

**VILLAGE OF FRANKLIN  
SPECIAL VILLAGE COUNCIL MEETING  
MONDAY, DECEMBER 10, 2018, 7 PM  
FRANKLIN VILLAGE HALL – BROUGHTON HOUSE  
32325 FRANKLIN ROAD, FRANKLIN, MICHIGAN 48025**

**I. CALL TO ORDER**

The meeting was called to order by President Pam Hansen, at 7:00 PM at the Franklin Village Hall, Franklin, Michigan.

**II. ROLL CALL**

Present: Fred Gallasch, Brian Gordon, Pam Hansen, Bill Lamott, Ed Saenz, Mike Seltzer, Mira Stakhiv  
Absent: None  
Also Present: Jim Creech, Village Administrator  
Eileen Pulker, Village Clerk  
Lance Vainik, Treasurer  
Chief Dan Roberts, Police Department  
Chief Tony Averbuch, Fire Department  
John Staran, Village Attorney  
David Goldberg, Chairman, Planning Commission

**III. ADOPTION OF AGENDA**

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

Hansen requested that under **VIII. SPECIAL REPORTS**, B. Council Report, 1. Personnel Committee Report, be removed from the agenda.

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

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

**IV. MINUTES**

**A. Regular Meeting of November 12, 2018**

**Motion by Seltzer, seconded by Saenz to approve the Regular Meeting Minutes of November 12, 2018, as presented.**

Stakhiv had a grammatical change on page 2, under **V. REPORTS OF VILLAGE OFFICERS AND AGENTS**, Dan Roberts, Police Chief, beginning of line 8. The sentence should read, "...offers *of* help."

**Motion by Seltzer, seconded by Saenz to approve the Regular Meeting Minutes of November 12, 2018, as amended.**

**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 and added two (2) additional items. This year was the first time the Fire Department has not hung the lights on the tree in front of the library. He complimented the Franklin Historic Society for a job well done. As a follow-up to Council's discussion last month with Chief Roberts regarding the resident who refused all offers of help, he would like to have further discussions. He thanked Creech for passing along invoices to the same resident referencing multiple non-emergency requests for the same service. He also thanked Pulker for including his message about false alarms activated by such things as, contractors' dust, in her weekly email blast. Unfortunately, the false alarms continue to occur. Averbuch pointed out that these alarms were equal between Franklin and Bingham Farms. Educating residents about this issue has become problematic. Seltzer felt that one way to get residents' attention would be to bill them for the numerous false alarms. The Chief acknowledged the Village has done just that. Seltzer also suggested that when contractors come into the office for permits they could receive a handout educating them about the Fire department's concerns. Averbuch noted that some work being done in the homes do not require permits.

Hansen inquired how the Chief would like Council to help with this problem. He acknowledged the different avenues of spreading the word: Council's discussions about this, whether it be on TV or in the minutes of this meeting, Pulker's inclusion of his personal letter to the Villagers in her email blast, the mention of it in FCA's email blast, speaking to Ken Marten, Bingham Farms Administrator and to Sharon Tischler, Southfield Township Clerk. Enforcement of Ordinances was imperative and, if need be, sanctioning monetary fees for non-compliance was an additional avenue which might accomplish this. Averbuch was concerned that this might be construed that the fire department was trying to make a profit. Gallasch had other suggestions utilizing the mail which Averbuch will look into at the beginning of the year.

**Dan Roberts, Police Chief**, referred to his monthly written report and highlighted some personnel related items. The Police Officers Union and the Command Officers Union contracts were finished and signed and he had copies for the Council. Two weeks ago Officer Kimberly Bonacorsi began her new assignment at the Undercover Drug Enforcement Taskforce (Special Assignment NET Detail). He will speak with her to find out how it was going. He commented on the new Marihuana law which went into effect and how it would be evolving in terms of how it would affect law enforcement. He also explained the differences of how marihuana-related incidents were handled by his officers before the new law went into effect and now with the change. The law was evolving and he expected many court cases to be filed. Oakland County Prosecutor's Office will be holding training sessions for the police officers.

