

**VILLAGE OF FRANKLIN  
REGULAR COUNCIL MEETING  
MONDAY, June 14, 2021, 7:00 P.M.  
Franklin Community Church  
26425 Wellington 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: Ed Saenz, Brian Gordon (arrived at 7:02 PM),  
Pam Hansen, Mark Hanke, Kathy Erlich, and Bill Lamott.

Absent: Mike Seltzer

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

**III. ADOPTION OF AGENDA**

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

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

**NAYS: None**

**ABSENT: Gordon, Seltzer**

**Motion carried.**

**IV. MINUTES:**

**A. Regular Meeting of May 10, 2021**

**Motion by Hanke, seconded by Saenz to adopt the Minutes for the Regular Meeting of May 10, 2021, as presented.**

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

**NAYS: None**

**ABSENT: Gordon, Seltzer**

**Motion carried.**

**B. Special Meeting of June 7, 2021**

**Motion by Hanke, seconded by Saenz to adopt the Minutes for the Special Meeting of June 7, 2021, as presented.**

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

**NAYS: None**

**ABSENT: Gordon, Seltzer**

**Motion carried.**

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

Public Comments were opened by President, Bill Lamott at **7:03 PM**.

### Vic Cestar- 32647 FRANKLIN RD

- Asked for information on the 26320 Normandy.
- Asked Fraser for answers for the questions he had submitted that he stated he had been waiting for two (2) years for in terms of a design.
- What is the cost of the Streetscape plan and how will it impact his residence?

### Fred Kalt- 24596 RIVERWOOD

- Street signs have been removed and added within the last few months. His block Riverwood and Franklin Park Drive have had street signs removed. There is also poor lighting and foliage that inhibits the view. He believes they should be replaced as he feels strongly it is a safety hazard. He read the report on the Traffic sign report, and it did not address the signs he is referencing.
- Lamott thanked him for his comment and said he would take it back to the engineers and get him an answer.

### Randy McElroy- 30575 WOODSIDE

- Thanked Lamott for allowing in person meetings to resume.
- Expressed his displeasure with Trustee Seltzer's attitude at the June 7, 2021, Special Council Meeting.

### John Simon- 30320 KINCARDINE

- Expressed his displeasure with Trustee Seltzer's comments to other Council Members at the June 7, 2021, Special Council Meeting.

### David Sahli- 26172 MEADOW

- New Business: Implored the Council to postpone the appointment of all Boards and Commissions and handle it in the Personnel Committee. Some inconsistencies with the current process showed inconsistencies as presented to the DE&I Committee. He felt strongly that proper policies and procedures could be initiated to bring consistency to the current process.
- Asked the Council if the Personnel Committee was part of the Council's decision-making process for Board/Commission appointment.

### Natalya Shub- 32334 FRANKLIN RD

- She asked for clarification if she was allowed two (2) minutes as a whole or two (2) minutes per subject. Lamott clarified that she had two (2) minutes at this time but was welcome to come back and talk on each subject of interest.
- Thanked the Council for their vote to Approve Change Orders and Funding for Sidewalk Construction along Franklin Road-Summer, 2021.

Public Comments were closed by President, Bill Lamott at **7:26 PM**.

