

**VILLAGE OF FRANKLIN
REGULAR COUNCIL MEETING
MONDAY, NOVEMBER 9, 2020 7:00 P.M.
32325 Franklin Road, Franklin, Michigan 48025**
The Village Council will not be assembling to meet at a physical place;
the meeting will be held electronically via “Zoom.us®”,
in accordance with the Michigan Open Meetings Act, as amended by 2020 PA 228.

I. CALL TO ORDER

The regular meeting was called to order by President Pamela Hansen on Monday, November 9, 2020, at 7:00 PM, via ZOOM.

To remain in compliance, Hansen stated the new conditions mandated from the Open Meetings Act for remote meetings. It will be required, now and moving forward, for the Village Council to verbally state the city and state from which they are individually participating at the time of the remote meeting.

II. ROLL CALL

Present: Fred Gallasch-Franklin, MI; Brian Gordon-Franklin, MI; Judy Moenck-Franklin, MI; Bill Lamott-Glen Arbor, MI; Ed Saenz-Franklin, MI; Mike Seltzer-Scottsdale AZ; Pam Hansen-Franklin, MI

Absent: None

Also, Present: Roger Fraser, Village Administrator; Eileen Pulker, Village Clerk; John Staran, Village Attorney; Lance Vainik, Village Treasurer; Dan Roberts, Police Chief; Tony Averbuch, Fire Chief; David Goldberg, Planning Commission Chairman

III. ADOPTION OF AGENDA

Motion by Seltzer, seconded by Moenck to adopt agenda.

Amendment of the agenda by Hansen to add an application for an event permit for Tot Shabbat added to New Business as item F. Moenck requested an item be added for the process for the appointment of a Village Clerk. Hansen added that item under New Business, item G.

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

Roll Call Vote

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

Motion Carried.

IV. MINUTES:

A. Special Meeting of October 20, 2020.

Motion by Moenck seconded by Seltzer, to approve the Special Meeting Minutes for the October 20, 2020, as presented.

Correction page 10 E Kirk Lane not Crooks Lane.

Gallasch stated that he did not feel the minutes included sufficient information for the public to ascertain how a decision was made by Council. Hansen responded to Gallasch that the Council will need to include a discussion in the future to define an expectation of required content.

Roll Call Vote

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

Motion Carried.

V. PUBLIC REQUESTS AND COMMENTS

Hansen opened the Public Requests and Comments at 7:07 PM.

Mark Hanke

Thanked Hansen for her service as Council President. Asked Gallasch about an annual financial report for the Franklin Community Association (FCA) that was to be provided to the Village Council. Gallasch stated that he had not seen any report, nor did he know Council had requested one from the FCA. Lamott added that he had not seen one in all his years of service. Hanke said it was part of the FCA bylaws and he expressed the importance the Council staying abreast of the status of the FCA's financial status. Moenck added she and Gallasch were involved with the FCA's Finance Council and suggested a liaison be appointed. Seltzer provided a brief history on the FCA Boards term limits and processes.

Angelina Sulaka

Thanked the outgoing Council Members for their service. Thanked the Council for approving Franklinstein. Stated that they had a great, safe event and received positive feedback and many accolades from the community for its efficient execution.

Charlie Havaland

Talked about yard signs and how they were cleaned up for the most part. He also congratulated Council members for becoming elected. He gave Hansen accolades for her service to the community. Congratulated Lamott and wished him good luck in the future.

John Anderson

Thanked Council for their service. Asked a question. Hansen asked him to move the comment to later in the agenda.

Hansen closed the Public Requests and Comments at 7:18 PM.

VI. REPORTS OF VILLAGE OFFICERS AND AGENTS

Dan Roberts, Police Chief

- Review Submitted Report.
- Halloween quiet. No issues on election day, heavy police presence was deployed to ensure safety on both sites.

- Construction complaints on fast moving construction trucks have been addressed and some tickets were issued to construction vehicles.
- Yard signs have 10 days after the election to be removed. They will be discarded if they are not picked up.
- Sgt. Mark Dyjewski graduated from Staff and Command at Northwestern University. Roberts elaborated on his achievement. Hansen congratulated Roberts on Dyjewski's achievement.

