

**VILLAGE OF FRANKLIN
REGULAR COUNCIL MEETING
MONDAY, AUGUST 10, 2020, 7:00 PM
Held remotely via Zoom.us©, per the Governors Emergency Order # 2020-154**

I. CALL TO ORDER

The meeting was called to order by President Pam Hansen, at 7:00 PM via Zoom.

II. ROLL CALL

Present: Fred Gallasch, Brian Gordon, Pam Hansen, Bill Lamott, Ed Saenz, Mike Seltzer,
Mira Stakhiv
Absent: None
Also Present: Roger Fraser, Interim Village Administrator
Eileen Pulker, Village Clerk
Doreen Martin, Deputy Village Clerk
John Staran, Village Attorney
Lance Vainik, Village Treasurer
Dan Roberts, Police Chief
Tony Averbuch, Fire Chief
Mark Dyjewski, Police Sergeant
Jason Dickman, MSF Executive Director
David Goldberg, Planning Commission Chair

Hansen explained the process for the public to access this electronic meeting.

III. ADOPTION OF AGENDA

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

Roll Call Vote

Seltzer	Aye
Stakhiv	Aye
Lamott	Aye
Gordon	Aye
Saenz	Aye
Hanson	Aye
Gallasch	Aye

Motion carried.

IV. MINUTES

A. Regular Meeting of July 13, 2020

Motion by Seltzer, seconded by Stakhiv to approve the Regular Meeting minutes of July 13, 2020, as presented.

Gordon was disappointed with the written minutes as he did not think they captured what actually occurred. At the last meeting there had been a discussion about the minutes and there had been some comments which should have been expanded, as Stakhiv stated, "to capture the essence".

He said that Gallasch had commented that what people said and the way they said it should be captured. Lamott said he didn't think "you" can hide what had happened.

He had several suggestions:

On page 2, for the Roll Call Vote at the bottom of the page, he believed Seltzer voted "No".

On page 5, at the end of the first sentence of Carrie LaZotte's comments, he suggested the addition of "...at which point Trustee Lamott audibly 'scoffed' ". Also, on page 5, at the end of Harryvan's comments, there was no mention that her two minute time limit had been interrupted by Lamott stating that she did not live in the Village. Pulker advised that Harryvan, after introducing herself, stated at the beginning of her comments that she lived in Southfield Township and was a former Franklin resident. Gordon acknowledged Pulker's comment; however, felt that Lamott interrupted her two-minute time limit to indicate that. He thought it important this be added in the minutes as this was relevant to the new desire to record the tone of the comments. Another omission in the minutes was that Harryvan was concerned about Lamott's involvement with the misinformation campaign, the maligning of Council members and the Village President while being subject of the lawsuit against the Village and Lamott's hypocrisy regarding budgetary concerns while supporting the costly lawsuit against the Village.

It was Gordon's desire that everyone have the opportunity to have comments introduced into the minutes and made part of the public record beyond the video.

Hansen made the comment that she was absolutely not in favor of using minutes as "weapons". She would allow Gordon's changes unless there were objections raised by other Council members. The May 11 minutes have been seen several times and, disappointedly, she felt Gordon's comments were in line with the way the minutes of that meeting were being handled. She also said that an Organization meeting would be coming up in November following the election of Council members, at which time the Rules of Conduct, Rules for Attendance and how meetings were handled would be set up. She requested a discussion and an agreement on Council policies for handling future agendas to be included in that meeting.

Motion by Seltzer, seconded by Gordon to approve the Regular Meeting minutes of July 13, 2020, as amended.

Roll Call Vote

Seltzer	Aye
Stakhiv	Aye
Lamott	Aye
Gordon	Aye
Saenz	Aye
Hanson	Aye
Gallasch	Aye

Motion carried.

B. Regular Meeting of May 11, 2020

Motion by Seltzer, seconded by Stakhiv to approve the Regular Meeting minutes of May 11, 2020, as presented.

On page 3, Lamott thought the essence of John Simon’s comments were lost with the reduction of a page of comments down to three (3) sentences. He liked the original minutes.

There was no discussion.

Hansen advised Lamott that there were three (3) ways to handle this situation: approve the minutes as presented, amend the minutes, or send the minutes back to the Clerk(s) for another review.

Motion by Lamott, seconded by Gallasch to amend the minutes of the Regular Meeting minutes of May 11, 2020, to reflect more of the essence of what had happened at the meeting.

Procedurally, Staran advised that it was necessary to have a discussion and a vote on the motion to “amend” the minutes.

Saenz questioned that the procedure used for the approval of the July amended minutes, as it was not consistent with the way the May minutes was being handled. For the July minutes a vote was not taken to approve the original minutes, only a vote on the amended minutes. He thought the process for the May minutes was different in that there was no vote on the “original” July minutes, only on the “amended” minutes.

At Hansen’s request, Staran explained that according to Roberts Rules, if a motion to amend was made and seconded that would become the “priority” motion.

Roll Call Vote

Gallasch	Aye
Stakhiv	Nay
Hansen	Nay
Lamott	Aye
Seltzer	Nay
Saenz	Aye
Gordon	Nay

Motion denied. (4-3)

Hansen called for a vote on the original motion to approve the minutes of May 11, 2020, as presented.

Roll Call Vote

Gallasch	Aye
Stakhiv	Aye
Hansen	Aye
Lamott	Nay

Seltzer **Aye**
Saenz **Aye**
Gordon **Aye**

Motion carried. (6-1)

V. PUBLIC REQUESTS AND COMMENTS

Hansen opened up Public Requests and Comments at 7:15 PM.

Hansen explained the purpose of this section of the agenda and the process for those wishing to speak. She requested that all 76 callers be muted and those wishing to comment would be identified and unmuted when it was his/her turn to speak. She also explained that due to the volume of responders, comments would be limited to 3 minutes each which Pulker and Martin would monitor closely. The other guideline would be that each speaker would be heard only once and there would not be any “borrowing” time. Please respect this.

