

**VILLAGE OF FRANKLIN  
VILLAGE COUNCIL REGULAR MEETING  
MONDAY, AUGUST 12, 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, Pam Hansen, Bill Lamott, Ed Saenz, Mike Seltzer  
Absent: Brian Gordon (excused), Mira Stakhiv (excused)  
Also Present: Jim Creech, Village Administrator  
Eileen Pulker, Village Clerk  
Ann Christ, Village Attorney  
Lance Vainik, Village Treasurer  
David Goldberg, Chairman, Planning Commission  
Nena Downing, Planning Commission

**III. ADOPTION OF AGENDA**

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

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

**IV. MINUTES**

**A. Special Meeting of July 8, 2019**

**Motion by Seltzer, seconded by Saenz to approve the Special Meeting minutes of July 8, 2019, as presented.**

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

For the benefit of the public Hansen explained the purpose of the Special Meeting (Workshop) and Walking Tour.

**B. Regular Meeting of July 8, 2019**

**Motion by Seltzer, seconded by Saenz to approve the Regular Meeting minutes of July 8, 2019, as presented.**

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

## V. REPORTS OF VILLAGE OFFICERS AND AGENTS

**Chief Dan Roberts, Police Department** referred to his monthly July Report, and highlighted the two (2) home larcenies, both which occurred by people who had been invited into the homes, either as movers who stole personal items and credit cards, or guests that stole items during a large party. He cautioned residents to be aware of those coming into their houses. An incident which happened in August and was not in his report, but received a lot of press was the cement mixer on Telegraph which lost its load causing the closure of Telegraph Road for several hours. On Chief Averbuch's behalf he praised the Fire Department as they did a phenomenal job cleaning up as best as they could. The Police Department is currently looking to hire one (1) full time police officer. Chief reported that twelve (12) applications were received, nine (9) were interviewed of which three (3) were excellent candidates and all with experience in other departments. All three (3) are now in the background check phase and one would be chosen for hire. This time around he was very impressed with the caliber of the applicants. Both the Police and Fire Departments have had continuing dialogues with the Village of Bingham Farms regarding its assisted living center project. Again, this will be on the Council's agenda for approval at its next meeting which would be in two (2) weeks and the outcome was uncertain. A lot of the discussions have been taking place about how much it would cost to provide police and fire protection to an assisted living center with 115 beds. As soon as he is told how the Bingham Farms Council meeting went he would report back to the Council. Depending on how the vote would go, the cost of the Fire and Police Departments could be a heavy drain on public safety resources. Lastly, Roberts stated that Kevin Crane (Brian Crane's brother), a reserve officer who has been working for Franklin for decades would be retiring after Labor Day. The entire staff would be recognizing him on Labor Day around 11:00 AM before the parade which begins at noon. The celebration would be at the Police Station.

**Tony Averbuch, Fire Chief**, was not in attendance, but had provided a written report.

**Main Street Franklin, Krista McClure, Executive Director**, reported that MSF, has had an issue with the website (the domain) but this had been resolved. The website address is: [Mainstreetfranklinmi.com](http://Mainstreetfranklinmi.com). MSF received five (5) applications for Façade Grants, of which three (3) would be awarded for a total of \$3,450. MSF has also submitted an application to Oakland County and Flagstar Bank for a grant for a Design Demonstration Block. The block would include Just Guys, Zieben Mare, the gas station, and Smile Builders of Franklin building. Part of the Design Block might be a mural on the rear of one of the buildings. The grant would be for \$10,000 and she hoped to work with the Village to get a matching grant to build out the parking lot on the rear. The Gem of the Night Fundraiser will take place Saturday, October 12, 2019 at the home at 30830 Franklin Road. Responding to Hansen's request, McClure explained that the application MSF submitted for the Design Demonstration Block was just for phase one (1). The purpose of the grant was to allow for the businesses in the downtown district to stay open longer than the traditional hours. This was part of the ideology of the Design Demonstration Block. She also noted that it was important to recognize that with the streetscape improvement project one of the small businesses and the building itself would potentially be losing one of its parking spots in front of the building. This would be challenging for the new business owner, therefore, allowing for parking in the rear of the property and foot traffic to enter through the rear of the building would be very important. MSF hoped to tie into what the Village was doing with the new streetscape design; sidewalks in phase one (1) and in phase two (2) would be in terms of the

parking lot. She announced a new business which would be located next to Just Guys, a new wine shop. She had no update on the Patisserie. Hansen related that the building owner said she would be the first one he texted when he knew. Seltzer and Saenz stated that they had received the same response from the building owner.

