

**VILLAGE OF FRANKLIN  
VILLAGE COUNCIL REGULAR MEETING  
MONDAY, NOVEMBER 11, 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, Pamela 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

**III. ADOPTION OF AGENDA**

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

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

**Nays: None**

**Absent: None**

**Motion carried.**

**IV. MINUTES**

**A. Special Meeting of September 25, 2019**

**Motion by Seltzer, seconded by Stakhiv to approve the Special Meeting minutes of September 25, 2019, as presented.**

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

**Nays: None**

**Absent: None**

**Motion carried.**

**B. Special Meeting of October 10, 2019**

**Motion by Seltzer, seconded by Gordon to approve the Special Meeting minutes of October 10, 2019, as presented.**

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

**Nays: None**

**Absent: None**

**Motion carried.**

**C. Regular Meeting of October 14, 2019**

**Motion by Seltzer, seconded by Stakhiv to approve the Regular Meeting minutes of October 14, 2019, as presented.**

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

**Nays: None**

**Absent: None**

**Motion carried.**

**V. REPORTS OF VILLAGE OFFICERS AND AGENTS**

**Tony Averbuch, Fire Chief**, referred to his written report, dated October 21, 2019 and reported that Franklin had nine (9) inches of snow on the ground. He complimented the contractor who had plowed Franklin Road. The only calls they had were for cars which had skidded off the road for which the department was unable to assist.

**Dan Roberts, Police Chief**, referred to his written submission for October; however, he stated that police calls were numerous today, due to accidents and road “run-offs”. In addition to the burglary which had occurred last month on the Monday of the Council meeting, there was an attempted burglary on the same street, Stonegate, a week ago. Beverly Hills also got hit by the same individuals and both Police Departments have several suspects in mind. Pending an investigation, they do have some leads. Halloween and Devils Night were very quiet this year. Regarding the traffic control signs which he had addressed at the last meeting, other than Hubbell, Roth & Clark, he has received responses from a total of three (3) firms interested in looking at all the signs. It was anticipated that action would take place in the spring. On an administrative note, the department had several large bills for repairs involving two (2) of the three (3) furnaces in the police building.

Hansen had positive comments and acknowledged the officer participation in the Main Street Franklin “Franklinstein Frenzy” parade.

**Hubbell, Roth & Clark, Village Engineers, Road Report**

Eddie Zmich, HRC, gave a brief overview of the Franklin Road project. Cadillac Asphalt now has a new subcontractor, Fort Wayne Contracting, which would be adjusting, repairing, and cleaning all the structures on Franklin Road between 13 Mile Road and Scenic before the wearing course would be put down. Fort Wayne requested that Council allow it to close that particular stretch of Franklin Road between 9 AM and 3 PM for one (1) to two (2) days for the construction. A flag control would be provided. There was a discussion about an alternate traffic route during the construction. Zmich asked Council and was given approval to pave that stretch of the road on a Saturday and/or Sunday, weather permitting. Notification to residents would be sent out, as was done for the Franklin Road south of 13 Mile Road project. Stakhiv expressed her concern about how the extreme weather changes might affect the road. The finishing up of the restoration along the roads has been disrupted by the weather but would be continued when appropriate.

The “cleaning up” of Irving Road has been requested so there could be a better assessment of the existing structure. A letter had been sent to the Council delineating several methods to repair the

problem. After some research, it was HRC's conclusion that the problem pre-existed the road rehabilitation and was due to a natural spring and the several ponds in the area.

Creech addressed the issue of the water on Irving Road. He had sent the residents a letter explaining two (2) options which could be taken. After speaking with Zmich, it was felt that Option #1 was more optimal and pointed out that the "fix" would not be permanent; however, it could ease the problems the residents were experiencing. A contractor would be secured to do the work in the spring. Creech elaborated on Option #1. Hansen expressed the Irving Road residents' concern about the safety of the road during the fall, winter, and spring months. A discussion ensued with Creech assuring those residents that the Village would be cognizant of its condition and would take appropriate steps.