## VI. REPORTS OF VILLAGE OFFICERS AND AGENTS

### Dan Roberts, Police Chief

- Reviewed Submitted Report.
- Incidents are up as COVID-19 restrictions begin to lift; there is a large increase in traffic violations, accidents as a result. There is still an issue with motorists traveling the wrong way down Franklin Road during the construction.
- United States Department of Justice (USDJ) Grants are being offered, two of interest are for the purchase of body camera and police department accreditation.
  - Body cameras will not be a significant portion as the department has already upgraded the system and the cost is nominal comparatively. The issue is data storage costs.
  - Grants from the USDJ can provide additional staff to assist with the polices and procedures of a State of Michigan through the Michigan Association of the Chiefs of Police Accreditation Process.
- Thanked Mydloski for serving as the interim Mobile Watch President. Acknowledged Nena Downing as the newly appoint Mobile Watch President. He mentioned that Downing was off to a great start with many ideas to increase involvement and exposure. He invited residents to contact him with questions, he would be happy to speak with them about the program.
- Hansen asked about the use of body cameras by the department; she pointed out it had not been a priority in the past and that seemed to have changed. Roberts explained the entire discussion around body cameras with the state legislature was evolving. It will take time and proper research to properly assess the situation and decipher the best polices and procedures. Currently his patrol cars are recording, so body cameras will not be a significant change.
- In response to Gordon, Roberts explained his staff was adequate and stable and he did not anticipate any changes. Roberts further mentioned that, with the retirement of Hirschfeld, another part time officer is needed. However, there was no rush as it is imperative to acquire the right candidate.

### Tony Averbuch, Fire Chief

- Reviewed Submitted Report.
- This spring, there has been a higher response rate due to general illnesses.
- Encouraged residents to consider their usage and subsequent maintenance requirements for their appliances, to ensure they are safe. Example: Gas BBQ's need to be cleaned after every use, but if they should catch on fire, turn off the gas and close the lid.
- Thanked Downing for contacting him to inquire if she could obtain a one sheet, Knox Box pamphlet to distribute for Mobile Watch.
- In response to Gordon, Averbuch defined that Knox Boxes were around \$200.00 and were mandatory for commercial use but voluntary for residential use per our ordinances.
- Averbuch invited residents to contract him directly when they purchase a Knox Box and he would assist them with optimal placement on their residence.
- Thanked the Village, FCA and Mydloski for publishing his Public Release:

**Subject: Phone number change for FBFD fire and EMS alarm provider notifications**

the Franklin Bingham Fire Department encourages all persons located within our village boundaries to contact us by phone at 9-1-1 for assistance with emergency medical or fire needs. This includes those persons physically located in Franklin, Bingham Farms, and the northwest portion of Southfield Township, Oakland County, MI.

For residences or businesses that use the services of off-site fire or medical alarm monitoring, we encourage you to contact your alarm system provider and ask them to use the following number for emergency fire or medical alarm notifications: **(248) 626-5444**

By having your alarm provider contact us at **(248) 626-5444**, any fire or medical emergency in the villages will afford dispatch of both fire department and police resources to aid. Tony Averbuch, Fire Chief (248) 626-9862.

## VII. SUBMISSION OF CURRENT BILLS

Lance Vainik, Village Treasurer

- Council reviewed Submitted Report.

<b>Totals: 06-14-2021</b>	
<b>CATEGORY</b>	<b>SUB TOTALS</b>
General	\$ 65,386.79
Major Streets	\$ 3,783.43
Local Streets	\$ 563.37
Police	\$ 64,315.20
Garbage and Rubbish	\$ 15,370.01
Building Dept.	\$ 10,561.55
Library	\$ 4,337.16
Street Project	\$ 570.00
Road Millage	\$ 500.00
Pressure Sewer	\$ -
Tax Collection	\$ 365.44
Wastewater	\$ 1908.00
<b>TOTALS</b>	<b>\$ 167,660.95</b>

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

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

**NAYS: None**

**ABSENT: Seltzer**

**Motion carried.**

## VIII. SPECIAL REPORTS

### A. President's Report

Bill Lamott, Village Council President

- No report.

### B. Council Report

Trustee Pam Hansen

- Streetscape plan was approved to continue sidewalks from Hawthorne to Thirteen Mile. Karen Couf-Cohen will provide weekly updates.

Trustee Mark Hanke

- Informed the Council of the newest addition to the coveted Boy/Girl Scout Eagle Scout. The award recipient is a female and the first female Eagle Scout in Franklin, Hanke was exceedingly proud of this accomplishment.

