

**VILLAGE OF FRANKLIN
REGULAR COUNCIL MEETING
MONDAY, FEBRUARY 08, 2021 7:00 P.M.
32325 Franklin Road, Franklin, Michigan 48025
The Village Council did not assemble to meet at a physical place;
the meeting was held electronically via “Zoom.us©”, in accordance with the
Michigan Open Meetings Act, as amended by 2020 PA 228**

I. CALL TO ORDER

The meeting was called to order by President Bill Lamott, at 7:00 P.M, on Monday, February 08, 2021 via Zoom.us©.

II. ROLL CALL

Present: Mike Seltzer, Scottsdale, AZ; Ed Saenz, Franklin, MI; Brian Gordon, Aspen, CO; Pam Hansen, Franklin, MI; Mark Hanke, Franklin, MI; Kathy Erlich, Franklin, MI; and Bill Lamott, Franklin, MI.

Absent: None

Also Present: Lance Vainik, Village Treasurer; John Staran, Village Attorney; Dan Roberts, Police Chief; Tony Averbuch, Fire Chief; Roger Fraser, Village Administrator; Doreen Martin, Office Manager; and Heather Mydloski, Village Clerk.

III. ADOPTION OF AGENDA

Motion by Seltzer, seconded by Hanke to adopt the Agenda as presented.

Erlich requested that the Agenda be amended to move Item X, D. Consider Resolution for the Franklin-Bingham Farms Police Departments Participation in the Oakland County Narcotics Enforcement Team to accommodate Chief Roberts time.

Lamott agreed and stated that he would like it moved to IX. New Business, A. and move everything else down accordingly.

Hansen requested Council table the IX. New Business, B. Consider Application for Appointment to the Zoning Board of Appeals as she was aware of more interested in the position and it was not posted in the Newsletter as it had been in the past.

Lamott agreed. He instructed Mydloski to post the open position in the Village Newsletter.

Motion by Seltzer, seconded by Hanke to adopt the Agenda as amended.

Roll Call Vote

Gordon	AYE
Saenz	AYE
Hanke	AYE
Erlich	AYE
Seltzer	AYE
Hansen	AYE
Lamott	AYE

Motion carried.

IV. MINUTES:

A. Regular Meeting of January 11, 2021

Motion by Seltzer, seconded by Hanke to approve the Regular Meeting Minutes of January 11, 2021 as presented.

Erlich corrected an error on page seven (7) that had the word discretion should be replaced with the word Description. Mydloski was instructed to correct the error.

Motion by Seltzer, seconded by Hanke to approve the Regular Meeting Minutes of January 11, 2021 as amended.

Roll Call Vote

Gordon	AYE
Saenz	AYE
Hanke	AYE
Erlich	AYE
Seltzer	AYE
Hansen	AYE
Lamott	AYE

Motion carried.

B. Special Meeting of January 19, 2021

Motion by Seltzer, seconded by Gordon to approve the Regular Meeting Minutes of January 19, 2021 as presented.

Roll Call Vote

Gordon	AYE
Saenz	AYE
Hanke	AYE
Erlich	AYE
Seltzer	AYE
Hansen	AYE

Lamott AYE

Motion carried.

V. PUBLIC REQUESTS AND COMMENTS

Resolution to Adopt Rules for Electronic Meetings

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 2 minutes for each speaker unless the time is extended by the chair or by vote of the Council. Comments by the public during electronic meetings will be restricted to the public requests and comments portion of the meeting.

Public Requests and Comments opened at 7:06 PM by President Bill Lamott.

Public Requests and Comments opened at 7:05 PM by President Bill Lamott.

Connie Ettinger - 25600 River Drive

Expressed her displeasure with Lamott and Erlich for their attempt to thwart the building of sidewalks along Franklin Road. She suggested that Lamott and Erlich be recalled.

Trustee Hanke asked Ettinger to confirm she was calling for Lamott and Erlich to be recalled. Ettinger stated that she should have phrased it as she believes Lamott and Erlich's violation of the Charter are sufficient to warrant a recall rather than to state they should be recalled right now.

Nick and Megan Hopkins

Logged in, but could not be heard as they had no audio connection.