Jamie Jacob, Irving Road, spoke to the process of getting this problem remedied which began with identifying the problem and then meeting with Creech and Tarpinian (HRC) in August 2017. In November 2017, he sent an email to Council, part of which he read aloud. He also offered some suggestions to solve the problems. He felt that since the problem was on Village property it was the Village's responsibility to address it to make the road safe all year long as there was water on the road all year long. At Hansen's request, Creech, with Zmich's input, summarized the measures which had been taken in the last two (2) years. However, the question remained, why had it taken this long to address the problem? Seltzer expressed the Council's regret and embarrassment over a resident's frustration with the Village's lack of timeliness.

Amy Olson, Irving Road, stated that the water issue was directly in front of her house and was bad all year round and gave examples. It was her opinion that the recent road renovation was the cause of all the problems. She had sent emails to the Council about her safety concerns and with her speaking at this Council meeting now had this issue on public record. After listening to Olson's opinions, Hansen acknowledged Olsen's communications and due to the tone of them and in all due respect to Olson's desire to have a safe environment for her children, Hansen stated that she did not appreciate being threatened. Olson was of a different opinion and placed this responsibility specifically on Hansen, as she was President of the Council. Olsen was concerned about the issues and her communication with Hansen was not a threat. Hansen had been warned and told about them and this has been going on too long. To her, the lack of responsiveness was unconscionable. Hansen acknowledged Olson's concerns and reiterated that the Village would and has been working with the engineers to resolve this problem.

Hansen suggested that Zmich meet with Creech, Jacob, and Olson to figure this out.

### **Bingham Farms Update**

Hansen was hoping that at this meeting Council would be able to decide what to do about this issue. On November 1, 2019, Ben Templeton, Bingham Farms Council President and Ken Martin, Bingham Farms Administrator/Clerk met with Creech and her. The quality of service they were receiving was not an issue. Their concerns centered on not being adequately informed of major decisions having to do with the Police Department and wanting more of a voice in such things as the recent hiring of the new full time officer and wanting to be involved in the police contract negotiations. Hansen listed other examples and options were discussed, one of which was to include the Bingham Farms Council in the police budget discussions, and another was to

form an advisory “Police Commission”. She asked Council for any feedback and suggestions regarding these issues. Creech acknowledged that Bingham Farms wanted to be more responsible to its citizens. In response to Hansen’s inquiry he outlined and summarized how the billing was calculated. Inclusion of Bingham Farms in Franklin’s annual budget discussions about the Police Department was suggested and Chief Roberts pointed out that Bingham Farms receives the annual budget even before Franklin and added his opinions on other certain matters. The importance of transparency was paramount and he was always available and willing to discuss the police budget. He provided several differences between the past administration and that of the current one.

Council agreed that communication was the issue. Hansen recommended that Creech informally meet with the Bingham Farms Administrator and Chief Roberts to discuss a quarterly review and forecast of the police budget.

**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 \$253,590.49. Vainik stated that the expenditures are generally consistent with the FY2019-2020 Budget. The Bills List for this month included a large entry of \$118,465.17 for road paving services paid to Cadillac Asphalt LLC. 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 November 7, 2019 held at Level One Bank. A Balance Sheet was also provided from the interest bearing CDs held at Multi-Bank Securities; the amount of growing interest is doing well. Vainik added that he was available to meet with the Finance Committee, if necessary.

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

Category	sub totals
General	\$ 40,644.15
Maj Streets	\$ 5,477.75
Local Streets	\$ 4,653.25
Police	\$ 55,164.22
Garbage and Rubbish	\$ 120.00
Building Dept	\$ 9,575.29
Street Project	\$ 129,773.64
Road Millage	\$ -
Pressure Sewer	\$ -
Tax Collection	\$ 8,182.19
Waste Water	\$ -
<b>totals</b>	<b>\$ 253,590.49</b>

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

Creech responded to Gallasch that the amount paid to MERS was the minimum paid at the end of the year and the check to Chief Roberts was reimbursement for a Chiefs conference.