Trustee Brian Gordon

- Asked Fraser and Gojcay for an update on the question raised at the previous Council for the Open Meetings Act for all Village meetings.
- Gojcay stated that Currier was ill, and he would need to confer with him and get back to Council on the update.
- Fraser stated the Committee meetings need to be posted and minutes need to be taken.
- Gordon suggested an annual calendar for each committee and subcommittee to be established at the annual Organizational meeting.
- Erlich questioned why only three (3) council members could attend the committee meetings. She expressed her displeasure with not being able to attend.
- Fraser clarified that if more than three (3) Council members were in attendance, a majority would be present and an action could be taken, this would violate the Open Meetings Act. Fraser told Erlich that minutes will be taken, and she could refer to those to obtain the necessary information.

**C. Administrator Report**

Roger Fraser, Village Administrator

- Fraser informed Council of the downside of using the Franklin Community Church for Council Meetings as it was an excessive effort required by his staff that was already over extended. He praised former Village Clerk, Eileen Pulker for volunteering her personal time to assist Rota and Mydloski with the set up.
- He informed Council of his recent meetings with Steve Sutton and Tim Baugher from Novak & Frause Engineers on the Streetscape project and specifically the rock wall along Franklin Road.
- Fraser stated that communication to impacted residents and the business community was essential. Cohen will provide construction updates.
- John Simon- 30320 KINCARDINE Informed Council there was a flood in front of the Slade House on Franklin Road with the last rainfall. Fireman had to cut the material in front of the drain cap to allow the water to recede. He asked how it would be repaired.
- Fraser informed Simon that the mesh keeps the storm drain from passing debris into the storm sewer and ASI was aware of the situation and will further monitor the situation.
- Erlich asked how long the streetlights were scheduled to illuminate at night. Fraser said he believed they had a light sensor, but was unsure of how long they are programmed to be lit.

**D. Main Street Franklin Report**

Trustee Mark Hanke

- High quality candidates for the Economic Development Director had been obtained and interviews are commencing. Updates coming soon.
- Cindy Ciura was hired through a grant to assist Main Street for six (6) months. She has exceeded expectations and will be retained for another six (6) months by Main Street Franklin.
- Karen Couf-Cohen, Village Communications highlighted an event coming soon, the Main Street Summer Block Party. It has been tentatively scheduled for August 19, 2021, with music, food trucks and merchant sidewalk sales. A Civic Events Permit will be submitted to Council for approval.

### **E. Planning Commission Report**

David Goldberg, Planning Commission Chairman and Nena Downing, Planning Commissioner

- Informed Council that McKenna Planner Sarah Traxler had resigned and would be greatly missed. Chris Doozan will be working with the Planning Commission again and brings a wealth of experience and history with the Village.
- The Master Plan is still in progress.
- Safety Pathways are currently being evaluated.
- An evaluation of Village owned properties is in progress and information is being obtained on how they are maintained.
- The PC annual report was submitted to Council. There was a three (3) year lapse in submission, but they are confident the report will be submitted to Council annually from now on.

### **F. Diversity Equity & Inclusion Committee Report**

David Sahli, DE&I Chairman

- Reviewed Submitted Report.
- Hanke commended Sahli for his initiative and leadership. He further stated the submitted report was thorough and produced the requested deliverables promised at the time the committee was instituted.
- Hansen also commended Sahli for his excellent work. She stated that the Council should consider the report submitted by the DE&I Committee and they should continue their work.

**#2021-45 Motion by Hansen, seconded by Hanke to accept the report of the Diversity, Equity, and Inclusion Committees recommendations.**

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

**NAYS: None**

**ABSENT: Seltzer**

## **IX. OLD BUSINESS**

### **A. Water Survey Report by Jamie Burton of Hubbell, Roth & Clark**

**HRC-Power Point Presentation as follows:**

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In August 2020, Village Council committed to a goal of safe, sufficient, high-quality water for everyone in the Village with the adoption of a "Resolution on Water."