Nena Downing, Bruce Lane,

- Due to the recent Court ruling she felt it reasonable and responsible to stop the Streetscape Project as sidewalks were an integral and important part of it. The construction and engineering costs should then be revised;
- Resident responses to the halting or postponing the project were put in the Council’s packet;
- Some residents’ private property rights were affected due to Council’s misguided and illegal actions to circumvent the Village Charter and construct sidewalks in zoned residential areas;
- It is Council’s moral and ethical obligation to the Villagers to perform their sworn duties with the residents’ interest in mind. This was not done;
- Residents will now be forced to pay the Village’s legal fees and those private citizens who had to defend their legal rights will also incur legal expenses. They should be reimbursed;
- She personally felt that some Council members had lost sight of the professional Codes of Conduct and Behavior. This would be remembered during this fall at election time.
- Residents deserve and were entitled to transparency, truth, complete and current information, and a choice in this matter.
- She and others would continue to represent the voices of the Village residents, even if the Council won’t.

John Simon, Kincardine Rd.

- Congratulated the Village residents who won their lawsuit against the Village to protect the Village Charter that stated that no new sidewalks were to be constructed in residential areas. Unfortunately, those residents had to spend their own money to enforce the Charter.
- Those same residents were made out to be “villains” by certain Council members who claimed that the Village had the right to do whatever it wanted to do in the right-of-way. One Council member stated, “Just Suck it Up”.

- The Council President, the three (3) Council members, and Attorney Staran said the litigation was frivolous and accused those private residents who brought the suit of wasting tax payer money and misrepresenting the facts. However, the Judge ruled in favor of the Charter and those residents.
- He applauded those four (4) residents who stood up to protect the Village Charter and for fighting hard for the historic character of Franklin Village.
- He felt that Council owed all the Villagers an apology for spending their tax dollars on an ill-conceived sidewalk project and the cost of defending something the Charter clearly prohibited.
- The sidewalk issue should be put on a ballot for the residents to decide. If this had been done in the first place there would not have been a lawsuit and the Village would not have become so polarized.
- The “wants” and the “needs” of the residents as declared through democratic election should always supersede the “wants” and the “needs” of the President and her Council.

Connie Ettinger, River Dr.

- On behalf of Lisa Dunn, owner of Deja Vu Resale and a resident (Garden Way), Ettinger read her statement.
- Dunn felt this was a perfect time for road construction as the traffic was down due to the pandemic.
- When life gets back to normal (hopefully, by the beginning of next year) the Village will have a beautiful, safe, walkable, lit downtown area that people will want to be in.
- Improvements would not affect the historic charm but would only enhance the Village charm.

Amy Olson, Irving Rd.

- Was thankful for all the work done on Irving Rd. The resolution of the problem took only 4 days.
- Had questions concerning the vacating of the land off Irving and Carol. She would like to take over that land.

Hansen advised Olsen that a matter of the vacating of land was later on the agenda and would be discussed at that point. Staran confirmed there was a process and it would be discussed later on the agenda. He advised Olson to contact the Village Administrator to get an application for the process of vacating the land.

Due to background noise, talking, profane (inappropriate) language, arguing in the background, and name calling, all of which had disrupted the meeting, it became necessary for Hansen to remind the audience about courtesy and the reason for using the “mute” button. She advised the public to mind their manners.

Hansen thanked Olson for letting the Village Council know that she was happy with what the Village did.

Luz Martinez-Lawton, Meadow Drive

- Spoke directly to Hansen regarding an email she had sent to Hansen. Hansen acknowledged receipt of the email.
- Martinez-Lawton highlighted important points in her email; the goal of which was to try and help Hansen. Martinez-Lawton urged there be a pause on the sidewalk construction until the Judge had made her decision. Part of Hansen's nasty and rude response included telling Martinez-Lawton she should educate herself and accused her of having someone else write her email. Martinez-Lawton felt it to be a very rude response especially coming from someone in Hansen's position.
- Also addressed in the email was that even though the judge advised the Village that one of the injunctions "had merit", Hansen, who had the sole decision-making power, did not do what was right for the Village.
- Martinez-Lawton felt the issue was not "Sidewalks vs. No Sidewalks" but rather the following of the Charter.
- The behavior of Hansen of refusing to listen to anyone who didn't agree has caused division in the community and, unfortunately, other Council members have followed suit; as witnessed in the writings on Nextdoor.
- She advised Council to take notice of those residents, such as herself, who typically doesn't speak out; please stop, sit back, and listen.

Hansen stated that she would refrain from commenting back.

Kathy Erlich, Crestwood and business owner

- Echoed and agreed with the statements made by Downing and Simon about their concerns about the Streetscape
- With no sidewalks in front of the four (4) historic homes, she saw no reason to put an expensive and very unsafe sidewalk in front of the gas station and the fire station
- Also, if the purpose for having sidewalks on the west side of Franklin Road was to connect the businesses with the Village offices, why put sidewalks beyond the businesses north of the gas station?
- With many alterations needed to be done to the Streetscape, she urged it to be stopped, with the exception of road repaving and redoing the sidewalks on the east side of Franklin Road.

Rick Notter, Hersheyvale Dr.

- Thanked the majority of the trustees and President Hansen for showing concern for the safety of the residents.
- Although the Judge ruled for the immediate stoppage of sidewalk construction, she ruled in favor of the other two (2) counts of the project.
- An alternative for public safety could be a bike lane with protective barriers without a ballot initiative and he didn't believe there was anything in the Village Charter against such. He stated this would be much safer and suggested the engineers be consulted to make such modifications.

Greg McComas, Franklin Road.

- Appreciative of people who stand up for the rights of all; victory for all Franklin residents where the rule of law has been protected
- Sidewalks were advantageous; walkability is good; maybe there are other alternatives such as flat turf on the residents' side of the curb from Meadow to Scenic to downtown
- In favor of "pro" walkability and "pro" respect for residents' rights and "pro" downtown businesses
- Asked for clarification that no trees would be cut down that have "X"'s on them
- Would like access to the detailed plan for the project
- Hopefully transparency and communication would get better and better

Hansen stated that construction and plan documents could be found on the Village's website.

Beth Dillon, Carol Ave.

