

**VILLAGE OF FRANKLIN
REGULAR COUNCIL MEETING
MONDAY, July 11, 2022, at 7:00 PM
Franklin Village Hall, Broughton House
32325 Franklin Road, Franklin, Michigan 48025**

I. CALL TO ORDER

The meeting was called to order by President Bill Lamott, at 7:00 P.M.

II. ROLL CALL

Present: Kathy Erlich, Mark Hanke, Pam Hansen, Ed Saenz, Mike Seltzer and Bill Lamott

Absent: David Goldberg

Present: Dan Roberts, Police Chief; Tony Averbuch, Fire Chief; Roger Fraser, Village Administrator, Susan Goldstrom, Assistant Administrator; Peter Gojcaj, Village Attorney; Lance Vainik, Village Treasurer, and Dana Hughes, Village Clerk

III. ADOPTION OF AGENDA

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

AYES: Erlich, Hanke, Hansen, Saenz, Seltzer and Lamott

NAYS: None

ABSENT: Goldberg

Motion carried.

IV. MINUTES

A. Regular Meeting of June 13, 2022

Seltzer requested the minutes for June 13, 2022, be amended on Page five (5) to change the word ~~tolerance~~ to intolerance.

Erlich stated her concern regarding the length of the Village Council's Minutes and the consistency of the Minutes. She stated that if the Minutes still consistent she does not have a problem. She also requested on Page four (4) the following paragraph

Motion by Hanke, seconded by Saenz to adopt the Minutes for the Regular Meeting of June 13, 2022, as amended.

AYES: Erlich, Hanke, Hansen, Saenz, Seltzer and Lamott

NAYS: None

ABSENT: Goldberg

Motion carried.

VI. PUBLIC REQUESTS AND COMMENTS

Public Comments were opened by President Bill Lamott at 7:01 PM.

David Sahli 26172 Meadow Drive

- Three months ago, David and his wife stood before the council and listed the harassment their family has endured and criminal activity including theft and vandalism, that occurred on their property. He also stood before the council and detailed how the village president performed favors for his friend by interfering in the objective duties of the code enforcement officer by pressuring him to take action against them for their security lights on their property. He went as far as to call and threaten to ruin the security lights. David told him that if he wants him to take down the lights, he will have to follow the process afforded to him, and that he would not acquiesce to threats.
- Tonight, he informed council those very lights were vandalized when somebody criminally trespassed onto his property at night, and spray painted the lights with black spray paint. The cynicism that he wanted to warn about three months ago, has emboldened certain persons in the community to believe that they can circumvent due process, and also the law.
- He has no doubt that his comments will result in further harassment of his family, or potential blowback on to him, but he believed it's important to bring light to the behind-the-scenes nastiness that's occurring.
- Finally, he cannot in good conscience continue to sacrifice the time with his children to volunteer his time for a president that prioritizes the will of his friends over the collective will of the people. He is therefore stepping down as chair of the DEI committee effective immediately.

Public Comments were closed by President Bill Lamott at 7:04 PM.

VII. REPORTS OF VILLAGE OFFICERS AND AGENT

REPORTS OF VILLAGE OFFICERS AND AGENT

A. Police Report

Dan Roberts, Police Chief

- Dan Roberts, Police Chief reviewed with Village Council the submitted report.
- Roberts stated there was suspect identified in the Sahli case and now waiting on the county prosecutor's office. In addition, there has been an increase in other property crimes in the village. Over the weekend, there were several mailboxes that were destroyed. Also, the theft of a child's electric car from the driveway. Patrols have been increased in the neighborhoods. If any resident sees anything suspicious, call the police to come and check it out.
- An update on the body cameras, Officer Logan Hall did a traffic stop a couple of weeks ago and the driver decided to take off. By having the body camera, they were able to identify him without the need of a police chase.

- The police department has real good candidate to fill one of the part time officer positions. He is retiring from a neighboring city after 27 years of service, he should be onboard by mid July

Discussion:

B. Fire Report

Tony Averbuch, Fire Chief

- Tony Averbuch, Fire Chief reviewed with Village Council the submitted report and stated that the run volume has remained constant. He also stated the fire department is starting its 2022 inspection and testing program.

C. Treasurer Report

Lance Vainik, Village Treasurer

- Lance Vainik, Village Treasurer reviewed with the Village Council the treasurer's report. There was a large entry of \$17,629.51 for the Generac Generator for the Village Hall paid to Joe Pizik Electric, Inc.

