

**VILLAGE OF FRANKLIN  
SPECIAL COUNCIL MEETING  
MONDAY, JULY 19, 2021, 7:00 P.M.  
Village of Franklin Hall (Broughton House), 32325 Franklin Rd, Franklin, MI 48025**

**I. CALL TO ORDER**

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

**II. ROLL CALL**

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

Absent: None

Also Present: Mike Bastianelli, Police Lieutenant; Tony Averbuch, Fire Chief; Roger Fraser, Village Administrator, Village Attorney Peter Gojcaj, Heather Mydloski, Village Clerk, Karen Couf-Cohen, Communications; and Ed Zmich of Hubbell, Roth, and Clark.

**III. ADOPTION OF AGENDA**

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

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

**NAYS: None**

**Motion carried.**

**IV. MINUTES**

**A. Regular Meeting of June 14, 2021**

Erlich asked for the following to be added to the minutes of June 14, 2021:

(Page 11 of 22) Erlich's interpretation of the study was that it was only those who really cared about whether they have well or city water were the ones who filled out the survey. Whereas, most likely, the half who did not fill out the survey are happy enough with their water that they did not care to fill it out.

Gordon requested the following correction for the minutes of June 14, 2021:

(Page 11 of 22, third paragraph from the bottom) Gordon thought the regulations of the GFE's might be inconsistent with the desired rural feel of Franklin.

**Motion by Seltzer, seconded by Hanke to adopt the Minutes for the Regular Meeting of June 14, 2021, as amended.**

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

**NAYS: None**

**Motion Carried.**

## **V. PUBLIC REQUESTS AND COMMENTS**

**Public Comments were opened by President, Bill Lamott at 7:02 PM.**

### Rick David-27201 Wellington

- David asked the Council for clarity with the Open Meetings Act (OMA) compliant standard requirements for committees. He mentioned that the issue had been addresses by Council a few months ago and was to be reviewed by the Village Attorney. He also stated he had not seen any postings of meetings for the Liquor Committee report that was listed in the Council agenda tonight, and he was not aware of it being posted according to the OMA requirements.
- Gordon quoted from the OMA under the Advisory committees and the OMA which states:
  - *the OMA does not apply to committees and subcommittees composed of less than a quorum of the full public body if they "are merely advisory or only capable of making 'recommendations concerning the exercise of governmental authority.'"40 Where, on the other hand, a committee or subcommittee is empowered to act on matters in such a fashion as to deprive the full public body of the opportunity to consider a matter, a decision of the committee or subcommittee "is an exercise of governmental authority which effectuates public policy" and the committee or subcommittee proceedings are, therefore, subject to the OMA. 41 If a joint meeting of two committees of a board (each with less than a quorum of the board) results in the presence of a quorum of the board, the board must comply in all respects with the OMA and notice of the joint meeting must include the fact that a quorum of the board will be present.42.*
- Gordon reiterated that the Council is still awaiting the Village Attorneys opinion to be certain of compliance with the OMA.

### Nena Downing 30645 Bruce Lane

- She mentioned the Franklin Community Association was hosting the Music on the Green on Wednesday, July 21, 2021. She asked the Council if we have the budget to spray for mosquitoes considering the recent weather conditions.
- Downing asked if a chipper could be sent around the Village to pick up the debris from the recent storm.
- Council discussed and agreed it was a good idea under the unique weather circumstances.

- Lamott stated the Council should develop a fair criterion for such clean up in the future.
- Fraser said he was willing to arrange for the clean up to be done and notify the residents.
- The Council discussed the budget for such, and it was determined that they were funds that could be used for this purpose under tree maintenance and trimming in the roadway and right away. Fraser asked that a cap of \$7500.00 be placed on a one-time clean-up, to be defined as whatever fits in a chipper.
- Erlich asked if the Village currently sprayed? She proposed alerting Villagers by posting the chemicals used if the Green was sprayed.
- Hansen asked if we were a mosquito-controlled district. Fraser responded we are not.

**Public Comments were closed by President, Bill Lamott at 7:11 PM.**

## **VI. REPORTS OF VILLAGE OFFICERS AND AGENTS**

### **Tony Averbuch, Fire Chief**

- Reviewed Submitted Report.
- Informed the Council it had been a long week with a months' worth of calls in 5 days mitigating the recent storm damage. He is proud of the excellent emergency response of the Franklin Police and Fire Departments.
- Had a wire that went down over North Crowell and Tudor that was a transmission line (feed subdivision) it melted concrete. The road was closed off to the public and someone decided to go through it and melted their tires. He asked that the public remember that electricity is dangerous and that they adhere to road closures.

### **Mike Bastianelli, Police Lieutenant**

- Reviewed Submitted Report.
- Commended the excellent effort extended from the Franklin- Bingham Farms Police and Fire Departments who worked together to stay on top of the needs that arose from the storm.
- Large increase in traffic violations due to the road construction traffic.
- LIEN Audit (Law Enforcement Information Audit) was conducted on June 16, 2021. The State of Michigan audits the law enforcement computer data bases every three (3) years. The department passed with flying colors. Nearly 100 different metrics are used to include the computer polices and procedures. He Commended Sgt. Mydloski who spearheaded the audit as he was on top of it making it a smooth process.
- FBFPD will present awards to deserving officers at the next Council meeting on August 9, 2021.
- In response to Hanke's inquiry regarding the larceny for mail, Bastianelli stated that the resident did not receive a package that was delivered. The investigation is still open.

## VII. SUBMISSION OF CURRENT BILLS

Lance Vainik, Village Treasurer (was absent)

- Council reviewed Submitted Report.

Totals: 07-19-2021	
CATEGORY	SUB TOTALS
General	\$ 55,803.92
Major Streets	\$ 20,266.99
Local Streets	\$ 21,179.08
Police	\$ 63,847.35
Garbage and Rubbish	\$ 15,190.01
Building Dept.	\$ 24,423.29
Library	\$ -
Street Project	\$ 372.50
Road Millage	\$ 500.00
Pressure Sewer	\$ -
Tax Collection	\$ 6,759.65
Wastewater	\$ 698.32
<b>TOTALS</b>	<b>\$ 209,041.11</b>

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

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

**NAYS: None**

**Motion carried.**

## VIII. SPECIAL REPORTS

### A. President's Report

President Lamott

Nothing reported.

### B. Council Report

Trustee Seltzer

- Responded to the comments made about him at the last Council Meeting, as he was absent, regarding his impatience at the May Special Village Council meeting. He was accused of being disrespectful, and insensitive regarding his stance on the streetscape plan toward two (2) residents, President Lamott and Trustee Erlich. He stated for the record the two (2) residents were not protecting their property but rather, prohibiting safe passage for all Villagers on the Village property. The property in question is the Village right of way not their individual properties. He further stated that the Village Attorney had determined these actions were lawful and a judge then ruled otherwise. The issue was brought before

the community for a public vote. The public voted to approve. After the Council vote to proceed 6-1. Seltzer addressed Lamott's decision publicly and directly. He further stated that he makes no apologies for his actions as he stands by his actions and comments he made.