Village Council adopted as their long-term responsibility to develop a multi-step plan to assure all Franklin residences, businesses and public facilities have perpetual access to sufficient, long-term supplies of high-quality water, at reasonable costs.

Village Administrator was directed to prepare a “recommended blueprint of research and planning to define the recommended steps for realizing Council’s goal to arrange for and assure adequate supplies of high-quality water for all Franklin citizens.”

Fall 2020 through Spring 2021, Hubbell, Roth & Clark, Inc. (HRC), National Research Center survey specialists at Polco, and Village of Franklin (Survey Committee)

Designed, prepared, and distributed a Village-wide survey pertaining to the quality, aesthetics, usage, maintenance/testing, perceived safety, and general satisfaction of property owners’ well water.

Slightly more than half of the respondents appear to be satisfied with their existing well water system. Issues and concerns exist throughout the Village.

Education and training of various types of treatment and well system upgrades are key factors in addressing many of the concerns and issues that some property owners currently have.

HRC performed numerous iterations and two (2) types of distinct analyses using GIS software.

Spatial analysis - geographical analysis which seeks to explain patterns of human behavior and its spatial expression in terms of locational analysis (i.e., nearest neighbor analysis).

Tabular analysis - analysis of data presented as a correlation matrix, or tables made up of rows and columns, which compares the results of each question against every other question.

Objectives/Goals:

Check for geographic patterns within the survey results.

Identify patterns throughout the entire data set generated for every question.

Spatial analysis methods did not yield any noteworthy local spatial patterns which would suggest that the survey results should be viewed in aggregate across the entire Village.

A focused review of the business district was also done in which respondents reported a higher rate of poor tasting water. However, respondents did not report corresponding negative water test results.

Comments from the business district may be reflective of the investigation and remediation of the contamination site.

The following notable correlation trends in the correlation, or tabular, matrix were as follows:

If a respondent is experiencing one problem with their well water, they likely experience additional problems.

The most frequent smell issue reported is a rotten egg/musty smell.

Lower well capacity and volume tends to result in respondents experiencing more issues with their well water. Respondents who do not know one characteristic of their well likely do not know other

characteristics either, Respondents who experience more problems with their well water also spend more money on their well water system on an annual basis.

The longer a respondent has lived in the Village, the better they feel their well water to be, and The longer a respondent has lived in the Village, the less testing they have performed on their well water system.

No geographic “hot spots” for perceived water quality issues.

Property owners may want to consider improved maintenance, testing, and treatment options. Individual areas/subdivisions/streets may want to consider an alternate source. This could be as simple as combining wells into a small collective system or installing a community/subdivision irrigation well systems.

Depending upon the location, obtaining an individual municipal water service from a neighboring community may be possible.

What is the role of the Village in helping its residents with water?  
Village could consider a protocol for providing information to property owners for: maintenance and testing; options for treatment; and establishing a process for property owners to petition for a special assessment district (S.A.D.) with neighbors for a local water project.

The Village could arrange for public information meetings/trade shows for Village property owners with water vendors who specialize in well drilling and maintenance and well system maintenance, treatment, and replacement.

Possible solutions that include shared water services between separate properties will need additional review considering the Village Charter.

Once the role is defined, recommendations can be refined, leading to actionable items and comprehensive report of the issues and solutions related to Village water.

### **END REPORT-HRC-Power Point Presentation**

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Gordon suggested a subcommittee be formed to provide the necessary education for residents on the current and future of their water.

Saenz reviewed the water survey and pointed out the results of the water survey seemed to indicate that the water was completely safe and there was no current contamination risk. He asked how we could know that every well was safe? Burton said it was fair to say that every well may not be safe because every well has not been tested. Discussion ensued on wells and the costs replacement of wells. Saenz stated that due to the high cost of inevitable replacement, municipal water needs to be part of future discussions.