Susan Pepper – 31059 McKinney Drive

Spoke in favor of sidewalks.

Trustee Erlich

Clarified that she has always supported sidewalks in the Village. She stated that she is not in favor of the placement of sidewalks in front of the four (4) houses on Franklin Road.

President Lamott

Stated that he is concerned with the process more than the placement of sidewalks themselves.

Ed Ogul

Asked Lamott and Erlich to state their motivation for producing four (4) proposals to be placed on the ballot for the Special Election in May.

President Lamott

Stated he was not the originator of the proposed Ballots but was not opposed to them. He clarified that he believed the vote was only part of the issue and the process requires more consideration. He stated his position that 230 residents signed the petitions and agreed they wanted more information on sidewalk placement.

Trustee Erlich

Stated she supported 3 of the 4. She did not support the \$100,000 limit on the one set of petitions, as she felt it was too low of a number. She stated that there was an issue with the prior lawsuit that the Village Attorney claimed that the Villagers had no right to sue the Village.

Trustee Gordon

He stated his disagreement with a process issue. He clarified that the Council adopted a clear and concise ballot proposal to allow the residents to vote on the sidewalks.

Natlaya Shub – 32334 Franklin Road

Spoke in favor of sidewalks. Asked Lamott and Erlich to clarify why they would not fight her residence and her neighbors to not have sidewalks as they are located on Franklin Road and have always had sidewalks.

Trustee Erlich

Stated she agreed that sidewalks are necessary and should be on Shub's side of the street. She clarified the sidewalks had already been there, so there was no reason to anyone to intervene. She stated that she was in favor of safety but did not think it was necessary or safe to construct sidewalks in front of the four (4) residents on Franklin Road.

Trustee Seltzer

Stated that was disheartening to have two (2) Council Members support four (4) proposed ballot questions as he believes it would cause confusion to the voters. He suggested an official ~~censor~~ censure of Lamott and Erlich for their attempts to undermine the will of the Council to bringing a straightforward question to the voters on this issue and violating their oaths a elected officials.

President Lamott

Addressed Shub's question and stated that the proposed sidewalks violate the historic preservation guidelines of the Village. He further mentioned that walkability could be achieved by different means. The plan called for putting sidewalks through residents 'yards and he was not in support of that.

Trustee Seltzer and Trustee Hanke

Disagreed with Lamott.

David Sahli- 26172 Meadow

Thanked Mydloski for doing a great job as Clerk. Expressed his displeasure with Lamott. He stated that the Planning Commission had been working nonstop on a process and therefore he did not understand how Lamott could maintain that the process was inadequate. He stated that Lamott and the Library were circulating the petitions.

Iosandra Notter – 26170 Hersheyvale

Expressed her displeasure with Lamott. She also mentioned there were sidewalks that did not follow the process.

Emery Halliburton

(Ten years old) Spoke in favor of sidewalks.

John Simon

Raised hand but could not be heard as they had no audio connection.

Trustee Hansen

Expressed her displeasure with Lamott, specifically as the Council President.

Angelina Sulaka – 26172 Meadow

Expressed her displeasure with the lack of transparency by Lamott and Erlich regarding the proposed petition circulation.

Trustee Gordon

Stated that the voters selected the current Council and therefore the additional support needed to support Lamott and Erlich's agenda was not present due to the will of the people.

Trustee Hanke

Expressed his displeasure with Lamott.

Public Requests and Comments closed at 7:49 PM by President Bill Lamott.

VI. REPORTS OF VILLAGE OFFICERS AND AGENTS

Dan Roberts, Police Chief

- Reviewed Submitted Report.
- Good place in terms of Crime. There have been several identity theft incidents tied to unemployment fraud.
- The 2020 Annual Report was submitted to be included in the Council packet.
- Traffic is low and tickets too consequently. Roberts mentioned that Village Revenue would be low as a result.
- Gordon asked Roberts to expand on the where the revenue is directed from citations.
- Roberts explained that the Village gets little of the revenue and the cast majority is distributed to the 46th district court. He also indicated that Telegraph Road had more citations and that revenue was directed to Bingham Farms.
- Roberts informed Council that while working on the 2021-2022 Budget, their Health Care providers had indicated at least a 10% increase in premiums.
- Negative feedback has been received regarding the street signs and traffic control devices placed at 13 Mile Road/Crestwood. Hubble Roth and Clark (HRC) has been asked to reevaluate the intersection and send the results to Roberts by the end of the month.

