

**VILLAGE OF FRANKLIN
VILLAGE COUNCIL REGULAR MEETING
MONDAY, SEPTEMBER 9, 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 Pamela Hansen, at 7:00 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
Lance Vainik, Village Treasurer
David Goldberg, Chairman, Planning Commission

III. ADOPTION OF AGENDA

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

Hansen proposed that item D. Consider Extension of Main Street Franklin Agreement, under **IX. NEW BUSINESS** be postponed until next month, as requested by the Main Street Executive Director. McClure would like to spend a little more time with her Board on the agreement.

Motion by Seltzer, seconded by Saenz to approve the agenda, as amended.

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

Nays: None

Motion carried.

IV. MINUTES

A. Regular Meeting of August 12, 2019

Motion by Seltzer, seconded by Saenz to approve the Regular Meeting minutes of August 12, 2019, as presented.

Gordon commented that on page 8 he was listed as seconding the motion to approve the Ballot Language. He was not in attendance. Stakhiv corrected the typo on page 2, middle of the sixth (6th) sentence of the Police Chief's report, the word "closer" should be "closure".

Motion by Stakhiv, seconded by Saenz to approve the Regular minutes of August 12, 2019, as amended.

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

Nays: None

Motion carried.

V. REPORTS OF VILLAGE OFFICERS AND AGENTS

Tony Averbuch, Fire Chief, referred to his written report and added that the volume of runs was substantial and there were even 4 or 5 that day. He stated that he was grateful that by a Council vote the issue with Bingham Farms and its PUD had been resolved; however, a formal agreement still needed to be signed. The Fire Department would be receiving additional funds each year in addition to the normal tax funds. When the Certificate of Occupancy was approved, the Budget for the Fire Department would not remain at 50/50 with 50% being from each Village. The Bingham Farms portion would become higher in terms of a \$70,000 increase as the result of this one (1) property. This increase would be for the hiring of an additional firefighter to cover both villages. The Fire Department participated in the Labor Day Round Up and had very few runs that day.

Gordon inquired if the \$70,000 was a fixed figure or would it change depending on the need. Averbuch had not seen the agreement as it was between Bingham Farms and the developers. This number would not go down and it was his intent that this would remain as the result of the use of the parcel. This agreement was after a lengthy discussion with several members of the Fire Commission and the Village of Bingham Farms. The Fire Department did not speak with the developers. All discussions went through a committee, the Public Safety Sub-Committee, which had been established by the Bingham Farms Council and made up of three (3) members of the Council with the assistance of the Village Clerk.

Averbuch responded to Gallasch's question about the three (3) calls from the same address, which was the school. It was reported that they were due to malfunctions.

Chief Dan Roberts, Police Department continued Averbuch's discussion about the Assisted Living facility with regards to the Police Department. The Department did not get any more resources or assets as the result of the development but did get a promise from Council to revisit the entire Special Assessment District. The District was formed in 1986 and nothing had really changed since then as to what it supplied: two (2) Police Officers and everything that goes with those officers. When originally established there were half as many buildings and construction as there is today and Council has promised to take a look at the situation. From the police perspective, the Labor Day Parade went well as there were very few incidents. There were very few parking complaints this year; using the baseball fields behind the church may have helped alleviate the problems. There had been an increase in written complaints about Ordinance violations, especially with door-to-door solicitors, as well as, sign violations, particularly with realtors. The police officers confiscate those signs; put them next to the dumpsters near the police building, and after about a week they are thrown away. Roberts provided a follow-up report about the major spill from a cement mixer on Telegraph Road. The driver of the cement mixer failed to appear for his court appearance. Two (2) warrants for his arrest were issued, Detective Bastianelli took him into custody that morning, and he was arraigned in front of a judge at the 46th District Court. The Department hired a new full time Officer: Christina (Chris) Doolan, who came from the Village of Pinckney PD and will start Monday. There had been about 20 applications and eleven (11) were interviewed for the open position that was due to a resignation.

