

**VILLAGE OF FRANKLIN
REGULAR COUNCIL MEETING
MONDAY, APRIL 12, 2021 7:00 P.M.
32325 Franklin Road, Franklin, Michigan 48025
The Village Council was not assembled 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 7:01 P.M. on Monday, April 12, 2021 via Zoom.us®.

II. ROLL CALL

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

Absent: Lance Vainik, Village Treasurer

Also Present: Dan Roberts, Police Chief; Tony Averbuch, Fire Chief; Roger Fraser, Village Administrator, and Heather Mydloski, Village Clerk.

President Lamott opened the meeting with a plea for the Council to work together and refrain from further contention. He urged all, including residents, to choose to be open minded and pursue a willingness to band together.

III. ADOPTION OF AGENDA

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

Fraser requested that the item IX, F be removed from the Agenda as they are still in the process of interviewing candidates for the Economic Development Director.

Gordon suggested the correction of the X, roman numeral on the Agenda that was incorrectly stated as A in front of Adjournment.

Motion by Seltzer, seconded by Gordon to adopt the Agenda as amended, to include the removal of Line Item IX, F by and to add the correct Roman Numeral to X from A.

Roll Call Vote

Erlich	AYE
Seltzer	AYE
Hansen	AYE
Saenz	AYE
Gordon	AYE

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

Motion carried.

IV. MINUTES:

A. Regular Meeting of March 08, 2021

Motion by Seltzer, seconded by Erlich to approve the Regular Meeting Minutes of March 08, 2021 as presented.

Roll Call Vote

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

Motion carried.

V. PUBLIC REQUESTS AND COMMENTS

Public Comments were opened by President, Bill Lamott at 7:09 PM.

A. Representative Kyra Harris Bolden update provided by Ravynne Gilmore

Gilmore updated the Council on upcoming events. She referenced the Open Meetings Act starting after April 1 until the end of the year, you may conduct electronic meetings under certain stipulations for municipalities.

John Simon-30320 KINCARDINE

Spoke not in favor of Trustee Gordon's letter published in the Village Newsletter.

Amanda LaFontaine-Executive Director of Michigan Trails and Greenways Alliance

Spoke in favor of the Village effort to improve non-motorized activity infrastructure.

Josandra Notter- 26170 HERSHEYVALE

- Spoke in favor of voting in the Special Election.
- Discussed submitted letter to Council for Connect Franklin.

Mark Shwayder- 27180 WELLINGTON

Spoke not in favor of sidewalks.

Emery Halliburton- 31050 OAKLEAF

Spoke in favor of sidewalks.

Cindy Ludwig- 27217 Gardenway

- Spoke in favor of sidewalks.
- Stated she felt the ballot language was confusing.

Rick David-27201 WELLINGTON

Spoke in favor of sidewalks.

Charlie Haviland-24550 Tudor Lane

- Spoke in favor of sidewalks.
- Urged his fellow residents to walk the course and see for yourself how safe you feel?

KC Connolly-36019 McKinney

- Spoke in favor of sidewalks.
- Stated there are other safety concerns, he would like to see a “No Turn on Red” sign on Thirteen Mile and Franklin as it is a safety hazard when walking.

Rick Notter- 26170 HERSHEYVALE

- Welcomed Currier.
- Discussed the letter he submitted to the Council.

Josh Lawton-26149 Meadow

- Stated that he and Roger McClow circulated petitions and it was within their legal rights to do so.
- Has filed complaints with the Michigan Campaign Finance as he believes the Council was in violation of the Open Meetings Act and the Michigan Campaign Finance laws.

Connie Ettinger- 25600 RIVER

- Said “Hi” to Currier.
- Stated according to the Village Charter 1474.11, certain Council members were in violation of the Michigan Campaign Finance laws as they had installed campaign signs without the proper indicators.

David Sahli- 26172 MEADOW

He stated that there was a lot of misinformation on himself and others in circulation on various topics, he encouraged residents to contact him directly at 605-228-9982 and have a productive conversation and hope to come to a resolve.

Jay Gardner- 26250 EVELYN

- Asked Currier if this upcoming vote is the only way that a sidewalk can be built in Franklin. Currier responded no; it was not. The Council will have a restriction to build sidewalks, it will not restrict the residents to build sidewalks through petitioning.
- Gardner is voting no on the proposed amendment change.