Tony Averbuch, Fire Chief, reporting from Great Falls, Montana

- Review Submitted Report.
- Greetings from Great Falls, Montana.
- Fire and Police responded to a structure fire that took place on Wednesday October 21, 2020 at a home on Franklin Farms Drive that was under renovation. Called out by a neighbor. The Fire fought for 4 and a half hours, it was supported and assisted by the FBFPD, Beverly Hills Department of Public Safety, the West Bloomfield Fire Department, the Novi Fire Department. The Oakland County Fire Investigation Unit was involved due to the size of the fire. No injuries to the homeowner or the first responders. Averbuch implored the public to have a monitored alarm system so the department can be notified in a timely manner at time of incident.
- Saenz asked why Averbuch was uncomfortable signing off on recent civic event requests. Averbuch stated that the FD had not been signing off on events since May and specifically due to COVID and the subsequent liability concerns as they are a private corporation. Not approval but a sign off that holds the FD in a position of liability. He also added that regardless of signing off or not, the FD is committed both by virtue and contractually to the responding to the needs of the community. Fraser mentioned that he and Staran are working on language in order to modify the event request documents to reflect protocols and guidelines to reduce Village liability under COVID conditions. Saenz stated the importance for an approval from our Police and Fire Chiefs of all civic events to ensure the safety of our community. Gallasch agreed.

VII. SUBMISSION OF CURRENT BILLS

Lance Vainik, Village Treasurer

- Review submitted report.

<u>Category</u>	<u>sub totals</u>
General	\$ 33,055.18
Maj Streets	\$ 6,631.62
Local Streets	\$ 6,604.01
Police	\$ 60,850.17
Garbage and Rubbish	\$ 15,330.65
Building Dept	\$ 7,265.09
Street Project	\$354,096.42
Road Millage	\$420,575.00
Pressure Sewer	
Tax Collection	\$ 6,741.67
Waste Water	\$ 921.97
totals	\$912,071.78

Gordon asked for clarification on a \$420,000.00 expenditure. Vainik stated that he believed the expenditure to be a bond payment. Fraser stated that he would verify when he was back in his office.

Moenck asked about a \$1,600.00 expenditure for Reynolds Water Conditioning. Fraser clarified that the expense was for a new water softener. He gave an accolade to Doreen Martin, the Village Deputy Clerk & Building Clerk, for her extended effort to correct the Village Hall water quality. Village Clerk, Pulker was also recognized for her effort and involvement in the process as well.

Motion by Moenck, seconded by Seltzer to approve the Bills List, as submitted.

Roll Call Vote

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

Motion Carried.

VIII. SPECIAL REPORTS

A. President's Report

1. Downtown Discussion/Franklin Road

Hansen commented on the unexpected streetscape drain sewer replacement needs discovered during the project as they represent an additional, unanticipated expense to the project. Hansen expounded on the issues found and the necessity of improvements to correct the current, insufficient system and the replace it with an efficient drainage system. Fraser added that the storm sewer system had been long ignored and poorly maintained. He noted that a permit that has been pending since 2016 and needs immediate attention for the Village to be compliant.

2. Ice Rink

Hansen mentioned that Mark Hanke had asked about a possible installation of an ice rink for the Village for this winter season. Gordon asked the cost. Hansen did not know the cost as it was not discussed. Hanke was asked if he knew of a cost. Hanke stated that he had purchased one before and it was about \$2,700.00 for the one he purchased which was 40X60. The lumber was around \$1,500.00 in addition to the forementioned cost. Lamott mentioned that regular maintenance was paramount in the decision to construct the ice rink as the Village had a rink in the past that was not adequately maintained. Moenck mentioned that safety needed to be addressed as well as a solid construction to protect our residents and the Library from run off when the ice melts. Fraser will investigate further at Hansen's request.

Hansen said her goodbyes. Hansen acknowledged the appointment of Kathy Erlich and Bill Lamott. She thanked the community for appointing her for 16 years of service to the Village of Franklin. Hansen provided clarity to why her name was not on the ballot. Hansen addressed accusations that were made against her. Hansen encouraged the Council members to be respectful and to work together in the future.