**Ayes: Gallasch, Gordon, Hansen, Lamott, Saenz, Seltzer, Stakhiv**  
**Nays: None**

**Absent: 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.

David Bottesi, Franklin Park Drive, had a water issue similar to that on Irving Road throughout the Riverwood subdivision which incorporated Franklin Park Drive and Sunset Drive. He believed this condition/problem was related to the road work. It involved standing water in the ditch in front of his house which in previous years had been perfectly dry and now was not draining properly. This has caused substantial issues: flooded basements and water flowing south to 13 Mile Road. Creech responded that the drain at 13 Mile Rd. was under the jurisdiction of the Oakland County Road Commission and was an issue. It was his understanding that substantial ditching and maintenance have been done in the area. Creech repeated what he had heard from the engineers that it was more of a maintenance issue regarding impediments in the ditches, i.e. homeowners had allowed trees to grow in the ditches and the lack of mowing, thereby holding the water back in a lot of areas. Gordon confirmed that the engineers had been out to the affected areas several times. Creech requested Johnson Landscape speak with the homeowners to help alleviate some of the problems. Gordon was concerned there appeared to be a communication issue between the residents and the Village. From what he was hearing the residents wanted to know if the Village was responsible for these issues and, if so, what was it going to do to alleviate them noting that these were the impressions he was hearing from the residents. Gallasch opined that it sounded as if the engineers did not pay attention to the impact on other things relevant, i.e. drainage problems. Stakhiv suggested the engineers should have assessed the situation and given the homeowners and/or the Village available options. Hansen stressed the engineers needed to go out, take another look at the site, and make an assessment. Creech would contact the engineers.

Jerome Rouquet, Normandy, has a neighbor who had come to the last Council meeting complaining about water flowing from his property into hers. He was wondering if the Village had looked into it and wondered if there was something he should be doing about it. Stakhiv reported that Staran had sent a letter to Council. Staran acknowledged the neighbor's complaint and her attendance at several Council meetings. He further explained he had met with the Village Building Official and Creech about the situation and reviewed the record. He concluded that it appeared that the Village Building Official had correctly assessed the issue; that no Ordinances or required permits had been overlooked. His conclusion was that he saw no open violations or enforcement oversights. Hansen confirmed that the neighbor had been informed via a letter. Stakhiv had previously requested Creech forward Rouquet a copy of the same letter Council had received from Staran.

Saenz requested that the agenda item **PUBLIC REQUESTS AND COMMENTS** be moved up in the agenda order so as to accommodate the residents. Creech stated that the format of the

agenda is set in **Rules**. Staran explained there was a procedure needed to amend those rules. Hansen requested that Pulker put this on the next agenda as a discussion item.

## **VIII. SPECIAL REPORTS**

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

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

Regarding the Downtown Improvement Project, Council received an update from Creech in his Friday email. She and Creech have met with Lathrup Village officials and learned how they handle Ordinance enforcement, and have retained the engineering firm and have had the first organizing meeting, which went well. Stakhiv asked for a confirmation of the members of several committees: Technical Review meeting consisted of Creech, Krear, Lamott, Hansen, Hubbell, Roth & Clark, and Gary Roberts; Core Design Committee: Lamott, Hansen (representatives for the Council); Krear, Creech, and David Goldberg (representative for the Planning Commission). Gallasch opined that he would like the rest of the Council to be informed, to which Creech stated that no decisions had been made at the meeting nor would they be without a vote of the Council. A summarization of the meeting would be provided to the Council. Lamott noted that the plan was to publicize the dates and times of future meetings.

### **B. Council Report**

Gordon stated that he felt that Council's time spent on the search for a new Administrator had been a waste. Stakhiv remarked that further discussion and a report on this issue would be later in the meeting under, **X. NEW BUSINESS, E. Consider Personnel Committee Recommendation Regarding Village Administrator.**

Gallasch questioned if there was still a discussion regarding sidewalks between Scenic Drive and 13 Mile Road. Hansen replied in the affirmative but could not answer on which side of the road. Staran gave the legal parameters on this issue, according to the Village Charter; major roads vs. roads in residential areas. It was his opinion that if the Council wanted to put a sidewalk along Franklin Road, from Scenic to 13 Mile, the Charter did not prohibit that. It was agreed that funding was an entirely different issue.