#### Trustee Hansen

- She feels that Villagers had been properly informed on the Streetscape updates from Karen-Couf Cohen's weekly updates and Newsletter. She implored residents to sign up for the Newsletter by calling the office.
- Construction is beginning from Scenic down to thirteen Mile Road. Trees are being cleared on the east side of the street. There will be a crosswalk put in the intersection across Thirteen Mile Road. The Village is working with the County.
- She further mentioned that Mike Barger, the Village Arborist had walked the path and surveyed the trees. She reported that there were 17 or 18 trees removed and that most of the trees removed were diseased or decayed.
- She implored Villagers to be mindful of the new landscape downtown, wide turns are damaging the new landscape.
- Hanke publicly thanks Hansen for the excellent job hearing residents and responding to their needs throughout the streetscape process.

### **C. Administrator Report**

#### Roger Fraser, Village Administrator

- He was pleased to announce that Megan Schubert was selected to become the new Village of Franklin Economic Director working with Main Street Franklin. She has a master's degree in business. She will begin on August 2, 2021. She is currently employed as a Director by the Isabella County Child Advocacy Center. She resides in Warren. She is a welcome addition to our staff.
- Hanke reiterate that Schubert is an excellent choice that will hit the ground running.
- Fraser asked to Gojcaj to comment on Village Attorney, Tim Currier's status. GojcajCurrier fell ill and required surgery, developed a serious infection and is now recovering at a long-term facility. Gojcaj will keep the Council posted.
- He praised Peter Halick who was contracted to paint the Village Hall to repair damaged wood and peeling paint. Halick's work was impressive and Halick will be invited to do more work for the Village because of his exceptional work.
- He stated that the contractual bookkeeper was not funded in this year's budget cycle. He stated the position will be filled by a full-time employee. In the meantime, a full review of the position requirements and compliance standards to be conducted by Plante Moran.

### **D. Clerk Report**

#### Heather Mydloski, Village Clerk

- Reviewed Submitted Report.

- Southfield Township Clerk, Sharon Tischler was retiring after thirty-seven (37) years of service to our community. She will be greatly missed. Mydloski implored any Franklin resident interested in becoming appointed to her position contact Southfield Township.
- Point and Pay System for the Building Department is up and running. The Village has received eight payments online so far. It is expected that the Building Department will be able to accept permits online by the end of August.
- Setting up the Tax System is next on the list and then a phone system replacement.
- Mydloski praised Doreen Martin for the excellent work done to upgrade the Village's internal operations on top of supporting Mydloski, training Megan Bohm, handling the Finance Clerk duties, supporting Fraser as well as doing her own job.
- Mydloski also praised Martin and Bohm for creating the new binders for the Council packets. Martin's intent was to create a professional and efficient way for the Council to find the supporting documentation to the agenda items during meetings.
- Hanke thanked Martin for her excellent work! Council agreed.

### **E. Main Street Franklin Report**

#### Karen Couf-Cohen, Village Communications

- Excited about the Summer Block Party on August 18, 2021, from 5:00 PM – 8:30 PM in downtown Franklin. It is an excellent way to support our merchants and to celebrate a brighter, greener, and safer downtown, historic Franklin. Good, unusual kids' activities, recycled scrap mobile for crafts and mobile bus that explains the recycling process to the children. The Franklin Grill will participate. There will be food trucks, hot dog cart and an ice cream cart. A wine tent hosted by Tangerine Wine will be a fundraiser for Main Street Franklin. Encouraging merchants to have a sidewalk sale. Access Academy Music School will be performing by marching around the Village from store to store. Connie Ettinger will be the Master of Ceremonies and Sean Balkman will perform.
- Seltzer stated that Main Street had not received \$2500.00 that had been previously allocated for Light the Night that had to be canceled due to COVID-19 restrictions.
- Gordon stated the funds not used were from last year's budget. He suggested we use those funds to fund this event.
- Fraser stated a \$2500.00 check had been issued to Main Street Franklin. Council praised Fraser's efficiency.
- Hanke mentioned that this is one of the biggest events that have been planned and he was thrilled to see it come to fruition.
- Fraser praised Couf-Cohen for her demonstrated enthusiasm with helping the business community. She has done a great job of connecting the Village to merchants.
- Seltzer informed the Council that Music on the Green was Couf-Cohen's idea.
- Merchant Appreciation Plan suggestion that would allow merchants to receive vouchers for complimentary food truck items to show appreciation for doing business in Franklin.
- Hansen praised Couf-Cohen for publishing an ad about the event in the Birmingham Eagle.

**F. Planning Commission Report.**

Planning Commission Chairman, David Goldberg

- The next Planning Commission meeting on July 21, 2021, will be an hour earlier, at 6:00 PM to accommodate the Music on the Green event.
- The PC is currently reviewing the use of Temporary Signs in the Village, Village Owned Land analysis and inventory, also the JenStan review.
- Mike Barger had been asked to suggest a Wetlands Consultant to the PC that could help in identifying protect wetlands, woodlands, and wildlife inventory. He recommended a consultant that handles all areas. They will provide a proposal.

**G. Diversity Equity & Inclusion Committee Report**

Nothing reported.

**IX. UNFINISHED BUSINESS**

**A. Consider the Appointment of an Ad Hoc Water Study Subcommittee.**

Responding to Hansen, Fraser defined his vision for the Ad Hoc Water Study Subcommittee. Jamie Burton, Eddie Zmich of Hubbell, Roth, and Clark and Fraser had participated in a lot of brainstorming to envision how the Village could create an ongoing role for the Village. His vision of an advisory

board is for a small group to find a way for the Village to work with the Community and help them maintain, appreciate, and use their water. What kind of help can we provide to our residents that is within our realm to do so?

Gordon agreed with Fraser to strive to get more residents satisfied with their water and move the percentage of residents dissatisfied with their water north. He reiterated that the water is safe to drink as reported by EGLE. He would like to see water testing availability for residents.

Hanke agreed that we hadn't found anything wrong with the water yet, but we needed to be prudent in our future process to ensure water safety.

Seltzer asked what the bigger picture was. He wants to know if there is an appetite for residents to connect to the Detroit Municipal Water System.

Saenz piggy backed on that, he feels there is an interim focus, but he believes we should pursue Municipal water for multiple reasons but specifically safety in terms of fire hydrants and water usage during power outages.

Erlach stated that the results of the survey were split 50/50 and she did not feel the result was a resident appetite for municipal water.

Hansen stated that we do not have a problem currently, but we need to institute a plan for the future so we can prepare for a drastic change if needed. She doesn't feel that municipal water is the topic of discussion now. She wants to focus on monitoring the water now and in the future.