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 \$648,950.04. He pointed out that

it was dominated with Tax Distributions to the Fire Department and the Franklin Public Library. Vainik stated that the expenditures are generally consistent with the FY2019-2020 Budget. The Bills List for this month included a large entry of \$19,418.73 for Landscaping Services paid to Johnson Landscaping, Inc. Vainik 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 September 5, 2019 held at Level One Bank. A Balance Sheet was also provided from the interest bearing CDs held at Multi-Bank Securities.

VI. SUBMISSION OF CURRENT BILLS

Category	sub totals
General	\$ 25,597.03
Maj Streets	\$ 6,775.53
Local Streets	\$ 5,997.75
Police	\$ 50,595.92
Garbage and Rubbish	\$ 15,078.50
Building Dept	\$ 12,256.13
Street Project	\$ 9,084.8
Road Millage	
Pressure Sewer	
Tax Collection	\$ 503,036.21
Waste Water	\$
totals	\$ 628,421.87

The total differs from the Treasurer's report due to 3 voided checks.

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

Gallasch had two (2) questions for Creech regarding the MERS payment. The other was for an explanation of POLICEONE.COM which Creech stated was for software for the police department.

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

Nays: 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.

Danielle Clayton, Normandy Road, stated that she had met with Creech last Wednesday to discuss an on-going matter regarding her property, Lot 131, and the impact of natural water erosion across her property, which she believed was the responsibility of the Village. This was due to hard and soft landscape changes to Lot 130, which was just to the north of her property,

and roof run-off which had dramatically changed the natural flow of water from the original “as-built engineering sign-off drawing”. Over the last five (5) years she had made numerous requests for help from the Village Office. She also included the impacts on surrounding property Lots 118 and 119. Hansen acknowledged that Creech had been working on this issue and inquired as to what recommendations he had. Creech had none at this time but would be contacting Staran. Hansen advised Clayton to continue working with the Building Inspector and Creech and with Staran for the clarity of the Village laws and Ordinances. One of Clayton’s neighbors had contacted Stakhiv and expressed their disappointment of not being able to be at this meeting. They would probably be at the next meeting to further explore this issue and provide their side of the issue.

Gordon wanted to know what the Village’s recourse would be regarding this issue. Staran explained the process to be taken if there had been any violations. Clayton provided a brief history of how she personally had been trying to remedy this issue by speaking with the Village Office. Lamott stated that the scope of this inquiry should be expanded to include other certain areas, such as, Franklin Court, Evelyn Court, and Normandy, which he identified as having similar issues of water run-off.

Sarah Searing, Cheviot Hills, a new resident, complained of the placement of a 25mph speed limit sign along the road in front of her property. She had spoken with the Police Chief who explained the reasoning and advised her to present her concern and ideas for alternative solutions/locations to the Council.

Senator Rosemary Bayer, District 12, updated Council on the current activities in Lansing, including the focus on the Budget. Hansen expressed her concern that Michigan was ranked 44 out of 50 states in citizen contribution to education. The subject of roads, condition of and funding for, were discussed.

VIII. SPECIAL REPORTS

A. President’s Report

1. Downtown Discussion/Franklin Road

Hansen reported that the MDEQ/EGLE (Environment, Great Lakes & Energy) had been in the Village this week installing systems in the Slade House and the building behind that were similar to the system in the Jones Building. Those particular buildings did not have a problem but were adjacent and close enough in range to the Jones Building that the federal rules required that a preventive mitigation system be installed there. The end unit in the Ravine condos would also be getting this system installed as it also fell in the radius. The latest test in May indicated that the air quality in the Jones Building was acceptable. The engineers will be looking for a longer term solution.

Today she learned that the well water from which residents drew their drinking water was free of PFAs. Currently, the Village had four (4) wells from which samples were drawn and tested. This was good news and they would be monitored annually. She noted that when Council was planning to repave the roads it also considered laying a pipeline down Franklin Road for public water. Hanson noted that this was precipitated by the fear of chemicals leaching into the well

water and that although this was still a concern it was not an eminent risk. Also, today she spoke with Kim, the EGLE project manager, about having a Village-wide meeting with the “EGLE group” and other resources groups sometime this winter about the issue of water safety.

