

**VILLAGE OF FRANKLIN
REGULAR COUNCIL MEETING
MONDAY, SEPTEMBER 14, 2020, 7 PM
Held remotely via “ZOOM.us”, per the Governor’s Emergency Order #2020-154**

I. CALL TO ORDER

The meeting was called to order by President Pam Hansen, at 7:01 PM via Zoom.

II. ROLL CALL

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

**III. CONSIDER VILLAGE COUNCIL APPOINTMENT, (3 MONTH TERM).
#2020-66 Motion by Seltzer, seconded by Gallasch, to appoint Judy Moenck to Village
Council for a three (3) month term, ending in November 2020.**

Roll Call Vote

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

Motion carried.

Hansen welcomed Moenck who had met with Fraser and who had updated her on tonight’s issues to be discussed.

IV. ADOPTION OF AGENDA

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

Hansen requested that under **X. NEW BUSINESS, D. Resolution on Temporary Structures**, be added to the agenda.

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

Roll Call Vote

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

Motion carried.

Lamott had a comment that he had received some emails from residents who were unable to “get on” this meeting. Pulker reported there were 22 attendees who did not have problems “getting on”.

Hansen explained that the “Chat Room” function had been disabled for tonight’s meeting. Instructions for those who wish to speak during Public Requests and Comments will be given the opportunity later in the meeting.

V. MINUTES

A. Special Meeting of July 23, 2020 Meeting

Motion by Seltzer, seconded by Gordon to approve the Special Meeting minutes of July 23, 2020, as presented.

Roll Call Vote

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

Motion carried.

B. Regular Meeting of August 10, 2020

Motion by Seltzer, seconded by Gordon to approve the Regular Meeting minutes of August 10, 2020, as presented.

Gordon had several suggestions for the minutes of the Regular Meeting of July 13, 2020. On page 2, fifth (5th) line, he stated that he had not said the following phrase written in italics, “...*at which point a Trustee audibly ‘scoffed’*”. He had mentioned it was Lamott who had scoffed and wished that to be indicated.

Gordon continued his comments that on page 21, the fourth (4th) paragraph, he thought Leslie Frick's interruption of the meeting to talk about what was happening in the Chat Room and the caller, "Steph", which he thought was not appropriate to be in Council minutes, should be deleted.

Motion by Seltzer, seconded by Gordon to approve the Regular Meeting minutes of August 10, 2020, as amended.

Roll Call Vote

| | |
|-----------------|------------|
| Seltzer | Aye |
| Saenz | Aye |
| Lamott | Nay |
| Moenck | Aye |
| Gordon | Aye |
| Gallasch | Nay |
| Hansen | Aye |

Motion carried. (5-2).

As a reminder, Hansen strongly suggested that in the November's Organization meeting there should be a discussion and agreement on a policy regarding minutes as they are not meeting records.

C. Special Meeting of August 13, 2020

Motion by Seltzer, seconded by Gordon to approve the Special Meeting minutes of August 13, 2020.

Roll Call Vote

| | |
|-----------------|------------|
| Seltzer | Aye |
| Saenz | Aye |
| Lamott | Aye |
| Moenck | Aye |
| Gordon | Aye |
| Gallasch | Aye |
| Hansen | Aye |

Motion carried.

VI. PUBLIC REQUESTS AND COMMENTS

Before opening Public Requests and Comments, Hansen made some comments to those attending the meeting. Due to last month's uncomfortable meeting which she detailed, especially the numerous interruptions of the meeting heard in the Chat Room, the Chat Room was disabled for this meeting, as she had mentioned at the beginning of this meeting. She stated this was done because of technical reasons. She reminded everyone this was a Council business meeting. Public comments were welcomed when dealing with the business at hand. She, personally, had

been contacted about the “ugly” tone of last month’s meeting. At this meeting the time limit for public comments would be three (3) minutes.

7:14 PM Hansen opened **PUBLIC REQUESTS AND COMMENTS**. She explained the process for those wishing to speak and asked that those not speaking to mute themselves.

The following people spoke in support of sidewalks along Franklin Road.: Linda Hiller Novak, Rick Notter, Ben (no last name), Katelyn Zachritz, Kathy Erlich, Mark Hanke, Josondra Notter, Angelina Sulaka.

Katelyn Zachritz commented on the formation of a Village Diversity and Inclusion Team and its initiatives. She listed those members of the Team. A future meeting was announced.

Mark Shwayder reminded Council of the most important asset of the lawsuit which several residents had filed against the Village:

- to stop new sidewalk construction in front of the residents’ homes
- more importantly, to defend the Charter.

Ben Riggan, owner of a new Franklin business, Loyal Paws, cleared up some rumors about his business and described the services the business did provide.

Greg McComas questioned if the Charter could only be revised every two (2) years? If so, since the Clerk position had been revised earlier this year, the subject of sidewalks would need to be postponed. He continued noting that finances related to sidewalk construction and options for sidewalks should be considered before a decision was made. He was thankful for the shutdown of the “Chat”.

John Simon stated that he agreed with Mark Shwayder.

- Personal Agenda vs. wants and needs of Village residents.
- Circumventing the Charter.
- He provided a list of questions to the Council President and the Council to publicly answer. The responses would be posted on www.FightforFranklin.com.