Fraser was tasked with coming up with a date for the Water Survey Sub Committee to meet.

Seltzer stated that the information should be in the Newsletter to inform residents who may want to participate. He mentioned residents could also reach out to the Village Clerk with their interest.

## **B. Consider Reconciliation Budget Amendment Fiscal Year 2020-2021.**

Fraser reviewed his submitted report.

Hanke asked for clarification on an apparent mathematical error he noticed in the supporting documentation submitted from Fraser.

Fraser stated the critical numbers were in the Resolution. Hanke was satisfied with Fraser's explanation.



**RESOLUTION TO AMEND FY2020-21 BUDGET  
JULY 19, 2021**

**WHEREAS** on June 8, 2020, the Franklin Village Council adopted a general appropriations act approving the annual Village Budget for fiscal year 2020-2021, and

**WHEREAS** the Village Administrator has prepared a report to Council detailing the changes needed to the various activities and that report is attached hereto and incorporated herein, and

**WHEREAS** certain departments within the General Fund and Police Fund have exceeded amounts budgeted in particular activities, and

**WHEREAS** certain departments within the General Fund and Police Fund have underspent the amount budgeted in specific activities, and

**WHEREAS** total revenues in the General Fund exceed budget amounts by \$105,223.23, and

**WHEREAS** the following General Fund departments underspent their budget by the specified amounts:

101-172 Administration \$23,071.27  
101-252 Treasury 3,196.22  
101-721 Bds & Comm. 801.72  
101-901 Capital Exp. 8,653.00  
207-301 Police 45,454.72  
Total Unspent \$79,175.91

**WHEREAS** the difference between total department expenditures exceeding amounts budgeted of \$119,912.22 and those expenditures under amounts budgeted of \$79,175.91, is \$40,636.31, and

**BE IT RESOLVED** the following changes be made in the amounts budgeted for General Fund revenues: 101-000-995.004 transfer out to Police Fund is decreased by \$43,454.72 and \$40,636.31 is appropriated from General Fund non-departmental revenues, and

**IT IS RESOLVED** the following changes be made in amounts budgeted for General Fund expenditures:

101-101 Village Council is increased by \$103,996.44  
101-215 Village Clerk is increased by \$3,532.72  
101-721 Building and Grounds is increased by \$11,676.06  
101-851 General Insurance is increased by \$607.00, and

**IT IS FINALLY RESOLVED** the following change be made in the amount budgeted for Police Fund expenditure: 207-265 Building and Grounds is increased by \$2,153.56.

**#2021-58 Motion by Gordon, seconded by Seltzer to approve the Reconciliation Budget Amendment Fiscal Year 2020-2021 as presented.**

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

**NAYS: None**

**Motion carried.**

### **C. Discussion Connectivity Pathways**

Lamott gave a brief synopsis of the letter developed by HRC and Fraser that was sent to Congressman, Andy Levin's office, at his request, for grant monies that could fund Connectivity

Pathways. The Village was not able to apply for the funds as they did not qualify for the find disbursement.

Lamott suggested the Planning Commission review it so we could improve walkability in the Village.

Gordon pointed out that the proposed plan seemed to indicate the need for approval from affected residents. He was not sure if residents would agree to participate.

Zmich from HRC gave a brief synopsis for the Council. The proposed total is \$765,000.00. In response to Hanke, he agreed that the proposal was all- inclusive with normal built-in contingences.

The goal of this project was to provide connectivity of the subdivisions to connect them to each other and to downtown Franklin.

Zmich agreed with Gordon that the map was not exact, and it would be contingent upon easements acquisition.

Erlich liked the idea and reminisced of her childhood pathway usage.

Hanke stated that his lake property did this exact concept and created a seven (7) mile loop around the lake and changed the entire dynamic and enhanced community enjoyment. It was a long-term plan and took sixteen (16) years to acquire the easements, but it was worth it.

Saenz asked if HRC has seen this concept in comparable communities. Zmich stated that it was not uncommon with communities that did not have sidewalks. Saenz persisted that he was on board with walkability but was not comfortable with sidewalks going through someone's yard. He is open to a PC review but uncomfortable with the concept.

Seltzer said he felt there already was an element of walkability in the Village.

Gordon agreed with Hanke that he has another property that has a similar walk path for his morning run. He would like to see this accomplished but with a long-term vision.

Rick David asked, for the sake of procedure, who authorized the initial cost for HRC to prepare an estimate for the Connectivity Pathways. Lamott clarified that he authorized the amount of around \$2,000.00 as encouraged by Congressman Any Levin's Office.

**#2021-59 Motion by Gordon, seconded by Seltzer to submit the Connectivity Pathways Program to the Planning Commission for their review and recommendation.**

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

**NAYS: None**

**Motion carried.**

**X. NEW BUSINESS**

- A. Consider (2<sup>nd</sup> reading) to amend Ordinance; Section 1268.28; Creating Standards for Garden Enclosures amendments are proposed to Section 1268.28, Fences, to create standards for enclosures around gardens, including requirements governing their locations, size, and materials.**

ORDINANCE NO. 2021-03

AN ORDINANCE TO AMEND SECTION 1268.28, ZONING, OF THE CODIFIED ORDINANCES OF THE VILLAGE OF FRANKLIN, OAKLAND COUNTY, MICHIGAN, TO ADOPT REGULATIONS CONCERNING GARDEN FENCE STANDARDS.

THE VILLAGE OF FRANKLIN ORDAINS:

**1268.28 FENCES.**

Every fence constructed or erected in the Village shall comply with the regulations in this section. No fence shall be erected, constructed, relocated, or altered until a permit has been issued in accordance with the requirements of this section.

**(a) Definitions.**

(1) Fence. "Fence" means an artificially constructed, non-vegetative barrier of natural or artificial materials used to prevent or control ingress/egress, confine within, or mark a boundary. A fence may be decorative or ornamental. Gates or barriers to entry and exit, driveway entrance features, screening walls, and other types of boundary protection shall be included in this definition.

(2) Perimeter feature. "Perimeter feature" means a type of fence running along the perimeter of a lot either on or within six feet of a lot line.

(3) Privacy screen. "Privacy screen" means a type of fence that is a substantially opaque barrier intended to screen a selected use or particular area in a private residential yard.

(4) Interior fence. "Interior fence" means a type of fence that is not a perimeter feature or a privacy screen.

(5) Road. "Road" has the same meaning as "street" as defined in Section 1240.08 (b)(69).

(6) Construction fence. "Construction fence" means a temporary artificially constructed fence used to prevent or control entrance or access pursuant to a permit issued by the Village of Franklin Building Official under Section 1268.19 of the Zoning Code.

(7) Garden enclosure. "Garden enclosure" is a type of interior fence that is used to enclose an area used for the growing of vegetables, flowers, etc. used for human consumption but not for commercial sale.