Gordon congratulated those who won the election as well.

Motion by Gordon, seconded by Seltzer to have an item on the November 16, 2020 agenda to nominate the appointment of Pam Hansen to fill the upcoming vacant council seat.

Saenz suggested that the Council wait until the new Council is installed to move to appoint Hansen specifically to the vacant seat. Gallasch asked Staran to speak to the appointment vacancy process.

Staran stated that the council needs to wait until the new Council President is in place at the organization meeting for an official agenda to suggest an appointment for the vacant seat.

Gallasch thanked the residents of Franklin for allowing him to serve over the years. Gallasch asked that the Council support each other and act in unity for the betterment of the Village.

Roll Call Vote

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

Motion failed.

B. Council Report

Seltzer thanked the Villagers for electing him. He praised Hansen and offered his opinion on negative comments made of himself and other Council members during the election. He thanked Gallasch for being a friend and a colleague that he has enjoyed working with.

Saenz welcomed and congratulated President Lamott, Trustee Erlich, Trustee Hanke and Trustee Seltzer for their appointments. He thanked Gallasch, Moenck and Hansen for their service.

Moenck congratulated the Newly elected trustees. Called Gallasch a top-notch public servant with his extensive knowledge and stewardship of Franklin resources. She praised Hansen for her service to the Village and her leadership. Moenck praised Village residents for their engagement in the election and political courage.

Seltzer praised Moenck for stepping up in Trustee Stakhiv's vacant seat. Diversity and Inclusion (DNI) committee had a meeting at his house months ago and it went well. The Village Office will host ongoing sessions to learn from each other and work together. Please reach out to the Village office for inclusion in these important discussions.

Lamott congratulated the winners of the election Seltzer, Hanke and Erlich. Thanked Hansen, Moenck and Gallasch for their service. Thanked Pulker for her extensive service to the community and mentioned she leaves "Big shoes to fill and that she was the glue that holds this community together as the Village Clerk." Lamott committed to work alongside everyone for the betterment of the Village.

Gordon reiterated that he feels strongly that a full council is a necessity.

#2020-83 Motion by Gordon, Seconded by Seltzer to appoint a Council Member at the top of the agenda, for the Organization meeting to be held on November 16, 2020.

Staran commented that this is an unusual occurrence and under the charter has to fill the vacancy within thirty (30) days.

Gallasch asked why a motion was necessary. Gordon pointed out that he wanted it done at the top of the agenda. He reminded the Council that was the process when Moenck replaced Stakhiv.

Roll Call Vote

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

Motion passes.

Hansen added a congratulations to Hanke and to Pulker. She also praised Gallasch thanking him for his service to the community.

C. Administrator Report

Roger Fraser, Village Administrator

- Talked about the fee schedule for Business licenses for operating businesses. Fraser stated that a restructuring of those fees and the ordinances is in process. He is also noted involving the business community to receive their feedback and adjust accordingly. Business licenses expire in December, he is working to extend this to accommodate the notification to the businesses.
- Selection of the Village Clerk: Fraser asked the Council to reference a summary of the open position.

D. Main Street Franklin Report

Jason Dickman, Main Street Franklin

- Main Street partnered with the FCA with a wonderful event, FranklinStein, with 200 attendees. He thanked all who volunteered and named the local businesses who participated in sponsorship: Franklin Library, Franklin Historical Society, Franklin Auto Service, Franklin Cider Mill, De Ja Vu-Upscale Resale, Loyal Paws and The Franklin Village Council. He thanked the Police and Fire who kept everyone safe. Officer Goodroe was given an accolade for keeping the crosswalk safe for the children.
- Working with Cindy Ciura of CC Consulting of Bloomfield Hills for the \$6,500.00 Grant obtained to recruit businesses to the Village. Two (2) vacancies are in the Van Avery House, two (2) in the Lake House, one (1) in the Strip Mall and one (1) in the Gorbach Building. Ciura is constructing a marketing piece now through January.
- New Business coming to the Village: A vintage furniture store is planned to open in December (formerly Fritz and Friends), a new Dental Office (formerly Smile Builders) and Loyal Paws (formerly the Jacqueline Drake Gallery.) Hansen congratulated Dickman on the new businesses.
- A \$5,000.00 Grant will be used for a Holiday Event and a Street Scape Celebration.