Josh Lawton voiced some concerns about the Diversity Committee, specifically pointing out two (2) people he felt should not be on it and expressed his reasons why.

David Sahli, responded to some of Lawton’s concerns. He lauded the Diversity Committee and its purpose, especially the “listening” element.

Angelina Sulaka spoke about leadership in Franklin.

Maria Seyrig volunteered to be on the Diversity and Inclusive Committee/Council as she has 30 years of experience in the corporate world.

7:55 PM Hansen closed **PUBLIC REQUESTS AND COMMENTS**.

VII. REPORTS OF VILLAGE OFFICERS AND AGENTS

Dan Roberts, Police Chief, referred to his August 2020 Monthly Report and mentioned the major change that had happened earlier in the month; that being the change of dispatch operations from Farmington to Bloomfield Twp. Police Dept. The move was seamless apart from some cell phone tower adjustments. This move will save the Village some money. He mentioned the construction issues on Franklin Rd., including 105 traffic stops for cars going the wrong way. These resulted in 70+ verbal warnings and 45 tickets. Most disappointing to him as the Village Police Chief and as a resident was that most of the stops were Franklin residents.

Hansen asked the Chief for his opinion about the difficulty navigating Franklin Road with children. In response he stated that due to the construction, the Officers had been recommending that it would be best for walkers to go on the side streets where there was less traffic.

Tony Averbuch, Fire Chief, referred to his written report for the July 2020 meeting and reported that there had been lower to moderate amount of emergency medical calls. However, there was an elevated amount of false fire alarm calls due to contractors working in the homes. He thanked Clerk Pulker for her inclusion of his request that residents work with their alarm companies and contractors to prevent false alarms. Apparatus maintenance and testing continued and would continue through November. Preparations for training and equipment to respond to additional requests for service will also continue, as needed. As a reminder, he cautioned residents about social distancing and wearing masks, especially as the weather turns colder. If an emergency arises please remember to call 911.

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 \$673,143.14. Vainik stated that the expenditures are generally consistent with the FY2020-2021 Budget. The Bills List for this month included a large entry of \$28,441.50 for engineering services paid to Nowak & Fraus Engineers. 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 September 4, 2020 held at Level One Bank. A Balance Sheet was also provided from the interest-bearing CD's held at Multi-Bank Securities.

Moencck questioned the \$2,500 check to Karen Couf Cohen for Public Relations, the \$3,200 check for Majik Graphics, Inc., and the \$5,750 check to Scott Baker. Vainik replied these were intra-office expenses. Fraser did not have the details; however, he would call her tomorrow with the details. Police Chief Roberts explained that the Majik Graphics bill was for the new Police Department graphic displays on the police cars. Fraser explained the pending 6-month contract with Karen Couf Cohen who would be working with the Village on memos, content for newsletters, and for weekly news pieces. She will be paid \$2,500 per month. Being her first meeting, Moencck inquired if this had already been discussed. In August Fraser had advised Council about entering into this agreement and the reasons. Gordon explained the reason for this endeavor was to help with communications with the Villagers which had been a concern in the past. Fraser deemed an Administrative Budget amendment was not necessary. Regarding the check to Scott Baker, Pulker stated it would be double checked tomorrow, but was most likely a bond return.

VIII. SUBMISSION OF CURRENT BILLS

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

| Catogory | sub totals |
|------------------------|---------------------|
| General | \$ 58,018.66 |
| Maj Streets | \$ 4,467.99 |
| Local Streets | \$ 9,484.10 |
| Police | \$ 109,486.35 |
| Garbage and Rubbish | \$ 16,020.65 |
| Building Dept | \$ 14,481.13 |
| Street Project | \$ 29,811.94 |
| Road Millage | \$ - |
| Pressure Sewer | \$ 2,020.50 |
| Tax Collection | \$ 429,351.82 |
| Waste Water | \$ - |
| <hr/> totals | <hr/> \$ 673,143.14 |

Roll Call Vote

Seltzer Aye
Saenz Aye
Lamott Aye
Moenck Aye
Gordon Aye
Gallasch Aye
Hansen Aye

Motion carried.

Jason Dickman, Executive Director, Main Street Franklin, updated the Council on the successful opening of the Cider Mill over Labor Day weekend following all the CDC guidelines. The Cider Mill has been including the Village shops and Village Green in its press releases and TV spots. Main Street Franklin continues to work with Oakland County to obtain grants. So far, the total amount of grants received had been about \$61,000 for all the Village businesses. An additional \$5,000 had been obtained to be used for support during and after the Streetscape completion, plus an additional \$6,500 was being sought from the County to support business improvement strategies, recruitment strategies plus technical and advertising support for the Village businesses. Through the Patronicity Funding program nine (9) merchants received \$1,000 each for needs related to the COVID-19 pandemic. A Construction Sale was held recently and drew traffic.

IX. SPECIAL REPORTS

A. President's Report

1. Downtown Discussion/Franklin Road

2. Priorities

Hansen noted that the Streetscape construction was on schedule and concrete should be poured this week. Every two (2) weeks there's a Construction Management Meeting held in the Village Office. She, Gallasch, Gordon, Fraser, Heads of Engineering and Construction, and the "Street" Supervisor during all phases of the work attend. On Wednesday she heard that no new issues had arisen for residents or merchants, which was good news. She did a walk around Saturday talking with the businesspeople.