**(b) General Requirements Applicable to All Fences.**

(1) Ownership. Ownership and responsibility for maintenance of a fence resides in the owner of the property on which the fence is located.

A. Provision for joint ownership. Owners of adjoining properties may jointly apply for a fence permit, in which case the Building Official may permit the fence to be constructed on the common property line. Both property owners shall jointly own the fence and shall be jointly and severably responsible for maintenance of the fence.

(2) Fence materials. In order to protect the beauty and established historic character of the Village, the following standards shall apply:

A. The exterior of a fence shall be constructed primarily of wood, stone, brick, wrought iron, or other material determined by the Zoning Board of Appeals to mimic an above listed material.

B. Fence materials and construction pattern must be consistent along a single lot line.

C. Fences constructed on properties where one did not exist before must be constructed of the same material along any lot line where the fence is proposed to be constructed.

D. Prohibited materials. Razor wire and barbed wire are prohibited on any type of fence. Fences utilizing wire mesh or chain link are also prohibited, except as otherwise expressly permitted (e.g., garden enclosures, tennis court enclosures, dog runs, baseball backstops, cemeteries, fences enclosing public areas, construction fences).

E. Prohibited designs. No permitted fence of any variety may contain decorative fence toppers, finials, spears or other fence toppers which contain a pointed finish if such decorative items are situated along the top of the primary fencing material. Ball finials are permissible but only if they measure not less than three inches each in diameter. A fence topper shall be considered to be pointed if the upper most portion of the topper is not larger than its base, or, if in the opinion of the Building Official, such a fence topper is considered to be capable of impaling or otherwise penetrating the flesh of any person or animal, either intentionally or through accidental or forceful contact with same.

F. Electricity-conducting fences. A fence erected around the perimeter of a pasture where horses or other permitted large animals are restrained may include electrified wire strands around the top or interior of the pasture fence. Other fences which carry electric current are prohibited, except for underground electric fences as defined in Section 1240.08 (b)(23A).

(3) Finished appearance. If, because of design or construction, one side of a fence has a more finished appearance than the other, the side of the fence with the more finished appearance shall face the exterior of the lot. This provision concerning the finished appearance does not apply to jointly owned fences located on a property line.

(4) Height. Except as otherwise expressly permitted herein, fences shall not exceed 48 inches in height. As used in this section, the height of a fence is measured from the surrounding surface of the ground and not from any structure or localized raised surface on which the fence is situated.

A. Fences enclosing public areas. Fences that enclose public parks, playgrounds, or similar public areas located within a residential district shall not exceed 8 feet in height, except that a fence enclosing one or more public tennis courts can extend to 12 feet in height and a protective screening used for a public baseball field backstop can be made at a suitable height and length for its intended purpose. Tennis court fences and baseball backstops can be made of chain link fencing.

(5) Location. A fence shall be located entirely on the private property of the person responsible for the construction and maintenance of the fence.

A. Permitted locations. Except as specifically provided below, fences are permitted only in rear yards and side yards. No fence shall be permitted to extend into the front yard, except as otherwise specifically provided herein. For side yards and rear yards abutting a street, no fence shall be constructed or maintained within any required setback from the street.

B. Path setback. No fence shall be located closer than 12 inches from the edge of a public sidewalk or other public path.

(6) Fence maintenance. Fences shall be maintained in good condition. Rotten or broken components shall be replaced, repaired, or removed. If a fence is found to be in need of repair by the Building Official, he or she shall issue orders to complete such repairs to the owner of the land where the fence is located. Failure to comply with written notice from the Building Official shall be deemed a violation of this Zoning Code.

(7) Obstruction of use of adjoining property. No fence shall be erected where it would prevent or unreasonably obstruct the use of or access to adjacent property. The Building Official may require a fence to be set back up to two feet from a driveway or property line to provide for the safe passage of pedestrians, bicyclists, or vehicular traffic, or for other safety-related concerns.

(8) Driver visibility. No fence shall be erected, established or maintained on any lot which will obstruct the view of drivers in vehicles traveling around sharp curves in the road or approaching an intersection of two roads or the intersection of a road and a driveway.

A. Sharp curves. Fences located along a curve in a road shall provide drivers with an unobstructed sight distance that is reasonable in view of the road curvature and applicable speed limit for the road. The Building Official may restrict or deny a fence permit as necessary to provide this unobstructed sight distance.

B. Intersections. Fences located adjacent to an intersection of two roads or an intersection of a road and a driveway shall not exceed 30 inches in height. An unobstructed triangular area shall be maintained at each intersection of roads and streets and driveways. Fences located in the triangular area shall not be permitted to obstruct cross-visibility above a height of 30 inches above the lowest point of the intersecting road(s) or driveway(s). The unobstructed triangular area shall consist of:

1. In the case of two roads, the triangular area formed at the corner intersection of the two road right-of-way lines, with two sides of the triangular area being 25 feet in length measured along the intersecting right-of-way lines, and the third side being a line connecting the distal ends of the two 25 foot sides; and

2. In the case of an intersecting road and driveway, the triangular area formed at the corner intersection of the road right of way and an edge of the driveway, with one side of

the triangular area being ten feet in length measured along the right-of-way line, a second side being 10 feet in length measured along the edge of the driveway, and the third side being a line connecting the distal ends of the two ten foot two sides.

(9) Tennis court enclosures. A private tennis court located on a residential lot may include a chain link fence enclosing each end of the court and extending towards the net no farther than the midpoint between the base line and service line. The chain link fence may have a maximum height of 12 feet and the opacity of such fence shall not exceed 50 percent.

(10) Outdoor dog runs. One fenced pet exercise area ("dog run") may be permitted per residential lot, subject to the following:

A. Location. A dog run shall not be permitted in any required front yard or required street side yard.

B. Setback. A dog run shall be set back a minimum of ten feet from any lot line.

C. Fence height. A fence enclosing a dog run shall not exceed six feet in height.

D. Fence materials. Chain link fencing may be used to enclose a dog run.

E. Maximum dimensions. Dog runs shall not exceed ten feet in width by 25 feet in length.

F. Landscape screening. Dog runs shall be screened from view from adjoining properties with evergreen landscaping sufficient to create a complete visual barrier.

(11) Garden enclosures. Garden enclosures may be placed on the interior of a lot, subject to the following:

A. Location. A garden enclosure shall not be permitted in any front yard nor any required side or rear yard.

B. Height. Garden enclosures shall not exceed eight feet in height, inclusive of any structures on which they sit, including raised planter beds.

C. Materials. Garden enclosures shall be constructed of any combination of treated wood or galvanized or welded wire, which may be coated with vinyl or PVC. The fencing commonly referred to as "chicken wire" is expressly permitted, only so long as it is made of galvanized wire. Chain link fencing is a prohibited material.