- 10 1/2 -year resident who walks the streets with her dog every day
- Some drivers are disrespectful of walkers along the side of the road but the walkers don't see any need for sidewalks
- Every inch of land need not be developed
- Maintenance of existing sidewalks is not good, and gave examples
- Echoed statements by Downing, Erlich and Simon; in favor of a pause of the Streetscape project until a re-design was in place
- Bike lanes or pedestrian friendly lanes by the side of the road were good options
- She had suggestions about crosswalks at intersections, including the problematic one at Franklin Rd. and 14 Mile Rd. at the Cider Mill.
- Would like the Streetscape stopped until it was re-designed and re-configured.

Mark Shwayder

- Has been a resident since 1985 and Grandfather moved to Village in 1951.
- Village's rural feeling is an important characteristic and should be maintained against all odds, reason he lives here.
- The removal of the 150 year old tree at corner of Wellington and Franklin Rd. and replaced by 2 sq. feet of concrete is a travesty.
- Most important thing to do would be to do whatever is possible to maintain this rural village feeling that it has and not to try to turn it into something it is not
- Don't need sidewalks; he is a runner and has run 5 miles every day through Franklin for 35 years and never had a problem with cars and/or bikes
- The Charter should be respected with what it allows and what it doesn't allow in terms of the sidewalks, recognizing this issue has been put before voters twice and twice it has been voted down. This appears to be an obsession with certain members of Council even though it was contrary to the voting patterns.
- Ill will is in the town and suggested Council move on
- He suggested returning all the saved dollars from not building sidewalks to the residents

Maria Seyrig, S. Greenbriar Rd.

- Council should exercise good stewardship and responsibility to finish one major project before even thinking about starting another

- A number of residents have issues from the road project which have not been addressed (unfinished curbs, cracked roads, and drainage issues)
- She noted some of the ongoing and worsening drainage issues on her mother's property. She has been treated in an unpatronizing manner when she has asked the Village for help through the years.
- Again, she emphasized the importance of finishing one project before spending money elsewhere
- Regarding safety for residents on Franklin Rd. south of 13 Mile Rd, she suggested the speed limit sign should be changed from 30 MPH to 25MPH.

Josh Lawton, Meadow Dr.

- Council needs to be more attentive to residents, listening, accepting feedback, consideration, and answering questions which are raised at meetings.
- Some Council responses to residents have been disrespectful, verbally and in correspondence, refer to minutes and resident comments made earlier in this meeting.
- Council should be following the Charter and the state laws not circumventing them
- Re: Sidewalks, the Judge literally advised the Village to look up the phrase, "residential area" in the dictionary. It would have resolved the problem years ago and saved the Village thousands of dollars.
- Proposed the money intended for sidewalk construction could be used later for a complete sidewalk plan which would connect the entire Village
- Council should publish a public apology to all those residents who had to sue the Village to protect their rights.
- Council should recognize its mistakes and move forward.

Katelyn Zachritz, Franklin Park Ct.

- Thankful Franklin is talking about sidewalks instead of issues other communities are dealing with: riots, shootings, homelessness, and crimes
- Has voted for sidewalks in the past; however, she wants to be a good neighbor, everyone to be happy, to get along with each other, listen to each other, and compromise
- Wanting to understand what was causing this controversy and tension she read the 80+ pages of the Village plan and was beginning to understand the perspective from residents and the desire and goal to preserve the historical identity of Franklin.
- As a Village it was important to talk about the different perspectives and goals it has, including the improvement of the Village business center
- Tonight she has heard many negative comments against the Council, particular individuals, and situations
- She advised that emotions needed to be set aside and these problems needed to be dealt with as adults. Villagers have many different goals. Conversations should be more productive.

Josondra Notter, Hersheyvale Dr.

- As a runner, the sidewalk conditions aren't great and sidewalks need to be extended
- Franklin demographics are changing and neighbors need to accept that

- She challenged residents of all ages to walk Franklin Road between Hawthorne and 13 Mile Rd.
- Safety is a big issue. Lack of a sidewalk could be the matter of life or death. It was a matter of public health and safety that warrants careful urban planning consideration
- She personally attacked a certain Council member (Lamott) for his ideas and his attack on President Hansen. She was tired of the “me vs. them” environment and the mean spirited environment and culture which many don’t want to be part of
- Politicians are elected to represent their constituents; they should have integrity.
- She again attacked Lamott because he stated he would resign if Hansen was given the authority to resume the Streetscape and he supported sidewalks between Hawthorne and 13 Mile Road if the project could be changed to avoid the three (3) homes in downtown Franklin. She claimed he did not “follow through” and should not and cannot be trusted.
- She questioned if those residents who were against the sidewalks understood how negatively it impacts the Village? Do they understand that lack of empathy for their neighbors? How can they put their own personal motives above the importance of safe streets?

Nicole Abidor, Oakleaf Lane

- Those speaking tonight were not speaking for “all” the residents; not on behalf of her family
- Wants to get downtown safely
- She urged this not be delayed any further and supported the concept of “compromise”
- Safely walking on Franklin Road with a dog, three (3) kids, and a stroller was not feasible
- She would continue to fight for a safe way to get downtown with her children

Michele Assad,

- Thanked Council for listening hard and being respectful
- Concerned about road project; has spoken with the Administrator and questioned the warranties that would cover the problems; gave illustrations of some problems on specific stretches of roads; including water runoff problems which continue to cause flooding
- Asked Council to review the contract to see what could be done to correct the problems on some of the failing roads
- She will send Fraser some promised pictures taken on her walks

Rick Koslowski, Woodlore Rd.

- Thanked the Police Department and staff for an exceptional job for the Village
- The Department demonstrates a high level of professionalism

Giovanna Sulaka, Meadow Dr.

- Encouraged residents and Council to continue supporting the Streetscape and the continuation of the existing sidewalk
- A safe route to downtown was important not only for residents but would be of benefit to the businesses

Rick David, Wellington

- Thanked Council members for their service as it was not easy
- Considered self as part of the silent majority supporting the Streetscape.
- Encouraged Council to stay the course and proceed with the plans
- Acknowledged there were right-of-ways in the Village which allow the government to serve the needs of the entire community as a whole, not merely a few
- Progress was needed and should continue the forward thinking by appropriately putting in sidewalks along a major thoroughfare
- Re: Charter, he questioned the process needed to change the Charter to allow sidewalks along Franklin Rd.?
- For those combative citizens, solution would be the ballot box

Angelina Sulaka, Meadow Dr.