E. Planning Commission Report

David Goldberg, Chairman of the Planning Commission

- Working on Short Term Rental Ordinance and recommendation for the first phase. Welcomed residents to come to the meeting and offer their feedback, via Zoom.
- First review on the public institutional zoning district along with the garden fence enclosures text proposed language.

- Master Plan Implementation review on the safety pathway plan to construct sidewalks or pathways along the perimeter of major roads for pedestrian access throughout the Village.
- JenStan Nature Preserve Pathway Proposal: In progress; obtained a map from Pulker to determine if other walking areas need improvements so that all can be considered at one time.

F. Diversity Committee Report

Michael Seltzer

- Mentioned that he addressed a question from earlier and had nothing else to report.

G. Clerk Report – Election Results

Eileen Pulker, Village Clerk

- Congratulated everyone for having the courage to run in the election. Pulker read the election results to the Council, as follows:

UNOFFICIAL ELECTION RESULTS, NOVEMBER 3, 2020

	YES	NO
Renewal of Special Millage for Police service and General Fund	1809	425
<u>Village Council President</u>		
Pamela Hansen, write in	552	
William Lamott	1141	
<u>Village Council Trustee</u>		
Katherine Erlich	1145	
Fred Gallasch	769	
Mark Hanke	1000	
Joshua Lawton	770	
Michael Seltzer	946	
<u>Library Board Member</u>		
Janice Meyer Cherkasky	1235	
Susan Stevens	1141	

- Moenck mentioned the Police had an overwhelming response of support and commented that that is excellent.
Fraser complimented Eileen for her extraordinary performance and extensive effort in the election. He praised her as a dedicated servant of the community.

IX. PUBLIC HEARING

A. Proposed Amendment to Village Charter Chapter XI, Section 5 for Submittal to the Electors for Approval at a Special Election to be held on Tuesday, May 4, 2021.

Hansen opened the Public Hearing at 8:37 PM.

Hansen identified that the Oakland Press had made a mistake in publishing the notice and not the Village. She praised Pulker for recouping the monies for the wrongly published legal advertisement.

Staran clarified that the notice was not wrongly noticed, it was wrongly published.

Natalya Shub
Spoke in favor.

Cassius Drake
Spoke in favor.

Ed Ogul
Spoke in favor.

Rick Notter
Spoke in favor.

Cindy Ludwig
Spoke in favor.

Connie Ettinger
Spoke in favor.

Josondra Notter
Spoke in favor.

KC & Liz Connolly
Spoke in favor.

Adam G (Katelyn)
Spoke in favor

Hansen closed the Public Hearing at 9:00 PM.

X. NEW BUSINESS

- A. Consider Approval a Proposed Amendment to Village Charter Chapter XI, Section 5 for Submittal to the Electors for Approval at a Special Election to be held on May 4, 2021.**

#2020-84 Motion by Seltzer, seconded by Gordon for the Proposed Amendment to Village Charter Chapter XI, Section 5 for Submittal to the Electors for Approval at a Special Election to be held on Tuesday, May 4, 2021.

Hansen referred to Staran to identify the procedural process by which Resolution was to be read and voted on. Staran stated that the Resolution needed to be read (in part) and requires 5 supporting votes to be approved. Hansen read the Resolution.

Roll Call Vote

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

Motion approved.

B. Request for an application for an event permit for Tot Shabbat.

#2020-85 Motion by Seltzer, seconded by Gordon to approve Request for an application for an event permit for Tot Shabbat.

Roll Call Vote

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

Motion approved.

C. Consider Final Pay Application to Cadillac Asphalt LLC, Phases I, II and III.

#2020-86 Motion by Seltzer, seconded by Moenck to approve the Final Pay Application to Cadillac Asphalt LLC, Phases I, II and III as amended per the Village Administrator's recommendation to include the approval of the additional verbiage and statements from the contractor in terms of the additional affidavits included.

Moenck inquired as to why a motion was required as it was already approved on the Bills List. Fraser clarified that there are several contractual obligations that require the Village to acknowledge receipt.