- D. Opacity. Garden enclosures’ opacity shall not exceed 20 percent.
- E. Spacing. There shall be a maximum spacing of 1” by 2” between the enclosure wires.
- F. Maximum area. Garden enclosures shall surround an area not larger than 1,000 square feet. Multiple garden enclosures may be permitted on one lot, subject to the following allowances:

<i>TABLE OF ALLOWANCES FOR GARDEN ENCLOSURES</i>							
Zoning District	R-E	R-L	R-M	R-1	R-2	R-3	R-4
Maximum number of enclosures	3	3	3	3	2	2	1
Maximum size of all garden enclosures in sq. ft.	1,000	1,000	1,000	1,000	1,000	1,000	1,000

Fraser responded to Gordon’s question stating there had not been any discussion from the community, Planning Commission, or the Administrator since the First Reading.

Erlich, being the Village Council Liaison to the Planning Commissions, reported to the Council that she can attest, with confidence, that each item they review has been thoroughly vetted.

**#2021-60 Motion by Seltzer, seconded by Erlich to approve to amend Ordinance; Section 1268.28; Creating Standards for Garden Enclosures amendments are proposed to Section 1268.28, Fences, to create standards for enclosures around gardens, including requirements governing their locations, size, and materials as presented.**

**AYES: Saenz, Hansen, Hanke, Erlich, Gordon, Seltzer and Lamott**  
**NAYS: None**

**Motion carried.**

**B. Consider (2<sup>nd</sup> reading) to amend Ordinance 1240.08; and Ordinances 1250 and 1256; Creating a Public / Institutional Zoning District –, amendments are proposed to Chapter 1240.08, Definitions; Chapter 1250, Single-Family**

**Residential Districts; Chapter 1256, C-1 Commercial District; and Appendix B, Schedule of Regulations to address the proposed regulation of land in the newly-created Public Institutional District and to address other Code sections to account for a comprehensive regulatory approach to same.**

ORDINANCE NO. 2021-02

AN ORDINANCE TO AMEND SECTIONS 1240.08, 1250.02, 1250.03, 1256.02, 1256.06, AND TO ADD SECTION 1259 (PI PUBLIC INSTITUTIONAL DISTRICT), ZONING, OF THE CODIFIED ORDINANCES OF THE VILLAGE OF FRANKLIN, OAKLAND COUNTY, MICHIGAN, TO ADOPT REGULATIONS NEW ZONING DISTRICT TITLED "PI, PUBLIC/INSTITUTIONAL." THE VILLAGE OF FRANKLIN ORDAINS:

**Chapter 1240.08 DEFINITIONS**

**Special event.** "Special event" means a temporary indoor or outdoor use on private or public property that extends beyond the normal uses and standards allowed in the Zoning Code, including, but not limited to, art shows, music and other artistic performances, festivals, and bazaars.

**Chapter 1259**

**PI Public Institutional District**

**1259.01 Statement of purpose**

**1259.02 Permitted uses**

**1259.03 Special approval uses**

**1259.04 Accessory uses, buildings and structures**

**1259.05 Off-street parking facilities**

**1259.06 Protective screening**

**1259.07 Site plan approval**

**1259.08 Area, height, bulk and placement requirements**

**1259.01 STATEMENT OF PURPOSE**

The PI Public Institutional District is intended to recognize the public, quasi-public, and institutional nature of particular parcels of land and provide standards and guidelines for their continued use and future development; to ensure that those public, quasi-public, and institutional land uses will be compatible with the surrounding districts and uses; and to ensure that the public, quasi-public, and institutional use of property will promote the most desirable use of land in accordance with the Village's Master Plan.

### **1259.02 PERMITTED USES**

In the PI District, the following uses are permitted:

- a) Municipal buildings, offices, community centers and facilities owned and operated by the Village of Franklin for the purposes of the government of the Village of Franklin.
- b) Public, quasi-public, and institutional buildings, offices, centers and facilities, such as, but not limited to libraries and post offices, owned or operated by governmental or quasi-governmental entities for the purposes of providing civic services and functions.
- c) Public parks and public recreation areas operated by governmental, quasi-governmental, or private entities exclusively for the use and enjoyment of the public.
- d) Churches and other facilities normally incidental thereto, including but not limited to community and civic group meetings, events and activities, and religious, social, cultural and educational services, instruction and programs. A proposed site for a church shall not be less than two acres, shall have adequate access to all required off-street parking areas, and be located on a site adjacent to a major thoroughfare as defined by the Village's Master Plan.
- e) Public, parochial and private elementary, junior high and / or senior high schools offering courses in general education, which may contain libraries and other facilities customarily found within a school, not operated for profit, and situated on a site not less than two acres.
- f) Public utility buildings, telephone exchange buildings, electronic transformer stations and substations, and gas regulator stations, but not including service or storage yards, when operating requirements necessitate the locating of such uses in order to serve the immediate vicinity.
- g) Museums displaying or exhibiting items or artifacts of an historical nature and not operated for profit.
- h) Accessory structures, buildings, uses and signs, customarily incidental to the above permitted uses in accordance with Section 1268.13.

### **1259.04 SPECIAL APPROVAL USES**

Reserved.

### **1259.04 ACCESSORY USES, BUILDINGS AND STRUCTURES**

The following accessory uses, buildings and structures shall be permitted in the PI District, subject to Section 1268.13:

- a) Accessory structures, uses and signs, excluding buildings, customarily incidental to uses permitted by Section 1259.02.
- b) Accessory buildings customarily incidental to uses permitted by Section 1256.02, subject to site plan requirements in Section 1268.30.
- c) The Village of Franklin encourages the development and use of alternative energy sources, such as energy generated by solar and wind facilities, provided that the devices to generate, process and store the energy are safe and will cause no harm to the well-being of adjacent residents or the surrounding area as a whole. Solar and wind energy facilities, whether freestanding or attached to the principal building, are considered accessory structures and require site plan review and special use approval. Alternative energy facilities, considered accessory structures, are subject to the following site plan and use approval requirements:
  1. Wind energy facilities, whether freestanding or attached to the principal building, require site plan review in accordance with Section 1268.30 and special use approval in accordance with Section 1268.32.
  2. Ground-mounted solar energy facilities require site plan review in accordance with Section 1268.30, and special use approval in accordance with Section 1268.32.
  3. Roof-mounted solar energy facilities require zoning compliance approval in accordance with Section 1242.02 and shall comply with Section 1268.13A, Roof-Mounted Solar Energy Systems.
- d) Special events, limited to four consecutive calendar days, single days for two consecutive weeks, or two consecutive weekends. If in excess of four consecutive calendar days, single days for two consecutive weeks, or weekend events for more than two consecutive weekends, a special event shall be subject to the requirements in Section 1268.32(h).
- e) Retail activity. In the PI District, a limited amount of retail activity is permitted where the retail activity is accessory to the principal public, quasi-public, and institutional use of property. Retail activity shall be deemed an acceptable accessory use if the following criteria are met:
  1. Character of the principal use. The principal use on the site must be public, quasi-public, or institutional in character. The retail activity must be an integral part of the principal use such that separation of the public, quasi-public, or institutional and retail activity would adversely affect operating and management procedures.
  2. Percent of floor area. The retail activity shall occupy no more than 49% of the total floor area or 1,000 square feet, whichever is less.