**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 \$161,429.08. Vainik stated that the expenditures are generally consistent with the FY2019-2020 Budget. The Bills List for this month included a large entry of \$13,483.50 for Landscaping Services paid to Johnson Landscaping, Inc. He concluded by stating that the Village has sufficient funds to meet its current and anticipated obligations. The lists of account balances in the Council's packets were as of August 8, 2019 held at Level One Bank. A Balance Sheet was also provided from the interest bearing CDs held at Multi-Bank Securities.

Seltzer questioned the vendor "Pool Busters" to which Gallasch explained that it was a refund for a bond deposit, as was the check to Whitelaw Custom Homes, Inc.

#### **VI. SUBMISSION OF CURRENT BILLS**

General	\$ 28,416.07
Major Streets	\$ 9,592.04
Local Streets	\$ 10,092.08
Police	\$ 43,291.14
Garbage and Rubbish	\$ 15,088.10
Building Dept	\$ 19,363.77
Street Project	\$ 32,478.91
Road Millage	
Pressure Sewer	
Tax Collection	\$ 6,353.11
Waste Water	\$ 2,361.30
totals	<u>\$161,429.08</u>

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

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

**Nays: None**

**Absent: Gordon, Stakhiv**

**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.

None were made at this time.

## **VIII. SPECIAL REPORTS**

### **A. President's Report**

#### **1. Downtown Discussion/Franklin Road**

Hansen began by explaining that Council had approved a Task Force which would review Village Ordinances regarding how the Village was using and supporting the Building Official and staff with the enforcement and care of the buildings in the Historic District and throughout the Village. A Project Manager has been hired, Sarah Traxler, McKenna Associates, who also serves as the consultant for the Planning Commission, to help facilitate this project.

At this meeting will be the engineers from HRC with an update on the roads. The engineers were requesting that personal contractors, such as lawn mowers and landscapers, to park completely on the roadway, not on the grass next to the pavement which would damage the new pavement.

Going back to the Downtown Improvement work project, last month, Council members had a chance to look at the conceptual design for the walkways, lighting, and landscaping plans which had been created by the Village's landscape architect, Tad Krear, in conjunction with the Citizens Design Committee. Last month the Council and residents had a walking tour of the downtown. Council has now approved sending the design to the next phase, which would be the design engineering. Creech was working on a Request for Qualifications (RFQ) from engineering firms and this would be pursued during the next couple of months.

### **B. Council Report**

Lamott was of the opinion that with all the gathered information Council should be able to make some decisions on some of the major aspects of the Downtown Improvement Plan. He urged Council to hold a Special Meeting between now and the next one to talk about and possibly resolve those issues so to facilitate the engineering process. Hansen felt this went along with the RFQ.

#### **1. Personnel Committee Report**

On behalf of the Personnel Committee, Seltzer stated that he did not have a report.

### **C. Administrator Report**

Creech stated that on next month's agenda there would be a demolition of property on Romsey. He has been working on the grant for Roof Repair and Gutters on the Village Hall. The RFP has been approved and needed to be advertised. The project would be done at the end of September.

### **D. Engineering Report, Hubbell, Roth and Clark, Village Engineers**

Eddie Zmich, Project Manager, HRC, spoke to the current standing of the 2 year road project including the construction and the budget status, Franklin Road, the remaining sections between 13 Mile and 14 Mile Roads, and the "crack" issue of the new roads. He referred to a report that was in the Council's packet; prepared by Brent Tarpinian (Field Coordinator) dated August 8, 2019, and entitled Village of Franklin 2017/2018 Road Rehabilitation Program. Sections of the

report included: Work completed since previous AoPS (Account of Project Standing); Impediments and other issues affecting project and Owner assistance to prevent delays; Change requests/additional work requested since previous AoPS, and fee impacts; Tasks being performed and next tasks to be performed (Phase I, II, III(a) and III(b)); Financial Status-Change Orders and Contract Amount -Phase I, Phase II, and Phase III and Financial Status-Pay Applications (Phase I, Phase II, and Phase III).