Having attended and talked with those at the Diversity meeting, she was encouraged with the enthusiasm.

B. Council Report

Gordon welcomed Moenck back on Council; however, he will miss Stakhiv's input. His second issue was the "Chat Room" issue during the Zoom meetings. He, too, was disturbed by what he had read in the "Chat Room" and expressed how he dealt with it. He also did not think it should be part of the meeting nor in the minutes.

Moenck commented that the website needed to be updated. Creech and London were still listed on the website as contacts. Her second statements referred to the condemnation of the house/property at Wellington and Normandy. She inquired about the status of it as it appeared to be a safety issue. Fraser gave an update and Staran explained the general process for demolition of property. Gallasch, Gordon, and Moenck agreed that the Administrator should contact the absentee property owner about accelerating the process. The Administrator and Staran will develop a plan.

Lamott inquired about the process of finding a replacement for Pulker who would be retiring in two (2) months and had it begun? Fraser stated he had spoken with Martin, the Deputy Clerk and with Heather Mydloski about working in the office on a part-time basis beginning in October. Mydloski would review and define the Clerk's responsibilities and update the maintenance of the filing system. The repairs to the Kreger House and the Broughton House were concerns to him and there was a grant opportunity due in a couple of weeks. He was familiar with Kelsey Reynolds, a Historic Preservationist Architect familiar with SHPO and available to help with writing a grant and wondered if there had been any movement in this process. Fraser had not had time to pursue this himself and would be appreciative of any and all assistance.

Motion by Lamott, seconded by Gallasch to interview Kelsey Reynolds for the purpose of writing a grant request to SHPO for the repairs to the Kreger House and Broughton House and, if appropriate, hire her for such a purpose. The authorized expenses would be up to \$2,500.

There was a discussion about the different repairs needed for both buildings. Stakhiv related Reynolds' credentials, work history, and their personal relationship. Unfortunately, Reynolds was no longer available to work on this grant.

Lamott withdrew his motion.

There was further discussion about other qualified people who might be available to assist with the writing of the grant. It was Fraser's intention to bring something back to the Council at the beginning of next month. With Council's support, Hansen directed him to make an administrative decision about this matter. Lamott and Fraser had possible people who might be interested in this task. Gordon even suggested pursuing a grant for the barn.

Another issue for Lamott dealt with the Streetscape plan regarding the walnut tree at the corner of Wellington and Franklin Road. He felt that the plan for a sidewalk, lights, and curbs around the tree might kill the tree in five (5) years and the plan should be reconsidered. Fraser had spoken with Mark Wilson the engineer onsite who had explained the current plan to loop the sidewalk around the tree. Barger, the Village Arborist, also had made some recommendations.

C. Administrator Report

1. Zoning for Public Uses
2. Streetscape Expenditures

Fraser referred to the Streetscape Expenditures report for July 1, 2017 to July 31, 2020 which was in the Council's packet. It also included the year-end report with closeout numbers for the various line items of the budget.

Fraser also acknowledged that he was surprised to learn that the "public use properties" were, in fact, located in residential zones; property where the Broughton House sits, the Village Green, and other Village-owned and controlled properties were zoned "Residential" or something similar. Sarah Traxler, Consultant, McKenna & Associates, will be bringing the topic and a recommendation for zoning for "Public Use" (as opposed to "Residential") to the next Planning Commission meeting for a discussion, consideration, and eventual recommendation to Council.

Responding to Gordon's inquiry, Fraser found that Franklin was unusual in that it did not have a "Municipal Use" category in the Zoning Ordinance.

D. Planning Commission Report

David Goldberg, Chairman of the Commission, stated there would be discussions on the language changes to the Commercial Vehicle Zoning Standards Ordinance and language revisions to the Accessory Building Ordinance. Two (2) Public Hearings on these issues were scheduled for the September meeting. Planning has had on-going communications with the Franklin Cemetery Association concerning the possible transition of Village property at the top of the hill for the Cemetery's use. This request for land has been withdrawn.

E. Diversity Committee Report

Seltzer reported on a productive meeting held on August 26, 2020. Those who participated were Katelyn Zachritz, Cassius Drake, Connie Ettinger, David Sahli, and Fred Gallasch. He defined the underlining purpose of the committee. This was an opportunity "to learn and listen from each other". Guidelines and parameters were set up and they wanted to talk further about creating some safe spaces for all the "listening sessions". Smaller committees will be formed for these

listening sessions. Eventually, an entire “positioning” statement will evolve. Change has come to the Franklin community.

Saenz suggested that the meetings/listening sessions be on Zoom so more could participate.

Zachritz spoke to the first deliverable which was to hold the small group sessions (10 people or less) or a variety of such, i.e. one-on-one. Gallasch and Ettinger would take the lead setting up the first couple of listening sessions. Privacy and confidentiality were most important. These listening sessions would help the committee define the future “D and I” deliverables for the Village. If a citizen was interested in participating please give the Village Clerk a note with name and dates and times available, email the Clerk, call the Village Office, send a written request to the office, or contact Gallasch directly on his cell phone. A Council member and a committee member would be running the meetings. Ground rules had been established for the sessions which she described and hoped would be implemented on other “platforms”. There was a diverse group of attendees which was beneficial.

Gallasch shared that he had learned a lot from the first meeting. He was looking forward to participating and thought Council could benefit from the summarization of some of the listening sessions without divulging who was involved.