The Downtown Improvement Task Force met this morning. Sarah Traxler, the Village Planning Consultant has been hired as Manager of this project and has set up a work plan with the first goal being to identify “troubled” buildings and opportunities for maintenance improvement. This would also entail looking at the Ordinances to make sure they were pertinent, getting the best use of the talents and time of the Building Official, and providing preventive measures with incentives to encourage property owners to maintain those old buildings. She has asked Pulker and Creech to post the six (6) goals on the Village website.

Hansen commented that the Ballot Language to authorize the installation of a public water system that had been approved by this Council in June was defeated last month. There were two (2) Council Members opposed and three (3) who were in favor of it. For clarification she wanted the residents to understand the process. She explained that according to a rule in the Village Charter if any Resolution were to pass, four (4) members were needed to vote in favor of it. She pointed out that in some situations, such as last month, the minority could outweigh the majority, which was exactly what happened, because two (2) members were not able to attend the meeting. In June, a Resolution was approved to ask voters to approve a public water system. A case was made over several months of discussions that there was an opportunity to get the installation of pipes down Franklin Road at a reasonable price from Bloomfield Township, which might not be offered in the future. The intention was to start small and work on a bigger strategy; at that point there were potentially problematic wells in the downtown area. The good news was that the Village did not have an imminent problem, but EGLE was very clear today that this was not off the table; the risk had not disappeared. In July the ballot language was revised; however, Council members still had some concerns about it so it was brought back last month. In August, the third (3rd) version which Staran and Creech had worked on was presented to Council. The discussion turned from “Ballot Language” to what really wasn’t talked about: water. Did the Village want water or did the Village not want water? She wanted to let the residents know she was disappointed and for her, as Council President, it wasn’t about the water. It was the fact that Village residents were denied the opportunity to vote on water in this Village. The first (1st) question on the ballot always had to be “Is it OK for the Village to proceed with the planning, the specifications, and logistics for a public water system?” The Village Charter requires permission from the voters before proceeding. It didn’t matter what followed, whether it be to start small or a large price tag for the whole Village. A decision still had to start with “Is it OK?” and the residents would not be able to vote on that in November. There may be a Council Member who might want to re-introduce it and Council may be able to vote on it again. She wanted the public to know how she felt about it. Hansen concluded stating that it was not the issue of water, but it was very important to her that the residents should have a chance to weigh in on this issue.

B. Council Report

As a member of the Council, Seltzer was disappointed by the decision that was rendered at the last Council meeting. He remarked that, unfortunately, there were several absences on the Council, and the regular Village Attorney was unable to attend so there had been a replacement for him. The discussion at the meeting revolved around a debate about the overall subject of

water as opposed to the very specific charge which had been placed on last month's agenda which was to review and approve the Ballot Language. Council members were elected by the Villagers to manage the Village. As far as Council was concerned this issue had already been approved to go to the voters for their decision. In his opinion what happened last month was a travesty, unacceptable and he was embarrassed about it. Unlike some mundane Village matters that Council tackles month to month, this issue was very significant and was worthy of the entire Village's education and understanding and for the Village to chime in and make a decision. He mentioned that the timing of installing a public water system was appropriate as it coincided with the tearing up of Franklin Road and in the end property values would go up as a result. He felt that there were some residents who wanted to live in a rural environment and were stuck in the 1800's and there are those who wanted to move forward, he being one. He would rather be proactive than re-active. There had been no commitments made or decisions made about whether a resident would have to hook up to the water line in the future. Seltzer would personally call for a Special Election which would cost the Village some money because he thought this issue was very important and last month's Council vote was unacceptable.

Gordon stated that there were two (2) areas of the Village Charter which impacted last month's Council meeting. One (1) area required an affirmative vote of the residents to give Council the authority to have a discussion on a major issue, such as, water. For background purposes he recounted those events which prompted the Council's specific discussion about "water". The second (2nd) part had to do with specific funding. The "quorum" of the Council as specified in the Charter also impacted the outcome of the vote. He expressed his opinion about what constituted a "quorum" and he felt this subject should be revisited.