- Expressed her support of sidewalks and thanked Council for its continued efforts to ensure there were safe pathways
- She challenged the Council to think of creative ways to extend the sidewalks downtown in both directions of Franklin Rd.
- Re: Comments by Lamott stating he would walk his grandchildren on Franklin Road to the park, she stated that from Scenic Drive to downtown there were sidewalks.
- Only the death of a child will change the minds of those opposed to the sidewalks
- She listed reasons why sidewalks were necessary, including during inclement weather
- She values Franklin's future as much as others value and speak to protect Franklin's history

David Sahli, Meadow Dr.

- Concerned about Council member Lamott and other candidates running for Council introducing the ugliness of partisanship in a non-partisan election. He listed candidates associated with a political pact, Franklin Facts, who have established a platform based not on a vision of Franklin but on attacking political opponents.
- Such a campaign is based on creating divisiveness rather building a community
- Gave his definition of a strong community and accused these candidates of attacking all those who have different ideas than their own
- Stated he would speak to "Diversity and Inclusion" later in the meeting.
- Unify not divide, come together to listen, rather than to speak

Hansen stated that the investment of time hearing the comments of the community was well worth it.

Hansen closed Public Comments at 8:15 PM.

VI. REPORTS OF VILLAGE OFFICERS AND AGENTS

Tony Averbuch, Fire Chief, referred to his written report for July 2020 and reported that due to the dust from renovation work being done in private homes the department has received many false alarms. He urged residents to cover up their alarm sensors and/or to notify their alarm

companies as their alarms might not be operative due to the dust. Hansen noted that according to the graph which he included in his Annual report, the pattern of false alarms continued for 2019-20; 20% of the 526 responses were for false alarms. Averbuch had suggestions on how to prevent them from happening.

Responding to Gallasch's inquiry about the information sheet which Averbuch had provided with his report, the Fire Chief explained the different ways the Fire Department would deal with an emergency of a public event and of a private event and the COVID-19. Averbuch would like to see changes in the Civic Event Permit form and he detailed those changes. Gallasch suggested a committee be formed to address Averbuch's issues to meet safety plans. Fraser thought it to be an Administrative process; however, suggested that he, Averbuch, and Staran work out such changes and receive input from the Council. At Hansen's request, Fraser, Averbuch, and Staran would bring a form back to Council next month, if possible.

Dan Roberts, Police Chief, referred to his July, 2020 Monthly Report and reported that there had been an increase in larcenies from unlocked autos along 13 Mile Road closer to both sides of Telegraph Road. Juveniles are suspected to being involved in some of these activities. He appealed to residents to lock their cars at night and contact police if they see any suspicious activity. Administratively, next month the department would be switching to Bloomfield Township Dispatch. The outcomes of the recent election in the Township will not affect the Village's agreement with it. He referred to Sgt. Mark Dyjewski who was currently attending Northwestern University's Staff and Command College and has been writing a report about replacing the Department's aging in-car cameras and video systems. Replacements for such would be very expensive; however, the Department would be using its forfeiture funds for them and therefore, would not affect the Council's budget. Next month the Council would be given a detailed cost briefing and ask for approval.

Mark Dyjewski, Police Sargent, explained the importance of such video systems and stated that usage of them was 98.1% from 2017 to 2019. He surveyed 30 police departments in the area as to which companies they used and what were the attributes. 3 of the 5 companies he contacted had responded back to him and were interested. He stated that those three (3) were approximately the same in price. Axon offered everything the Department needed and had a payment system, if needed. Beneficial to the department was that Axon will replace all hardware and software after 5 years, as long as the Department was in their insurance plan (Technology Insurance Plan). Lauren Kline, representative of Axon, was in the audience to answer any questions. Responding to Gallasch's question, Axon had told Dyjewski it would take one (1) to two (2) weeks to install the system and train the officers. Dyjewski gave examples of how the new system could benefit the officers. Roberts confirmed that the Department had purchased other police equipment from the same company. Body cameras might be part of future conversations.

Gordon supported the Police Department.

David Goldberg, Planning Commission Chairman, reported that the PC has been working on the Master Plan which called for connectivity and walkability within the Village. Safety pathways along the major thoroughfares within the Village have been its recent focus, including having a subcommittee concentrating on this issue. He requested a definition of how the court ruling

affects these plans. The Commission was asking Council for some direction. He asked for confirmation that the Court ruled that Franklin Road between Scenic Drive to 14 Mile was now declared a “residential area”. Historically speaking, the major thoroughfares in the Village, including 13 Mile Road, 14 Mile Road, Telegraph Road, Inkster Road and the balance of Franklin Road have houses with driveways located on them but were not considered “residential areas”. Because of this ruling, the plans would need to be re-designed and PC would wait for some direction from the Council.

Goldberg would be part of the conversation about vacating lands which was later in the Agenda.

Jason Dickman, Executive Director, Main Street Franklin, referred to his memo which the Council members received in their packets. He updated the Council on the Cider Mill opening on Labor Day, September 5 following the CDC guidelines. Regarding the grants and fundraising, Franklin businesses have received \$40,000 in Oakland County Grants, plus \$10,000 was raised through the community Patronicity Funding campaign which was sponsored through the County. A \$2,500 façade grant was secured for potential additional Streetscape improvements and MSF matched it for a total of \$5,000. There was a potential \$6,500 for additional County support for Main Street technical assistance/marketing support. In total MSF has worked with Oakland County to secure over \$61,000 in funding for Franklin businesses. Due to COVID-19 various community events have been cancelled or are questionable. Franklin was selected by Oakland County to participate in a business development working strategy session which would help determine a business recruitment strategy for the Village. This would be held in the spring. There were six (6) spaces in the Village open for lease or purchase. He announced a new business would be moving into the former Drake Gallery, Loyal Paws, which was a pet funeral/grief counseling service.