Seltzer inquired about the abandoned house on 13 Mile Rd. Roberts reported that he had not heard anything but there was an issue with trespassers about two (2) to three (3) weeks ago. Gordon requested the Chief keep the Council updated anecdotally or otherwise on marihuana activity in the Village and, if possible, how it would have been handled under the old law in comparison to how it will be handled under the new law. Stakhiv supported the request.

Roberts stated that the Police Officers and Command Officers contracts would be on the Village website.

**John Bry, Oakland County Main Street, Program Coordinator**, updated Council on Main Street Oakland County activities and how they would impact Main Street Franklin. Recently Oakland County Main Street had been working with the Franklin board in establishing itself as a 501c3 non-profit organization and that the County had paid for the legal fees. The promotion and marketing exposure Franklin received through MetroMode was supplied through Oakland County, as well. Franklin hosted the inaugural Building Doctor Clinic this past fall with five (5) property owners participating. Franklin had the most applications of the thirteen (13) Main Street communities for a Flagstar Bank Placemaking Grant, a new program which was launched this year. The Façade Grant was awarded to Madeleine's French Patisserie in the old location of Farmhouse Coffee and Ice Cream. The Genisys Bank Startup Grant program was also launched; however, there were no applications from Franklin. The bank will again have grants available in 2019. The County's Retail Recruitment Services will be launched for the Main Street communities, starting in Farmington, Berkley, and Royal Oak. He explained how the program worked. Bry added that he was very pleased with the current Franklin Main Street Board. Friday he sat in on the interviews of the three (3) candidates for the part-time position of Executive Director. He had made some observations to the Board, but it would be their decision to make.

**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 \$163,327.33. Vainik stated that the expenditures are generally consistent with the FY 2018-19 Budget. The Bills List for this month includes a large entry for Road Contract Engineering services paid to Hubbell, Roth & Clark Inc. He concluded by stating that the Village has sufficient funds to meet its current and anticipated obligations. The list of account balances was in the Council's packages as of December 6, 2018, held at Level One Bank. The balances held in interest bearing insured CD's at Multi Bank Securities, Inc., were included in the consolidated report which Council received and the interest rates are increasing.

Stakhiv questioned the small amount paid to an attorney from the tax fund, which was noted as an overpayment. She also clarified with Creech the Ford Motor Muni Fin bill was for the Police Dept., the Great Lakes Internet and Consulting bill was for the Village's IT consultant for the replacement of a hard drive, and the CMP Distributors Inc. bill was for bullet-proof vests for the Police.

Gallasch questioned Creech if the bill from Hubbell, Roth & Clark was for the studies on the water issue. Creech confirmed that a small portion was for the water. Gallasch's noted that to his knowledge, no money had been budgeted for a water study. Creech responded that it was part of the Franklin Road project. Gallasch pointed out that this was a different issue and should not be paid with "road work money" and further expressed his concern that this was not part of the original road fund budget, therefore, this was an additional expense. Hansen suggested that there be a discussion about this matter after the meeting. Gallasch agreed but thought it inappropriate to use tax money which had been raised for road work, for other projects.

**VI. SUBMISSION OF CURRENT BILLS**

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

CATEGORY	AMOUNT
GENERAL	\$34,962.59
MAJOR RDS	\$3,125.00
LOCAL RDS	\$3,226.00
POLICE	\$64,363.20
GARBAGE	\$15,124.90
BLDG DEPT	\$11,479.16
STREET PROJECT	\$21,574.62
WASTE WATER	\$182.66
TRUST & AGENCY	\$4,200.00
TAX COLLECTION	\$5,089.20
TOTALS	\$163,327.33