VIII. SUBMISSION OF CURRENT BILLS

Totals: 6-12-2022	
CATEGORY	SUB TOTALS
General	\$ 77,167.25
Major Streets	\$ 2,311.42
Local Streets	\$ 7,940.74
Police	\$ 79,977.58
Garbage and Rubbish	\$ 15,251.75
Building Dept.	\$ 20,935.70
Library	\$ -
Street Project	\$ 160,585.71
Road Millage	\$ 1,000.00
Pressure Sewer	\$ -
Tax Collection	\$ -
Wastewater	\$ 13,681.44
TOTALS	\$ 378,851.59

Discussion:

- ❖ There was a large entry of \$17,629.51 for the Generac Generator for the Village Hall paid to Joe Pizik Electric, Inc.
- ❖ A constructive budget finance meeting was held, discussion items include current budget and plans and forecasts for the next 4 years.
- ❖ Question regarding \$160,000.00 for the Streetscape project?
 - This is a reconciliation of past invoices.
- ❖ How much time left before the project is completed?

- About two weeks with some final landscaping work needed to be done.

It was moved by Goldberg, seconded by Hanke to approve the submitted bills.

AYES: Erlich, Goldberg, Hanke, Hansen, Saenz and Lamott

NAYS: None

ABSENT: Seltzer

Motion carried.

IX. SPECIAL REPORTS

A. President's Report

No report.

B. Council Report

Hanke discussed the cell phone and the wait until June to complete a coverage survey. He asked if a contract has been agreed to?

Discussion:

- ❖ Pete Halick stated that another committee is needed discuss the issues with the consultant as they have revised their estimate and it has gone up by double. He also stated that they are ready to do the coverage survey.
- ❖ Roger Fraser stated the contract has been signed.

Goldberg stated that the Council received a letter from the residents regarding the debris in the river. They are beginning the process of investigating with the Water Resources Commission to see if that is in their jurisdiction, so we can know the process moving forward.

Discussion:

- ❖ Fraser stated a few years ago the basic response it was the homeowners' responsibility to keep the river clean. This means if something stops the river, where it is stopped, it is the property owner is responsibility to clear it. The WRC offers a contract for services along the bounds of the river.

Hansen announced she had 2 comments on the resignation of the Village's Main Street Director and a letter she would like to read on behalf of Trustee Seltzer. The first comment was on the economical impact on the Village on losing an employee because of division. The second comment was on feedback from Oakland County and others for chasing off another Main Street Director. This is giving the Village a reputation.

In an exit interview with Mike Seltzer, Roger Fraser, Meg Schubert and herself, she explained her decision to leave. Her reasonings are as followed: lack of support by the Village, leadership, comments by certain individuals and an incident where she was circumvented in a significant economic development decision.

She understands the cost to hire an employee. She stated that they all should do better. She is disappointed in how this situation was handled.

Hanke commented that she was a wonderful employee and she helped bring in businesses.

Hansen read the letter submitted by Trustee Seltzer. He wanted the public to know he spoke with President Bill Lamott. He felt it was important to consider his leadership and its effects on the Village. In his letter he spoke about the lack of support Meg felt from back in January where she felt her job was in jeopardy. Seltzer spoke of his tolerance of Bill's behavior on several issues and has chastised him with little avail. While most reached out with support and hope for reconsideration from Meg. In contrast, we learned he suggest there is no future for Main Street, and could the Village ever expect to accomplish significantly measurable results? He would like the Council to seriously consider a censor on President Lamott for this and other issues.

Saenz announced he will not be running for re-election.

C. Administrator Report

No report

D. Planning Commission Report

Chairman Peter Halick

- The Planning Commission will be reviewing the sign ordinance at the next Planning Commission meeting. Chris Doozan, the Village Planner, has prepared a letter. The changes will include an amendment to require that portable ground signs be located at least five feet from the paved or traveled road surface or sidewalk. The time frame period was removed, so that ends the need for registration or permits.
- Discussed the possible lighting ordinance. At the last meeting, Robert White had given the Commission a detailed overview of the state of light ordinances. Planning Commission has set a goal of five meetings to have an ordinance.
- Continued to review the Master Plan chapter by chapter.
- Finally, he stated that he would like to have Stuart Wooters and Linda Hiller Novak reappointed to the Planning Commission.