Lamott mentioned he had had a short discussion with Christina Jansen who was responsible for the Diversity and Inclusion Initiative at Flagstar Bank. He urged the committee to involve her and use her expertise. This effort should be done right and made meaningful and not merely an exercise. He felt Jansen would be a great asset.

X. NEW BUSINESS

A. Consider Proposed New In-Car Video and Audio Systems for the Police Department.

Roberts referred to a quote from Axon Enterprise for the purchase of Police In-Car Video and Audio System which Sgt. Dyjewski spoke about at the last meeting. Dyjewski researched and obtained quotes from two (2) other companies; however, Axon Enterprise, Inc. was the clear choice in terms of its capabilities, its scale of abilities, and storage availability. Costs of all three (3) were similar; however, Axon will upgrade all of the department’s equipment for that cost. Payment, which would come from forfeiture money, could be made over a three (3) year period.

Motion by Gordon, seconded by Gallasch to approve the purchase of Police In-Car Video and Audio System from Axon Enterprise, Inc.

Moenck inquired if there was a safeguard that the forfeiture money would be in the budget for future years. Roberts explained that currently the Department had an Officer assigned to the Oakland County Narcotics Enforcement Team (Officer Dennis Berry). As long as a Franklin Officer remained on that Team, the revenue sharing, which had been averaging between \$40,000 and \$50,000 a year per participant, would remain the same. Moenck suggested that the motion should include a five (5) year obligation.

#2020-67 Motion by Gordon, seconded by Seltzer to approve the purchase of Police In-Car Video and Audio System from Axon Enterprises, Inc. for a total of \$48,174.64. Payments would be for year 1 - \$21,439.76 and for years 2, 3, 4, and 5 - \$6,439.72 each year, as amended.

Roberts responded to Hansen's question about the life span of this system. Included in the costs for those five (5) years, the company would provide any upgrades in technology as included in the charges. Roberts was hoping this system would last ten (10) years.

Roll Call Vote

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|-----------------|------------|
| Seltzer | Aye |
| Saenz | Aye |
| Lamott | Aye |
| Moenck | Aye |
| Gordon | Aye |
| Gallasch | Aye |
| Hansen | Aye |

Motion carried.

B. Consider Sealed Bid for Sale of Police Vehicle.

Hansen introduced this item, referring to the Chief Roberts' memo, dated September 10, 2020. Roberts acknowledged the price for the vehicle was lower than Chicago Motors has bid in the past; however, it was probably due to the vehicle's condition.

#2020- 68 Motion by Seltzer, seconded by Moenck to approve the bid of \$5,507.00 from Chicago Motors for the purchase of the used police vehicle, 2016 Ford Explorer.

Roll Call Vote

| | |
|-----------------|------------|
| Seltzer | Aye |
| Saenz | Aye |
| Lamott | Aye |
| Moenck | Aye |
| Gordon | Aye |
| Gallasch | Aye |
| Hansen | Aye |

Motion carried.

C. Consider ASI Streetscape Contract Change Order #2.

Fraser referred to his memo, ASI Streetscape Contract Change Order #2, dated September 10, 2020, and reminded Council of Change Order #1 which involved the work on Irving St. Change Order #2 was a result of the Circuit Court decision about the sidewalks on Franklin Road and he detailed those changes and the revised contract amount. The contract was reduced by \$427,498.90 which reduced the total of the project down to \$1,899,740.60. He pointed out that

although the quantity of certain items had been reduced the cost per item had increased due to the difference in volume.

#2020-69 Motion by Gordon, seconded by Seltzer to approve the ASI Streetscape Contract Change Order #2, as presented.

Responding to Lamott's inquiry about the curb expense on the west side where sidewalks had been eliminated, Fraser stated the curbing was to help facilitate the storm water system.

Roll Call Vote

| | |
|-----------------|------------|
| Seltzer | Aye |
| Saenz | Aye |
| Lamott | Aye |
| Moenck | Aye |
| Gordon | Aye |
| Gallasch | Aye |
| Hansen | Aye |

Motion carried.

D. Temporary Structures

Hansen had emailed each Council member a proposed Resolution on Temporary Structures. This Resolution was drafted by Village Attorney Staran and would temporarily override the Ordinance regarding temporary structures. Hansen provided some background for such a resolution which would eliminate and accelerate the approval process of going through ZBA. This recommendation came from the Legal Committee.

Motion by Gordon, seconded by Seltzer to approve the Resolution - Temporary Outdoor Use Regulations Due to COVID-19, as follows:

Moenck was concerned about safety; who would monitor how the tent was secured? Gordon stated this should be an Administrative issue and not a Council issue. Fraser added that a safety inspection by the Fire Department and Police Department was part of the Resolution.

Staran noted that the effective date on the Resolution needed to be filled in.

#2020-70 Motion by Gordon, seconded by Seltzer to approve the Resolution – Temporary Outdoor Use Regulations Due to COVID -19 to include in the second paragraph the effective date of September 14, 2020, as amended.

RESOLUTION

TEMPORARY OUTDOOR USE REGULATIONS DUE TO COVID-19

WHEREAS, in order to facilitate and promote restoration of economic activity and to assist local businesses adversely impacted by the Covid-19 pandemic and its associated business reduction and closures to reopen and resume operation while containing the spread of Covid-19 and observing applicable social distancing guidelines and requirements, the Village Council

intends to temporarily relax and suspend strict enforcement of certain Village ordinances and regulations concerning outdoor business operations and uses.