Today being Veteran's Day, Stakhiv wanted to read into the record her thoughts and sentiments regarding this important day. She also informed the residents that an informational page on the Village's website was technically up and running thanks to Doreen Martin. For access to it: go to the main menu page, click on "Home", click on "Did you know...?" Thanks to the Planning Commission, this month there was information on solar panels and fences.

### **C. Administrator Report**

Creech did not have a report.

### **D. Planning Commission Update**

No one from the Planning Commission was present.

## **IX. PUBLIC HEARING –Community Development Block Grant Funding, Plan Year 2020**

Hansen opened the Public Hearing at 9:10 PM.  
There was no public present to speak to this subject; there were no public comments.

Hansen closed the Public Hearing at 9:10 PM.

**X. NEW BUSINESS**

**A. Consider Community Development Block Grant Funding, Plan Year 2020.**

**Motion by Stakhiv, seconded by Seltzer to approve the Community Block Grant (CDBG) Distribution for Program Year 2020 to HAVEN.**

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

**Nays: None**

**Absent: None**

**Motion carried.**

**B. Consider Appointments to Village Construction Board of Appeals.**

Stakhiv confirmed that all five (5) nominees had been contacted and agreed to the appointment on the Construction Board of Appeals.

**Motion by Seltzer, seconded by Saenz to approve the appointment of Brian Marx, Mike Brassfield, David Schmerin, David Goldberg, and Shadia Martin to the Village Construction Board of Appeals for a term ending 2021.**

Answering Gallasch's inquiry, Staran did not believe there was an Ordinance which prescribed the number of members on the Construction Board of Appeals and/or the Fire Board of Appeals.

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

**Nays: None**

**Absent: None**

**Motion carried.**

**C. Consider Appointments to Village Fire Board of Appeals.**

**Motion by Seltzer, seconded by Saenz to approve the appointment of Brian Marx, Mike Brassfield, David Schmerin, David Goldberg, Shadia Martin, and Pete Kelly to the Village Fire Board of Appeals for a term ending 2021.**

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

**Nays: None**

**Absent: None**

**Motion carried.**

**D. Consider Land Design Studio Contract.**

**Motion by Gordon, seconded by Saenz to approve the contract with Land Design Studio as stipulated in their November 5, 2019 proposal.**

Referring to the contract Creech sent to all the Council members with his memo of November 6, 2019, Hansen stated she had some concerns about it. Creech had spoken with Krear who offered to eliminate #9 Construction Administration (\$7,480).

Stakhiv stated that she felt that an Engineer should be the Project Manager, not a Landscape Designer. Lamott agreed.

Council agreed to strike #9 Construction Administration from the contract. Lamott thought #1 could be adjusted as it was not necessary for Krear to attend every meeting.

**Motion by Gordon seconded by Saenz to approve the contract with Land Design Studio, deleting item # 9 and adjusting # 1 at the discretion of the Core Team, as amended.**

Hansen acknowledged that Nowak and Fraus was the engineer team; however, she questioned if Jeff Huhta, who was the principle and would be overseeing this project, was in agreement with this contract.

Stakhiv thought the contract was overpriced due the previous payment of \$22,000. She preferred this be tabled until next month when more information could be gathered and reviewed. Lamott stated this would just delay the project for a month. Lamott would like to see the contract numbers be stated "...in the amount up to certain number of hours, including not to exceed".

Gallasch questioned the inclusion of "Private automobile travel at \$.55 per mile."

**Motion by Gordon, seconded by Seltzer to approve the contract with Land Design Studio, deleting #9 and adding the phrase, "...in the amount not to exceed up to a certain number of hours after each item, not flat amounts, for each of the remaining eight categories, as amended.**

Stakhiv did not feel she had enough information to make an informed decision because the Core Team had not provided a "working" report to Council.