Hansen’s biggest concern is water safety, and she recognizes it is a necessary component for future policy implementation. She asked that we think about our role and is there a need for municipal water in some shape or form? She mentioned that the downtown was in an EGLE contaminated zone that is



costly. The Fire department would love to have access to water to improve the safety of all residents. She mentioned that the EGLE Ground Water report concluded that contamination is a risk for the future, leaked into the aquifer where people draw water from their wells.

Burton responded to Hansen that the EGLE Ground reporting, the Health Department indicated that the Village has safe water, and he wanted to be clear on that as to squash any misunderstandings. There are perceptions of the safety of the water as well that lead residents to jump to conclusions. We are a community of private wells and that is the resident's issue to deal with. Any bigger solution to include the idea of municipal water would take time and careful planning.

Hanke reiterated the water is safe to drink at this present time.

When Lamott read the report, he felt the residents needed to be educated to alleviate their concerns. He suggested a Special Meeting with HRC would be prudent to address concerns and questions from the residents.

~~Erlich~~ and Hanke acknowledged the high percentage of residents that participated in the study, but she stated the fact that half were still not satisfied. It is her desire to lessen the percentage of residents unhappy with their water.

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 suggested a subcommittee be created to educate the community by identifying their concerns and alleviate their negative perception of water quality in the Village.

**#2021-46 Motion by Hanke, seconded by Hansen to develop a temporary subcommittee to address water quality, water safety and the future of water quality and safety in the Village of Franklin, to include deliverables and recommendations.**

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

**NAYS: None**

**ABSENT: Seltzer**

**Motion carried.**

## **B. Discussion Streetscape/Sidewalk**

- Saenz asked if the numbers submitted from the Special Council Meeting were the same as submitted today. Fraser responded that the amounts attributed to each area are the same what is different is the balances for the major and local street funds, they were less than what he had projected. Saenz asked what the impact of that was? Fraser responded there was no impact as they were not materially different. He reassured the Council that we had a reasonably steady flow of income from the state that funds the major and local street funds. The amount in the local and street funds are lower by \$400,000.00 but the amount in the fund is still positive, so we have

sufficient funds. The number is still a positive number, and the balance and effects of that number are less than he had previously characterized.

- Erlich asked how much of our funds should be held in reserve. Fraser did not have an immediate answer. Fraser to follow up with Council.
- Gordon asked Fraser to confirm the Village has adequate funds to complete the Streetscape as planned. Fraser stated the Village had adequate funds to complete the Streetscape as planned.

**X. NEW BUSINESS**

**A. Consider Adoption of Millage Rates for Fiscal Year 2021-2022, beginning July 1, 2021.**

Lamott stated there was a clerical error in column ten (10) that had 2.5878 on the top line, and it should be adjusted to mirror column nine (9) that had the correct entry of 2.5758. He asked that the form be amended to have column nine (9) and ten (10) mirror each other on the top line.

**#2021-47 Motion by Gordon, seconded by Saenz to adopt the Millage Rates for Fiscal Year 2021-2022, beginning July 1, 2021, as amended.**

(1) Source	(2) Purpose of Millage	(3) Date of Election	(4) Original Millage Authorized by Election Charter, etc.	(5) ** 2020 Millage Rate Permanently Reduced by MCL 211.34d "Headlee"	(6) 2021 Current Year "Headlee" Millage Reduction Fraction	(7) 2021 Millage Rate Permanently Reduced by MCL 211.34d "Headlee"	(8) Sec. 211.34 Truth in Assessing or Equalization Millage Rollback Fraction	(9) Maximum Allowable Millage Levy *	(10) Millage Requested to be Levied July 1	(11) Millage Requested to be Levied Dec. 1	(12) Expiration Date of Millage Authorized
Charter	General Operating	Jun-54 Or	3.5000	2.5911	.9941	2.5758	1.000	2.5758	2.5758		
Charter Am	Fire	03/15/74	1.5000	0.9114	.9941	0.9060	1.000	0.9060	0.9060		
Voted	Fire	02/28/12	0.5414	0.5146	.9941	0.5115	1.000	0.5115	0.2334		2031
Voted	Library	03/10/73	1.0000	0.6074	.9941	0.6038	1.000	0.6038	0.6038		
Resolution	Rubbish	09/10/73	3.0000	1.8233	.9941	1.8125	1.000	1.8125	0.5109		
Voted	Roads	11/08/16	n/a	n/a	1.0000	n/a	1.000	n/a	2.8932		