Tony Averbuch, Fire Chief

- Reviewed Submitted Report.
- The department was awarded through the Public Assistance Funding Program for the Coronavirus Response 75% of their expenditures from purchases of personal protection equipment (PPE.) He also informed Council that Oakland County would be providing their PPE needs in the future.

VII. SUBMISSION OF CURRENT BILLS

Lance Vainik, Village Treasurer

- Reviewed Submitted Report.

Totals: 02-08-2021	
CATEGORY	SUB TOTALS
General	\$ 37,308.14
Major Streets	\$ 9,562.21
Local Streets	\$ 24,256.57
Police	\$ 74,005.87
Garbage and Rubbish	\$ 14,920.01
Building Dept.	\$ 7,017.85
Street Project	\$ 9,005.50
Road Millage	\$ 750.00
Pressure Sewer	\$ -
Tax Collection	\$ -
Wastewater	\$ 4,721.66
TOTALS	\$ 181,547.81

Motion by Seltzer, seconded by Saenz to approve the Bills List as presented.

Gordon stated the additional field of explanation added to the Bills List was helpful and brought a new found clarity. He suggested that an additional field be added to indicate whether they are monthly, quarterly or annually to further enhance the report.

Roll Call Vote

Saenz AYE
Hanke AYE
Erlich AYE
Seltzer AYE
Hansen AYE
Gordon AYE
Lamott AYE

Motion carried.

VIII. SPECIAL REPORTS

A. President's Report

Bill Lamott, Village Council President

- 26320 Normandy falls under the dangerous building code which will require a Public Hearing. Peter Halick was selected by Lamott as the Public Hearing Officer.
- Lamott stated that the Village has begun the process of reviewing all purchased service providers. The legal committee is looking at legal services and will be preparing a recommendation for council consideration.

B. Council Report

Ed Saenz, Village Trustee

- A resident questioned a recent motion brought before Council for a personnel wage compensation. He asked for clarity from the Council or Staran as to what items must be on the Agenda before they are brought to a motion.
- Staran clarified that the Village Council is the governing body for the Village holding legislative and policy setting authority. Most of the items that come before the Council are within those categories. The Village Administrator can be delegated by the Council to enact their will.

C. Administrator Report

Roger Fraser, Village Administrator

- Water Survey is coming soon to the residents. Residents are looking forward to participating and offering feedback on the survey and on their wells.
- Saenz inquired about the level of participation with the water survey. Fraser stated it is too early to tell.
- Fraser announced that Karl Woodard, retired Beverly Hills Public Safety Police Chief, will be our new Code Enforcement Officer.
- He announced that Bill Dinnan, Building Official, will now be available on Friday mornings to assist with the additional needs for the Building Department.
- Megan Bohm, Franklin-Bingham Farms Police Department Clerk, will be assisting Martin and Mydloski with miscellaneous office work.
- Gordon inquired on the progress with the cleaning and organizing of the Village Office.
- Martin spoke to the dumpster full of old files and debris as well as the clean up of the Clerk's office and the office upstairs.
- Fraser mentioned that Martin and Mydloski had their families volunteer to help as well on a Saturday to jump start the process.
- Gordon thanked the Administrative team for their efforts.

D. Main Street Franklin Report

Elina Costello, Main Street Franklin

- Reviewed Submitted Report

E. Planning Commission Report

David Goldberg, Chairman

- Available to speak to the Ordinance for Short Term Rentals (First Reading.)
- Public Institutional Zoning District Text Amendment is close to completion for a first reading.
- Reviewing Garden Fence Standards.

- Reviewing Safety Pathways and Safety Walking Zones including the JenStan Nature Preserve Path Proposal.
- Gordon gave Goldberg and the Planning Commission an accolade for their excellence and efforts.

