement, mostly in the SAD district, and would serve that same purpose when Franklin had functions in the Village. The department had a job posting for a full time police officer due to a recent resignation. Applications were being accepted and interviews should start in the next couple of weeks. Referring to Chief Roberts' monthly written report, he pointed out the Felony Incident of larceny of a theft of government property. This was an on-going investigation. He referred all questions to Chief Roberts concerning this matter and the resignation of the officer.

Main Street Franklin, Krista McClure, Executive Director, reported that MSF, with the help of 4 students from an organization, "Summer in the City", had planted and set those planters throughout the downtown. In appreciation for all the help, MSF made a donation to the organization, a representative of which was present at the meeting. Krista also noted that tomorrow some MSF Board members would be doing a "walkabout" in town, connecting with merchants and informing them of the possibility that a Google Team would be coming into Franklin to help merchants with marketing if they were interested in participating. At the same time, applications for a Facade Improvement Grant would also be distributed to those interested for signage and marketing. MSF had changed its Fiscal year calendar to align with that of the Village: July 1 –June 30. Coordinated with this was the necessity to change some of the Board Chairs who had interim roles. Costello would be stepping down as Chairman of Main Street Franklin and replaced by Mason Miller, who lives in Bloomfield Township, north of 14 mile Road.

John Bry, Program Coordinator of Main Street Oakland County, introduced himself and Linda Zabik, Manager of Public Relations/Community Involvement at Genisys Credit Union. He explained what Genisys' Façade Grant was and that Franklin had submitted an application and had been awarded a \$2,250 Grant which would support the marketing efforts of the small businesses in the downtown. Zabik presented a "large check" to McClure and had photos taken.

Lance Vainik, Treasurer, was not in attendance at the meeting.

VI. SUBMISSION OF CURRENT BILLS

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

Bills List Totals, July 8, 2019

Category	sub totals
General	\$ 28,709.14
Major Streets	\$ 184.30
Local Streets	\$ -
Police	\$ 112,743.08
Garbage and Rubbish	\$ 15,038.90
Building Dept	\$ 7,551.61
Street Project	\$ 125,433.88
Road Millage	\$ 1,000.00
Pressure Sewer	\$ 2,020.50
Tax Collection	\$ 6,353.11
Waste Water	\$ 687.26
totals	\$ 299,721.78

Gordon questioned how the current spending for SOCRRA was in comparison to a year ago. Creech stated that it was considerably less. Stakhiv requested that next month Creech provide what the spending was for the year even though according to the experiences of several Council members the cost should be a lot more.

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

Nays: None

Absent: None

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.

Bachir Chamma, Rosemond Ct., stated that he had recently moved into the Village with his wife and just received their first sewer bill which they thought was high. He had already been in

contact with the County because he had questions and concerns about it. The County explained the billing agreement with the Village and he was currently contesting it with the County. He was requesting the Village's assistance as they had just moved in and had already received a quarterly bill. Council members advised him to speak with the Village Administrator.

VIII. SPECIAL REPORTS

A. President's Report

1. Downtown Discussion/Franklin Road

Hansen addressed the problem with the time when trash cans could be put out for collection and when the cans needed to be put away. This came as a result of disputes among neighbors. About four (4) years ago there had been a discussion about this matter and the possibility of passing an Ordinance requiring such. It was hoped that residents would respect their neighbors and not abuse the timeframe. She requested residents act with reason and consideration when they select the times to put their trash out. If this was not resolved the matter may have to be brought to Council. Stakhiv noted that in some cases the garbage wouldn't be picked up until 9:00 PM. which needed to be taken into account.

B. Council Report

1. Personnel Committee Report

Stakhiv stated that the committee had done the annual evaluation of the Village Administrator's performance and recommended a 3% increase, effective July 1, 2019. His annual salary would be \$85,280. Based on the Administrator's recommendation, the committee also looked into increasing the Village Clerk's salary by 3%. After checking with the Village Attorney and based on the Village Home Rule Act, an increase could only be given at the next election cycle. However, an increase based on years of service, a longevity payment, which had been grandfathered in and went into effect this year, increased the Clerk's salary to \$51,600.

#2019-55 Motion by Stakhiv, seconded by Seltzer to increase the Village Administrator's salary up to \$85,280 effective July 1, 2019.

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

Nays: None

Absent: None

Motion carried.

C. Administrator Report

Creech reported that Franklin had received a grant through SHPPO and MSHDA for the Village Hall roof restoration. This restoration would involve keeping as many of the original roof shingles as possible, replacing others, and putting on a material which would preserve them. Also, the Village had been awarded money towards the new copper gutters on the building.

He also stated that he would like to schedule a meeting with the Personnel Committee later this week or next, if that would be possible.

Seltzer was interested in the timing of the gutter installation, asking if it would be completed by Labor Day.

D. Oakland County Main Street Presentation

The presentation had already been addressed.

IX. NEW BUSINESS

A. Consider Approval Land Design Studio Plan, and Referral for Design Engineering.

Hansen explained there were two (2) motions to consider: approval of this plan with any changes or contingencies the second one to refer of it to an engineering firm (TBD) for continuation. Council would have another chance to approve this once the details and the costs were established.