Natalya Shub-32334 Franklin

Called for the resignation of Trustee Erlich and President Lamott.

Angelina Sulaka-26172 MEADOW

- Welcomed Currier.
- Urged all to vote yes on the upcoming Special May Election.

Public Comments were closed by President, Bill Lamott at 7:53 PM.

VI. REPORTS OF VILLAGE OFFICERS AND AGENTS

Dan Roberts, Police Chief

- Reviewed Submitted Report.

- Last month Fraser and Roberts attended a meeting with Bingham Farms to discuss their contract. They were requesting some changes in the minor verbiage of the contract. It will be presented to Council when it is finished.
- Bingham Farms talk about the budget for the Special Assessment District. No concerns were expressed.
- Personnel front, new Code Enforcement Officer, Karl Woodard is doing very well and an excellent fit. Part time Officer Derek Weise is doing well also and progressing rapidly.
- Mobile Watch is reinstating after a year off due to the pandemic. May 6th, 2021 will be the next meeting via ZOOM© at 7:00 PM. Mydloski is taking over as President. Roberts invited the Council and Residents to attend. Lamott asked Mydloski to send out the info in the Newsletter and in an email to Council.

Tony Averbuch, Fire Chief

- Reviewed Submitted Report.
- Urged residents to be prepared for power outages due to severe weather season. Siren test date listings on the Village website.
- COVID positive EMS calls are still present. Please let 911 know you have symptoms so the emergency response team can be properly prepared above the normal protocols.
- Gordon asked how our area is tracking statistically. Averbuch suggested the Oakland County website.

VII. SUBMISSION OF CURRENT BILLS

Lance Vainik, Village Treasurer, was absent

- Council reviewed Submitted Report.

Totals: 04-07-2021	
CATEGORY	SUB TOTALS
General	\$ 41,520.20
Major Streets	\$ 7,416.32
Local Streets	\$ 7,402.51
Police	\$ 85,670.01
Garbage and Rubbish	\$ 14,980.01
Building Dept.	\$ 10,766.57
Street Project	\$ 140.00
Road Millage	\$ -
Pressure Sewer	\$ -
Tax Collection	\$ 26,704.56
Wastewater	\$ -
TOTALS	\$ 194,600.18

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

Lamott asked where Vainik was. Mydloski informed the Council that Vainik's son had a birthday, and he would not be in attendance.

Gordon asked why the Bills List was not distributed in his hard copy packet. Lamott told him the Bills List had come in an email earlier that day. Gordon mentioned that he did not have time to monitor his email hours before the meeting, so he would need to abstain from the vote.

Roll Call Vote

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

6-1, Motion carried.

VIII. SPECIAL REPORTS

A. President's Report

Bill Lamott, Village Council President

- Lamott felt there is a misconception of his role on sidewalks. He was part of a committee to compile information to create a Safety Path Master Plan in 2008, which proposed sidewalks in several areas of the Village. He would support compiling something similar so that the residents can understand every aspect of the plan as well as explore other options.

B. Council Report

Mike Seltzer, Village Trustee

- Urged residents “Walk two miles in your shoes” down Franklin Road and see if they feel comfortable, safe, and confident.
- Consider what is in the best interest for the community. He urged trust to be reinstated between the Council and the residents.

Ed Saenz, Village Trustee

- Questioned if the enhanced divisive behavior of some is enhanced by virtual meetings? He sincerely desires for the divisive behavior to cease and for all to find a way to work together and build a more cohesive community.
- Saenz further mentioned that they are answers to the questions raised by residents on the proposed ballot language for the special election in May.

Brian Gordon, Village Trustee

- Stated that he stands behind the letter he wrote and submitted to the Village for the Newsletter both then and now.
- Encouraged the residents to educate themselves and go vote.

Kathy Erlich, Village Trustee

- Stated that Currier and Fraser had acknowledged that the letter Gordon submitted to the Village for the Newsletter was a violation because it was from a Trustee and on a publicly funded platform and outside of sixty days.
- Currier was asked to clarify. Currier clarified that the letter itself, was Gordons right and ok; it was the fact that it was published in the Village Newsletter that was the issue. He stated that Fraser immediately identified the publication of the letter as a mistake and apologized. The

issue had been resolved. Currier further stated it was not a legal issue, rather a political issue Erlich was referring to.