Stakhiv opined about the "lessons learned" from the results of last month's vote: 1) Never leave anything to the last minute. Due date for the Ballot Language was August 13 and the meeting was August 12. She recounted Council meetings leading up to it. 2) She regretted that the residents weren't able to vote on this, but there would be another chance to vote on this in a year and not necessarily in a Special Election. Unrelated to this topic, but important, she brought up a safety issue of having address numbers on both sides of the mailboxes, in case of a fire or police emergency and she urged the public to correct this problem. The house on Crestwood and 13 Mile Road was an eyesore and blight on the houses and the community we live in and listed many safety issues with the house. She also questioned why the Village couldn't get a handle on blighted properties in the Village. Stakhiv updated Council on the interview process for a new Administrator noting that three (3) of the eight (8) applicants appeared to have good experience. She and Creech would begin the interviewing process starting the end of this week and the beginning of next week. The Personnel committee would meet with the recommended final candidates (she would relinquish her position on the committee to Hansen) and eventually he/she would be brought before the full Council. She also announced the Mobile Watch program on Wednesday, September 11, 2019 at 7:00 PM on "Safety at Home -Technology Options". The Bingham Farms Mobile Watch would be co-hosting the event. Franklin Cider Mill would be providing cider and donuts and would be interested in becoming involved with Franklin activities by donating cider and donuts for other events.

C. Administrator Report

Creech has been working on the RFP for an engineering firm to work on the downtown streetscape project. Hopefully, it would be sent out tomorrow. Gallasch, Lamott, and Hansen volunteered to be on the selection committee. He expected to have a recommendation by the October meeting.

IX. NEW BUSINESS

A. Consider Demolition Application for the property at 32575 Romsey.

Motion by Seltzer, seconded by Saenz to approve the Demolition Application for the property located at 32575 Romsey, as submitted.

Mustafa Saeed, applicant, provided Council with details about the project, including the buying of the property 2-3 months ago and filling out the permit and the plan to tear down the house. He met with Mike Barger, the Village Arborist, who inspected his property and had given his approval for cleaning up the property. Saeed applied and was issued a tree removal permit and followed the Tree Ordinance when cutting down some shrubs on the property. Never-the-less, even after he had received the permit, neighbors reported him to the authorities. Saeed gave examples of the abundance of tree growth on the property, including 6 growing into the house, as well as, numerous other safety elements which initially had prevented him from insuring the house. His plans were to construct a new house on the property.

Creech confirmed that the issue with the trees had been resolved. The Arborist, Save A Tree, had issued a Tree Permit and Saeed has posted a Bond for a landmark tree which had to be taken down. Dinnan had given his recommendation and Staran had reviewed the legal documents. Saeed had met all the standards.

Stakhiv was concerned about the clearing of the property as it looked barren in comparison to the neighbors. She confirmed that all permits were issued before any clearing had begun.

Matthew Howell, Romsey, across the street from the property, was concerned about the demolition plan. He and his wife, Julie Wagner, reviewed the demolition plan in the Clerk's office and were surprised that an environmental survey had not been done to assess the existence and proper removal of the asbestos from the house when it was demolished. The Building Inspector informed them that the Village did not require such a survey to be part of the document. Talking with a demolition expert, they were informed that the Department of Environmental Quality or MDEQ, required that the demolition company, which in this case was also the person responsible for building the new house, had to have this study done. What was also surprising when looking at the criteria was that in order for Council to evaluate and approve a demolition, there was the requirement that such proposed demolition removal would not be injurious to public health, safety or welfare. The Building Inspector told them that asbestos in a residential property was not an issue. After doing some research, this was not Howell and Wagner's understanding and could be quite an issue. As a side note, Howell related a story about the DEQ suing the city of Detroit for failure of obtaining a survey and going through the proper process.

Daniel Rosenberg, Dennison, spoke with Saeed about the tree situation and because of his two (2) young children, one of whom has asthma, he was concerned about the safety measures taken against mold and asbestos during the demolition of the house.

Judy Schulz, Dennison, expressed her concern about the environmental issue and also the drainage because her house backed up to this particular house. She spoke with Dinnan earlier in the day who said there needed to be a drainage report before the new house was built. After hearing the Villager speak earlier in this meeting about the problems she was having with the drainage from the home next door, she wanted to be pro-active about this issue. This needed to be explored.