Hansen wanted residents to understand that the Main Street program has become the “door” through which the funding for small businesses flowed. Franklin was one of 23 Main Street communities in the County which had access to those funds.

Roberta Knauf, one of the owners of Loyal Paws Memorial Center, explained that the business was to be a pet memorial boutique for pet parents, grief consulting, and would include educational speakers. The other location, Loyal Paws Crematory and Memorial Gardens, has been in Clarkston for four (4) years and owned by Ben Riggan. She was hoping to work in conjunction with the Cider Mill on events. Proposed opening would be no later than September 15, 2020, as September was Pet Memorial month.

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 \$289,396.09. Vainik stated that the expenditures are generally consistent with the FY2020-2021 Budget. The Bills List for this month included a large entry of \$18,122.00 for DPW services paid to Johnson Landscaping, Inc. Vainik concluded by stating that the Village has sufficient funds to meet its current and anticipated obligations. The list of account balances in your packets was as of August 7, 2020 held at Level One Bank. A Balance Sheet was also provided from the interest-bearing CD’s held at Multi-Bank Securities.

Seltzer inquired as to the identification of Peter Basso Associates, Inc. Stakhiv explained it was the lighting consultant. Fraser explained it reflected the time spent on research and did not pay for any materials.

Stakhiv didn't see any MERS contribution this month. Fraser would look into this. Gallasch stated he was asking for the fourth (4th) month in a row for the accounting the Village was spending on the Streetscape project. To be good stewards of the money, Council needed to be kept informed. Fraser would get details for the Council.

Gordon was unfamiliar with the vendor name WEX Bank and found several entries. Fraser clarified those. Gordon would like Fraser to highlight some of the vendors/accounts so Council would have a better understanding of what they were. Gordon suggested using the same process that Vainik used. Recently Fraser has been correcting some mistakes he has found in the bills and has changed some of the spending patterns which have saved the Village some money.

VII. SUBMISSION OF CURRENT BILLS

Catogory	sub totals
General	\$ 39,626.68
Maj Streets	\$ 8,775.50
Local Streets	\$ 8,475.25
Police	\$ 45,502.58
Garbage and Rubbish	\$ 15,150.65
Building Dept	\$ 13,151.77
Street Project	\$ 18,157.00
Road Millage	
Pressure Sewer	
Tax Collection	\$ 139,785.26
Waste Water	\$ 771.40
totals	\$ 289,396.09

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

Roll Call Vote

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

Motion carried.

VIII. SPECIAL REPORTS

A. President's Report

1. Downtown Discussion/Franklin Road
2. Priorities

Hansen recognized the FCA because of the very difficult decision it had to make to cancel the Round Up. It followed several discussions involving herself, the Police Department, the Fire Department, and the FCA. Fraser commented that in light of today's cancellation of the Big 10 football season, he admired the guts of the FCA for tackling this subject before the Big 10.

Hansen also announced that Bill Couger, a long standing member of the ZBA, has resigned. On behalf of the Council, Hansen thanked him for his service. Because ZBA has enough alternate members, there would not be any interruption in its duties. She requested Pulker to post the opening if someone in the community would like to apply for a position. Gallasch suggested Hansen send him a letter.

Today was Pulker's 21st Work Anniversary as Franklin's Village Clerk. Congratulations and thank you for your service.

Streetscape

Hansen acknowledged there were many Villagers who were not aware of the Streetscape Project and in particular the legal decision the Village received last week. She urged residents to sign up with Pulker to receive weekly emails about the happenings in the Village. At the moment, only 1/3 of the residents were receiving those emails. That number needed to increase if the Villagers wanted to be kept informed about the Village Streetscape and other projects.

Hansen provided a quick summary of the latest events pertaining to the Streetscape, including the lawsuit which had been filed. Staran, Fraser, and she decided it was necessary to pause the construction until there was a full understanding of what the final decision of the Judge was. Last week the ruling was received and in summary form she wanted the residents to know what the suit was about and what the outcomes were. After this Council meeting they would be going into a Closed Session to further discuss this issue.

Staran summarized the suit and the outcomes. In March the Streetscape plan was approved and a lawsuit was filed by residents of three (3) households along the west side of Franklin Rd. He provided the details of the three (3) claims all of which dealt with the Charter. The Court ruled in favor of two (2) of the three (3) counts; however, found the construction of the new sidewalks would violate the Charter. Further Council discussion will be in a Closed Session following this meeting.

As of now, Hansen pointed out that Fraser would be working with the engineering and construction contractors. There would be no sidewalk construction north of Scenic where the four (4) residences were and sidewalks south of Scenic would not be built. Regarding the trees, with no sidewalks being built there was no need to remove any now and there would not be any need for a stone retaining wall. The new plans would be on the Village website. Resumption of the project would be this week.

This week she and Fraser had an impromptu meeting with merchants to address their concerns. It was her intention to have a monthly “check-in” with businesses in conjunction with a construction meeting on a Wednesday.

B. Council Report

Stakhiv had two (2) important and personal issues to address. The first dealt with a much respected member of our community calling a Council Member a disrespectful name at last month’s Council meeting. She noted that that was bullying and she was concerned about the lack of civility. She added that all opinions should be heard and bullying was not the answer: respectful reiterate was. She suggested a monthly recognition of an outstanding resident as a way to bring the community together. Her second (2nd) issue was the announcement of her resignation from Council effective August 21, 2020 due to her relocation out of the area. She expressed her honor and privilege to serve this community in many capacities (Council, Library Board, Mobile Watch, and the Cable Board) and interacting with the Village’s amazing people. She will value her opportunity to give back to her community. She asked that all Council members listen to all residents as every voice deserved to be heard with respect.

Seltzer expressed his surprise with her announcement and on behalf of the Council appreciated all of the contributions she has made and acknowledged all her service to the community. He concurred with some of her sentiments. He thanked all the residents who called into the meeting tonight to express their thoughts. Navigating the process of this project has been challenging; however, he felt the Council has taken its responsibilities of beautifying the downtown very seriously. Social media has been detrimental in this process as it has spread misinformation. He made an apology to those Villagers and supporters who may be deprived of safe access to the downtown; however, there were some necessary modification plans due to the litigation and this plan was not being vacated. Revisions to the Charter will continue.