Fraser suggested the motion be amended to include additional verbiage to accept the statements from the contractor in terms of affidavits and so forth.

Lamott asked for clarification on what we were paying. Gordon and Hansen also clarified that we are releasing the retentions to close out the debts,

Roll Call Vote

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

Motion approved.

D. Consider Proposed Change Orders #3 and #4, Asphalt Specialists, Inc.

#2020-87 Motion by Seltzer, seconded by Gordon to approve the Proposed Change Orders #3 and #4, Asphalt Specialists, Inc.

Lamott asked about the cost for the split stone rock wall. Fraser stated that it is a replacement of the prior rusty stones that were in front of the Van Avery property. A slope was considered by upon review was not found to be a viable option. Lamott was concerned that the stones would also rust and negate the purpose.

Moenck asked what was in the original scope of work for that area? Fraser stated that the discussion had been not to put in a retaining wall but to create a slope. Moenck asked what the budget was for that? Fraser could not recall off the top of his head. Moenck asked if it was necessary and requested the initial amount to determine if is an unnecessary expense. Fraser estimated that the amount was around \$4,000.00 more than expected. He further clarified that the initial plans proved in effect to achieve the desired result to preserve the property. Moenck mentioned that there is always water draining even when there is no rain. Fraser will investigate it. Hansen added that there were another two (2) locations where a retention wall was needed and is consistent with the proposed design. Moenck asked about how erosion will be maintained. Fraser said it will need to be monitored and addressed as issues may arise.

Roll Call Vote

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

Motion approved.

Hansen asked if anyone would elaborate as to why they voted nay.

Lamott commented that he voted nay due to the fact he felt it was feasible to create a slope like initially proposed. Lamott suggested a concrete wall that would fit better with the Franklin language.

Moenck voted nay as she felt we got ahead of ourselves.

Hansen stated that the items mentioned by Lamott and Moenck had been already been considered.

**E. Consider Scheduling Organization Meeting, Monday, November 16, 2020 at 8:00
PM**

#2020-88 Motion by Seltzer seconded by Moenck to approve the Scheduling Organization Meeting, Monday, November 16, 2020 at 8:00 PM.

Roll Call Vote

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

Motion approved.

F. Consider Meetings Schedule for Calendar Year 2021.

#2020-89 Motion by Seltzer seconded by Moenck to approve the Meetings Schedule for Calendar Year 2021, as presented.

Gordon asked if anything on the schedule was out of the ordinary or conflicted with Holidays to which Pulker replied that all dates had been checked.

Roll Call Vote

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

Motion approved.

G. The Process for the Appointment of Village Clerk.

Staran clarified that the Clerk will now be elected by the Village Council. Pulker will continue to assist until January 1, 2021. Fraser has instituted an experiment to see if Heather Mydloski, while working with Pulker and Martin to catch up on filing and record maintenance, would also be a good fit for the Village Clerk position. Fraser desires cross training to occur and wants to recommend Mydloski but stated that he will do what the Council sees fit in terms of whom will be appointed to this role. Fraser opened discussion from the Council. Seltzer supported Fraser's decision to appoint Mydloski as he trusts his opinion. Moenck pointed out that it was her understanding that the position was to be made public. Moenck further said that any candidates should be vetted and interviewed. Moenck stated that she did not feel that the process was transparent to the public. Moenck suggested engaging the personnel committee along with Fraser's support. Gordon agreed and suggested that the Council ramp up a search to see if other candidates can be found that could provide others to be considered in order to obtain the best candidate. Fraser will move forward as the Council recommends. Seltzer suggested that the job opportunity be posted to the community. Moenck mentioned that we needed a qualified, not only an interested, candidate.

Fraser asked Staran to comment on the Charter requirements for an unelected Village Clerk. Staran mentioned that the Charter was amended in August by vote approval for the Clerk to become an appointed position. He further explained that as November 16, 2020 we will no longer have an elected Clerk, as Pulker is retiring. It will be necessary for the Council to appoint a Clerk.