Saenz questioned Staran whether there was or was not a requirement about asbestos prior to a demolition. Staran was not aware that Franklin required an environmental report before a demolition. However, there were protocols the demolition contractor needed to follow when it encountered hazardous materials. Gallasch noted this was another issue of Ordinances not updated to modern times. Staran stated that this was modern times and he was not aware of anyone who required environmental reports before residential demolition. He continued by saying that commercial demolition was a different scenario.

Saeed assured the Council and public of the safety precautions his company would use when demolishing a structure, including an orange fence surrounding the entire property. In addition, a soil erosion fence around the property would be maintained to make sure dirt did not flow into the neighbors' property. The site plan also included a drainage system.

Saenz was satisfied with the application, as all the rules were being followed, and saw no grounds for denial based solely on emotion. Lamott expressed his concern with regards to what was happening in Detroit, and Staran stated he was not familiar with the demolition situation and could not speak to it. Lamott added that this might be a risk to our residents and should possibly be monitored. Seltzer agreed with him as he heard two disturbing subjects in this conversation: asbestos and mold. Seltzer suggested this item be tabled until more research was done. Stakhiv questioned Saeed if he had ever dealt with or found asbestos and mold in other demolitions he had done and how did he deal with it. He responded in the affirmative and that the demolition companies he hired were fully insured and bonded with the county and state. Saeed explained the process the company would take if asbestos and mold were suspected, including an inspection by the state.

Julie Wagner, Romsey, spoke with a demolition expert today who said that in residential properties there should be a definite concern about asbestos, which was contrary to what the Building Official had told her and her husband. The expert stated that an environmental survey, which would go through the state of Michigan lab, had to be done and it was usually the responsibility of the construction/demolition company because they had an obligation to protect their workers. He added that once a building was demolished, asbestos could be airborne and would be hazardous to one's health. Wagner listed where asbestos might be found in a house.

Hansen confirmed with Staran that Franklin did not require a survey or have an environmental check list nor were they in the Village Ordinance or the Building Code which applied state-wide.

She was inclined to agree with Saenz in that the applicant had fulfilled the conditions of his demolition permit and didn't think Council had grounds to deny this. She acknowledged the concerns of Council and made a note that this issue of environmental impact on the Village needed to be explored more closely. Hansen noted that Saeed had some challenges in his relationships with his neighbors and suggested that he work with them to build some trust and satisfy their concerns about the airborne asbestos and the dangers which were expressed tonight.

Responding to Lamott's question, Saeed stated that if the cost of a survey was included in the demolition costs he would be willing to do one. This was the first time he had ever been asked to do one for a residential demolition so he was not familiar with the cost.

Discussion ensued about previous house demolitions which Council had approved without an environmental survey.

Matthew Howell, Romsey, stated that he and his wife, Julie Wagner, would be contacting the DEQ about this situation since this had never been done in the past by a demolition company. He questioned if there would be any harm in waiting on a decision so that more information could be obtained? He believed that since the tree removal process had not been followed correctly, this gave him more concern that throughout this whole process the asbestos issue would be handled similarly. He and his wife were very sensitive about this.

Julie Wagner, Romsey, pointed out that Council was going to approve the request for demolition that listed a demolition company that Saeed admitted was not the actual demolition company. She suggested that with that information Council might postpone approval and she, personally, would contact the demolition company and ask about its procedures. It was so important to her that she even offered to pay for the environmental survey.

Saeed confirmed that the demolition company was BHI Contracting. Hansen pointed out that the name of the company was not on the application. He replied that when he signed the application form he was told to put a licensed builder in the space for CONTRACTOR, so he listed his own name.

Hansen stated that the Village had already had complaints about the applicant which she listed and stated that his neighbors were very concerned about the integrity of his work. On behalf of Council, she urged the applicant to be very careful with those items about which the neighbors were very concerned. The Village did not have certain Ordinances but it expected people to maintain good business relationship and to follow Village rules, such as they were. Saeed defended and further explained his actions.

Ayes: Gallasch, Gordon, Hansen, Saenz,

Nays: Lamott, Seltzer, Stakhiv

Motion carried.