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

**Motion carried.**

**B. Introduction (1<sup>st</sup> reading) to approve the amendment of 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.**

Downing informed the Council that a Planning Commissioner had noticed Garden Fence Enclosures (GFE) going up throughout the Village and brought it to their attention. It was apparent that installation parameters needed to be defined.

Gordon thought the regulations of the GFE's were inconsistent with the desired rural feel of Franklin.

Saenz asked if the fences currently in the Village were non-conforming to the existing of ordinance. Goldberg confirmed that every single one was currently non-conforming and therefore in violation of the ordinance.

Goldberg responded to Gordon and Saenz by explaining that what was present was in current violation of the Village's existing fence ordinances making it necessary to add parameters for these structures to allow resident compliance. He further explained that residents sought a solution to protect their gardens from wildlife, specifically because they love the rural feel of Franklin, but the wildlife pose a challenge to their garden enjoyment.

**#2021-48 Motion by Hanke, seconded by Hansen to approve amendment of 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 (1<sup>st</sup> reading.)**

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

**NAYS: None**

**ABSENT: Seltzer**

**Motion carried.**

- C. Introduction (1<sup>st</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.**

Lamott asked Goldberg to give a background.

Goldberg described the future land use map of 11 properties identified as Public, Quasi Public Institutional Land Uses, (green areas on the submitted map.) McKenna, our planning consultant recognized that our current ordinance fails to have a correlative zoning category. Right now, all the uses that we call Public, Quasi Public Institutional Land Uses are special land uses and special permitted uses in the residential zoning district except for the fire station and the post office. Usually

in a municipality these types of land uses have a specific category with defined standards; it is unusual that the Village did not already have one.

**#2021-49 Motion by Gordon, seconded by Hanke to approve the amendment of 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. (1<sup>st</sup> reading.)**

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

**NAYS: None**

**ABSENT: Seltzer**

**Motion carried.**

**D. Discussion JenStan Nature Preserve Path, Easement pathway and Village owned open spaces.**

- Hanke asked for a history of this agenda item.
- Lamott stated the Village owns three (3) acres of land known as the JenStan Nature preserve. It was donated by a Village resident.
- Erlich pointed out that the Village resident that donated the land asked that it be a nature preserve.
- Gordon asked Erlich if the resident donated monies along with the land to be maintained as a nature preserve? No funds for maintained were donated, just the land.
- Goldberg explained the Historical Society brought the JenStan request before the Council and the Council brought it before the Planning Commission but with little to no direction. Goldberg has evaluated the property and loves the idea of a pathway, however more information is needed for the PC to ascertain the usability for the benefit of community enjoyment.
- Goldberg had personally evaluated the Village owned properties and submitted a report to the Council. He informed Council that not all the properties were usable and able to be increased or enhanced. He said nothing had been done to invest in the Village owned land. The PC had

identified all the properties. Some would be cleaned but remain unused due to numerous factors.

- The PC needs a better plan submitted and with concrete information for a proper analysis.
- Hansen spoke of her strong desire for connectivity throughout the Village.
- Hanke asked Lamott to recuse himself from the discussion as President of the Historical Society. Lamott clarified that he was not the President of the Historical Society but recused himself.

#### **E. Consider Village Administrators Staffing Request.**

The Personnel Committee met with Fraser and concluded they support his recommendation.