Pam Hansen, Village Trustee

- Offered encouragement to Lamott as she knew firsthand how difficult it was to lead in a contentious environment.
- She stated her view that residents view the Council as the Council not merely residents. She urged the Council to work on restoring their relationships.

Mark Hanke, Village Trustee

- Looking forward to the future of Franklin when we have moved past conflict.

C. Administrator Report

Roger Fraser, Village Administrator

- Demolition of house located on the north east corner of Wellington and Normandy is deteriorating and there has been many concerns. Bill Dinnan, Building Official, had been in contact with the owners and now the communication has stalled. Fraser and Dinnan personally inspected the property at the request of Lamott. It was determined that it is a hazard. Six-foot fencing has been ordered to secure the perimeter of the property and they hope to have it installed in the next week. There is needed attention for groundhogs that have over run the property and traps will be set.
- Gordon thanked Fraser for taking care of it in weeks not months. He mentioned that a house on thirteen mile and Crestwood had plywood coming undone at the basement level creating an open liability. He asked that Fraser have it inspected.
- Fraser deleted the discussion of the Economic Development Candidate. They expect to have a recommendation to Council by the May meeting for sure.
- A preliminary Water Survey report will be presented in May also. Over 500 submissions were received.
- Remaining work on the Streetscape work is planned to resume the first week of May and be completed by the third week of June.
- Commended Doreen Martin, her husband Mark Martin and Bill Dinnan for spending hours organizing documents to be shredded. There were 50 plus boxes they determined could be shredded. He is extremely appreciating of their efforts to properly organize and manage the Village records.
- The Budget is in process for the fiscal 2021-2022 year. Later in this Agenda, he is requesting a Budget Workshop and a Public Hearing to be in compliance with the Village Charter.
- Fraser pointed out that the Village has long expired contracts with Jerry Johnson. Johnson provides services for Snow Removal, DPW services, Tree Removal, Tree Care and Lawn cutting. Made a recommendation for the Department of Public Works to send out for bid and allow Johnson to bid as well. Johnson has indicated that he is not interested in emergency services in the middle of the night.
- Gordon clarified that Johnson was not interested in tree removal emergencies not in terms of snow removal.
- Hansen asked about the progress for Business License Applications. Fraser gave a quick update and asked Mydloski to send an email with the specifics to the Council.

- Erlich asked about how home businesses would be licensed as they would not need an inspection? She asked that the issue be addressed. Fraser welcomed all questions, and will respond accordingly.

D. Main Street Franklin Report

Mike Seltzer, Village Trustee

- Light Night was postponed due to the resurgence of COVID-19. An update is coming soon on a new date.
- Local Grants have been sought and applied for to support the recruitment of new business and enhance economic development and vitality.
- Conducted five interviews and will contact two more next week for the Economic Development Director.
- Working with Karen Couf-Cohen and Lisa Dunn to compose a full-page ad to promote business in the Village.
- Treasurer's balance: \$30,292.00.

E. Planning Commission Report

David Goldberg, Chairman

- Public Hearing for the 30777 Telegraph Road site plan. It went well, a couple of comments and no objections. The PC took action immediately afterwards and it unanimously approved recommendation to Council subject to the applicant obtaining two (2) variances from the ZBA. One for the height of the building, the existing building was built under a consent judgment and is a legal non-conforming use because it exceeds the height permissible, their addition seeks to mimic the gable of the original building to maintain architectural integrity. The second is for a small section of the property, which is also a legal, non-conforming use for the rear yard setback, the existing one section of the building is a few feet inside what is permissible, and their requested addition is just to mimic that same extension.
- Granted them two waivers, one to have nine parking spaces in the required in the front yard.
- The other was two trees in the rear, considerable landscape, and wooded area behind them, so a waiver was justified.
- Saenz asked what the business was? Goldberg defined it was a family owned, single user, owner occupied, financial business and an excellent addition to the Village.
- Scheduled two (2) Public Hearings for PI and Garden Fences.
- Gordon asked Goldberg for an update on the PI zoning. Goldberg told Gordon it is the Public Hearing coming up next week, he anticipates a recommendation for Council approval in May.