**B. Consider Civic Permit Application for Scarecrow Workshop on Saturday,
September 28, 2019.**

Motion by Stakhiv, seconded by Gallasch to approve the Civic Permit Application for Scarecrow Workshop on Saturday, September 28, 2019.

Stakhiv confirmed that all boxes were checked.

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

C. Consider Zoning Board of Appeals Appointment.

Hansen noted the research Pulker had done and Council received some clarity regarding the person who questioned Council about this last month.

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

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

Hansen confirmed that Pulker would reach out to Brakeman and explain the situation. She also welcomed Hiller on her appointment.

E. Consider Scheduling a Public Hearing on October 14, 2019 to Review Proposed Road Vacations for the area of: Orchard Lane, beginning at Captains Lane and terminating at Colony Hill Street; and Irving Road beginning at Normandy Road terminating at Orchard Lane.

Creech provided a quick overview of this item and Council's packet had included copies of several early maps of the affected areas. In addition, Staran pointed out that the Village did not have procedural Ordinance addressing abandoned roads; however, the Village did have the specific authority under the Village Charter to discontinue/vacate and abolish roads. In his letter to Council (June 4, 2019), Staran suggested, as he had discussed with Rattner, who lives on Captains Lane and represented the landowners, the Village would follow a procedure that he had seen in other communities which had worked well and was consistent with the last time this type of issue had come up. This would involve scheduling a Special Hearing to hear any public input and the Village sending out prior notice to everyone in the subdivision, public utilities and government agencies. Council could then make an informed decision at the next or subsequent meeting.

Rattner had also included some relevant documents in the Council's packet. They included a PETITION TO VACATE UNIMPROVED ROADS document signed by those property owners fronting and abutting the aforementioned undeveloped roads and a formal APPLICATION and REQUEST for VACATION of STREETS, ALLEYS or PUBLIC GROUNDS.

Motion by Stakhiv, seconded by Seltzer to schedule a Public Hearing on October 14, 2019 to Review Proposed Road Vacations for the area of: Orchard Lane, beginning at Captains

Lane and terminating at Colony Hill Street; and Irving Road beginning at Normandy Road terminating at Orchard Lane.

Stakhiv was very impressed with the thoroughness of the paperwork involved in this issue.

Rattner complimented Stuart and Kim Greidanus, his neighbors, who were responsible for most of the legwork, including informing the neighbors of this issue and obtaining all the signatures on the petition.

Staran explained that if and when Council approved this request the roads and rights of way which were only there on paper would cease to be public rights of way and what was currently shown as “paper roads” would be split equally to each side of the adjoining lots and become part of those lots but they would cease to be public roads. Utility easements needed to be determined and considered by the Village. There were options when considering the future of particular pieces of properties. Gordon requested that before the Public Hearing such properties, i.e. part of Lot 10, needed to be addressed and possible options considered.

Kim Greidanus, Lot 9 on Captains Lane, informed Council there was a “pathway” which her husband was very passionate about and has maintained so it could be walkable. Rattner said there had been an attempt to find any survey which existed but was unsuccessful; legal descriptions that were used in the 1920’s were found, though. He would continue pursuing possible surveys.

Staran explained the possible process Council might take once all the uncertainties were resolved.

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

F. Consider Scheduling a Special Meeting to discuss Road Project.

Possible dates were discussed.

Hansen introduced the issue of warranties which Council had been discussing in past Council meetings. She would like to hear from the entire Road Committee (Stakhiv and Gallasch) about this project and the future activities. Stakhiv noted some of the ramifications of the warranties, especially the condition of nine (9) designated roads in Phase I, and the available options.

The date for the Special Meeting was set for Wednesday, September 25, 2019 at 6:00 PM.

Motion by Seltzer, seconded by Stakhiv to Schedule a Special Meeting for Wednesday, September 25, 2019 at 6:00 PM to discuss Road Project.

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

Hansen confirmed this would be a pre-published Open Meeting but not video-taped.

X. DISCUSSION ITEMS

A. Consider Ordinance to Regulate Trash Cans.

Hansen explained that she was not looking for action on this item or the following one (**B.**), but was merely looking to see if Council should take action. The first was a chronic issue and the second (Air BNB) was a new one.