F. Diversity & Inclusion Committee Report

David Sahli, Chairman

- He was excited to announce four (4) new members that were added to the Committee at their last meeting. The New Committee members are Kat Philips, Liz Connelly, Vince Sherk and Denise Jacob. All four applicants bring a collective wealth of perspective and diverse talent to the committee.
- Meetings will continue in an open forum to include all to work together for the community.
- Lamott asked if Mydloski would include notice of the meetings in the Village Newsletter. Sahli assured Lamott that he was working with Mydloski to formulate a plan to bring awareness to the committee efforts.
- Hanke reminded the Council it that February was Black History Month and asked Lamott to give his thoughts on Black History. Lamott reiterated that the Diversity & Inclusion Committee was instituted by the Council as an effort to enhance the community in all areas for diversity and inclusion.

G. Clerk Report

Heather Mydloski, Village Clerk

- Read submitted report.
- Mydloski confirmed for Gordon that the insufficiency with the raw numbers made it so that it was not necessary for the Proposed sets of petitions to be officially counted and signatures verified by Southfield Township Clerk, Sharon Tischler.

IX. NEW BUSINESS

A. Consider Resolution for the Franklin-Bingham Farms Police Departments Participation in the Oakland County Narcotics Enforcement Team

#2021-11 Motion by Seltzer, seconded by Saenz to approve the Resolution for the Franklin-Bingham Farms Police Departments Participation in the Oakland County Narcotics Enforcement Team.

Lamott asked Roberts to explain the Resolution to the Council of assigning a full-time officer the NET team.

Roberts stated that it was an annual requirement.

Gordon asked if the Federal Government picks up overtime or the entire salary of the officer and asked if it is beneficial and not a loss to the department.

Roberts clarified that the department pays his salary and Oakland County pays for required equipment and any overtime. However, the department receives a share of the forfeiture the

narcotic team. Roberts further elaborated on the benefit to the department and the officer through participation in the program.

RESOLUTION FOR THE FRANKLIN-BINGHAM FARMS POLICE DEPARTMENTS PARTICIPATION IN THE OAKLAND COUNTY NARCOTICS ENFORCEMENT TEAM

WHEREAS, the Franklin Police Department continues to participate in the Oakland County Narcotics Enforcement Team (NET), and

WHEREAS, annually, the Village Council is asked to approve the HIDTA Subrecipient Agreement to authorize our department's participation in NET and assure reimbursement to the Village for our officers' overtime used to participate in NET, and

WHEREAS, Council Members have been provided copies of the HIDTA Subrecipient Agreement and related supporting documentation.

THEREFORE, IT IS RESOLVED the Franklin Village Police Department is authorized to continue participation in the Oakland County Narcotics Enforcement Team (NET), and

IT IS FURTHER RESOLVED, the HIDTA Subrecipient Agreement is approved, and the City Administrator is authorized to execute the agreement on behalf of the Village.

Roll Call Vote

Hanke	AYE
Erlich	AYE
Seltzer	AYE
Hansen	AYE
Gordon	AYE
Saenz	AYE
Lamott	AYE

Motion carried.

B. Consider Civic Event Permit for Bring Your Own Dog

#2021-12 Motion by Seltzer, seconded by Erlich to approve the Civic Event Permit for Bring Your Own Dog as presented.

Fraser and Gordon discussed safety/health protocols associated with the COVID epidemic.

Saenz asked about the parking. Martin stated that the Group had contacted the church directly and obtained permission to park at the church.

Roll Call Vote

Erlich	AYE
Seltzer	AYE
Hansen	AYE
Gordon	AYE
Saenz	AYE

Hanke **AYE**
Lamott **AYE**

Motion carried.

**C. Consider Scheduling Public Hearing for Community Block Grant
Development Funds**

**#2021-13 Motion by Seltzer, seconded by Saenz to approve the Scheduling of a Public
Hearing for Community Block Grant Development Funds on March 8, 2021 at 7:00 PM.**

Council discussion to ensure the public will be aware and every opportunity will be taken for
the CDBG funds to be allocated to any or all interested and qualified community agencies.