3. Compatibility of traffic. The type and quantity of traffic generated by the retail sales operation shall be compatible with permitted uses in the district.

#### **1259.05 OFF-STREET PARKING FACILITIES**

Off-street parking facilities shall be provided as specified in Chapter 1262, with the further condition that no parking be permitted in the required front yard, said front yard area being the 40-foot yard space abutting the front property line, nor within the required side or rear setback adjacent to any side or rear property zoned R-1, R-2, R-3 or R-4, or which is adjacent to any property or lot used for residential purposes. (See Section 1262.02 for off-street parking development regulations.)

#### **1259.06 PROTECTIVE SCREENING**

PI parcels adjacent to property within a Single-Family Residential District or used for residential purposes shall provide protective screening in compliance with the regulations set forth in Sections 1268.28 and 1268.29.

#### **1259.07 SITE PLAN APPROVAL**

For all uses in the PI District, site plan approval is required in compliance with the requirements set forth in Section 1268.30.

#### **1259.08 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS**

Area, height, bulk and placement requirements for the PI District shall be as established in the schedule provided in Appendix B following the text of this Zoning Code.

### **Chapter 1250**

#### **Single-Family Residential Districts**

**1250.01 Statement of purpose.** *(no change proposed)*

**1250.02 Permitted uses.** *(housekeeping change proposed, text provided for context)*

**1250.03 Special approval uses.** *(no change proposed, but text provided for context)*

**1250.04 Accessory uses, buildings and structures.** *(no change proposed)*

**1250.05 Site plan review.** *(no change proposed)*

**1250.06 Area, height, bulk and placement requirements.** *(no change proposed)*

**1250.07 Lot dimensions.** *(no change proposed)*

#### **1250.02 PERMITTED USES.**

In all Single-Family Residential Districts, the following uses are permitted:

- a) Single-family detached dwellings.

- b) Public parks and public recreation areas operated by governmental, quasi-governmental, or private entities exclusively for the use and enjoyment of the public.
- c) State licensed residential facilities, subject to the provisions of Section 206 of the Michigan Zoning Enabling Act, PA 110 of 2006, as amended (MCL 125.3206).
- d) Accessory structures, buildings, uses and signs, customarily incidental to the above permitted uses in accordance with Section 1268.13.

**1250.03 SPECIAL APPROVAL USES.**

In all Single-Family Residential Districts, the following uses shall be permitted only after approval in accordance with Section 1268.32.

- a) Municipal buildings, offices, community centers and facilities owned and operated by the Village of Franklin for the purposes of the government of the Village of Franklin.
- b) Public, quasi-public, and institutional buildings, offices, centers and facilities, such as, but not limited to libraries and post offices, owned or operated by governmental or quasi-governmental entities for the purposes of providing civic services and functions.
- c) Churches and other facilities normally incidental thereto, including but not limited to community and civic group meetings, events and activities, and religious, social, cultural and educational services, instruction and programs. A proposed site for a church shall not be less than two acres, shall have adequate access to all required off-street parking areas, shall prohibit parking in the required front yard and be located on a site adjacent to a major thoroughfare as defined by the Village's Master Plan.
- d) Public, parochial and private elementary, junior high and/or senior high schools offering courses in general education, which may contain libraries and other facilities customarily found within a school, not operated for profit, and situated on a site not less than two acres.
- e) Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations, but not including service or storage yards, when operating requirements necessitate the locating of such uses in order to serve the immediate vicinity.
- f) Museums displaying or exhibiting items or artifacts of an historical nature and not operated for profit. It is the express intent of this section to prohibit any displays or exhibits of a commercial nature or which are operated for profit, provided, however, that certain nonprofit activities may be permitted under Section 1268.32 (h).

The following additional conditions shall apply to any special approval use under this subsection:

- (1) No item or display shall bear any indication of cost, value or price.

(2) No income, revenue or compensation of any kind shall be received as part of any such museum use or exhibition, except that a nominal door fee or entrance fee may be imposed.

(3) No artifact, souvenir or any other article or item of any type or nature whatsoever shall be offered for sale upon the premises.

(4) All exhibitions, displays or programs shall be related to the history of the Village of Franklin, the State of Michigan or the United States.

(5) No museum shall be located closer than 2,500 feet to any other museum.

## **Chapter 1256**

### **C-1 Commercial District**

**1256.01 Statement of purpose.** *(no change proposed)*

**1256.02 Permitted uses.** *(change proposed to add "fire station")*

**1256.03 Special approval uses.** *(no change proposed)*

**1256.04 Accessory uses, buildings and structures.** *(no change proposed)*

**1256.05 Site plan review.** *(no change proposed)*

**1256.06 Protective screening** *("housekeeping" change proposed)*

**1256.07 Area, height, bulk and placement requirements.** *(no change proposed)*

#### **1256.02 PERMITTED USES.**

In the C-1 District, the following uses are permitted:

- (a) All uses permitted in the RO-1 District.
- (b) Automobile service stations, subject to the requirements of Section 1268.15.
- (c) Bake shops, provided that at least 75% of all baked goods produced on the premises are sold on said premises at retail, and further provided that floor area used for bakery production shall be limited to 500 square feet per establishment.
- (d) Bank, savings and loan, brokerage or other type of financial institution.
- (e) Barber shop.
- (f) Beauty shop.
- (g) Clothes pressing and repair.
- (h) Custom dressmaking, millinery and tailoring.
- (i) Fire station.
- (j) Household furniture and appliance shops.
- (k) Institutions and establishments of a philanthropic or charitable nature, but not including car washes, credit unions and other related activities operated or sponsored by such institutions or establishments.
- (l) Laundry agency or dry cleaning agency and hand laundry, except laundry and dry cleaning establishments with customer-operated equipment.
- (m) Public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations.
- (n) Repairs to electrical or other household appliances, locks, radios, televisions, shoes, time pieces and the like.