In addition, on August 8, 2019, HRC sent a letter to Creech and Village Council, “Re: Franklin Road Construction – Phase III, 2017-2018 Road Improvement Program” which included costs per phase for 2019 construction, including projected construction engineering for Phase IIIb – Franklin Road between 13 Mile Rd and Scenic Highway and Phase IIIc – Scenic Highway and 14 Mile Road. A second letter dated August 8, 2019 was sent, “Re: Road Quality Assessment and Preservation, 2017/2018 Road Improvement Program” which included a chart with **Phases Approved by Council To Date** and **Phases Not Yet Approved by Council**. The costs were for Phases IIIb and IIIc were based on 2019 construction unit pricing.

Regarding Franklin Road, Cadillac Asphalt would be able to schedule Franklin Road this year but would need Council’s approval at this meeting including the decision to do either Phase IIIb, IIIc, both or neither. There was a discussion about the scheduling, duration, and how it would or would not affect the traffic on Franklin Road between 13 Mile Road and Scenic Dr. James Burton, P.E., Vice President, Hubbell, Roth & Clark, contributed to this conversation about the process and the importance of timing and/or locking down the pricing.

**Motion by Seltzer, seconded by Saenz to approve the change order for road construction on Franklin Road between 13 Mile Road to approximately Romany Way and HRC would negotiate the balance of the project.**

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

**Nays: None**

**Absent: Gordon, Stakhiv**

**Motion carried.**

Burton also had two (2) items for Council to discuss regarding requests from residents for the restoration of property which independent landscapers had damaged. He proposed cataloguing all those sites and sending a contractor throughout the Village to “touch up” everything. HRC would provide updates, the timings, and sequencing of events. The second issue dealt with the cracked roads. After a review it was found that nine (9) roads were in need of attention. In the Council’s packet was an explanation and table of the four (4) various options for those roads from which Council could choose and approve. A decision was not necessary at this meeting as there needed to be a discussion regarding the remaining budget and discounts offered by HRC and Cadillac Asphalt. He definitely thought there should be an additional Council road meeting or a committee as a whole about having Cadillac come in the spring to redo these streets. Seltzer requested the name of the specific roads and Burton referred him to the list provided in the Council packet.

Responding to Lamott’s question of why this happened in the first place, Burton explained that reflective cracking can come through and since these streets were the first ones done in the

project, they were a little leery about doing major changes on the very first streets because of the potential financial impact on the budget.

Gallasch stated his concern was that the Villagers were originally taxed more than was needed and now, for whatever reason, some of the roads needed to be redone and paid for with the leftover money. Seltzer noted the alternative which would be for the Villagers to initially pay less and then be surprised when the Village had to ask for more. It was noted that concessions were probably made based upon engineering investigations that, in hindsight, were probably too conservative. Now the Village/engineers must go back and revisit it.

Burton clarified that overall, this was a very successful road project; under budget, touched every street, made some changes along the way, and got better along the way. The project started with those first nine (9) roads receiving only tar and crack sealing. After considering several factors, the program was immediately upgraded to a higher design standard for the remaining roads. Now those original roads needed to be rehabbed. Considering that there were several methods to repair the selected roads, Burton agreed there should be a conversation about which would be appropriate methods for the repairs and for how much.

Hansen recommended that the committee as a whole have a meeting to discuss these issues. Creech stated that a Special Meeting was totally appropriate.

## **IX. NEW BUSINESS**

### **A. Consider Planning Commission Recommendation for the Special Use Permit Application for Solar Panels at 31040 Lucerne.**

Danny Mathews, on behalf of Power Home Solar and Roofing, explained that he had gone before the Planning Commission in July to answer questions and concerns and was here tonight to answer any of those from the Council.

Hansen clarified that solar panels required Special Use Permit and asked David Goldberg, Planning Commission Chairman, to comment on this issue.

David Goldberg, Willowgreen Ct., Chairman of the Planning Commission, noted that the panels required a Special Use Permit. The Ordinance was very specific and listed 12 questions to be asked and answered, each one of which were posed and answered by the applicant and Sarah Traxler, the Planning Consultant from McKenna. Four (4) or five (5) of them were inapplicable to this application and the other ones were answered in the affirmative, satisfying the requirements for the Special Land Use permit. No one came to the Public Hearing which meant none of the neighbors had any issues. The property was very well screened from neighbors, as well as, adjoining roads. The questions about whether any trees needed to come down were negative at that point. However, the homeowner was advised of the Village Tree Ordinance. The Planning Commission unanimously agreed and recommended this was an appropriate application for the Special Use Application for solar panels.