Lamott thanked Stakhiv for her service and enjoyed working with her as she has added a lot to the Village Council process. He also attended the merchant meeting with Hansen and acknowledged there were a lot of concerns which needed to be addressed and all were resolvable. He expressed his desire to improve the downtown while maintaining its historical character and helping the businesses by accomplishing its walkability adding that historic preservation guidelines were very important. He stressed the importance of having an open mind and listening to the Villagers. He pointed out that on the website there were 2 sets of plans, Land Design and the Engineers. They don’t match. Which were the governing documents? Discussions were needed about the Village’s future.

C. Administrator Report

Fraser pointed out that a Grant application had been filed through The Safe Communities Act for hazard duty pay for the Law Enforcement Officers during this COVID-19 period. There has been drainage issues on Evelyn Court into 14 Mile Road and at the Village’s request Oakland County Drain Commission corrected the problem. At the corner of Wellington and Normandy was an abandoned house which needed attention; the process of condemnation has begun.

D. Village Clerk Report

Pulker had some facts about the Township voters (Franklin, Bingham Farms, and Beverly Hills); in the August Primary Election, 50% voted absentee. It was anticipated that for the November Presidential Election it could be even more. In the Special Franklin Election, it was decided that the Clerk position would be appointed or elected by the Council. This would be a Charter change. Staran clarified the term “elected” and the process of review of the lawfulness and approval of the new language in (of) the Charter. Responding to Stakhiv, Pulker stated that there had been about a 60-vote difference in the Clerk issue. Pulker did not have a final number, at this time.

IX. NEW BUSINESS

Hansen shifted A. and B. for the benefit of Chief Averbuch’s presence. The Council members approved Hansen’s suggestion.

A. Consider Civic Event Permit Application for “FCA Wellness Weekends”. Motion by Seltzer, seconded by Gordon to approve the Civic Event Permit Application for “FCA Wellness Weekends”.

Hansen reminded Council to consider the additional information provided on the “Supplemental; Exhibit: **COVIS-19 Safety Plan for FCA “Wellness Weekends” Events**” sheet which was emailed to each Council member this afternoon.

Angelina Sulaka, FCA Secretary and Events Co-Chair, acknowledged and thanked Council for recognizing the cancellation of the Round-Up. In lieu of the Round-Up, the FCA proposed specific events which would bring the community together and focus on family, health, and fitness. She identified the different kinds of ice cream trucks which would be available and would donate a portion of its proceeds to the FCA. Some of the teachers were also donating their time. She pointed out several measures which were included on the separate sheet.

Seltzer complimented and supported the FCA and its efforts. Gordon clarified these would be held on several weekends. Sulaka also explained that the scheduling and details of events could be modified, if needed. Gallasch and Stakhiv fully supported it as it was a good project, especially during this pandemic period.

Stakhiv, however, pointed out the omission of signatures on the bottom of the Civic Events Permit Application. Chief Roberts stated the only issue he had was the parking spots at the Church which are owned by the Church and not the Village. The Pastor or Leadership of the Church would need to sign off on the Application. Martin explained that the Police Dept., Fire Dept., and Church had received the Application but due to the short notice the Church had not been able to sign it and this item was needed for tonight’s meeting.

Seltzer would like to amend his motion to include the proper approval signatures on the application.

#2020-59 Motion by Seltzer, seconded by Gordon to approve the Civic Event Permit Application for “FCA Wellness Weekends”, pending the proper application approvals, and contingent upon the satisfaction of the Police Department and anything else that needed to be resolved.

Saenz cautiously supported this project, as he would like to see how successful the first (1st) event was before considering a second one. Sulaka would come back to Council after each event to get its feedback. Stakhiv's small concern revolved around the distance between participants and since this activity was "exercising" she suggested distancing more than 6 ft. apart. Registration was questioned and Stakhiv suggested pre-registration similar to what the Library does.

Chief Averbuch referred to his email to Martin and Fraser, Re: Civic Event application, dated August 6, 2020, and commented that signatures were given when asked by the Village, not the Applicant. He further stated that the fire department was "...going to suspend signing any application until such time the permit application process include(d) indemnification of the fire department as well as details towards a full safety plan associated with the request." This did not mean the department was against the concept of the activity. Because this activity would be held over several times, he cautioned the organizers to constantly reference the Governor's Orders pertaining gatherings in public. He was concerned about the use of the restrooms according to the CDC guidance. Saenz offered information some communities have adhered to regarding restrooms. There was a discussion about the hygiene of the restrooms during different events. Fraser detailed the current routine. More research on how local communities handled this subject was suggested. Gordon would like Fraser to handle the restrooms for this event. Averbuch advised Council that according to CDC guidelines, the use of park restrooms did not require that they be cleaned between each use.

Kathy Erlich requested that someone look into the identification of a person named "Steph" who has been responding in the "Chat" section. "Steph's" comments were condescending about her and Council should be appalled that someone like this was able to speak. Please disable the "Chat" section on Zoom. This bullying behavior should not be allowed.

Katelyn Zachritz looked up and reported that the Governor's Order limited 60 people inside and 250 people for outside events. Golf Clubs in the area have shut down bathrooms and replaced them with Porta Johns.

Roll Call Vote

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

Motion carried.

Lamott felt it necessary to address this "Chat" issue which was profane and very offensive. Council will need to take control of this in the future. Hansen repeated her request of being courteous and respectful in this meeting. She questioned if the comments could be deleted from the record? Hansen requested that those who see such comments to "call" the person out and she

would ask that person to cease. 1st Amendment rights were discussed. Such behavior was not tolerable.

B. Consider Establishment of a Franklin Council-Resident Diversity and Inclusion Committee.

Hansen referred to her letter re: Diversity Committee, emailed to the Council members on August 7, 2020. She summarized the letter and highlighted several points. She was hopeful that the committee would draw up a resolution or a document which Council could accept and around which goals could be set.