- (o) Restaurants, but not including drive-in or drive-thru restaurants.
- (p) Carry-out restaurants.
- (q) Outdoor dining, subject to the provisions in Section 1268.33.
- (r) Retail food stores.
- (s) Shops or stores for the retail sale of art supplies, beverages, confections, delicatessen, drugs, dry goods, flowers, food stuffs including meats, gifts, hardware, jewelry, leather goods, music, notions, paint, periodicals, sewing machines for households only, sports goods, stamps or coins, stationery, sundry, small household articles, tobacco or wearing apparel.
- (t) Single family residential uses, when located on the second floor of a building that is designed for a retail, service, or office use on the first floor.
- (u) Accessory structures, uses and signs, excluding buildings, customarily incidental to the above permitted uses in accordance with Section 1268.13, subject to the following restrictions:
  - (1) Outdoor advertising signs, only when pertaining to the sale, rental or use of the premises on which they are located, or to goods sold or activities conducted thereon, shall be displayed flat against the front or side elevation of the building and shall not project above the roof line. (See also Chapter 1474 of these Codified Ordinances.)
- (v) Off-street parking and loading, in accordance with the requirements of Chapter 1262, provided that, on or after December 5, 2005:
  - (1) No new parking or loading area shall be established on a parcel unless a principal permitted structure is first constructed on the parcel; and
  - (2) No new parking or loading facilities shall be located in the front yard (between the front face of the building and the street) except by special approval. Where front yard parking is proposed, the applicant must demonstrate to the satisfaction of the Planning Commission and Village Council that:
    - A. No other reasonable and safe location for parking exists on the site and that front yard parking can be provided without compromising vehicular or pedestrian traffic safety; and
    - B. The proposed parking satisfies the special approval criteria in Section 1268.32.

## **Appendix B**



Zoning District	Maximum Lot Coverage (percentage)	Minimum Size of Lot		Maximum Height of Building in Feet	Minimum Yard Setbacks in Feet (Unobstructed)					Minimum Cubic Content per Dwelling Unit in Cubic Feet
		Area per Dwelling Unit in Sq. Ft.	Width in Feet		Front	At Least One Side	Total of Two Sides	Side Yard Adjacent to a Street	Rear	
R-E	10	130,000	120	(a)(c)	50	(b)	(b)	50	(c)	30,000
R-L	15	65,000	120	(a)(c)	50	(b)	(b)	50	(c)	30,000
R-M	25	42,000	120	(a)(c)	50	(b)	(b)	50	(c)	30,000
R-1	25	30,000	120	(a)(c)	50	(b)	(b)	50	(c)	30,000
R-2	30	22,500	100	(a)(c)	40	(b)	(b)	40	(c)	22,500
R-3	35	15,000	80	27	30	10	25	30	40	20,000
R-4	35	12,000	80	27	20	10	25	20	30	15,000
RO-1	30	*	*	14 ½	40	12	35	40	35	*
C-1	*	*	*	14 ½	*	*	*	*	*	*
PI	*	*	*	29	*	*	*	*	*	*

### Schedule of Regulations

- \* Site Plan Review required for those items. Also for P-1 and H Districts (see Chapters 1258 and 1230)
- \*\* The minimum cubic content shall be calculated as defined herein (see Section 1240.07(20))
  - a) The maximum building height in the R-E, R-L, R-M, R-1, and R-2 districts shall be determined in accordance with the following graphic representation 1 or mathematical representation 2:

#### 1256.06 PROTECTIVE SCREENING.

C-1 parcels adjacent to land within a Single-Family Residential District or used for residential purposes shall provide protective screening in compliance with the regulations set forth in Sections 1268.28 and 1268.29.

Graphic representation 1: In the appropriate location and at the proper scale on the front elevation, draw a 15' x 20' "measurement triangle" as illustrated below. Extend the dashed line to 35 feet high. No portion of the building may extend into the setback or above the dashed line.

Mathematical representation 2: The maximum permitted height relative to the side property line is equal to: (1.33 x side setback measured in feet), up to a maximum height at the peak of roof of 35 feet.

- b) The total of both side setbacks shall not be less than one-third (1/3) of the lot width. The smaller of the side setbacks shall be equal to or greater than 37% of the total of both side setbacks.

- c) In the R-E, R-L, R-M, R-1, and R-2 districts, the maximum height measured at the rear of the building shall be determined using a measurement triangle, in accordance with the following guidelines (see graphic 2):
1. Extend the average grade line horizontally from the rear face of the house to the rear property line (point A).
  2. Mark the 40-foot rear yard setback (35-foot in the R-2 district) on the horizontal grade line.
  3. At the 40-foot mark (35-foot mark in the R-2 district), extend a 20-foot long line upward and perpendicular to the horizontal grade line. The top of the perpendicular line is point B.
  4. Connect points A and B and extend the line until it intersects the maximum height line established for the front elevation.
  5. No portion of the building may extend into the setback or above the rear elevation maximum height line.

## **SECTION 12.02 – SCHEDULE OF REGULATIONS**

All buildings, structures, uses and parcels of land shall comply with the regulations set forth in the following Schedule of Regulations and footnotes thereto, except as otherwise provided for accessory buildings and structures under Section 13.11.

**Table 12.02 SCHEDULE OF REGULATIONS**

Zoning District	Lot Minimum		Maximum Lot Coverage	Maximum Building Height (feet)	Minimum Setback Requirement (Feet)				Min Floor Area(sq. ft.) per Dwelling Unit <sup>b,j</sup>	Max. 1 <sup>st</sup> Floor Area (sq. ft.)
	Area (sq. ft.)	Width (feet)			Front (Street)	Each Side	Rear	Water Front <sup>c</sup>		
RV, Village Single Family Residential	7,200 <sup>k</sup>	60 <sup>k</sup>	40%	30	25 <sup>m</sup>	10 <sup>a,d</sup>	25	--	1,200	--
RL, Lake Single Family Residential	7,200 <sup>l</sup>	60 <sup>l</sup>	40%	30	25	5 <sup>a</sup>	25	25	900	--
RM, Multiple Family Residential	8,000 <sup>g,h</sup>	70 <sup>g</sup>	35% <sup>g</sup>	40 <sup>g</sup>	25	25 <sup>g</sup>	25	25	i	--
DC, Downtown Center	--	--	--	42 <sup>o</sup>	p	p, f	p, f	--	i	20,000
CC, Commercial Corridor	--	60	40%	42 <sup>o</sup>	25	e, f	f	25	--	--
MU, Mixed Use	--	60	50%	42 <sup>o</sup>	10 <sup>q</sup>	e, f	25	25	900 (single family detached) i (single family attached)	12,500

Gordon stated, for sake of discussion, that the proposed Ordinance creates a zoning category and at this time there is no part of the Village that is incumbered by this zoning category. What is required to make that happen? What do we need to do to make this effective? A change driven by zoning laws, the Master Plan?

Goldberg responded to Gordon that it would be 100% at the request of the private property owners. The Village Council retains the jurisdiction to rezone anyone's land within the Villager Limits without their request but that was not the intent here. The first step to be considered would be Village owned land being rezoned from residential to this category. Private property owners that have this Maser Plan designation would do so at their own request. The existing Master Plan currently has thirteen (13) properties designated to this category.

Hansen mentioned that years ago, there was a rezoning study conducted by the Planning Commission reclassifying zoning districts in the Village to cut done on the non-conforming lots within the Village. Was that because it was all residential and there was no classification change, and could certain residents opt out?