**Motion by Seltzer, seconded by Gallasch to approve the Special Use Permit for the installation of solar panels at 31040 Lucerne, as submitted.**

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

**B. Consider Civic Permit Application for Art in the Village and Round Up, including a banner over Franklin Road, for Monday, September 2, 2019.**

**Motion by Seltzer, seconded by Saenz to approve the Civic Permit Application for Art in the Village and Round Up, including a banner over Franklin Road, for Monday, September 2, 2019.**

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

**C. Consider SMART Contracts, Municipal Credit and Community Credit Contract, for FY2020.**

Creech gave some background information for this request. These were tax funds usually transferred to NEXT to provide transportation services.

**Motion by Seltzer, seconded by Saenz to approve the Municipal Credit and Community Credit Contract for FY 2020 between the Village of Franklin and SMART.**

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

**D. Consider Zoning Board of Appeals Appointment.**

**Motion by Seltzer, seconded by Saenz to approve the appointment of Linda Hiller Novak to the Zoning Board of Appeals.**

There was a discussion involving a misunderstanding about the length of a recent interim appointment of a Zoning Board member and, in this case, who should have informed the appointee that his term had expired. It was advised that the minutes of a previous meeting should be reviewed.

Seltzer apologized to Paul Brakeman for the miscommunication and the discourteous manner in which this procedure was handled. Seltzer suggested that, if agreeable, Brakeman could sit on another committee. Hansen verified with Pulker that Brakeman's appointment in May, 2019 was an interim appointment for two (2) months.

Paul Brakeman, Wellington, agreed this had been confusing and as a resident of the Village, he was very disappointed in the handling of this issue. He personally listened to "...the recording of

that night of his appointment (May, 2019 meeting) and it was clearly brought up on the recording, "...we can go over this in two (2) years. Right? Yes." That was where the confusion was. He personally did not have a piece of paper confirming his swearing in and oath of office but added that for clarity the terms of an appointment should be listed on that piece of paper.

Hansen apologized and stated she wanted to look at those particular minutes about what the motion was and what commitment the Council made to Brakeman. She tabled this item to be brought back later. Brakeman requested that he be part of this communication. According to Hansen, either Creech or Pulker would be in touch with him directly.

**E. Consider Approval of Proposed Ballot Language for Public Water and Funding and Submittal to Oakland County Elections Division.**

Hansen stated this would be the third version of the Ballot language.

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

Hansen reminded Council that this Ballot Language needed to be delivered to Oakland County no later than tomorrow, August 13, 2019 by 4:00 PM, which was the deadline.

Lamott was not in favor of Proposal A as it would create the biggest controversy the Village has ever had. There were still too many questions without any answers. For Proposal B, Villagers were spending a lot of money so that 28 properties could potentially hook up to water. He would support a Village-wide vote on water for everybody and explain the timing of it and the cost of it.

Seltzer saw this ballot as an opportunity for the Village to begin to lay the water pipe for a future need and the timing was designed specifically because the Village was in the midst of repaving Franklin Road. If properly explained to the public he thought people would understand it was the logical time to do it. It did not commit to anything, just laying the groundwork for the possibility of water in the future. It demonstrated that the Village was being pro-active and not re-active. He felt there was nothing controversial about it.

Hansen had a lot of problems with the huge amount of money which Lamott stated this project would cost each homeowner and that was not what "they" were proposing. Council could either approve this now or later and she quoted the facts which MDEQ had supplied about the ground water pollution which was not a problem now but had migrated from the source. She continued by giving a brief history of the downtown problems which was what had begun the discussion of possible public water. Three months ago she had asked Council to look ahead and possibly consider investing in the future: beginning with laying a water pipe and repaving Franklin Road at the same time. She continued by listing the advantages of providing water to the entire Village in the future.

Seltzer supported Hansen, acknowledging that the Village has a hard time being pro-active and spending money. Seltzer continued stating that Council should be mindful of the fact it needed to do some planning and strategizing for the future with such things as water and septic and

sidewalks. If Villagers thought these would enhance the value of our homes then this would be a wise investment to make. The subject of water was pertinent because of the timing of re-doing Franklin Road. He emphasized that the engineers told the Council that if this were to be revisited later it would cost \$1/2 million to rip up the road. He was in favor of presenting this to the public and allowing the residents to make educated decisions and not planting harsh negatives in the path of success.