Roll Call Vote

Seltzer **AYE**
Hansen **AYE**
Gordon **AYE**
Saenz **AYE**
Hanke **AYE**
Erlich **AYE**
Lamott **AYE**

Motion carried.

D. Consider ASI Construction Estimate #5 in the amount of \$165,102.48

**#2021-14 Motion by Seltzer, seconded by Saenz to approve the ASI Construction Estimate
#5 in the amount of \$165,102.48.**

Roll Call Vote

Hansen **AYE**
Gordon **AYE**
Saenz **AYE**
Hanke **AYE**
Erlich **AYE**
Seltzer **AYE**
Lamott **AYE**

Motion carried.

X. RESOLUTIONS / ORDINANCES

A. Consider Ordinance for Short Term Rentals (First Reading)

**#2021-15 Motion by Seltzer, seconded by Erlich to approve the Ordinance for Short
Term Rentals (First Reading.)**

Goldberg reviewed submitted reports to the Council.

Reviewed four (4) to five (5) meetings.

Planning received communication from around sixty (60) residents to ban or regulate the use of short-term rentals. Steady participation in Planning Commission meetings by around fifteen (15) residents.

Broke it down to two stages: Whether or not to prohibit or not and Whether or not there should be oversight or not?

The definition of a short-term rental was determined to be defined as anything that is rented or occupied in which the owner does not reside for less than twenty-eight (28) days. A long-term rental was determined to be defined as more than twenty-eight (28) days as a residential dwelling unit.

Gordon and Saenz mentioned that the Planning Chair mentioned potential nefarious issues from tenants were discussed but that no issues had been officially reported to authorities. Both felt there was a tremendous government overreach into private property rights and possibly also skirting a diversity and inclusion issue. Saenz asked about surrounding communities on this issue and Goldberg gave examples.

Seltzer asked how many rental properties are in the Village. There are four to five (4-5), short term rental properties listed in Franklin by internet websites, all owned by the same individual and each are in excellent condition.

Nick Bevins commented on his concerns on short term rentals and stated he does not feel it is about diversity and inclusion but rather safety, respect and concern for surrounding neighbors.

Roll Call Vote

Gordon	NAY
Saenz	NAY
Hanke	NAY
Erlich	AYE
Seltzer	AYE
Hansen	AYE
Lamott	AYE

Motion carried 4-3.

B. Consider Resolution on Economic Development

#2021-16 Motion by Seltzer, seconded by Hansen to approve the Resolution on Economic Development as presented.

Council discussion for tangible deliverables in the allocation of at least \$50,000.00 salary for a full-time employee to work at the Village Hall and under the Village Administrator. Setting benchmark standards, expectations, and defined requirements necessary to equip a successful candidate to effectively enhance and revive the downtown business community. Council liaisons to join the Main Street Board as voting members were determined to be an essential part of the pursuit.

Nena Downing gave her full support of the plan and echoed Saenz comment to set a time frame for evaluation of progress, she suggested two years along with a stipulation that all business owners be required to participate through volunteering and contribute to this effort.

Gordon suggested the verbiage in the Resolution be changed from certain Trustees have to the Council has.

RESOLUTION ON ECONOMIC DEVELOPMENT

WHEREAS the economic vitality of the business community in the Village of Franklin is a critical concern of the Franklin Village Board of Trustees, and

WHEREAS many Franklin businesses are small retail operations that have suffered through recent construction activity in the downtown that was compounded by the disaster that is COVID 19 and the resulting business downturn throughout the region, and **WHEREAS** ~~certain Trustees have~~ the Council has considered how the Village might support and stimulate the economic vitality of our business community in the near term and beyond.