X. PUBLIC HEARING

A. Proposed Budget, Fiscal Year 2022-2023, beginning July 1, 2022

Public Hearing was opened by President Bill Lamott at 7:50 PM.

Public Comments:

Jeff Kopelman, 30895 Oakleaf Lane

- What was the original budget for the sidewalks and the work done on Franklin Road? That was passed by Council.

Hansen stated the Council approved an amount based on estimates and a budget was created and that amount was approved.

Fraser added that is started with the roadway improvement projects that were funded from a bond sale in 2017 and 2018, for approximately 13 or 14 million dollars. With that, the Village was able to resurface all the streets including Franklin Road. What was left over, slightly over \$2 million dollars was dedicated to the streetscape project with the addition of Act 51 money. That gets the project a budget of \$2.6 million dollars.

Jeff Kopelman, 30895 Oakleaf Lane

- Kopelman stated he would like to see a breakdown of the numbers. He is very curious what the budget for that was and how much the Village spent. Also, he would like to know the cost of the light across the street.

Hansen responded that the cost of the light was \$40,000.

Public Hearing was closed by President Bill Lamott at 8:01 PM.

XI. OLD BUSINESS

- A. Consider 2nd reading of proposed amendment to Section 1262.02(a) of the Zoning Ordinance titled “Desirable Parking Layouts”.**

Motion by Goldberg, seconded by Hanke to approve the second reading of proposed amendment to Section 1262.02(a) of the Zoning Ordinance titled “Desirable Parking Layouts”.

AYES: Erlich, Goldberg, Hanke, Hansen, Saenz and Lamott

NAYS: None

ABSENT: Seltzer

Motion carried.

XII. NEW BUSINESS

- A. Consider Addendum to Chief Roberts’ Employment Agreement.**

Roger Fraser, Village Administrator

In terms of this addendum itself, there were a number of things that basically reworded parts of the Village ‘s personnel policies. Chief Roberts will be getting a raise with this new addendum and some additional contributions to his retirement.

Discussion:

- ❖ Goldberg asked if this agreement has been reviewed by the Village Attorney.
 - Fraser stated that it has been.
- ❖ Erlich asked after it was stated that this agreement expires in July 2024, would Chief Roberts be helping to locate his replacement.
 - Chief Roberts stated that it is included in the agreement.

Motion by Hanke, seconded by Hansen to approve the addendum to Chief Roberts' Employment agreement.

AYES: Erlich, Goldberg, Hanke, Hansen, Saenz and Lamott

NAYS: None

ABSENT: Seltzer

Motion carried.

B. Consider Renewal of Fire Department Five Year Contract of Fire Services.

Roger Fraser, Village Administrator

Updated some of the language to ensure it conforms with court opinions with the Village Attorney and the attorney representing the fire department.

Tony Averbuch, Fire Chief

With the renewal at this point, it gave us an opportunity to relook at contract law and state law, using Fire Department hired attorneys and the Village Attorney to negotiate the terms so that it would be more reflective of current scenario based on liability based on control and based on the intent of both parties being the fire department and the Village to meet the needs of the citizens of the Village in the performance of our duties.

Peter Gojcaj, Village Attorney

The Village and the Fire Department interests are aligned. We discussed state law. we discussed holding the nonprofit status. There was a provision that states the Village would hold harmless the Fire Department. But under my research of the Constitution and attorney general opinions, it is not that was appropriate. It was removed.

Motion by Hanke, seconded by Hansen to approve the Renewal of the Fire Department Five Year Contract for Fire Services.

AYES: Erlich, Goldberg, Hanke, Hansen, Saenz and Lamott

NAYS: None

ABSENT: Seltzer

Motion carried.

C. Consider Reappointments of Citizens to Planning Commission, Historic District Commission and Zoning Board of Appeals.

Roger Fraser, Village Administrator

The placements being considered tonight, are the reappointment of commissioners who have been in place and have experience and haven't left except for technicality about the duration of the terms and would not be doing anything other than being renewed or staying on.

It was moved by Erlich, seconded by Hansen to approve the reappointments to the Planning Commission Board of Stuart Wooters and Linda Hiller Novak; the reappointments to the Historic District Commission Board of Gayle Timmis and Jill Wilke and the reappointments

to the Zoning Board of Appeals of Linda Hiller Novak and Fred Gallasch. With their appointments set to expire on July 1, 2022, will now expire on June 30, 2024.