Stakhiv stated that another Council member would have to fill her spot on the committee.

#2020-60 Motion by Seltzer, seconded by Stakhiv to establish a Franklin Council-Resident Diversity and Inclusion Committee.

No other Council member volunteered to be on the committee.

Roll Call Vote

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

Motion carried.

Hansen requested that the Council members reach out to the citizens who volunteered and to call the first meeting.

X. RESOLUTIONS/ORDINANCES

- A. Consider a Resolution to Vacate a Public Road Right of Way: the portion of Orchard Lane extending westerly from Captains Lane; the unpaved portion Apple Tree Lane extending easterly from Colony Hill Drive; and the portion of Irving Road extending from Orchard Lane to Normandy Road.**

Motion by Gordon seconded by Stakhiv to make a Resolution to Vacate a Public Road Right of Way: the portion of Orchard Lane extending westerly from Captains Lane; the unpaved portion Apple Tree Lane extending easterly from Colony Hill Drive; and the portion of Irving Road extending from Orchard Lane to Normandy Road.

Fraser stated that he had been working on this with residents and gave a synopsis of the activity. This concerned a utility right-of-way which had served this stretch of lane with a number of properties joined to it and has been used as a footpath for many years.

Seltzer referred to a letter from Glenn Pavy, Garden Way suggesting Council should vote down this Resolution in favor of developing a more broad and comprehensive approach to all similar land throughout the Village. Seltzer read out loud part of the letter. Gallasch supported this idea as it would be valuable in making this a “walkable” community. Seltzer suggested the Village do some research on similar right-of-ways in the Village. Gordon agreed.

Staran reminded Council that last November, as well as, in the last several years, Council has discussed this issue. The Village had no plans to develop these right-of-ways; however, at the time Council wanted to make sure that these footpath easements were reserved in perpetuity. Previously, other “paper roads” had been identified in the Village which may or may not warrant similar treatment. He felt it impractical to deal with all of them together as one; they were localized issues.

Stakhiv reminded Council members that last year they said the Village would maintain the footpath twice a year. She and Gallasch had even walked that footpath because the importance of this path was the residents’ access to the Village. She questioned if there had been enough public input, especially from those people who needed to speak regarding this vacation.

Hansen asked Staran if there were any risks to the bigger plan that the Planning Commission has been working on if Council approved this. Staran explained that this was an unapproved right-of-way footpath which merely needed to be formalized what has already been unofficially established, but eliminating everything that has been subject to a public right-of-way. That would revert to the adjoining properties. As for the Planning Commission, he did not know its current long range plans. Gallasch suggested PC look at these unused roads and determine which were appropriate for pathways.

David Goldberg, Planning Commission Chairman, stated that it had not been given a list of all those unused right-of-way areas in the Village which were available. This particular one was the only one that has been incorporated into the project. PC would be willing to discuss others as they serve a purpose that a regular road did not.

Rick Rattner, representing his client Stuart Greidanus, Captains Lane, said they have tried to resolve every issue which has been brought up in this meeting which he identified and explained each one. Referencing other “paper roads” in other places he has professionally dealt with, this was the normal procedure. It was important that those residents in the area agree with the use and protection of the land. Citizens could easily walk to the Village and the Village benefits from a useful footpath. Gordon was concerned that the Village would be giving away something which might have a future use and, personally, was reluctant to give it away. However, he felt it was a “win-win” situation. Staran added that the path would be attached to the property and become part of their taxable land.

Gordon wanted to amend the **RESOLUTION TO VACATE** and thus, the motion.

Staran clarified that Gordon would like to amend the end of the 2nd sentence of #2 under “THEREFORE, IT IS RESOLVED:” to add the addition “...the vacated portion of Irving Road

and the vacated portion of Apple Tree Lane (*f/k/a/ Miramar Ave.) and the vacated portion of Orchard Lane.”

#2020-61 Motion to read, “Motion by Gordon, seconded by Seltzer to make a Resolution to Vacate a Public Road Right of Way: the portion of Orchard Lane extending westerly from Captains Lane; the unpaved portion Apple Tree Lane extending easterly from Colony Hill Drive; and the portion of Irving Road extending from Orchard Lane to Normandy Road and retain similar pedestrian pathway rights throughout the entire length of the vacation, as amended, as follows:

RESOLUTION TO VACATE

WHEREAS, the Village Council of the Village of Franklin has been requested to vacate, discontinue or abolish the following described public right-of-way located in the Village of Franklin, and under the jurisdiction and control of the Village of Franklin:

That portion of Orchard Lane, as depicted in the plat of the Franklin Village Subdivision (Plat Map no. 22263, Oakland County, Michigan), extending westerly from Captains Lane (f/k/a Crescent); and

The unbuilt, unpaved portion of Apple Tree Lane (f/k/a Miramar Ave.), as depicted in the plat of the La Mesa Subdivision (Plat Map no. 23346, Oakland County, Michigan), extending easterly from Colony Hill Drive (f/k/a Alameda Ave.); and

That portion of Irving Road, as depicted shown in the plat of the Franklin Village Subdivision (Plat Map no. 22263, Oakland County, Michigan), extending from Orchard Lane to Normandy Road.

WHEREAS, the described public right-of-way has not been built or improved as a public road, nor is it open to vehicles, and the Village Council does not foresee needing or opening the right-of-way for public road purposes in the future.

WHEREAS, the Village Council held a public hearing and has heard and considered public comments pertaining to the request to vacate, discontinue or abolish the described public right-of-way; and

WHEREAS, the Village Council determines it is beneficial for the health, welfare, and safety of the people of the Village of Franklin to vacate, discontinue and abolish the described right-of-way.

THEREFORE, IT IS RESOLVED:

The above-described public right-of-way is hereby vacated, discontinued and abolished.

The Village reserves an easement in, over, through, across and under the former right-of-way for public utility purposes; and the Village further reserves an easement for a 10-foot wide, unimproved pedestrian footpath for public use. Said footpath easement shall be centered on and shall run along the center line (and measured 5 feet on each side of the center line) of the vacated portion of Irving Road, the vacated portion of Apple Tree Lane (f/k/a/ Miramar Ave), and the vacated portion of Orchard Lane.