THEREFORE, IT IS RESOLVED effective immediately there is created within the Administration budget of the Village, an Office of Economic Development with an initial appropriation of \$50,000 drawn from the General Fund balance, and

IT IS FURTHER RESOLVED that a position of Director of Economic Development (DED) is created for which necessary office space, computer and related technical and staff support will be provided, and

IT IS FURTHER RESOLVED that while reporting to the Village Administrator, the incumbent DED will also:

1. Be primarily responsible for interacting with Village Officials, promoting the business community, providing leadership to Main Street Franklin (MSF), collaborating on economic development strategies, maintaining the ethic that encourages preservation and adaptation of historic structures, finding opportunities for education and tax incentives, performing data collection, grant writing and grant administration, and reporting to Village Council, Oakland County and other agencies as needed.
2. Prepare an economic development plan and related implementation strategy for consideration by the Village Council. The DED will assure sharing and collaboration

in the preparation of the plan with the Administrator, the business community through the DED's leadership of Main Street Franklin, one-on-one contacts with Franklin business owners and the selected members of the Board of Trustees.

3. Develop and maintain continuing relationships with Main Street Oakland County (MSOC), economic development peers in surrounding jurisdictions and members of the business community of the Village.
4. While representing MSF, promote volunteerism, connectedness, and community building in the Village, collaborating with other groups with similar goals as possible.

#2021-17 Motion by Seltzer, seconded by Hansen to approve the Resolution on Economic Development as amended.

Roll Call Vote

Saenz	AYE
Hanke	AYE
Erlich	AYE
Seltzer	AYE
Hansen	AYE
Gordon	AYE
Lamott	AYE

Motion carried.

C. Consider Resolution for the use of Financial Transaction Device Payments

#2021-18 Motion by Seltzer, seconded by Saenz to approve the use of Financial Transaction Device Payments.

Fraser identified efficiency improvements to the benefit of our contractors and staff. Martin defined the process and improved processes achieved by this upgrade.

RESOLUTION FOR THE USE OF FINANCIAL TRANSACTION DEVICE PAYMENTS

WHEREAS, the Financial Transaction Device Payments Act, 1995 PA 280, MCL 129.221 et seq, authorizes local governments to accept financial transaction device payments if authorized by resolution of the municipal governing body; and

WHEREAS, "Financial transaction device" is defined under the Act to mean any of the following: (i) an electronic funds transfer card, (ii) a credit card, and (iii) a debit card; and

WHEREAS, the Franklin Village Council supports the Village Administrator's proposal to accept financial transaction device payments for permits, bonds, taxes, and other fees and assessments required or charged by the Village.

THEREFORE, IT IS RESOLVED by the Franklin Village Council that:

1. The Village Council authorizes the acceptance of payments by financial transaction devices; and
2. The Village Treasurer and Village Administrator shall be jointly responsible for determining the financial transaction devices that may be accepted.
3. Notwithstanding the foregoing, payment by financial transaction device shall not be accepted for the following: Building Bonds.

Roll Call Vote

Hanke	AYE
Erlich	AYE
Seltzer	AYE
Hansen	AYE
Gordon	AYE
Saenz	AYE
Lamott	AYE

Motion carried.

D. Consider Resolution to Formally Recognize February as Black History Month

#2021-19 Motion by Saenz seconded by Seltzer to approve the Resolution for Formally Recognizing February as Black History Month.

Lamott read the Resolution.

**RESOLUTION TO FORMALLY RECOGNIZE THE MONTH OF FEBRUARY AS
BLACK HISTORY MONTH**

WHEREAS, Black History Month provides us the opportunity to honor and celebrate the extraordinary contributions Black Americans have made in delivering personal liberties and shaping our country, our culture, and our communities. Black History Month also provides an opportunity for reflection on the unconscionable sacrifice made by so many Black Americans in the advancement of civil rights, the pursuit of justice, and commitment to equality for all.

NOW, THEREFORE, BE IT RESOLVED, on this date Monday, the 8th of February 2021, the Village Council for the Village of Franklin hereby formally recognizes the month of February as Black History Month.

Roll Call Vote

Erlich	AYE
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Seltzer	AYE
Hansen	AYE
Gordon	AYE
Saenz	AYE
Hanke	AYE
Lamott	AYE

Motion carried.

XI. ADJOURNMENT

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

Roll Call Vote

Seltzer	AYE
Hansen	AYE
Gordon	AYE
Saenz	AYE
Hanke	AYE
Erlich	AYE
Lamott	AYE

Motion carried.

There being no further business, the meeting was adjourned at 9:39 P.M.

Heather C. Mydloski
Village Clerk