Hansen thanked everyone for taking the walk throughout the downtown, asking the questions, and supplying the Council with comments. She updated the public on the events/meetings that had taken place with the Task Force members and Tad Krear of Land Design Studio regarding the Downtown Plan. She added that there had been three (3) work efforts that were underway right now in Franklin to improve the downtown commercial area (Scenic to 14 Mile Rd.): 1. Repave and repair Franklin Road (13 Mile Rd. to 14 Mile Rd.), 2. Review and modify, if and as needed, Village Ordinances and Enforcement procedures; work with the County to look for ways to incent property owners to maintain their properties and to better align the handling of Ordinance enforcement procedures with the requirements of an historic district. In conjunction with this, the scope of the Building Official would be reviewed, and 3. Improve Franklin's streetscape, which would be discussed tonight.

Hansen informed the public that initially the discussion about the proposed design would be amongst Council members and the public would have a chance to voice his or her views after. As a reminder, she updated the activities of the Task Force starting in September/October, 2018 until the most recent meeting two (2) weeks ago where Krear presented this particular plan. He had several conversations with residents who were affected and property owners who were affected most dramatically by this plan.

Hansen stated that it was her desire that there would be a motion to approve the plan, to have a discussion, and to end up with an approved motion with any changes or contingencies the Council wanted. The next step would involve the engineering portion of the project. Council would have another chance to approve this once the cost data and details were determined.

Hansen confirmed that any contingencies that Council would wish to include in the final motion would be documented. A second motion would be needed tonight if it was agreed that this plan should advance into the engineering phase. This second motion would be to solicit RFPs from engineering firms for the job.

Motion by Seltzer, seconded by Gordon to approve the Land Design Studio Plan and Referral for Design Engineering for Downtown Franklin.

Saenz questioned exactly what Council was doing, how it was going to do it, and what the options were process-wise without regards to the attributes of the plan. For example, could he support referral for design engineering without approving the Land Design Studio Plan? Hansen thought the second motion would be contingent upon any version of tonight's plan. Without talking about the attributes of the plan, Saenz thought that what was presented to them was a series of concepts and ideas and as of yet, he wouldn't know which one to approve. Hansen requested that Staran and Krear guide the Council through this process. She anticipated Council would want to make changes and she encouraged the members to think "broadly" so it could be moved to the engineering phase. She provided an example. Saenz understood her to say that after the Council discussion, Seltzer's motion might be modified, which Hansen agreed.

Seltzer gave his broad overview that this was a beautification program for an updated downtown Franklin Village that entailed pedestrian-friendly access to shop and live in the downtown area, a streetscape that was consistent with the Master Plan, and a tasteful lighting element. He has seen all of these elements in all of the plans. Although he respected the four (4) homeowners who live along Franklin Road this was property which was owned by the Franklin; it was the Village's right of way and as the group walked that path this evening, he felt there was only one area that would cause some disruption to a homeowner. He acknowledged he was not a homeowner and understood the sensitivity but he felt the plan was tastefully and respectfully designed. Tonight Council was here to learn, to listen, and to try to accommodate those four (4) homeowners. In the betterment of the entire Franklin Village, he was in favor of moving forward with this plan, in one way or another. It would take time and money, but he would like to see this happen before he left this community and time was of the essence, as it related to that.

Stakhiv stated that she agreed with about 90% of what Seltzer said. Being a proud Franklin resident for 34 years, she had many positive things to say about the Village and added that whatever improvements are done must be done tastefully to make the Village a "polished gem" adding that white garish sidewalks would not be appropriate. She applauded Krear for the hard work he had put in and acknowledged the difficult position he had been put in concerning the four (4) residences. She was most respectful of the thoughts, opinions, and rights of the residents in those four (4) homes. Her motion would be to approve the plan without the four (4) residences because the Village needed to be more communicative with the citizens who own them. An alternative plan might be doable and she stated some general ideas. In relation to the downtown project between Scenic and 14 Mile, those four (4) houses were a minute portion of the walkability of Franklin. Put in sidewalks and demarcations in the rest of the Village, but if those residents didn't want a sidewalk she would respect their opinion and their request. She had researched different towns in the U.S. to see if there were sidewalks on both sides of a road and found a lot of towns didn't. She provided examples of what she found. She didn't feel that the Village was "unique" in saying there won't be sidewalks in front of the four (4) private residences. However, she agreed with the majority of the plan. The Village needed to take ownership of the plan and the businesses needed to support the plan and take care of their part. She had heard from three (3) of the four (4) private residences and they were not in favor of a sidewalk in front of their homes. She did not think this issue with the four (4) residences should hold up the whole process. Her advice would be to keep talking with them and proceed with the rest of the project. She added that she did agree the sidewalk should continue to 14 Mile Road.

Lamott reminded residents that the project was in the Historic District and his concern had always been maintaining the Historic District. Some parts of the project he liked while some he saw zero contribution to our historic character, such as, adding 7,000 sq. feet of new walkways (there was currently about 4,000 sq. ft.). Street lighting concerned him as he understood that period lights might be considered but the cost was a concern for him. He thought there might be a legal issue with sidewalks in a residential area which violated the Village Charter and should be researched. He was generally in favor of a lot of things on the east side of Franklin Road but found a lot of “tacky looking” sidewalks which needed to be improved and/or replaced and he had figured an estimated cost which would be a lot cheaper. Lamott opined that taking into consideration the low volume of people using this area and the risk of losing the historic designation was too great to be changing the appearance of the Village. He thought it important to have the Michigan State Historic Preservation Office take a look at whatever plan was put together before the Village moved forward. Again, he repeated his concern that the Village might lose its historic designation if the character of the Village was compromised. He was of the opinion that there were too many questions right now to approve a plan and hoped there would be more discussions, as well as getting a higher percentage of agreement on most of the plan before moving forward with the engineering aspect. He cautioned to keep in mind that engineering might change depending what decisions had been made. He recommended the process be slowed down to let Council and the residents understand the issues which would be time well spent. He added one more comment regarding sidewalks being put around our Village Green. For him it just didn’t “fit”. He hoped that this location would be reconsidered.