THEREFORE, the Village Council resolves that effective on September 14, 2020, and continuing through November 30, 2020 (unless sooner modified or terminated by further Village Council resolution), all commercial business establishments lawfully in existence in the Village will be temporarily permitted to shift portions of their operations outdoors to accommodate social distancing guidelines in accordance with requirements, criteria, limits, standards, and conditions to be established by the Village Administration, and further subject to the following:

1. Temporary outdoor operations and uses must not encroach into or obstruct fire lanes and hydrants; handicap parking spaces; public rights-of-way and alleys; pedestrian and bicycle paths and sidewalks, or barrier-free access and ramps;
2. Appropriate noise and exterior lighting control measures must be implemented to prevent the temporary outdoor operation or use from becoming a nuisance to nearby residents and businesses;
3. Any establishments seeking to temporarily shift business operations or uses to outdoors in accordance with this resolution must submit a Special Event Permit application for approval by the Village Administrator, and include a plan for the temporary outdoor use, showing all existing elements (such as trees, buildings, structures, parking, lights, etc.), as well as all proposed temporary fixtures and furnishings, including dimensions clearly marked to show pedestrian pathways and to demonstrate compliance with social distancing guidelines.
4. Temporary outdoor operations and uses shall be designed and laid out to meet applicable social distancing guidelines and shall include (i) Temporary signs to encourage compliance with social distancing guidelines; (ii) Hand sanitizing station(s) in the outdoor use area; and (iii) Trash receptacle(s) and disinfecting wipes or other supplies for the cleaning of fixtures and furnishings and other high touch points in the outdoor area.

IT IS FURTHER RESOLVED that review and permit fees for temporary outdoor operations and uses shall be waived.

IT IS FURTHER RESOLVED that except to the extent temporarily relaxed or suspended herein and as necessary to give full effect to this resolution and to the special event permit approvals to be granted hereunder, all Village ordinances shall remain in full force and effect. Failure to comply with applicable ordinances, this Resolution, and any requirements or conditions attached to any permit approval may result in enforcement action and termination of permission to have a temporary outdoor operation and use.

IT IS FURTHER RESOLVED that Village Council reserves the authority to modify, shorten, or lengthen the term and provisions of this Resolution as the Village Council deems reasonable and appropriate under the circumstances.

Roll Call Vote

| | |
|-----------------|------------|
| Seltzer | Aye |
| Saenz | Aye |
| Lamott | Aye |
| Moenck | Aye |
| Gordon | Aye |
| Gallasch | Aye |
| Hansen | Aye |

Resolution Declared Adopted.

Gordon thought the passage of this Resolution should be communicated to the other Village merchants. Fraser suggested a letter be sent to the Merchant Association and it be included in the Newsletter that would go out later in the week.

XI. UNFINISHED BUSINESS

A. Consider Proposed Charter Amendment for Sidewalks.

As requested by the Legal Committee, Staran wrote a memo to Fraser and cc'd to Hansen dated August 18, 2020 which explained the proposed Charter amendment to modify the current prohibition of new sidewalk construction in residential areas. He provided four (4) options which he detailed: Option 1 – Identical to the amendment presented in 2016 which voters turned down. Option 2 – Dealt with sidewalks only along Franklin Road Option 3 – Authorize new sidewalks along Franklin Rd. with specific eastside/westside limitations. Option 4 – Authorize new sidewalks along Franklin Rd., north and south, with specific limitations, along 13 Mile Road (between Telegraph Rd. and Inkster Rd.) and along Inkster Rd. (between Northwestern Hwy. and 14 Mile Rd.).

Staran corrected a statement that had been made during the Public Comments that the Village could amend the Charter no more frequently than every two (2) years. This was incorrect. He explained that a Charter revision could only be made once every two (2) years and explained the full process. This was not what Council was dealing with now or in August when the subject dealt with the Village Clerk. There was a significant legal difference between a “Revision” and an “Amendment”, and he explained the differences. He explained the complete process Council would go through if, at tonight’s meeting, one of the options were to be chosen.

Moenck clarified that if funding were required for a sidewalk project the Villagers would have the opportunity to vote on it. The timing of Council’s vote on this amendment and the possible scheduling timeframe for the Villagers to vote was discussed.

Staran interpreted Gordon’s thoughts in that Gordon wanted a separate advisory question placed on the ballot which would be project specific. This type of question would be non-binding on the Council but a clear indication of what the voters wanted. The timing for Council to approve the ballot language and placing it on a Special Election ballot was discussed.

Seltzer was in favor of Option #2, as it was the least objectionable to get the project completed. Other Council members expressed their opinions and preferences. Gordon thought the “Advisory

Question” on the ballot was especially important. Hansen was in favor of the fourth (4th) Option. Staran provided his opinion about the Village constructing sidewalks along 13 Mile, which was a county road and would involve obtaining permission from the County. Saenz was in favor of Option #2. Seltzer added that a narrower approach, as Saenz had suggested, was optimal. From hearing their thoughts, it was Staran’s opinion they were more in line with Option #3.