The Village Clerk is directed to, within thirty (30) days, record a certified copy of this resolution at the Oakland County Register of Deeds, and to send a copy to the State Treasurer, as required by statute.

Upon being recorded, this resolution shall have the force and effect of vacating, discontinuing and abolishing the described public right-of-way, subject to the reservation of easements herein.

Roll Call Vote

Gallasch	Aye
Stakhiv	Aye
Hansen	Aye
Lamott	Nay
Seltzer	Aye
Saenz	Nay
Gordon	Aye

Motion carried. (5-2)

Hansen asked that Fraser work with Greidanus and the Planning Commission about having a discussion about land vacations and connectivity. Stakhiv thought this should be handled administratively as this subject was not new and had been talked about for two (2) years but there has not been any follow-up.

Fraser acknowledged the effort Greidanus has put into this issue. The success of other vacations might not be as successful if the interest and enthusiasm of neighbors wasn't at the same high level as this. Hansen would like to see a recommendation which could move it forward.

B. Consider a Resolution on Public Water – Authorizing Research & Planning.

#2020-62 Motion by Seltzer, seconded by Gordon, to approve the Resolution on Public Water – Authorizing Research & Planning.

Fraser stated the Council's responsibility to the community was to assure that residents had good water. Research was needed to understand the condition of the water supply and then to start the planning.

Gallasch and Lamott mentioned there had been the exact same study several years ago. Gallasch thought HRC was involved and several months ago Lamott had given Hansen a copy of the 2005 study which was given to Fraser.

Roll Call Vote

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

Motion carried.

C. Consider a Resolution of the Village of Franklin, Michigan to Concur in the Rules and Regulations Concerning Industrial Pretreatment Program as Adopted by the Great Lakes Water Authority.

#2020-63 Motion by Gordon, seconded by Seltzer to approve the Resolution of the Village of Franklin, Michigan to Concur in the Rules and Regulations Concerning Industrial Pretreatment Program as Adopted by the Great Lakes Water Authority, as follows:

**RESOLUTION OF THE VILLAGE OF FRANKLIN, MICHIGAN
TO CONCUR IN THE RULES AND REGULATIONS CONCERNING
INDUSTRIAL PRETREATMENT PROGRAM AS ADOPTED
BY THE GREAT LAKES WATER AUTHORITY**

WHEREAS, the Great Lakes Water Authority ("GLWA") is a Michigan municipal authority and public body corporate organized and existing pursuant to the provisions of Michigan Public Act No.233 of 1955, as amended, MCL 124.281, *et seq.* ("Act 233"), for the purpose of establishing a regional sewage disposal system to operate, control, and improve the sewage disposal system leased from the City of Detroit; and

WHEREAS, pursuant to Act 233, the Village of Franklin is a constituent municipality of the GLWA; and

WHEREAS, as authorized by Act 233, GLWA and the constituent municipalities are required by state and federal law to adopt binding rules and regulations (Exhibit A, attached hereto and incorporated herein by reference) as part of an Industrial Pretreatment Program (IPP) in order to comply with all applicable state and federal laws, including, without limitation, the requirements of the Federal Water Pollution Control Act, 33 USC Section 1251, *et. seq.*, the General Pretreatment Regulations for Existing and New Sources of Pollution, 40 CFR 403, and the National Categorical Pretreatment Standards contained in 40 CFR Sections 405-471; and

WHEREAS, these rules and regulations were adopted by GLWA as a uniform code to: (1) regulate wastes and wastewaters discharged into the collection system for all participating municipalities; (2)

prevent the introduction of pollutants into the wastewater systems which will interfere with the operation of the system, contaminate the resulting sludge, or pose a hazard to the health, safety or welfare of the people, the communities or to employees of GLWA; (3) prevent the introduction of pollutants into the wastewater system which will pass inadequately treated through the system and into the receiving waters, the atmosphere, and the environment, or will otherwise be incompatible with the system; (4) provide for the recovery of costs from users of the wastewater collection system sufficient to administer regulatory activities and meet the costs of operation, maintenance, improvement and replacement of the system; and

WHEREAS, after a 45-day public comment period and public hearing, the Board of the GLWA approved the IPP Rules on November 13, 2019.

NOW THEREFORE BE IT RESOLVED that the governing body of Franklin Village, in compliance with Act 233 and state and federal law, hereby concur in the IPP rules and regulations attached hereto as Exhibit A; including any subsequent amendments thereto, which amendments, if any, shall not require the approval of this governing body; and

BE IT FURTHER RESOLVED that the adoption and approval of the rules and regulations contained in Exhibit A shall be contractually binding on the parties, and no governing body of Franklin Village shall be authorized or empowered to rescind or change the approval granted in this resolution without 180 days' prior written notice to the GLWA.

Fraser explained this was a Resolution for the record based on what they have been doing and what they will continue to do in treating water.

Roll Call Vote

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

Motion carried.

D. Solar Energy Facilities Zoning Code Amendments, referral from Planning Commission.

#2020-64 Motion by Gordon, seconded by Seltzer to approve the first reading of the proposed Solar Energy Facilities Zoning Code Amendments.

Staran explained that for the second reading a final version would be presented.

Stakhiv has gone to all the Planning Commission meetings, followed the progress and based on the paperwork that comes in next month she fully supported this.

Lamott questioned the visibility from the street. He would like to have a review of this issue.

Roll Call Vote

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

Motion carried.

XI. CLOSED SESSION. Consider Whether to Convene in Closed Session to Discuss an Attorney-Client Privileged Communication.

#2020-65 Motion by Seltzer, seconded by Stakhiv to convene in Closed Session to discuss an Attorney-Client Privileged Communication.

Roll Call Vote

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

Motion carried.

XII. ADJOURNMENT

Motion by Stakhiv seconded by Gallasch to adjourn the meeting.

There being no further business, the meeting was adjourned at 10:50 PM.

Respectfully submitted,

Gail Beke, Recording Secretary

Eileen H. Pulker, Clerk

Pamela Hansen, President