**Ayes: Gallasch, Gordon, Hansen, Moenck, 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.

Danielle Clayton, Normandy, stated that she has lived in her house for 10 years and noticed that the trees in the island in front of her house have not been maintained. In the past she has notified the Village Administrator and written the Council about the conditions requesting that the Village provide necessary cleanup, but has received no response. As a result, she personally has taken on the responsibility as some of the situations which have created safety hazards to her property and to Villagers. Hansen stated that the Village would follow up. Another concern was the insufficient crack sealing in the newly paved roads. Stakhiv requested that she send Creech an email detailing her concerns and complaints. In the spring, HRC would review the conditions and take care of the situation as the roads were under warranty.

Gordon inquired if the Village had a process of recording and logging in complaints when an issue was brought to the Village's attention. Creech explained the Village's process for tree maintenance. At Hansen's suggestion Creech would contact the DPW contractor about expanding additional tree maintenance service to include preventative maintenance, as former Council President Jim Pikulas had ascribed in years past. Creech reminded Council of the Hazardous Tree Program it had about four (4) years ago. It was agreed that this was again warranted. Seltzer supported a Village "preventative-ness" program, as well as a "responsiveness" program to follow up on resident complaints.

Sue Clayton, mother of Danielle Clayton, elaborated on the situation, including her physically coming down to the Village Office to report the situation and sending a picture of an overhanging limb to the Council members 3 years ago. She received no response but the contractor did call her and advised her never to do that again. When the limb which had been hanging over her daughter's mailbox was never cut her daughter expended her own money and took care of it herself. Clayton also related her experiences this year with the cleanup of leaves and tree limbs on the island. Stakhiv requested that she send emails to the Council members, most of whom did not acknowledge receiving the one she sent three (3) years ago.

Seltzer requested that Village contractors not discourage Villagers from contacting the Village Council about problems and concerns.

## **VIII. SPECIAL REPORTS**

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

1. Hansen reported that on Monday, December 17, 2018, she will be a guest speaker at the Cub Scouts, Pack 1214 meeting, at the church. The topic will be, "What is a good citizen?" and added that the Scouts were very interested in the environment, energy, and recycling in the Village.
2. About three (3) weeks ago, the Design Team for the Downtown Improvement Project met. Consultant Tad Krear had a draft rendering of the current picture of the downtown. Comments on his initial ideas were given. During December and part of January each Design Team member will meet with different groups of businesses and/or residents to listen to their particular ideas and concerns. She felt that this movement regarding some tough issues was positive. She will keep Council posted.
3. In the past, Kim Ethridge from Michigan Department of Environmental Quality (MDEQ) had relayed some discouraging news regarding the air quality of the Jones Building. In spite of many mitigation efforts to free it of toxins or at least to lower them well below the threshold established by the state have not been met. In response and due to concerns, the Oakland County Planning Dept. and MDEQ have invited her, Creech, and Elina Costello, who is on the Main Street Franklin Board, as well as being the representative for the businesses, to a meeting December 18. This will be an informational and fact finding meeting and the County will tell them about the latest work it has done. The County will prepare an "FAQ" sheet and she would ask the staff and Saenz, who was the MSF liaison, to execute a plan to keep residents informed of what was going on in the building. No one was saying there was a huge problem right now, but as a Council there was a concern about future problems because there might be big decisions to make about the road and infrastructure. She felt positive about this first informative step with the County. Gallasch expressed his disagreement with the decision of sending only three (3) representatives to such an important meeting as he felt that everyone on Council should be present. Hansen explained the reasons for her decision for limiting the Village representatives.

### **B. Council Report**

Saenz mentioned that Costello had invited Council to participate in the selection process of MSF's new Executive Director, up to and including himself, in attending the interviews of the

candidates. After consulting with Hansen he decided not to accept the offer of being in the actual interviews. However, he asked for an opportunity to meet with the candidate before an offer was extended. Stakhiv informed Council that Costello knew Stakhiv had expertise in the HR field so she had been asked to look over the resumes and give Costello some insight. Stakhiv reviewed two (2) of them and pointed Costello in the direction of what kind of questions to ask.