Fraser commented that Heather Mydloski was employed as an "experiment" to help with the transition process of Pulker retirement and to learn the Clerk position to see if it was a good fit for her. Fraser stated that he had planned to recommend Mydloski but yielded to the Council's direction as he desired to identify and fulfill the Council's expectation.

Seltzer praised Fraser and stated that he trusts his recommendation of Mydloski.

Moenck stated that she felt that the position needed to be opened to the public as there were very strong public opinions on appointing a Clerk, and in order to capture the best candidate. She further mentioned that the personnel committee would vet the candidates. She stated that to go from an experiment to a recommendation was not the best way to proceed. She was clear that her comment was nothing against Fraser or Mydloski but rather what is a public expectation.

Gordon agreed that the search should be opened to make sure that Mydloski is indeed the best candidate for the Clerk.

Fraser stated that no promises had been made to Mydloski and she was aware of the evolving process for a Clerk to be selected.

Seltzer suggested that Pulker post this opportunity in her newsletter and for the Personnel Committee to vet all candidates.

Moenck stated that the Clerk needed to be qualified not simply interested as their will be “Big shoes to fill.”

XI. UNFINISHED BUSINESS

A. Discussion: Public Water.

Fraser commented on a survey draft that is currently in the vetting process. Fraser is working with a group of talented individuals who are collaborating on how to proceed and obtain the maximum desired results. Fraser said it will be a couple of weeks until the survey is ready so feedback can be received for the Council.

Public Comments on Public Water

Fraser reported on the progress so far, with announcements of the upcoming survey and other informational distribution.

Josondra Notter asked how it can be posted for volunteers. Notter wanted to offer her skill set and professional feedback to help with the process. She would like to see if other Villagers, who may have those skill sets, could be of help.

XII. RESOLUTIONS/ORDINANCES

A. Consider a Resolution to Adopt Rules for Electronic Meetings (first reading).

Staran clarified that the Open Meetings Act was amended for electronic meetings to extend until the end of the year and then to continue with limitations at the beginning of the year. The Act also requires that we have rules established. Staran mentioned three (3) discussion points to mention. One (1) is his suggestion of a 3-minute time limit on public comments to keep consistent with our current process, it is not required. Two (2) Do we want to allow public comments at the public comment section only or continue with allowing the public to speak throughout the meeting? Third (3) The OMA authorizes but does not require a chat or email function during the meeting. Staran mentioned it can be discussed but not approved until the next meeting.

Gordon asked about the level of absences and how that would affect the meeting? Staran clarified that after January 1, 2021 we will not be able to have the council meeting via Zoom unless another emergency order is enacted. There are only two criteria for exemption: military service or for a medical reason. Staran is hoping that the order will be extended as the pandemic is still an issue of concern.

Hansen clarified that Staran was asking the council to consider his three (3) suggestions as he feels it is prudent in continuing with a virtual format. She discussed the use of Chat and the duration of public comments to have time limit. She suggested that the President should have the option to reduce the time based on the number of participants.

Saenz commented on the length of meeting by allowing public comments and suggested that they should be up front for them to have their voice heard and not have to wait until further in the agenda to speak.

Gordon asked for a two (2) minute time limit for public comments.

Seltzer seconded Gordon.

Lamott stated that he did not see a need for a hard, fast rule to limit public comments as he welcomed open discussion at any point. He further mentioned that the virtual audience would be a good idea when meetings are back in person as it fosters more public interaction. Staran commented that flexibility with the duration of comments has been instituted to accommodate relevant modifications to public comments by the Council.

Saenz mentioned that he still felt that two (2) minute time limit for public comments was an appropriate time limit unless extended by the President. He agreed that the public comments should be at the front of the meeting.

Gordon added that the public can adequately state their comment within two (2) minutes but worthwhile to have the flexibility of an extension.

Hansen asked for a motion to approve the Rules for Electronic Meetings.

Gordon suggested adopting the rules and amending the motion to include a two (2) minute time limit for public comments, unless the Chairs deems longer, and to for public comments to be placed at the beginning of the meeting.

Lamott stated he was unsure if limiting the public comments to only one place would be prudent.