For the benefit of the public, Hansen stated that the Village Charter required the Council to get the residents' permission to put in any public "anything". The vote of the citizens would be needed to authorize a public water system. This would be the choice residents had to make.

Sheila Austin, Bruce Lane, stated that a Public Hearing would be needed.

Hansen clarified that at this meeting Council would be approving the final language for the ballot which would be voted on in November, 2019. Seltzer added that between now and then there would be open meetings for discussions on both sides of the issue.

Saenz felt the citizens should have a say and after that consider future costs independently and carefully because there would other steps beyond this decision.

Sheila Austin, Bruce Lane, stated this was similar to the pressure sewer issue when several homes were added onto the pressure sewers at the last minute so a developer could develop behind her home. She would attend every public meeting and fight this unless it was just for those who absolutely needed it and could be proven so. She anticipated a big fight on the Council's hands.

Kathy Erlich, Crestwood, resident and business owner in the downtown area, understood that if the road was going to be torn up she had some questions: Is it necessary? What was going to be put down, one big pipe going all along the road? How far was it going to extend, and how much money was it going to cost? The big question was who was going to connect to it? Being a business owner, if the water went bad, she favored getting a reverse osmosis system which was cheaper. She didn't feel it was fair to argue about any potential contamination, because the osmosis system was doable. She understood the issue about the water situation on 13 Mile Road but this solution wouldn't even help them. It was most important that people understood what their money was going for. She questioned the clarity of the wording of the ballot and wanted to make sure the public knew this was only going to be preliminary and at this point not everyone would be able to connect to it.

Hansen questioned Creech if he had any information about the cost of connecting to a business or a home and any other impact on the people in the downtown area? He deferred to the engineers. Burton did not have specific numbers; however, he explained the process which they would have to go through. He gave a few examples of cost of which he was familiar. Burton answered Gallasch's questions concerning the safe quality of the water and the water management in the event of a power outage. If this Council did nothing but a next Council wanted to pursue this, Seltzer asked Burton what would be the cost to tear up the road and do this then? Burton suggested Council look in the budget packet under Phase IIIc. It would be logical to assume those money figures would be the same as the process would be the same. Seltzer re-iterated his

opinion to do it now because of the timing of the Franklin Road project or deal with this down the road with another Council which would cost the Villagers those dollars.

John Simon, Kincardine, resident and business owner, stated that his business was next door to the pollution problem and his wells were clean but he still put in reverse osmosis. He stated he would much rather have control of his own water from his well rather than have to worry if there would be an accident at the main station or even terrorists. He posed the question: Has anyone gone around the Historic District and asked the residents if they were concerned and would they hook up to a public water system? Hansen replied that people on both sides of the street had been questioned in conjunction with the downtown improvement project.

Sheila Austin, Bruce Lane, brought up the concerns related to and stoppage of the usage of the water fountains in the Detroit schools. That would be the same city water which would be flowing here. There was a possibility that the water in Detroit would have the same problems as that in Flint. Hansen put that as Austin's opinion and didn't think that would be what the state would say, but thanked her for her comments.

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

#### **F. Consider Compensation for Administrator**

**Motion by Seltzer, seconded by Saenz to approve compensation at \$88,750.00 annually for the Administrator to continue working for the Village until December 18, 2019.**

Gallasch not being at last month's meeting asked for a clarification of this issue. Hansen provided the details.

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

### **X. ORDINANCES/RESOLUTIONS**

#### **A. Consider Resolution Establishing Authorized Signatures for MERS Contracts and Service Credit Purchase Approvals.**

**Motion by Seltzer, seconded by Saenz to approve the Resolution Establishing Authorized Signatures for MERS Contracts and Service Credit Purchase Approvals.**

**Ayes: Gallasch, Hansen, Lamott, Saenz, Seltzer**  
**Nays: None**  
**Absent: Gordon, Stakhiv**  
**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 (second reading).**

**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 (second reading).**

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

**Nays: None**

**Absent: Gordon, Stakhiv**

**Motion carried.**

**XI. ADJOURNMENT**

**Motion by Lamott, seconded by Saenz to adjourn the meeting.**

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

**Nays: None**

**Absent: Gordon, Stakhiv**

**Motion carried.**

There being no further business, the meeting was adjourned at 8:35 PM.

Respectfully submitted,

Gail Beke, Recording Secretary

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Eileen H. Pulker, Clerk

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Pamela Hansen, President