Staran clarified that Option #2 was broader in terms of dealing with Franklin Road from the northern Village limit to the southern Village limit and Option #3 was the narrowest concept dealing with Franklin Road and requiring the Council to specify not only the exact limits of the sidewalks but also on which side of the road the sidewalks would be constructed.

Gallasch pointed out that no matter which Option was chosen, residents who live on Rosemond Ct., off Northwestern, were still isolated and did not have walking access to the Village. He, however, said there was a roadway on the map that was never built. Gordon suggested a pathway could be built as was the case with the vacated land which Council dealt with in a previous Council meeting. Gallasch was cautionary of such a resolution due to homeowner resistance.

Moenck supported Gordon’s suggestion that both the Charter Amendment and the Advisory Question be put to a vote. She has heard from residents who wanted to be heard, therefore, it should be taken to the voters.

Lamott stated that a major part of the issue was that the residents/property owners where the sidewalks were proposed were never given the opportunity to voice their opinions. He felt Council needed to have a specific design plan and specific costs to show those residents and accept their input. He didn’t feel the sidewalk issue had been addressed properly.

Hansen took issue with some of Lamott’s comments. She stated those residents who would be affected by the sidewalks had been contacted and had been invited to multiple meetings. The residents also received individual packets which had been prepared by the staff, had visits from Fraser, invited to a meeting with the Engineers at the Village Office, and Council members had approached these homeowners. She acknowledged that it may not have been enough or in time; however, it did happen and there were meeting records to back this up. Lamott added that residents had approached him and stated they did not feel that anyone had listened to them, as contact had been late in the process and decisions had already been made.

PUBLIC COMMENTS

Hansen reminded residents of the 3-minute time limit for comments.

Greg McComas felt people should vote on this issue. He also felt Hansen and Seltzer were incorrect in thinking that communication with particular residents had been adequate. There had been no communication with him or his two (2) neighbors who would be affected by the sidewalk construction until the decision had been made and engineers had staked out the sidewalks four (4) days before construction began. It was at that time he and others received the aforementioned packet. There was a need for better communication and invited Council to revisit what it thought good “communication” meant. He thought that how it was being handled now was being disrespectful to the residents who live on Franklin Road and most affected by the plans.

Mark Shwayder, a Franklin resident all his life, was not in favor of spending a lot of money on sidewalks and has not had any problems when running/walking on Franklin Road. He questioned Hansen about whether the amendment to the Charter, if approved, would give Council unilateral authority to construct sidewalks along Franklin Road. Hansen provided a brief history of the Streetscape Project and continued by stating what her expectations of how to engage and involve those residents whose property would be affected. She noted that Council listened to the residents. Shwayder thought it was a necessity to go back to the Villagers for a vote.

Josondra Notter resented statements made by some of the Villagers. She re-iterated what she had said earlier in the meeting under **PUBLIC REQUESTS AND COMMENTS**.

Ben (no last name), Rosemont Ct., explained that several years ago when he bought his house his realtor spoke of the Village pursuing a walkability plan. He was in favor of the plan.

Hansen reminded the residents that the issue in front of Council was the ballot language and comments should be focused on that in order to help Council with a decision.

Rick Notter was in support of having sidewalks down Franklin Road to the Village limits. He expressed his concern about not having side streets from which people are able to access the Village and the issue of safety which he witnessed every day in Franklin Road.

David Sahli referenced the concept of the Diversity and Inclusion committee and the importance of listening. His comments were focused on sidewalks and agreed communication with the residents could be better.

Angelina Sulaka found the use of the label of “The Moms” as mocking and offensive in the disparaging comments regarding the safety of the sidewalks. It was her hope that the ballot language would be clear and simple. The diversity in the Village is vast. Take advantage of it and the talents.

Michelle Massad stated there is a large “Silent Majority” in the politics in the Village and on Nextdoor. She questioned what those people were thinking and stressed that the issues needed to be put to a vote. She commented on the disrespect as demonstrated by some residents and Council members.

Josh Lawton commented that Diversity has not been respected and there was a need to have someone who was willing to listen to everybody and develop a solution about the sidewalks that works for everybody. No one on Council was listening or making a plan to communicate with everybody. He wished it would change as what he has seen and what has been done to this community was a shame. Regarding the amendment options, if safety was the issue, he thought that all the major roads should be considered, as it affected the entire Village. Inclusivity means everybody, not 1/3 of the people.

Motion by Gordon, seconded by Seltzer to consider Option #2 and add “...along 13 Mile Road.”

Gordon stated that at the appropriate time he wanted to make a motion for an Advisory Vote so the electorate could approve the Streetscape work that had been planned and appropriated for with additional appropriations. This would be his advice to the next Council.

Lamott stated he could not support more sidewalks on Franklin Road, between Scenic and 14 Mile Road. However, having them between Scenic and southern limits of the Village was acceptable. Today he had seen the Planning Commission's Village-wide plan that they had been working on for a long time. He questioned if that was going to be ignored? He felt that more time was needed to define this better and to price it out. He thought this motion was too vague and too broad.

Gallasch requested more clarity of Gordon's motion.

Saenz questioned if sentences one (1) and two (2) were contradictory to the Judge's orders?

Staran suggested re-phrasing the sentence. The proposed Charter Amendment to read, "Section 5. The Council shall not have the power to construct any new sidewalks in residential areas except that construction of new sidewalks shall be allowed along Franklin Road and along 13 Mile Road." Saenz agreed the additional wording had eliminated the confusion.