#2020-90 Motion by Gordon, seconded by Seltzer to Consider a Resolution to Adopt Rules for Electronic Meetings as amended, in its first reading, as follows:

VILLAGE OF FRANKLIN, MICHIGAN

RESOLUTION TO ADOPT RULES FOR ELECTRONIC MEETINGS

WHEREAS, the Michigan Open Meetings Act, MCL 15.261 et seq. was recently amended by the adoption of Public Act 228 of 2020 to permit the remote attendance by members of a public body using telephonic or video conferencing means; and

WHEREAS, the Village Council desires to continue to meet and conduct the public business of the Village in a manner that permits both the general public and members of the Village Council and other Village boards and commissions subject to the Open Meetings Act to participate by electronic means.

THEREFORE, IT IS RESOLVED by the Franklin Village Council that the Rules of Conduct, as codified in Chapter 220 of the Codified Ordinances, are hereby amended to add the following provisions:

ELECTRONIC MEETINGS

Rule 31. ELECTRONIC MEETINGS AUTHORIZED

The Village Council may meet and conduct its meetings, in whole or in part, by electronic means using telephone conferencing or video conferencing technology without regard to physical place and physical presence requirements, in accordance with Section 3a of the Open Meetings Act, MCL 15.263a, as amended, through December 31, 2020.

Beginning January 1, 2021 through December 31, 2021, Village Council meetings may be held, in whole or in part, by electronic means using telephone conferencing or video conferencing technology due to circumstances requiring accommodation of any Village Councilmember absent because of military duty, a medical condition, or when a declared statewide or local state of emergency or state of disaster exists and the personal health or safety of members of the public or public body would be at risk if the meeting were held in person. As used in these Rules, the term “medical condition” means an illness, injury, disability, or other health-related condition, including the quarantine or isolation of a Village Councilmember to minimize the spread of a contagious disease.

Beginning January 1, 2022 members of the Village Commission may participate by electronic means in Village Council meetings only to accommodate their absence due to military duty.

Rule 32. CONDUCT OF ELECTRONIC MEETINGS

An electronic meeting of the Village Council will be conducted in a manner that permits two-way communication so that members of the Council can hear and be heard by one another, and so that public participants can hear members of the Village Council and be heard by both the Council and other public participants during the Public Comment period. The Village may use technology to facilitate typed public comments submitted by members of the public participating in the electronically-held meeting that shall be read to or shared with members of the Village Council and other participants.

As permitted by the Open Meetings Act, a physical place is not required for an electronically-held meeting. Members of the Village Council and members of the public participating electronically in a meeting that occurs in a physical place are considered present and in attendance at the meeting for all purposes. For a meeting at which Village Councilmembers are physically absent due to military duty or a medical condition and who are being accommodated by remote participation, all other Village Councilmembers must be physically present at the meeting to be able to participate.

In addition to any other notice required by the Open Meetings Act, advance notice of an electronically-held meeting shall be posted on a portion of the Village’s website that is fully accessible to the public. The public notice must be included on either the home page or a separate webpage dedicated to public notices for non-regularly scheduled or electronically-held public meetings that is accessible through a prominent and conspicuous link on the Village's website home page that clearly describes its purpose for public notification of non-regularly scheduled or electronically-held public meetings. Any scheduled meeting of the Village Council may be held as an electronic meeting as permitted by the Open Meetings Act if a notice consistent with this Rule is posted at least 18 hours before the meeting begins. Any notice of the meeting of the Village Commission held electronically must clearly contain all of the following:

- (a) Why the Village Commission is meeting electronically;
- (b) How members of the public may participate in the meeting electronically (if a telephone number, internet address or both are required to participate, that information must be provided in the notice);
- (c) How members of the public may contact members of the Village Commission to provide input or ask questions on any business that will come before the Commission at the meeting; and
- (d) How persons with disabilities may participate in the meeting.

If an agenda exists for an electronically held meeting of the Village Council the Village shall, on a portion of its website that is fully accessible to the public make the agenda of the meeting available to the public at least 2 hours before the meeting begins. This publication of the meeting agenda does not prohibit subsequent amendment of the agenda at the meeting.

A member of the general public is not required to register or otherwise provide his or her name or other information or otherwise fulfill a condition precedent to attend an electronically-held meeting, other than mechanisms established and required by the Village necessary to permit the individual to participate in a public comment period of the meeting.