Gordon, a resident for 28 years, believed Council was elected to represent the residents of the Village and the residents had voted to spend money for lighting in the downtown area. He felt that now it was up to Council to do that in a judicious way and to do that in an effective way and to do it in an appropriate way to highlight the downtown. He believed the community had come out time and time again, not to the Council meetings, but to express their opinions that they wanted more walkability and, therefore, more sidewalks in the downtown area. He thought it was Council’s job to represent those people and their desires for living in Franklin. He was very comfortable, notwithstanding the needs of the four homeowners, to do something that was respectful of the historical nature, which might mean getting the state involved before anything was done. Now was the time to incorporate everything with the Franklin Road roadwork. The residents had expressed their opinions and he felt the Council had gone to great lengths to incorporate the needs and desires of those who might be impacted more than others by the fact they were property owners, whether residentially or commercially. He thought it appropriate for Council to continue to work with residents in the four (4) homes along Franklin Road, but he didn’t think it was appropriate to allow them to derail the business that was currently in front of the Council. This was a long time coming and it was time to move to the next step of approving this plan based upon its existence and some modifications. Extending the sidewalk to 14 Mile Road was important and he felt it was time to put this in front of the engineers to see what was possible and move to the next step, so it could be incorporated with the road work that was on the agenda for next year.

Gallasch was in support of Lamott and Stakhiv’s opinions. At this point he saw no reason to put sidewalks in front of the four (4) residences. He felt Council should talk more with these residents and work through it. The rest of the plan could be done without this small component.

However, as he had spoken numerous times, this plan could become too complex and the maintenance level of this could be very high, especially in the winter months with the plowing of snow, etc, as well as the grass cutting during the warmer months. He would prefer a simpler plan with some degree of lighting which he felt would be appropriate. However, he agreed with Stakhiv and wanted to get started with parts of it and not push the sidewalk issue at this point in time. Another piece of this issue was that Council had no sense of the cost of this project. It might be more costly than Council anticipated.

Saenz preferred that Council consider a modified motion that would bring onboard six (6) Council members. He listed those items that he thought “stuck out”. He omitted the issue with the four (4) houses because he felt that it was “a bigger bite that we can swallow right now.” Regarding the sidewalks and the possibility that it was a Village Charter violation, he asked Staran for his opinion. Staran stated that in his opinion it did not violate the Charter. Other questions were the timing of involving SHPO’s (Michigan’s State Historic Preservation Office) opinion before the Village jeopardized its designation and would Council get another vote upon the conclusion of the engineering study?

Hansen opened up the floor for comments. Each speaker was given a 3 minute time limit for his/her comments/questions. The time was monitored by Pulker.

John Simon, Kincardine Road, read an email from Leslie Frick, Balsam Road, who couldn’t be at the meeting. She was strongly opposed to adding sidewalks on the west side of Franklin Road since foot traffic in the Village was relatively low and having sidewalks on one side would be more than sufficient. A speed limit of 25mph and crosswalks would make Franklin Road safer. Adding sidewalks would also create a visual of excessive pavement in concrete and the Village would lose the quiet, small town feel. Losing the beautiful trees would be devastating. In her opinion, making this change and spending the money on a project like this was wasteful and unnecessary. Sidewalks would not increase business traffic for the shops and the present sidewalks provide more than an adequate means to get around in town. She felt above all that changing the look of the downtown area was the exact opposite of what the Village has always tried to do. We should preserve and maintain the look and feel of Franklin and keep it just as it had always been. She stated she had been a resident for 32 years. She and her husband, Mark, have raised three (3) children here and had been involved in many aspects of the Village. As Village volunteers and as residents they had used the downtown area extensively and never once had the idea of having sidewalks ever occurred to them. Bottom line, she loved Franklin and her goal was to protect it. Leslie also included a quote from Joni Mitchell about not knowing what you have lost until it was gone, “They paved paradise. And put up a parking lot.”

Bachir Chamma, Rosemond Ct., stated that there was no way to walk from the parking lot at the baseball field to get ice cream at the Cider Mill. Parents don’t want their kids to cross Franklin Road, regardless of the 25 speed limit. He thought sidewalks would be better for businesses and if the Village were to be left the way it was it would lose businesses.

Al Beke, Colony Hill, felt the Council was starting to usurp some of the land and the green space of the Village Green by putting a sidewalk around it. Personally, he did not have a problem with the existing parallel parking around the Green. He was in favor of the plan.

Gary Roberts, Wellington, prefaced his remarks by re-iterating that he was an “historic guy” and was advocating for this change. He reminded Council that in the Village’s Master Plan there were three (3) principles, “Preserve, Promote, and Enhance”. He believed the sidewalks and landscaping were enhancements and did not dilute the historic character of the Village, at all. These made the Village a sharper image and were benefits to the entire town. The SHPO involvement would be very easy to address as it was primarily interested in vertical structures. Landscaping, et al, was not in SHPO purview. As a personal editorial, he would hate to see a piece left out, i.e. the four residences. He implored Council to continue with the concept and work out the details. He believed that this could be done with little impact in front of those houses and should be done.