#2020-71 Motion by Gordon, seconded by Seltzer to provide an Advisory Question which would ask the electorate if the Village should build the project as proposed in the Streetscape project, to be finalized at the October 2020 meeting; and to consider a revised Option #2 to read, "Section 5. The Council shall not have the power to construct any new sidewalks in residential areas except that construction of new sidewalks shall be allowed along Franklin Road and along 13 Mile Road.", as amended.

Lamott re-iterated that it did not include costs or more specific design. Staran commented that the purpose of the Advisory Question would be beneficial as it would give the voters something specific to vote on according to a specific project, i.e. Charter Amendment and the project specific Advisory Question. Gordon agreed that the Advisory Question for the electorate to vote on would ask if the Village should build the project as it was in the Streetscape project. The language for the Advisory Question would be worked out later.

Gordon agreed and acknowledged that the language needed to be worked on. Lamott felt a consensus could be reached from Scenic to the southern boarder but was cautionary about including the rest of Franklin Road and the length of 13 Mile Road, as this might be too broad and not defined specific enough, thus, the Village would be back in the original controversy and he was not in favor of it.

Roll Call Vote

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| Seltzer | Aye |
| Saenz | Aye |
| Lamott | Nay |
| Moenck | Aye |
| Gordon | Aye |
| Gallasch | Aye |

Hansen Aye

Motion carried. (6-1)

Staran explained that the next step under the State Law would be an automatic “tabling” of 30 days. After the 30 Days, Council would take its official vote which would need to be by 2/3 or 5 votes to pass. That would be Council’s official decision and would be presented to the voters. Because the 30-day timing would be several days after the regular October 12, 2020 meeting and if Council wanted to take final action on this, a Special Council meeting would need to be scheduled.

Gallasch questioned why this was being rushed if this was to be voted on at a May Special Election? Staran acknowledged there was plenty of time; however, at the last meeting the Council gave the direction that it wanted to quickly move forward with this issue. If Council wanted to take action to present this to the voters, it would have to be done in a Special Meeting. Staran would revise the wording of the proposal to reflect what had been discussed and passed.

#2020-72 Motion by Seltzer, seconded by Moenck to move the Regular October Monday, October 12, 2020 meeting to Wednesday, October 14, 2020 for a Special Village Council meeting, to allow tabling the Proposed Ballot Language for the Charter Amendment, Chapter XI, Section 5, to allow construction of sidewalks for 30 days, as in the following Resolution:

RESOLUTION

WHEREAS, the Franklin Village Council is considering a proposed amendment to Chapter XI, Section 5 of the Village Charter; and

WHEREAS, pursuant to Section 17 of the Village Home Rule Act, MCL 78.17, it is necessary for the proposed Charter amendment to be published and remain on the table for thirty (30) days before the Village Council takes action thereon;

THEREFORE, the Franklin Village Council resolves that further deliberations on the proposed Charter amendment shall be tabled until the Village Council’s October 14, 2020 Special Meeting at which time the Council may take action on the proposed Charter amendment. It is further resolved that the Village Clerk is directed to publish a notice in the newspaper prior to that Council meeting setting forth the proposed Charter amendment and notifying villagers that the Charter amendments may be acted upon by the Village Council at that meeting, and, if approved by Council, the proposed amendments will be submitted to the electorate at a special election to held on Tuesday, May 4, 2021.

Gordon responded that because of the Village election being in November (a few days before the regular Council meeting) and “...from his standpoint there seemed to be a big call for let the voters decide amongst this Council...” he wasn’t sure what the next Council would feel about that. Seltzer was in favor of a vote while this Council was seated. He continued by saying this Council has been responsible for bringing this to the forefront and should see it through.

For his understanding and directing his comments to Staran, Gordon inquired whether both the advisory portion and the amended Option #2 had been addressed. He claimed his motion was for both issues. Staran stated that he would have an Advisory Question to the Council by the next Board meeting.

Roll Call Vote

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| Seltzer | Aye |
| Saenz | Aye |
| Lamott | Aye |
| Moenck | Aye |
| Gordon | Aye |
| Gallasch | Aye |
| Hansen | Aye |

Motion carried.

Staran stated that it was necessary for Gordon to make a separate motion that the exact wording of the Advisory Question be brought back to Council for approval. Gordon claimed that was part of his original motion earlier in the meeting. The language of the Advisory Question would be adjusted next month.

B. Discussion: Public Water

Hansen referred to the information Fraser had given the Council on this subject and his approach to it. Fraser requested that this discussion be moved after **Recognition of Service, Mira Stakhiv**.

XII. RESOLUTIONS/ORDINANCES

A. Consider a Resolution in Recognition of Service, Mira Stakhiv, Village Council Trustee.

#2020-73 Motion by Seltzer, seconded by Gordon supported by Gallasch to approve the Proclamation in Recognition and Appreciation of Mira Stakhiv’s Public Service to the Village of Franklin.

PROCLAMATION

Mira Stakhiv

In Appreciation of her Public Service to the Village of Franklin

WHEREAS **Mira Stakhiv** has served as a Village Council Trustee, for four (4) years, from November 21, 2016 until August 21, 2020, serving as a member of the Road Construction Oversight Committee, Liquor and Personnel Committees, where she updated processes, salary surveys and recommendations competitively. The Police Chief and Administrator were brought up to equitable and competitive pay ranges and salaries. Brought village staff into current market competitively and served as the Village Council Liaison to the Planning Commission where she served for many years and earned a certificate in planning from Oakland County.