Regarding the trash cans, neighbors have not heeded Council's pleading on the issue of taking them out and bringing them back in in a timely manner. This subject had been written in Pulker's weekly email blast and discussed at previous Council meetings. Never-the-less, negligence of this procedure has happened in numerous locations by multiple families throughout the Village.

Stakhiv noted how other communities which had a pertinent Ordinance have handled such a dilemma. Staran addressed the legality of several options.

There was a discussion and general details about writing an appropriate Ordinance, including its enforcement.

Hansen stated that without an Ordinance the Village Code Enforcer did not have a tool to use. Council concurred this was not a priority; however, Stakhiv recommended that the subject should still be included in the Village website and in Pulker's email blast. Lamott suggested a Resolution be written. A discussion followed about its wording. The Resolution would be voted on at next month's meeting.

B. Consider Ordinance to Regulate Air BNBs.

Staran categorized this as "short-term residential rentals". He advised Council that the Village received a complaint/concern about one property in the Village that was sometimes available to rent. The legal committee had a discussion about this at its last meeting in anticipation of tonight's meeting. He suggested Council postpone action on this until the State Legislature considered legislation on this subject, which might be before the end of the year.

Gordon commented that, like the trash can issue, the Village was spending time, energy, and resources on a single location issue. He thought that this did not warrant this body spending a lot of time and effort drawing up laws and Ordinances that affect one (1) property owner and two (2) or three (3) neighbors. The Village just needed to be aware of it.

Saenz agreed with Gordon's opinion. Staran will keep the Council informed of any information.

Stakhiv acknowledged that nine (9) Village residents signed a letter of concerns, dated August 27, 2019, about this issue. With pending state legislation, she cautioned the Council about taking action now. Seltzer stated he would like to know more about the property and had questions because he lived in another community, Scottsdale, AZ, where there was a problem. In his Arizona community there was a minimum limit of at least thirty (30) days requirement and fines which escalated when people do not observe that requirement. He thought the Village should look at the issue and not ignore it.

XI. ORDINANCES/RESOLUTIONS

A. Consider Resolution to Adopt a Local Pavement Warranty Program.

Creech provided background on this subject and referred to Eddie Zmich's (Hubbell, Roth & Clark) memo dated August 27, 2019, RE: the Warranty Program, which had been included in the Council's packet. There were two (2) Resolutions: to Adopt 9(A) and to Implement (B) the Warranty Program.

These Resolutions would apply to future Warranties. Staran provided an explanation of the legalities of them and how they related to the Village. The Implementation of the Resolution was a State mandate.

Motion by Gordon, seconded by Gallasch to approve the Resolution to Adopt a Local Pavement Warranty Program.

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

Nays: None

Motion carried.

B. Consider Resolution to Implement a Local Pavement Warranty Program.

Motion by Stakhiv, seconded by Seltzer to approve the Resolution to Implement a Local Pavement Warranty Program.

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

Nays: None

Motion carried.

C. Consider Proclamation for September as National Recovery Month.

Motion by Seltzer, seconded by Gallasch to approve the Proclamation for September as National Recovery Month.

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

Nays: None

Motion carried.

David Goldberg, Willowgreen Ct., Planning Commission Chairman, noted that Planning would be having a meeting Wednesday and would be outlining its tasks for the coming year. He would like to confirm that the Commission had been officially charged with investigating an Open Space/Impervious Surface Ordinance. He explained the process the Commission would go through in determining if one was necessary before drafting an Ordinance for Council to consider.

At the moment PC was doing a review of the Master Plan and one of the major issues in the Plan was open space and this subject was part of open space preservation.

Lamott explained his concerns and why he was in favor of some guidance, such as an Ordinance.

According to Goldberg, the Planning Commission would have some due diligence done by Traxler, the Planning Consultant.

Planning would continue pursuing an Open Space/Impervious Surface Ordinance and report back.

XI. ADJOURNMENT

Motion by Stakhiv to adjourn the meeting.

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

Nays: None

Motion carried.

There being no further business, the meeting was adjourned at 9:49 PM.

Respectfully submitted,

Gail Beke, Recording Secretary

Eileen H. Pulker, Clerk

Pamela Hansen, President