David Goldberg, Willowgreen Ct., remembered seeing sidewalks in downtown Franklin since he was seven (7) years old. That being said, it was the locations and impacts of sidewalks that were the issue. He was concerned that now there was a challenge to this idea. Saenz asked Goldberg as Chairman of the Planning Commission if there was any mention or contemplation of sidewalks in the Master Plan or not in the Master Plan which pertain to the houses on the west side of Franklin Rd.? Since Goldberg has been involved with Planning, the Master Plan has always contemplated the enhancement of the downtown area in whatever way, shape or form that could be done to promote the businesses, as well as, in terms of accessibility and/or walkability. Several years ago there had been a vote on putting sidewalks on every main road in the Village and it failed. To his knowledge and from the Planning Commission standpoint the general concept of sidewalks and lighting and the enhancement of the Village were not new ideas nor had the Commission opposed them.

Cassius Drake, business owner and resident, expressed his feelings on Franklin as a historic Village and his opinion on maintaining the Master Plan. He noted that he had spent time reading the Master Plan, beginning with 1977 and what had prompted its establishment which he listed. It was his opinion that some aspects of that plan were profoundly anti-business development and were leading to the deterioration of a prized part of Franklin. Regarding things happening in front of personal property, today he discovered a horrendously awful concrete fiber optic access point in the right of way in front of his business. No one had asked him about that but someone had decided it would benefit everybody. Bottom line, things happen for progress. He thought the time was now and the downtown area was in the state of deterioration. He believed it would take 20 years before the Franklin talked about this again and he wanted the downtown to thrive for his children and his business.

Ruth Kochensparger, owner of Franklin Grill and resident, agreed with Drake and stated that the downtown looked dirty. For years she has worked with Ron Campbell of Main Street Oakland County who came up with some beautiful façade plans. The downtown could look so much better and right now it looked so bad.

Mike Flevaris, Franklin Road, owner of one of the four residences, and a member of the Design Committee, stated he thought Krear’s plan had come a long way but there were still other things that needed to be addressed. He was of the opinion that having a sidewalk in front of four houses would not affect foot traffic in the downtown and the rest of Franklin. He expressed his concern

about the liability issues with his own driveway and noted that he didn't think anyone who lived in Franklin would want a sidewalk within 10 feet from the front door of his house, let alone the noise and possible crime which could happen. It would also take away from the historic nature of Franklin which was the reason he moved here. He was fully opposed to this and thought more planning could be done to make it right and hoped Council saw it the same way.

John Simon, Kincardine Road, business owner, saw Franklin as a residential community and felt it was never going to be a "destination" business community. It's a small community with little stores. He did not think they were that dirty and he did not mind walking on the pavement/gravel along the side of the road. Being a residential community, he felt that the thrust of anything Franklin did should be toward the residents, not with the primary involvement being the businesses. A shopping center would never be here. He stated that he was more concerned with the character of Franklin than with foot traffic down Franklin Road. The phrase, "If you build it, they will come", did not pertain to Franklin.

Hansen felt this was a bigger issue than "pedestrian pathways". She provided a brief history on this subject and how the Village had dealt with improving its downtown plans for at least nine (9) years beginning with the first charrette in 2008. Having been involved with the Master Plan, she personally thought it had sidestepped an interesting philosophical issue and a dividing line: Was the downtown a residential area with a few businesses or was it a downtown area with some residences? She wasn't sure if it needed to be answered, but it appeared to be a common thread when she thought about the points made by people on different sides of the pedestrian walkways issue as it pertained to the residences downtown. The least of her worries was that she didn't think it would put the certification of the Historic District at risk because the Village has people involved who would protect that from happening (Roberts and Oakland County). From her perspective, the Master Plan contained those threads that people tonight had identified and were concerned about: the rural character, large open spaces, and some contradictions, such as, property rights and close control over the number of accessory buildings allowed on property. Respect for individual property owners' points of view was also in the Master Plan and regardless of the Council's decision about walkways in front of residences; she felt Council had been inclusive and respectful, even though there were different points of view. If residents felt differently, Council would openly address it in a respectful process. In many Master Plans it was stated that this was a mixed community of residences and commercial buildings. She was very concerned about hearing misstated facts about the businesses and in some cases insulting to the business owners. She had hoped that this had stopped. Personally, she would like to see safe pedestrian access to all parts of the downtown area, Scenic to 14 Mile Road, on both sides of the street. We owe it to people who come here, who live here or visit here, safe passage through our Village and reasonable precautions for their safety.

Hansen further explained that Krear had presented a plan tonight; it's the third iteration and there would be more. She would be asking Council for its approval of the conceptual plan. Modifications would be heard. It was her hope that the design would not constrain the design to "no sidewalks in front of four residences". She would prefer to hear that Council would work for a good solution but leave the door open to continuing to work with the residents, continuing to request some more good ideas from Krear, but please address the safety issue. It was Council's

responsibility to look after the whole Village for the years to come and that's what they were here to do.