WHEREAS **Mira Stakhiv** has served on the Franklin Public Library Board for eight years, from June 2012 to until August 2020; was a key contributor to the addition and remodeling

of the library including the new addition and reading garden while serving on the building committee; and,

WHEREAS **Mira Stakhiv** served on Friends of Franklin Public Library from June 2006 until August 21, 2020 for fourteen years, where she served as president in 2006-2007 serving the remainder of her time as a board member, leading the book sale for many years; and,

WHEREAS **Mira Stakhiv** joined Franklin's Mobile Watch in 2011, serving as President since 2013, and developing numerous educational programs for the village; and,

WHEREAS **Mira Stakhiv** was the Village Representative on the Birmingham Area Cable Board from August 2012 until July 2019, serving as vice president for several years and chairing the Personnel Committee; and

WHEREAS **Mira Stakhiv** has resided in the Village for thirty-six years with her husband Jerry and raising three sons; and,

WHEREAS **Mira Stakhiv** was a member of the Oakland County Women Officials' Network and served on numerous committees for the Birmingham Public Schools.

NOW THEREFORE BE IT RESOLVED, on this 14th day of September 2020, that the Franklin Village Council hereby publicly recognize, commend and thank Village Council Trustee Mira Stakhiv for her service to the Village.

BE IT FURTHER RESOLVED that a copy of this resolution and expression of civic appreciation be presented to Mira Stakhiv on behalf of the undersigned.

Roll Call Vote

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| Seltzer | Aye |
| Saenz | Aye |
| Lamott | Aye |
| Moenck | Aye |
| Gordon | Aye |
| Gallasch | Aye |
| Hansen | Aye |

Motion carried.

Stakhiv had complimentary comments for the Council and for the Village.

B. Discussion: Public Water

Fraser referred to his memo, Research Strategy and Address Village Water Needs, September 10, 2020. The report covered three (3) areas: Environmental Concerns, Citizen Survey, and Analysis, each of which he detailed. He encouraged a couple of Council members to become involved to help with the analysis.

Seltzer volunteered to assist in this process with the water issue in hopes that this issue would be put on the ballot for Village approval and the process would be similar to that of how the pressure sewers were handled. Those residents who wished to hook up to the system could. He stated his reasons for pursuing such a project. He would like to see this on the May ballot.

Gallasch confirmed Fraser had seen the 2001 water survey. Gallasch suggested that some technical studies should also be done so residents could be advised of the quality of the water in

the various areas in town. He continued by saying a smaller version of what HRC had done in 2001 would be very helpful.

Water testing at individual residences in the Village being a part of the Analysis was discussed and deemed especially important. Fraser will research the process used when the pressure sewer was considered. Gallasch reminded Council that the project was designed for the entire Village and all citizens would pay for the design and installation of the main infrastructure. Those citizens wishing to hook up could do so and would be assessed a monthly fee. Gallasch was in favor of such a process for a water system as all the citizens could be served. This would be an option, not a mandate. Gallasch also mentioned looking into alternative ways to put in water, i.e. smaller pipes which might be less invasive to the environment.

Lamott stated that there were quality issues vs. quantity issues and he felt there was a need for a fact-based study which might be accomplished by the updating of the 2001 study.

Gallasch informed the Council what and how HRC performed/conducted its 2001 study and complimented them on their analytical methods of providing quality vs. quantity.

As Moenk stated, next month Fraser could bring back to Council the research of the scientific approach to this project so it could consider the full plan that he would be proposing.

Hansen inquired if NRC could distribute its information, other than by mail which might be expensive, such as, electronically. Fraser stated the concern was that electronically sent information cannot be “identified by lot” which was critical. Electronically sent information cannot be tracked with the” lot” information.

B. Consider an Ordinance to Amend Sections 1240.08, 1250.04, 1254.03, 1256.04, and to Add 1268.13A of Part Twelve. Title Four, Zoning, of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Adopt Regulations Relating to Solar Energy Facilities, Repeal Conflicting Ordinances, and Prescribe a Penalty for Violations. (2nd reading).

#2020-74 Motion by Seltzer, seconded by Gordon to amend Sections 1240.08, 1250.04, 1254.03, 1254.04, and to Add 1268.13A of Part Twelve, Title Four, Zoning, of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Adopt Regulations Relating to Solar Facilities, Repeal Conflicting Ordinances, and Prescribe a Penalty for Violations, in its second reading.

Staran reminded Council of Traxler’s letter which had been presented at the last Council meeting. The language had now been formatted into the Ordinance. He, personally, had not made any changes.

Roll Call Vote

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| Seltzer | Aye |
| Saenz | Aye |
| Lamott | Aye |

Moenck **Aye**
Gordon **Aye**
Gallasch **Aye**
Hansen **Aye**

Motion carried.

XIII. ADJOURNMENT

Motion by Gordon, seconded by Seltzer to adjourn the meeting.

There being no further business, the meeting was adjourned at 11:35 PM.

Respectfully submitted,

Gail Beke, Recording Secretary

Eileen H. Pulker, Clerk

Pamela Hansen, President