### **C. Administrator Report**

Creech reported that he had had a conversation with Holly Kaiser, owner of Madeleine's French Patisserie. Creech noted that it was her intention that the business would be operational before Christmas. The Design Team will be meeting January 9, 2019 to discuss lighting and the next meeting after that would be January 30. Responding to Gallasch's inquiry, he stated that both would be meeting at 7:00 PM in Village Hall.

### **D. Oakland County Water Resource Department Report**

Tim Prince, Chief Manager for Oakland County Water Resource Department and John Basch, Senior Attorney, provided an introductory report on a sewer system agreement between Oakland County and the Village of Franklin. The existing agreement dated back to 1990 and the County's goal was to establish new agreements with Franklin and other communities, including a review on a periodic basis going forward. He provided a power point presentation of all the pertinent information: Oakland County's Water and Sewer System O&M Agreements, O&M Agreement, Insurance Provisions, and What's Covered?

John Basch explained the insurance aspect of the agreement and what it covered.

Answering Hansen's inquiry about the timeline, Prince stated that they would come back to Franklin in May or June with rates and hopefully, the agreement could be finalized then, if it hadn't already been.

Staran had just received the agreement last week from Creech. He stated that he would review it and get back to the Council.

**David Goldberg, Willowgreen Ct., Chairman of the Planning Commission**, stated that the Sign Ordinance was on the Agenda for its first reading. Business owners and Main Street Franklin board members attended meetings and worked closely with the Commission to address all of the issues and concerns which had surfaced the last time he was in front of the Council. He reported that after a year of meticulous work and communications, Comerica Bank had rejected the Commission's proposal for pedestrian and/or vehicular crossing of the bank's back property, citing a liability issue. The idea of the bank considering selling the back portion of the property was brought up; the bank official's answer was "potentially". Such a concept could be addressed and considered by the Design Team for the downtown.

Gallasch suggested PC conduct some research to see if that piece of property would be a benefit to the downtown planning. If it would, then approach the bank with an offer to buy.

## **IX. NEW BUSINESS**

**A. Consider Lot Split Application, 16455 Willowgreen, Planning Commission Recommendations.**

Christine Sage, Willowgreen Drive, daughter of the land owner and applicant, presented the proposal of splitting the property and re-aligning the pond in Parcel A. Staran explained the history of the property which was originally two lots, previously had been combined, and now the owners were requesting a split.

Creech detailed the request in his memo, RE: Split 24-06-452-001, 26455 Willowgreen (December 4, 2018), which was in the Council packet.

According to Sage, the family presently did not have any definite plans other than wanting to keep it in the family. However, by having this lot split approved by the Village, the family would have another option available to them.

Stakhiv, the Council liaison to the Planning Commission, had only one concern which had to do with a “dedicated” road not going all the way to Lot 11. She had spoken with the Fire Chief about access and turn around into the property in the case of an emergency. In response, the Fire Chief wrote a letter to the Village of Franklin, dated 12 November 2018 which had been included in the Planning Commission packet about his concerns in regards to fire safety. Staran stated that in front of Parcel B there was a platted, public right-of-way which had not been improved.

David Goldberg, Willowgreen Ct., Planning Commission Chairman, reminded Council that Ms. Sage was not asking for a building permit. The Fire Chief had provided an advance warning that if a house were to be built on the property the Fire Department would need the appropriate access requirements.

**Motion by Seltzer, seconded by Gordon to approve split of property located at 26455 Willowgreen identified as sidwell number 24-06-452-001 as submitted, with the provision that the proposed improvements on the lots must comply with Village building standards and ordinances, and that the Village of Franklin and its officers and employees are not liable if a building permit is not issued for the proposed development.**

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

**Nays: None**

**Absent: None**

**Motion carried.**

**B. Consider PA 152 Exemption.**

Creech explained that this exemption was common place among many communities, and while it was not necessary for the Village, it would allow for its participation in State of Michigan statutory payments for which the Village was not currently eligible.