Referencing the comment that Franklin was a residential community, Seltzer pointed out the number of people who would come to Franklin during the Cider Mill months and in September for the annual Labor Day Round Up. He felt embarrassed by how the downtown looked and did not disagree with the business owner and resident who stated it looked dirty. He felt Council needed the courage to take the next step. He agreed with Hansen to not to exclude the four (4) homes as he did not see it as a significant encroachment on their properties and it was "OUR" right of way. He was complimentary towards Krear for trying to work through some of these issues, but he felt the sidewalk needed to go all the way through and not stop and start again. He was very supportive of moving forward with this plan and not modifying the motion. Just do it.

Stakhiv stated that she was comfortable with an amended motion that stated the Council would continue working with those residents. She thought it might not be a regular plan but one "outside the box" plan; i.e., not a regular sidewalk but some sort of a pathway that addressed both safety and tastefulness and still respected the personal properties of the homeowners.

Gordon questioned if this was a discussion about referring the plan to engineering and not approving the spending of dollars on any construction? If design engineering was the next progress along the way, he was comfortable with proceeding with the conceptual plan for Scenic to 14 Mile Road with the intent of speaking with the owners of the four homes and taking into consideration their concerns. He agreed that Council had taken their concerns to heart and addressed them and whether the homeowners were satisfied or not was another matter. This was Council's charge to move this conceptual plan to the next step. He did not feel the plan should be compromised with "hamstrings" and "exceptions", etc. and then have "that gap" brought back into the fold at a later date. He would like to work on that as Council worked through the plan and he would like to proceed with the original motion.

Gallasch clarified that if Council approved the motion tonight and after it had reviewed the engineering plan, there would be another opportunity to solidify the final plan with or without the extra sidewalk at a later date. In addition, if approved tonight Council was not guaranteeing either way: one sidewalk or two.

Staran agreed with Gallasch and stated that all that was going to be considered tonight would be this plan on a conceptual basis and to refer it to design/engineering. The only commitment would be to pay an engineer to work this up. Before any dollars were spent or any shovel dug into the ground, this had to come back to Council. There were other issues that needed to be formalized before a final decision; possible further engineering, put out a RFP for contractors, get cost estimates and price estimates. Staran stated that Council would have this plan back multiple times for consideration and make multiple modifications. He stressed there was nothing irreversible about the decision made tonight if Council moved in the direction of the original motion, other than committing to engaging an engineer to do the design work. What Council decided to do with the design work must come back to Council before this moved forward any further steps.

Lamott stated that for him Council's issues should be defined and resolved before an engineer became involved; there were a few issues with sidewalks on the east side, but sidewalks on the west side were a different issue. He felt that by not doing it in this manner, Council was designing something it didn't want.

Gallasch re-iterated that a plan could be designed but it didn't mean it would be implemented.

Hansen acknowledged that Council would be taking a financial risk by sending this to an engineer before a plan had been approved by Council, but she didn't feel it had been wasted.

Goldberg mentioned that even with the Planning Commission, all the information would be gathered and then things taken away: start big and work your way back. He suggested Council find out what it would cost to do Krear's plan and then eliminate elements, as opposed to starting with the minimum and adding things later.

Gallasch brought up the subject of fund allocation for the engineers. Hansen acknowledged that money needed to be found.

Hansen noted there had been considerable sentiment to expand the scope of this to run a sidewalk on the east side of Franklin Road and cut into the hill between Evelyn Ct. and 14 Mile Rd. If Council wanted that included in the engineering studies she recommended the original motion be amended and include that.

#2019-56 Motion by Seltzer, seconded by Gordon to approve the Land Design Studio Plan and Referral for Design Engineering for Downtown Franklin, and include an additional walkway from 14 Mile Rd. to Evelyn Ct. on the west side of Franklin Rd., and to continue a dialogue with the four (4) stakeholders on Franklin Rd., as amended.

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

Nays: Lamott

Absent: None

Motion carried.

Hansen confirmed that this subject would be discussed for the next several months. She thanked Krear for all his hard work and stated the Council would be in touch with him in the future.

#2019-57 Motion by Seltzer, seconded by Stakhiv to put the engineering plan out to bid.

Gallasch volunteered to help with this as much as possible, in any way he could.

Hansen explained that Creech would develop an RFP and send it out. Seltzer, Gallasch, and Stakhiv would then review the returned contracts. Staran confirmed the detailed RFP process and explained that if approved tonight this motion would begin the process to receive quotes, the vetting out, and the selection of an engineer. He further confirmed that the final selection of the engineer would come back to the Council for a vote. Hansen stated that the selection process would be a priority as it might take a long time.

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

B. Consider Approval of Agreement Extensions with Johnson Landscaping for: Grass Cutting and Landscape Services; Public Works Services; and Snow, Ice Removal, and Salting Services.

Creech updated Council noting that the snow removal contract had been approved and extended. The other two (2) contracts were extended for one (1) year resulting in the same expiration dates for all and bids would go out at the same time. Technically, this would make all year-to-year contracts expire on June 30, 2020. Council would have the opportunity to extend them if it chose or have them go out to bids.

#2019-58 Motion by Seltzer, seconded by Saenz to approve Agreement Extensions with Johnson Landscaping for: Grass Cutting and Landscape Services; Public Works Services; and Snow, Ice Removal, and Salting Services.

There was a general discussion led by Creech about the performance of Johnson Landscaping. Stakhiv requested that the present contract include the current Council President's name, as well as saying that this was an extended contract. Staran questioned the ending date for the snow, ice removal contract being in June. It was suggested that the landscaping contract could expire December 31.