AYES: Erlich, Goldberg, Hanke, Hansen, Saenz and Lamott

NAYS: None

ABSENT: Seltzer

Motion carried.

D. Consider Bid for Sale of Police Vehicle.

Discussion:

- ❖ Hanke suggested that because these sales happen often, that a frame of reference or context on whether the bids are fair. Perhaps providing the Council with the Blue Book value.

It was moved by Hanke, seconded by Erlich to approve the Sale of the Sealed Bid to the highest bidder, Chicago Motors for the amount of \$11,607.00.

AYES: Erlich, Goldberg, Hanke, Hansen, Saenz and Lamott

NAYS: None

ABSENT: Seltzer

Motion carried.

E. Consider Civic Event Permit Application for the FCA “Music on the Green”, July 20, 2022

It was moved by Hanke, seconded by Erlich to approve the Civic Event Permit Application for the FCA “Music on the Green”, July 20, 2022.

AYES: Erlich, Goldberg, Hanke, Hansen, Saenz and Lamott

NAYS: None

ABSENT: Seltzer

Motion carried.

F. Consider 1st Reading of Proposed Amendment to Section 1042.13 of Chapter 1042, Titled “Sewer Use and User Charges”.

Roger Fraser, Village Administrator

On the first page, Item B that has been labeled and doesn't have the previous language and the penalty paragraph has been reformatted on page 3.

Discussion:

- ❖ Question on Section 3 and 4. What was the prior language for these sections?
 - These are new sections.
- ❖ Question on the \$250 Service Fee, has there always been a \$250.00 service fee?
 - Yes, there has always been a service fee.
- ❖ How big of an increase is this?

It was moved by Goldberg, seconded by Saenz to approve the first reading of proposed amendment to Section 1042.13 of Chapter 1042, titled “Sewer Use and User Charges”.

AYES: Erlich, Goldberg, Hanke, Hansen, Saenz and Lamott

NAYS: None

ABSENT: Seltzer

Motion carried.

G. Consider Adoption of the Proposed Budget, Fiscal Year 2022-2023, beginning July 1, 2022

R E S O L U T I O N

To Adopt Fiscal Year 2022-2023 Annual Operating Budget

WHEREAS the Village Council of the Village of Franklin must annually adopt an operating budget to allocate funds for the expenses needed for providing required services to the residents and businesses of the Village, and

WHEREAS at the Council Meeting of May 9th staff presented to Council a draft of the FY 2022-23 budget for review and consideration. To that end the Finance Committee subsequently met twice on the budget and the Council as a whole met on June 6 for a workshop on the budget, and

WHEREAS the provided budget documents included not only the required columnar presentation of the new fiscal year revenues and expenditures for each account/activity, but Council was also provided with summaries of year end totals for each fiscal year since 2016 and was also provided forecasts for the next three fiscal years following FY 2022-23, and

WHEREAS the extraordinary information provided to Council enabled rich discussion of the fiscal circumstances of the Village and helped Council perceive steps they will need to take for future, healthy funding of the Village services, and

WHEREAS adoption of this proposed FY 2022-23 budget is the reasonable next step toward a healthy fiscal future for the Village,

NOW IT IS RESOLVED that the FY 2022-23 Operating Budget is hereby adopted as presented with this resolution, and that the Administrator is directed to follow up by the next meeting of Council with the information requested at the budget workshop.

Adopted this 13th day of June 2022.

It was moved by Hanke, seconded by Hansen to Adopt Fiscal Year 2022-2023 Annual Operating Budget, beginning July 1, 2022.

AYES: Erlich, Goldberg, Hanke, Hansen, Saenz and Lamott

NAYS: None

ABSENT: Seltzer
Motion carried.

H. Consider Adoption of Millage Rates for Fiscal Year 2022-23, beginning July 1, 2022.

It was moved by Hanke, seconded by Hansen to approve the Adoption of Millage Rates for the Fiscal Year 2022-23, July 1, 2022.

AYES: Erlich, Goldberg, Hanke, Hansen, Saenz and Lamott
NAYS: None
ABSENT: Seltzer
Motion carried.