F. Diversity Equity & Inclusion Committee Report

David Sahli, Chairman

- Scaled down the committees.
- Consolidated to Communications and Governance now.
- Takeaways, accessible for information outlets. Vamp up the website with functionality and flow. Also, to ascertain how the public prefers to communicate, email, calls etc.
- A Collaborative Group is working together with existing Franklin organizations and groups to align calendars and share updates.

- Looking to create an active hub to provide training resources for all.

IX. NEW BUSINESS

A. Consider Declaration of Emergency for COVID-19 Resurgence

#2021-27 Motion by Saenz, seconded by Erlich to approve the Resolution for the Declaration for COVID-19 Resurgence as presented.

RESOLUTION DECLARING A LOCAL STATE OF EMERGENCY

WHEREAS, the novel coronavirus (COVID-19) is a respiratory disease that is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person; and,

WHEREAS, the Governor of the State of Michigan has been stripped of her powers to issue Executive Orders related to COVID-19; and,

WHEREAS, Senate Bill 1246 would amend the Open Meetings Act to revise provisions added to the Act by 2020 PA 228 (SB 1108) that deal with remote attendance at meetings of a public body; and,

WHEREAS, Senate Bill 1246 would revise the third bulleted item to include a state of disaster or emergency declared pursuant to a local ordinance (in addition to those declared under law or ordinance). The bill would also replace "a local official or local governing body," as a person who may declare a state of emergency or disaster, with "a local chief administrative officer;" and,

WHEREAS, due to COVID-19 and maintaining safety, it is imperative that virtual meetings are continued; and,

WHEREAS, under Act 390 of the Emergency Management Act ("EMA"), and due to the pandemic of COVID-19, the Village President is authorized to declare a local state of emergency; and,

WHEREAS, the Village of Franklin ordinance Sec. 222.01(c) states as follows:

"(c) Promulgation of Orders, Rules and Regulations. Following such proclamation, the Village President may promulgate such reasonable orders, rules and regulations as he or she deems necessary to protect life and property or to bring the emergency situation within the affected area under control. Said orders, rules and regulations may provide for the control of traffic; the designation of specific zones within the area in which the occupancy and use of buildings and egress and ingress of persons and vehicles may be prohibited or regulated; the control of places of amusement and assembly and of persons on public streets and thoroughfares; the establishment of a curfew; the control of the sale, transportation and use of alcoholic beverages and liquors; and the control of the sale, carrying and use of firearms or other dangerous weapons, ammunition, explosives and inflammable materials or liquids deemed to be dangerous to the

public safety. The Village President may also issue other orders, rules and regulations, without being limited by the foregoing.”

WHEREAS, pursuant to the EMA, the Michigan State Police Department Emergency Management Division shall be notified of all declarations; and,

WHEREAS, the governing body of this Village, that being the Village Council supports the powers of the Village President declaring the local state of emergency and further find and support the Village President in the decision to hold its meetings virtually in accordance with enrolled Senate Bill 1246 as attached to the Village President’s Declaration.

Lamott invited Currier to give the Council a summary of the Declaration of Emergency and specifically how other municipalities were handling it.

Currier defined the Scope of the Declaration and advised the Council to adopt it as it could be rescinded at any time, enabling virtual meetings to remain during the recent COVID-19 resurgence and rescind as vaccines become readily available and the cases decrease. He further stated this would allow the Council the flexibility to monitor the situation amidst the volatile environment.

Hanke, Seltzer and Hansen expressed concern for continuing in virtual meetings. Hanke stated that the Franklin Community Church was readily available for meeting use, thus the ability to spread out six feet. Fraser asked Hanke if he was certain the church was available for the May Council meeting. Hanke was not sure but reiterated that he had spoken the pastor on this topic, and he was in full support.

Seltzer and Hansen expressed the need for human interaction to descale the tone of contention that has been set in the Village because of the challenges of the past year. Both were confident that meeting in person would be for the benefit of all.

Council discussion led to the suggestion of adopting the declaration but to end on May 31st not the end of the year as proposed.

Roll Call Vote

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

4-3, Motion Carried.

#2021-28 Motion by Saenz, seconded by Erlich to approve the Resolution for the Declaration of Emergency for COVID-19 Resurgence to be amended to end on May 31, 2021.

Roll Call Vote

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

Motion Carried.

B. Consider the Bid for the Police Chief Administration Vehicle

#2021-29 Motion by Seltzer, seconded by Hanke to approve the Bid for the Police Chief Administration Vehicle as presented.