Hansen voiced her concern and disappointment of the performance of Johnson Landscaping, especially with the condition and lack of care of the "Rain Garden". Last year there had been an agreement with Johnson to maintain it; money had been spent on plant materials but this had not been done. She would like to see specific language in the contract extension addressing this issue. She was also in favor of requesting Johnson to pay the Village back for the warrantee monies associated with the plant materials. The performance standards had not been clear in the contract and based on the Village's past experience with the company she advocated for more specific language. She was not ready to agree to this arrangement, even if it were an extension.

Gordon stated that the collection on the plant warrantees was an administrative problem. An addendum to the original motion was suggested. Hansen specifically wanted language which pertained to "performance" to which Creech suggested that such language be added to the agreement and have Johnson sign it.

#2019-59 Motion by Seltzer, seconded by Saenz to approve Agreement Extensions with Johnson Landscaping for: Grass Cutting and Landscape Services; Public Works Services; and Snow, Ice Removal, and Salting Services with performance language incorporated within.

Ayes: Gallasch, Gordon, Hansen, Lamott, Saenz, Seltzer, Stakhiv
Nays: None

Absent: None
Motion carried.

C. Consider Birmingham Area Cable Board Appointment.

Stakhiv stated that much to her delight there had been three (3) residents who were interested in being her replacement on the Birmingham Cable Board. She detailed the process she took: she called all of them, she interviewed all of them, and everyone sent in a short paragraph or long letter stating his or her interest in this position. Her evaluation took into account each candidate's experience, profession, availability to go to the meetings and sub-meetings, dedication, tenacity, and volunteerism spirit. The decision had been a very difficult task for her. Her recommendation to take her place as Franklin's representative was Heather Mydloski.

#2019-60 Motion by Gordon, seconded by Seltzer to appoint Heather Mydloski as Franklin's representative to the Birmingham Area Cable Board.

Gordon noted that he was pleased there had been more volunteer interest than there were positions, while in the past there were more positions than interested volunteers. He applauded those who showed an interest and maybe there were other places where their volunteerism could be used. He listed some which might be of interest. Stakhiv added that she had already communicated with the other two (2) that there were other board positions available or would be available and she hoped they would apply for them because they had some excellent skills.

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

Stakhiv stated she would be working with Mydloski throughout this process.

D. Consider Zoning Board of Appeals Appointment.

Creech stated that this was an open appointment that had not been filled. Hansen stated that as of tonight there were no candidates. She proposed this item be postponed.

E. Consider Approval of Proposed Ballot Language, and Submittal to Oakland County Elections Division.

Hansen introduced this issue by stating that the ballot language had been reworked by Staran, addressing some of the concerns raised by Saenz at the last Council meeting.

Motion by Seltzer, seconded by Gordon to approve the Ballot Language and Submittal to Oakland County Elections Division.

Gordon was concerned that the sentence, "Individual users will be able..." should be more specific by identifying who this pertained to. Saenz proposed adding the phrase, "...in the downtown area ..." and extend that sentence to add, "...at their own expense." The sentence to read, "Individual users *in the downtown area* will be able to extend and connect to the water system *at their own expense.*"

Staran clarified that Proposal A was the “authorization” and Proposal B was the “funding mechanism”.

Kathy Erlich, resident and business owner, stated that although her business was right next to the contaminated ground water area, her water was not contaminated. Never-the-less, she had installed a reverse osmosis system in her building. She questioned if putting in the same system in people’s homes rather than spending the money for water pipes wouldn’t be a cheaper and better option for the Village.

David Goldberg, Willowgreen Ct., was curious as to what would happen if Proposal A passed and Proposal B failed. Staran responded that Proposal A gave Council the ultimate decision of whether and when to do it. Goldberg clarified that the passage of Proposal A and not Proposal B did not obligate the Village, in any way, to construct the water main that had been approved. Staran affirmed that Proposal A merely allowed Council to move forward. Council could then decide how the Village wanted to fund the project. Goldberg also stated he supported Saenz’s addition of the phrase, “in the downtown area.”

In the ballot question at the end of Proposal A, Gallasch would like to see the phrase, “...in the Village Center”. The last sentence would read, “...and enhance fire suppression in the Village Center?” Lamott believed the proposed water main affected about 30 properties and, therefore, the wording was too broad.

Staran stated that the wording of Proposal A was drafted in the way that, although the current proposal was just for downtown area which was reflected in the last sentence, it was also in accordance to the Charter requirement which was for it to be authorized by the Village electorate. The residents would need to vote on this general issue only once as opposed to coming before the voters each time an extension to the public water system was requested. This approach seemed to be far more prudent.

Gordon clarified that the Charter precluded the Village from getting into the water providing business without voter approval. Prop A would give that approval if it passed and could be funded in a number of ways on a project by project basis.

It was agreed to strike the entire sentence in Proposal A, “~~Individual users.....Other connections to serve the Village.~~”

Seltzer explained to the public the reasoning for being pro-active on this whole issue. Hansen added that the Village had had an offer from Bloomfield Township to connect with it. Seltzer further stated that this had little to do with the quality of water that Erlich specified as being fine, as this water situation was further down the road from her business. Lamott questioned and Hansen clarified there was documentation that the ground water was contaminated but the aquifer from which homes draw water was not polluted. Lamott felt that if water was not provided to the whole Village he predicted this would create the biggest negative debate the Village had ever had; if you provide water to some it should be provided to the whole Village. Hansen further explained that after all the testing by the Health Department and MDEQ the water quality was not

to the point of infusing anyone's drinking water. She agreed with Lamott that it can't be said with certainty that there ever would be a problem. Hansen stated that the Village had asked and been very direct with the Health Department and MDEQ about the water quality, and they would not commit. The only answer which the Village received was that Franklin had been a topic at their staff meetings and the person who gave Hansen this answer was not at liberty to discuss it. The quality of the water in the future was unknown.