Responding to Hansen, Goldberg clarified the study she was referring to didn't rezone, rather, they amended zoning district categories and the size of the properties that fell within those categories. Since the ordinance already existed the change was done in the form of an amendment. Since this category (PI) didn't exist, a whole new section of the Zoning Ordinance was created to address it with what is proposed.

Lamott stated he was not comfortable with the proposed Ordinance, he felt it may be best to leave things alone.

Goldberg stated that it was untraditional to have a category in your Master Plan that designates a zoning use and then not then have a zoning use section in your ordinance to provide for it. A resident that has land zoned residential, as it is today, and has Master Plan designating as Public Institutional – the Master Plan designation is going to state that. Creating this category, because if there is no zoning category to put the property into; your Master Plan is incomplete. None of the thirteen (13) properties would ever be rezoned without an amendment to the Zoning Map for their property but if you don't have a zoning category to put it into, you have an incomplete zoning category. This recommendation of correction to an inconsistency was brought to the Planning Commission by McKenna, their planning consultant.

(A Master Plan is a land usage policy intended for future use a Zoning Map is for current use.)

**#2021-61 Motion by Seltzer, seconded by Hanke to approve to amend Ordinance 1240.08; and Ordinances 1250 and 1256; Creating a Public / Institutional Zoning District –,**

**amendments are proposed to Chapter 1240.08, Definitions; Chapter 1250, Single-Family Residential Districts; Chapter 1256, C-1 Commercial District; and Appendix B, Schedule of Regulations to address the proposed regulation of land in the newly-created Public Institutional District and to address other Code sections to account for a comprehensive regulatory approach to same as presented.**

**Roll Call Vote**

**Hanke AYE**

**Hansen AYE**

**Saenz AYE**

**Seltzer AYE**

**Gordon AYE**

**Erlich AYE**

**Lamott AYE**

**Motion carried.**

**C. Consider 27281 Ovid Ct. Demolition Application.**

Responding to Gordon, Fraser stated the application was complete.

**#2021-62 Motion by Gordon, seconded by Seltzer to approve the 27281 Ovid Ct. Demolition Application as presented.**

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

**NAYS: None**

**Motion carried.**

**D. Consider Civic Events Permit for Mainstreet Franklin Summer Block Party on August 18, 2021.**

Hanke mentioned that there was an unchecked box on the application that indicated street closure, he asked Couf-Cohen to clarify.

Couf-Cohen stated that Chief Roberts had been contacted and he said no to a street closure.

Seltzer asked Couf-Cohen if Chief Roberts had a reason for denying the street closure. Couf-Cohen said no. Fraser stated Chief had indeed made a comment and he would require additional resources to accommodate overtime.

Hanke insisted the application should request street closure. He strongly felt a street closure would enhance the attendee experience.

Saenz stated his hesitation with moving in a direction contrary to the direction of the Chief of Police in his absence and it was his desire to defer to his decision and that safety is paramount.

The Council agreed that an official request for a street closure should be submitted to Chief Roberts and his decision would stand.

Gordon inquired of parking access and a proposed street closure. The church parking lot and an office building behind the grill. Couf-Cohen stated the road would be closed at Fourteen Mile and

Franklin and at Carol, so motorist going northbound would be diverted to the church and motorist going southbound on Franklin Road would be diverted to the office building parking lot.

The Retailers will be encouraged to participate and offer incentives and/or promotions to spotlight their business'.

Hanke proposed amending the motion to include a request for street closure pending the approval of the Chief of Police, Dan Roberts.

**#2021-63 Motion by Seltzer, Seconded by Erlich to approve the Civic Events Permit for Mainstreet Franklin Summer Block Party on August 18, 2021, to include a request for the street closure, pending the approval of Chief Dan Roberts as amended.**

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

**NAYS: None**

**Motion carried.**

**E. Consider Civic Events Permit for Tot Shabbat on August 14, 2021.**

**#2021-64 Motion by Seltzer, seconded by Gordon to approve the Civic Events Permit for Tot Shabbat on August 14, 2021, as presented.**

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

**NAYS: None**

**Motion carried.**

**F. Consider Civic Events Permit for Movie on the Green on August 4, 11 and 18, 2021.**

**#2021-65 Motion by Seltzer, seconded by Erlich to approve the Civic Events Permit for Movie on the Green on August 4, 11 and 18, 2021 as presented.**

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

**NAYS: None**

**Motion carried.**

**Fraser stated the this a request for the Council to Consider Improvements to Crestwood/13 Mile failed to make it onto the Agenda.**

Fraser recommended the Council approve a request for proposals be sent out to address concerns on Crestwood and Thirteen Mile. The east bound section of Crestwood would remain one lane and the (south)west bound section will be widen two (2) lanes and to create a larger landing pad where the south bound "Y" intersects with Thirteen (13) Mile. Council agreed it was a dangerous intersection, they were open to reviewing bids and exploring other options to correct the problem.

Erlich inquired of Fraser if there were available grant funds the Village could apply for in regard to Thirteen Mile. Fraser was not familiar. Zmich mentioned it is a Tri Fund for Thirteen Mile Road.

**#2021-66 Motion be Seltzer, seconded by Lamott to approve a Request for Proposals be sent out to address concerns on Crestwood and Thirteen Mile.**

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

**NAYS: None**

**Motion carried.**

**G. Discussion Storm Water Maintenance Plan.**

Ed Zmich of Hubbell, Roth, and Clark gave a synopsis of the Storm Water Maintenance Plan. He suggested an estimate of \$40,000.00, to include regular maintenance and any issues uncovered in the process requiring attention, to be added to the budget moving forward. HRC will present a proposal to the Council.

Lamott expressed concern as the recent storm had raised the seriousness of a regular maintenance program. He suggested an amount of \$50,000.00 with a focus on downtown Franklin.

Gordon was interested in a proposal of the current status of the storm water system in order to create a maintenance benchmark. He also mentioned that the Council had not been informed by engineering firms of available grants, now obsolete, that could have funded this issue and he found that frustrating.

Hansen stated that Nowak and Frause (NFE) had done extensive work on the Storm Sewers and their findings could be used to enhance future maintenance efforts. She supports the



maintenance program, but there is a need for more data from NFE and more bids to ensure a fair bid process.

**H. Consider Liquor Committee Recommendation for the Renewal of the Franklin Grill Liquor License.**

Hansen pointed out that the Liquor Committee had not met, so how could it be approved.

Lamott stated there was a list submitted by the Building Official of items that needed to be corrected.

Hansen stated that Dinnan said the liquor license is expiring in 2022 in his report. So, there is no issue.

Fraser will confirm and if so, a Special Meeting can be held.

**XI. ADJOURNMENT**

**Motion by Seltzer, seconded by Saenz to adjourn.**

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

**NAYS: None**

**Motion carried.**

There being no further business, the meeting was adjourned at 9:20 PM.

William Lamott  
Village Council President

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Heather Mydloski  
Village Clerk

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