I. Consider FY2021-22 Budget Adjustments

R E S O L U T I O N

Adoption of FY2021-22 Fourth Quarter Adjusting Resolution

WHEREAS the State of Michigan Budget Act requires that operating budgets be monitored and periodically amended to assure budget accounts at not overspent, and

WHEREAS Village staff carefully monitor ongoing expenditures to assure compliance with budgeted accounts and where an over expenditure may be possible, fiscal prudence requires budget adjustments so as to avoid exceeding the budget, and

WHEREAS the attached budget document demonstrates modest budget adjustments to help assure we remain compliant with the Budget Law standards; in a few cases projected expenditures have been reduced.

NOW IT IS RESOLVED that the FY2021-22 Annual Operating Budget is hereby amended as demonstrated in the attached budget document.

Adopted this 13th day of June 2022.

It was moved by Saenz, seconded by Erlich to approve the FY2021-22 Budget Adjustments.

AYES: Erlich, Goldberg, Hanke, Hansen, Saenz and Lamott
NAYS: None
ABSENT: Seltzer
Motion carried.

J. Consider Adopting Appointment Process as Recommended be D.E.&I. Committee

R E S O L U T I O N

Considering a Process for Council Appointments

WHEREAS the Franklin Village Council frequently makes appointments of Franklin residents and businesspeople to serve on Boards and Commissions on behalf of the community, and

WHEREAS there does not presently exist a documented process for recruiting a diverse, talented pool of candidates for appointment to vacant positions on a board or commission, and

WHEREAS the Diversity, Equity and Inclusion Committee deliberated over this issue and prepared a recommended appointment process, which, with minor amendments, is attached to this resolution for Council's consideration and

WHEREAS the Personnel Committee has reviewed and discussed the proposed appointment process, has accepted the minor changes suggested by the Village Attorney and recommends approval of the proposed process.

NOW IT IS RESOLVED that the DE&I Committee's proposed appointment process as attached to this resolution be approved and the Village Clerk and Administrator are directed to integrate the approved procedures into the Council's selection procedures.

Approved this 13th day of June 2022.

It was moved by Hanke, seconded by Hansen to approve the Adoption of Appointment Process as Recommended by D.E.&I. Committee, as amended.

Village of Franklin, MI Appointment Guideline

1. All Appointment openings shall be posted at the Village Clerk's Office, on the Village Website, and in the Village Newsletter (email) and accepting applications for appointments for a minimum of 30-days or to a time period in compliance with the Village Charter.
 - a. The Appointment opening posting should include the following:
 - i. A general description of what the board or commission does,
 - ii. A description of the duties of the appointment,
 - iii. A general description of the time commitment,
 - iv. Any minimum criteria or qualifications for the appointment such as preferred professional experience, skill sets, or knowledge;
 - v. How to submit an appointment application,
 - vi. The deadline to submit an application, and
 - vii. A point of contact in case the applicant has any questions.
 - b. Extensions of the posting periods should be no less than 15 days and approved by a majority vote of the Village Council.

- c. In the event that at the end of the posting period an open position only receives one application (similarly if there are two open positions and only two applicants), the posting period shall automatically extend for an additional 7 days.
2. The Village Clerk shall receive applications both by email and in person and provide to the Village Council no less than 7 days prior to the Village Council Meeting in which Village Council will vote on the appointment.
 - a. The Village Clerk is to notify the applicants of the date and time of the Village Council Meeting during which the applications will be reviewed no less than 7 days before such meeting.
3. Each applicant is encouraged to be in attendance of the Village Council Meeting in which Village Council will vote on the appointment.
 - a. During the allotted time on the agenda, each appointee will be provided two minutes as to why they want to serve and why they are the best candidate.
 - b. Council will then be provided an opportunity to ask candidates questions based on their application/resume and their speech.
4. After all candidates that chose to speak have spoken, the Village Council will confer on choices of candidates and vote on the appointment.
5. The Village Clerk will then post the results of the vote at the Clerk's office within 24 hours of the vote.

AYES: Erlich, Goldberg, Hanke, Hansen, Saenz and Lamott

NAYS: None

ABSENT: Seltzer

Motion carried.

XII. ADJOURNMENT

Motion by Lamott, seconded by all to adjourn the meeting.

AYES: Erlich, Goldberg, Hanke, Hansen, Saenz and Lamott

NAYS: None

ABSENT: Seltzer

Motion carried.

There being no further business, the meeting was adjourned at 9:27 PM.

William Lamott, President

Dana Hughes, Village Clerk