Hansen had asked the Council to think long term, to take advantage of the cost opportunity and the convenience of repaving of Franklin Road and installing pipes at the same time. Drilling new wells in the downtown area might not be an option; although deeper wells might be an option. However, she had been informed by the Health Department there was legislation underway that would prohibit drilling new wells.

Hearing Hansen's information Saenz proposed striking the second sentence in Proposal A, "~~Due to documented ground water...potential risk to drinking water...~~" and begin the sentence with, "The Village Council is proposing..." This would simplify the request of wanting water, period.

The Village had not received written documentation of contamination of the ground water. Stakhiv confirmed that Kim Etheridge from MDEQ had stated that no wells had been affected. Stakhiv further emphasized that during the scheduled community meetings this needed to be pointed out and explained.

Staran expressed his support for Saenz's thoughts about striking the repertory second statement in Proposal A and start the sentence. "The Village Council is proposing..." He proposed extending and ending the sentence with the phrase, "...to initially service the downtown area."

Hansen was reluctant to strike that 2nd sentence due to the fear of the spread of misinformation because it explains why the necessity of such a proposal. Also, she wanted to make sure the truth gets to people. Seltzer agreed. Erlich felt that that approach created more fear in the minds of the Villagers. Hansen understood what Erlich had said but thought it best to incorporate putting the water main under the road at the same time it was being repaved, thus taking advantage of the costs and avoiding additional costs if the road needed to be dug up at a later date. Seltzer addressed the Village's history of "general pushback" on anything pro-active in our community. With this issue there was a potential for contamination within the Village, thus, he wanted the Village to be pro-active and not re-active.

Gordon was more comfortable with saying less in Proposal A and being forthright in the conversations with the Villagers.

Hansen further noted that education of the Villagers on this proposal was very necessary and very vital. There were suggestions of the different ways to accomplish this.

Nena Downing suggested that the owners of the 30 homes which would be serviced by the proposed water main be asked if they would want to spend \$15,000 to connect to it. If the majority of them answer in the affirmative it would give more validity to the project.

Stakhiv was in favor of omitting the first part of the second sentence.

Saenz wondered if the actual question should omit the subjective reasons because he could list even more.

Gordon and Lamott agreed to the striking of the phrase, "...and surround area" at the end of the second sentence.

Stakhiv noted that she would like to add the words, "in the future." to the end of the last sentence. It would read, "...with other connections to serve the Village *in the future.*"

Staran confirmed what Council would like to see in the Proposal A: Strike the 2 1/2 lines of the second sentence of Proposal A and the second sentence would begin, "The Village Council is proposing..."; Strike the end of the third sentence, "~~in the downtown and surrounding area.~~"; Strike the entire next sentence starting with, "~~Individual users...~~"; Modify the last sentence of the first paragraph to the effect that the first phase which would be intended to service the downtown area and this project could be the first phase of a larger system with other connections to serve the village in the future; Modify the question to read, "*Should the Village of Franklin be authorized to construct, provide...*"

Saenz would still like to see some sort of an indication to the residents that connecting to the water pipe would be a separate element and a private cost to them. There was a discussion whether to have that be part of the proposal or part of the information and frequently asked questions. Gordon suggested it be part of Proposal B. Staran agreed that it should be mentioned in order to be upfront with the information.

Staran believed Council should take another look at the wording and have more discussion about the proposals before they were approved. He and Creech would work on it this week and send them to the Council members. The deadline to have the ballot language submitted to Oakland County was August 13, 2019 was confirmed by Pulker.

#2019-61 Motion by Seltzer, seconded by Gordon to postpone the Proposed Ballot Language and Submittal to Oakland County Elections Division to the next Council meeting, August 12, 2019, as amended.

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

F. Consider Compensation for Exempt Personnel.
Action had been taken earlier in the meeting.

XI. ORDINANCES/RESOLUTIONS

A. Consider Approval of a Resolution for the 100th Anniversary of the Passage and Ratification of the 19th Amendment, Providing for Women's Suffrage to the Constitution of the United States.

#2019-62 Motion by Stakhiv, seconded by Lamott to approve a Resolution for the 100th Anniversary of the Passage and Ratification of the 19th Amendment, Providing for Women's Suffrage to the Constitution of the United States, as follows:

RESOLUTION

WHEREAS women of every race, class, and ethnic background across America have made historic contributions to the growth and strength of the United States in countless recorded and unrecorded ways; and

WHEREAS the women of this nation initiated the most significant women's movement in history — the need for women's suffrage; and

WHEREAS despite the strong opposition, the inspiration and determination of women nationwide brought about the extraordinary accomplishment — the right for women to vote; and

WHEREAS the demand for women's suffrage gained strength in the 1840's and women emerged across the nation to join forces in the struggle; and

WHEREAS Susan B. Anthony, a powerful voice for women's suffrage said, "there never will be complete equality until women themselves help to make laws and elect lawmakers"; and