**Motion by Stakhiv, seconded by Seltzer to approve the PA 152 Exemption, to continue Village Employees 10 % share of the cost of Health Insurance Premiums, as follows:**

**RESOLUTION – EXEMPTION**

**RESOLUTION TO ADOPT THE ANNUAL EXPEMPTION OPTION AS SET FORTH IN 2011 PUBLIC ACT 152, THE PUBLICLY FUNDED HEALTH INSURANCE CONTRIBUTION ACT.**

**WHEREAS**, 2011 Public Act 152 (the “Act”) was passed by the State Legislature and signed by the Governor on September 24, 2011;

**WHEREAS**, the Act contains three options for complying with the requirements of the Act;

**WHEREAS**, the three options are as follows;

1. Section 3 – “Hard Caps” Option – limits a public employer’s total annual health care costs for employees based on coverage levels, as defined in the Act;
2. Section 4 – “80%/20% Option – limits a public employer’s share of total annual health care costs to not more than 80%. This option requires an annual majority vote of the governing body;
3. Section 8 – “Exemption” Option – a local unit of government, as defined in the Act, may exempt itself from the requirements of the Act by an annual 2/3 vote of the governing body;

**WHEREAS**, the Village of Franklin has decided to adopt the annual Exemption option as its choice of compliance under the Act;

**NOW, THEREFORE, BE IT RESOLVED** the Village Council of the Village of Franklin elects to comply with the requirements of 2011 Public Act 152, the Publicly Funded Health Insurance Contribution Act, by Adopting the annual Exemption option for the medical benefit plan coverage year January 1, 2019 through December 31, 2019.

Upon a call of the roll, the vote was as follows:

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

**Nays: None**

**Absent: None**

**Resolution Declared Adopted.**

**X. ORDINANCES/RESOLUTIONS**

- A. Consider Proposed Ordinance to Add New Chapter 890 to the Codified Ordinances to Prohibit Marihuana Establishments in the Village (second reading).**

**Motion by Seltzer, seconded by Stakhiv to approve Proposed Ordinance to Add New Chapter 890 to the Codified Ordinances to Prohibit Marihuana Establishments in the Village (second reading).**

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

**Nays: None**



**Absent: None**

**Motion carried.**

**B. Consider an Ordinance to Amend Chapter 1474, Signs and Outdoor Display Structures, of Part Fourteen, Title Six of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan to Modify Ordinances, and Prescribe a Penalty for Violations (first reading).**

Goldberg recapped the revisions to the Sign Ordinance. With input from the merchants the Commission re-considered the size of the wall signs and re-worked several issues with the temporary sandwich board signs.

**Motion by Stakhiv, seconded by Seltzer to approve the Ordinance to Amend Chapter 1474, Signs and Outdoor Display Structures, of Part Fourteen, Title Six of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan to Modify Ordinances, and Prescribe a Penalty for Violations (first reading).**

Gallasch clarified that the sandwich boards were “temporary” and there was an expectation that they would be removed at night. Goldberg added that this provision was written with the understanding that the Village Code Enforcement Officer would enforce it. Included in the Ordinance were penalty provisions which he and Staran worked on and compiled.

Gallasch complimented the Planning Commission on the hard and meticulous job it had done on the Ordinance and communicating with the merchants to get their feedback. Saenz supported those sentiments. Stakhiv commented on the good communications the Commission had with the businesses.

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

**Nays: None**

**Absent: None**

**Motion carried.**

**XI. ADJOURNMENT**

**Motion by Gordon, seconded by Stakhiv 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 8:45 PM

Respectfully submitted,

Gail Beke, Recording Secretary

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Eileen H. Pulker, Clerk

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Pamela Hansen, President