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

**Nays: Gallasch, Stakhiv**

**Absent: None**

**Motion carried.**

**E. Consider Personnel Committee Recommendation Regarding Village Administrator search.**

According to Stakhiv there were two (2) items to consider:

1) At her request Creech did a 6 month performance appraisal on Doreen Martin, Administrative Assistant/Deputy Clerk. Creech recommended a 5% salary increase, effective

retroactively to October 7, 2019 which was supported by the Personnel Committee. She identified which budgets would be affected by the increase payment.

**Motion by Stakhiv, seconded by Lamott, a 5% salary increase for Doreen Martin, Administrative Assistant/Deputy Clerk, effective retroactively to October 7, 2019.**

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

**Nays: None**

**Absent: None**

**Motion carried.**

2) Based upon the Personnel Committee recommendation:

**Motion by Stakhiv, seconded by Seltzer that the Village Council accept Jim Creech's revised resignation letter, effective December 18, 2019, and recommend the Village continue its search by advertising and re-posting the position after January 1, 2020. At this time the Personnel Committee would also be actively searching for an Interim Manager. The committee recommended that those two current candidates who had interviewed for this position be notified by the Village President that the Village Council had decided to extend and continue its search and that their applications would remain on file and under consideration until the search process was concluded.**

Speaking for the Personnel Committee, Stakhiv felt that, as of yet, it had not found the "right fit" for the Village Manager, but the two (2) candidates would still be under consideration until that position was filled. Gordon asked for more specifics which the committee found to be unacceptable. Stakhiv responded that the Personnel Committee and others had discussed at length that in spite of the strengths each offered, they were not a "good fit". Short of that she was not prepared to elaborate on this subject. Seltzer added that there were "reference" issues with both candidates that came up negatively and made the committee uncomfortable to make a decision. Stakhiv mentioned there were positives and negatives of each interviewee.

There was a discussion about the wording of the motion, "...their applications would remain on file and under consideration until the search process was concluded." Hansen did not want to have a public discussion about reference checks. Professionally speaking, Stakhiv explained that usually when HR wanted to fill a position none of the candidates knew what the result was until that position was filled.

Stakhiv offered to shorten the motion which would end with the Council would continue its search for a Manager. Even though Hansen explained that Council had delegated the logistics of this task to the Personnel Committee, Gordon felt that the committee had not given him the full information, as was the case expressed by Stakhiv in her comments regarding the Land Design Studio contract. Judging personnel in public was discussed, including Staran's comments. Stakhiv confirmed that through recruiting connections, recommendations, and references she was actively searching for candidates. Hansen was very complimentary towards Stakhiv, her hard work, and all her professional personnel experience.

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

Gordon suggested Council discuss whether to hire a recruiting firm. Seltzer was in support. Stakhiv was open to options; however, she noted that the time of year might be an obstacle and she had already been in contact with a reputable source that had provided her with names of perspective/possible candidates. She would be getting back to this resource for further information.

Hansen suggested amending the motion to add "...retaining a search firm." Stakhiv thought a separate motion could be made about that. Creech replied to Gallasch's inquiry that usually a "Consult" line item would be added to the budget which would needed to be amended to accommodate such an expense.

Stakhiv updated Council that now the Personnel Committee would be actively looking for an Interim Manager. She has a couple of names but she did not want to reach out to anyone until Council had met and voted on this concept.

**Motion by Lamott, seconded by Seltzer to authorize the use of a search firm, determined by the Personnel Committee, to find an Interim and/or a regular Manager.**

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

Gallasch observed that since there might be a time when the Village would not have an Interim or regular Manager, it might be appropriate for Council Members to volunteer their time to support the Village office staff by whatever means requested.

**F. Consider Civic Event Permit Application for Groves High School Skip Day, May 22, 2020.**

**Motion by Seltzer, seconded by Gordon to approve the Civic Event Permit Application for Groves High School Skip Day, May 22, 2020.**

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

**XI. ADJOURNMENT**

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

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

There being no further business, the meeting was adjourned at 9:55 P.M.

Respectfully submitted,

Gail Beke, Recording Secretary

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Eileen H. Pulker, Clerk

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Pamela Hansen, President