WHEREAS in 1846, Ernestine Rose, a Michigan resident and one of the major intellectual forces behind the women's rights movement in nineteenth-century America, set the path for equality and spoke to the Michigan legislature about the need for women's suffrage; and

WHEREAS a step forward for women's suffrage occurred in 1867 when the Michigan Legislature granted women taxpayers the right to vote for school trustees, but total women's suffrage was rejected; and

WHEREAS on May 8, 1917, a significant achievement for women in Michigan, Governor Albert E. Sleeper (R) signed a bill granting women the right to vote in presidential elections, three years prior to the ratification of the 19th Amendment of the Constitution; and

WHEREAS Alice Paul was a women's rights activist known for her leadership in the women's suffrage movement, most notably when she and 1,000 other "Silent Sentinels" picketed the White House under the Woodrow Wilson administration in 1917 resulting in imprisonment where she and her colleagues engaged in hunger strikes, eventually inducing President Wilson to reverse his position against women's suffrage and declaring his support in 1918; and

WHEREAS Michigan male voters on November 5, 1918, approved the state constitutional amendment that granted women the right to vote; and

WHEREAS on March 5, 1919, women of Michigan exercised their right as Americans and victoriously cast their vote in their first Michigan statewide primary election; and

WHEREAS the momentum continued to April 7, 1919, when the women of Michigan voted in the general election in the State of Michigan; and

WHEREAS on June 10, 1919, Michigan women cast their vote when Michigan voters ratified the 19th Amendment to the U.S. Constitution, and

WHEREAS the State of Michigan was the second state to ratify the 19th Amendment, giving women the right to vote; and

WHEREAS on August 26, 1920, voters across the nation secured the right for women to vote when the 19th Amendment to the Constitution of the United States was ratified, empowering

American women and declaring for the first time that they, like men, deserve all the rights and responsibilities of citizenship stating, the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex"; and

WHEREAS August 26, 2020 will mark the 100th anniversary on the passage of the National Suffrage Amendment, the 19th Amendment to the U.S. Constitution, guaranteeing women the right to vote; and

WHEREAS women comprise more than 52% of the total registered voters in Oakland County.

NOW THEREFORE BE IT RESOLVED that the Franklin Village Council remembers and celebrates the historic women who fought for their right to vote and recognizes the courage and inspiration of these bold women to change the course of history.

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

Nays: None

Absent: None

Motion carried.

B. Consider Approval of an Ordinance to Add Chapter 1048 to Part Ten – Street, Utilities and Public Services Code of the Codified Ordinances of the Village Franklin, Oakland County, Michigan, to Regulate Illicit Discharge in the Village and Repeal Conflicting Ordinances (first reading).

#2019-63 Motion by Seltzer, seconded by Saenz to approve an Ordinance to Add Chapter 1048 to Part Ten – Street, Utilities and Public Services Code of the Codified Ordinances of the Village Franklin, Oakland County, Michigan, to Regulate Illicit Discharge in the Village and Repeal Conflicting Ordinances in its first reading.

Staran provided information about the intention of the new Ordinance which dealt with storm water drainage and was consistent with National Pollutant Discharge Elimination System (NPDES) permitting requirements and environmental requirements. It was intended to regulate illicit discharge. The model ordinance had been provided by HRC.

Stakhiv pointed out a typo on page 5, under **1048.07 RIGHT OF ENTRY**, first sentence, there should be a space between the word “Administrator” and “and”.

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

Nays: None

Absent: None

Motion carried.

C. Consider Approval of the West Nile Virus Fund Program 2019 Resolution.

#2019-64 Motion by Stakhiv, seconded by Seltzer to approve the West Nile Virus Fund Program 2019 Resolution, as follows:

West Nile Virus Fund program 2019 Resolution

WHEREAS, the Oakland County Board of Commissioners has established a West Nile Virus Fund Program to assist Oakland County cities, villages and townships in addressing mosquito control activities; and

WHEREAS, Oakland County's West Nile Virus Fund Program authorizes Oakland County cities, villages and townships to apply for reimbursement of eligible expenses incurred in connection with personal mosquito protection measures and mosquito larvicide distribution; and

WHEREAS, Oakland County has allotteded \$515.78 in funds for the Village of Franklin to spend on West Nile Virus prevention; and

WHEREAS, the Village of Franklin, Oakland County, Michigan plans to incur expenses in connection with mosquito control activities believed to be eligible for reimbursement under Oakland County's West Nile Virus Fund Program; and

WHEREAS, the Village of Franklin intends to implement a program of mosquito habitat reductions through the use of larvicide applications in appropriate areas along with mosquito protection; and

NOW, THEREFORE, BE IT RESOLVED: that the Village of Franklin authorizes and directs its Administrator, Jim Creech, as agent for the Village of Franklin, in the manner and to the extent provided under an Oakland County Board of Commissioners Resolution, to purchase and request reimbursement for eligible mosquito control activity under Oakland County's West Nile Virus Fund Program for 2019.

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

Nays: None

Absent: None

Motion carried.

XII. ADJOURNMENT

Motion by Gordon seconded by Seltzer to adjourn the meeting.

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

Nays: None

Absent: None

Motion carried.

There being no further business, the meeting was adjourned at 10:17 PM.

Respectfully submitted,

Gail Beke, Recording Secretary

Eileen H. Pulker, Clerk

Pamela Hansen, President