Members of the general public otherwise participating in an electronically-held meeting of the Village Council are excluded from participation in a closed session of the Village Council that is held electronically provided that the closed session is convened and held in compliance with the requirements of the Open Meetings Act applicable to closed sessions.

Rule 33. AGENDA FOR REGULAR BUSINESS MEETINGS; ELECTRONIC MEETINGS

The order of business for all meetings of the Village Commission conducted electronically and held during through December 31, 2020, and held beginning January 1, 2021 through December 31, 2021 for Village Council meetings held, in whole or in part, by electronic means using telephone conferencing or video conferencing technology when a declared statewide or local state of emergency or state of disaster exists shall be as follows: Call to Order; Roll Call; Adoption of Agenda; Approval of Minutes of previous meeting(s); Reports of Village Officers and agents; Submission of current bills; Public requests and comments; Unfinished business; New business; and Adjournment. The order of business outlined in this paragraph is not applicable when electronic means is used to accommodate the absence of individual Village Commission members due to military duty or a medical condition.

Rule 34. PUBLIC COMMENTS

During Village Council meetings conducted electronically, members of the public attending the meeting, once recognized by the chair, shall identify themselves for the record and indicate the municipality where they reside. Comments by the public will be limited to ~~three~~ two minutes for each speaker unless the time is extended by the chair or by vote of the Council.

Rule 35. COUNCILMEMBER ATTENDANCE BY PHONE/VIDEO

A member of the Village Council who anticipates being absent from a meeting due to the circumstances set forth in the Open Meetings Act and these Rules may request accommodation of their absence to permit their remote participation in and voting on Commission business by two-way telephonic or video conferencing communication. A Village Councilmember who desires to attend a meeting by telephonic or video conferencing shall inform the Village Administrator, or the Village Administrator's designee, at least 24 hours before the meeting to permit any necessary technology to be put in place to accommodate participation of the absent member. Village Councilmembers attending a meeting by telephone or video conferencing may fully participate in the meeting, including voting and attendance in any closed session of the Village Council. A Councilmember participating by telephonic or video conferencing is not permitted to chair the meeting unless all Commission members are participating by telephone or video conferencing.

Any member of the Village Council attending a meeting remotely must publicly announce at the outset of the meeting (which shall be included in meeting minutes) that the member is attending the meeting remotely. If the member is attending the meeting remotely for a purpose other than for military duty, the member's announcement must identify the member's physical location by stating the city, village or township and the state from which the member is attending the meeting remotely.

Rule 36. OTHER BOARDS AND COMMISSIONS

All other Village boards and commissions and the members thereof are governed by and shall conform to the provisions contained in these Rules setting forth the requirements and procedures by which absent members and the public may remotely participate in meetings electronically by telephone or video conferencing. In the event of any conflict between these rules and the bylaws or procedural rules of the other board or commission, this Rule is controlling authority.

Saenz and Seltzer discussed other municipalities and their practices and felt we are in line with how others are operating remotely.

Roll Call Vote

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

Motion approved.

B. Consider an Ordinance to Amend Commercial Vehicle Zoning Standards (second reading)

#2020-91 Motion by Gordon seconded by Moenck to approve the Ordinance to Amend Commercial Vehicle Zoning Standards in the second reading.

Roll Call Vote

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

Motion approved.

C. Consider an Ordinance to Amend Chapter 1268 Supplementary Regulations, Appendix B Schedule of Regulations, Maximum Lot Coverage (second reading).

#2020-92 Motion by Moenck seconded by Seltzer to approve the Ordinance to Amend chapter 1268 Supplementary Regulations, Appendix B Schedule of Regulations, Maximum Lot coverage in the second reading.

Roll Call Vote

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

Motion approved.

XIII. ADJOURNMENT

Motion to adjourn Seltzer, seconded by Moenck.

Roll Call Vote

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

Motion approved.

There being no further business, the meeting was adjourned at 10:11 PM.

Respectfully submitted,

Heather Mydloski, Recording Secretary

Eileen H. Pulker, Clerk

Pamela Hansen, President