We received one (1) sealed bid for the lease of a Police Administration Vehicle.

- Snethkamp Jeep: A 2021 Jeep Cherokee Lux 4X4 for a 36-month term with an allotment of 18,000 miles annually and in the amount of \$395.76 monthly with \$665.76 due at signing.

Dan requested a lower price from the dealership. After receiving a price reduction, Dan's recommendation was then to either go with the lease at the lower price (\$349 per month, which is \$40 less per month than we pay now) or buy a new car from the State's MiDEAL. Roger decided to go with the lower payment lease, as listed below.

- Snethkamp Jeep: A 2021 Jeep Cherokee Lux 4X4 for a 36-month term with an allotment of 15,000 miles annually and in the amount of \$349.00 monthly with \$625.00 due at signing.

Roll Call Vote

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

Motion Carried.

C. Consider Proclamation for Arbor Day 2021

**VILLAGE OF FRANKLIN
COUNTY OF OAKLAND**

**PROCLAMATION
Arbor Day 2021**

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

WHEREAS, Arbor Day is now observed throughout the nation and the world, and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal.

NOW THEREFORE BE IT RESOLVED I, Bill Lamott, Council President of the Village of Franklin, do hereby proclaim, Friday, April 30, 2021 as Arbor Day in the Village of Franklin, and further, I urge all citizens to celebrate Arbor Day to support efforts to protect our trees and woodlands, and to plant trees to gladden the heart and promote the well-being of this and future generations.

#2021-30 Motion by Seltzer, seconded by Hanke to approve the Proclamation for Arbor Day 2021 as presented.

Roll Call Vote

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

Motion Carried.

D. Consider Budget Workshop Meeting date of Monday, May 3, 2021, 7:00 PM

#2021-31 Motion by Seltzer, seconded by Saenz to approve the Budget Workshop Meeting date of Monday, May 3, 2021, 7:00 PM as presented.

Roll Call Vote

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

Motion Carried.

E. Consider the Scheduling of a Public Hearing for the Fiscal Year 2021-2022 Budget on May 10, 2021

#2021-32 Motion by Seltzer, seconded by Saenz to approve Scheduling of a Public Hearing for the Fiscal Year 2021-2022 Budget on May 10, 2021 as presented.

Roll Call Vote

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

Motion Carried.

~~F. Consider the Appointment of Economic Development Director~~

Removed by Fraser as interviews are still in progress and a final candidate has not yet been determined or recommendation.

G. Consider Civic Event Application for Birmingham Groves Senior Picnic

#2021-33 Motion by Seltzer, seconded by Saenz to approve the Civic Event Application for Birmingham Groves Senior Picnic as presented.

Reviewed submitted Civic Event Application.

Gordon expressed concern with COVID-19 protocols for 300 students at this event and the potential health risk and liability for the Village. The Council was comfortable with the event.

Roll Call Vote

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

6-1, Motion Carried.

H. Consider Civic Event Application for Franklin Community Association Farmer's Market

Reviewed submitted Civic Event Application.

#2021-34 Motion by Seltzer, seconded by Saenz to approve the Civic Event Application for Franklin Community Association Farmer's Market as presented.

Roll Call Vote

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

Motion Carried.

I. Consider Demolition Application of 26840 Willowgreen

Reviewed submitted Demolition Application.

#2021-35 Motion by Seltzer, seconded by Gordon to approve the Demolition Application of 26840 Willowgreen as presented.

Roll Call Vote

Hanke	AYE
Erlich	AYE
Seltzer	AYE
Hansen	AYE

Saenz AYE
Gordon AYE
Lamott AYE

Motion Carried.

J. Voter Education

Gordon raised the question of whether the Village had done enough to promote the vote to all residents in a nonpartisan effort? Fraser mentioned that post cards had been circulated from the Village to educate voters on the Special May Election.

Hanke asked Fraser if another post card could be sent out to residents. Fraser stated that Karen Couf-Cohen had distributed one postcard mailing from the Village already, he would investigate sending out another, more simplistic version very soon.

A. ADJOURNMENT

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

Roll Call Vote

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

Motion Carried.

There being no further business, the meeting was adjourned at 9:37 P.M.

Heather C. Mydloski
Village Clerk