Saenz asked Fraser for clarification on Finance, Admin and HR line item in the current budget which lists none. Fraser clarified that the current position is a contract position paying \$40,000.00 per year and on a part time basis. The contract position will be replaced with an employee that will work full

time. The individual currently contracted is aware of this change and is not interested in the full-time position.

Saenz asked Fraser for the process of the staffing request; was it the role of the DE&I Committee, the Personnel Committee, or the Village Administrators function?

Fraser responded to Saenz the roles of the Personnel Committee are not clearly defined. He further mentioned the Personnel committee was welcome to play any role necessary to achieve the desired result.

Lamott questioned the funding for the staffing request and stated there was a \$400,000.00 deficit according to the approved 2021-2022 Budget. He was concerned there was not a plan to make that up and that the current plan was unsustainable, and layoffs could occur.

Erich asked how we can balance the Budget to accommodate these changes. Fraser said it was his job and he was committed to achieve it and the additional staff would assist him in that process.

**#2021-50 Motion by Gordon, seconded by Hansen to adopt the Village Administrators Staffing Request based upon the recommendation of the Personnel Committee as presented.**

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

**NAYS: Lamott**

**ABSENT: Seltzer**

**5-1, motion carried.**

**F. Receive the Planning Commission 2020 Annual Report.**

The Planning Commission 2020 Annual Report was received.

**G. Consider a Temporary Waiver of Permit Fees for the Fencing at Franklin Historic Society Building at Thirteen Mile.**

Lamott recused himself but asked to make a comment. Gojcaj agreed he could do so.

Lamott stated the Historical Society replaced the cyclone fence with a wood rail fence, the cost was \$600.00 with a \$200.00 permit fee, when he saw the cost, he felt it was unreasonable.

Lamott asked Gordon to take over as the President Pro-Tem. Gordon took over this portion of the meeting due to Lamott's recusal.

Hanke did not think it was fair to issue a wavier for the permit.

Hansen pointed out that in the past, the Franklin Library had requested permit waivers and were denied.

Gordon asked Fraser why there was a \$200.00 fee for a \$600.00 project? Fraser deferred to Martin who clarified the \$200.00 fee was a minimum fee requirement.

**#2021-51 Motion by Erlich, seconded by Saenz to approve the temporary waiver of permit fees for the fencing at the Franklin Historic Building at Thirteen Mile.**

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

**0-5, motion failed.**

**H. Consider Appointment to Historic District, Historic Study Committee, Planning Commission and Zoning/Sign Board of Appeals.**

Hanke started to make a motion to state that the Personnel Committee should handle the appointments of Boards and Commission.

Gordon disagreed and reminded him of the Charter stipulation that all Boards and Commissions are to be appointed by the Village Council. He said a public forum was the best course of action to obtain feedback from the residents.

Natalya Shub shared her recent, negative experience as a Board applicant. She expressed her displeasure with the process as she felt the Council had already made a choice and she was not seriously considered.

Hansen spoke up in defense of Shub's negative experience and implored the Council to consider a way to create opportunities for new people. Lamott was concerned with attracting new people also but did not want to kick people off of a Board or Commission if they are doing a great job.

Hansen mentioned that normally there are few candidates that apply, and the Board are scrambling to fill a position. All agreed that the current process needed to be evaluated to ensure a fair and consistent process with fair and objective criterion, so we are not subject to discrimination.

Sahli implored the Council to remain fair in the process and to consider all aspects of a candidate in the process.

- 1. #2021-52 Motion by Sanez, seconded by Erlich to appoint Mike Brassfield, Laura Witty and Alex Stchekine to the Historic District Commission for a three (3) year term starting in July of 2021 and ending in July of 2024.**

**Roll Call Vote**

<b>Saenz</b>	<b>AYE</b>
<b>Erlich</b>	<b>AYE</b>
<b>Hanke</b>	<b>AYE</b>
<b>Hansen</b>	<b>AYE</b>
<b>Gordon</b>	<b>AYE</b>
<b>Lamott</b>	<b>AYE</b>

**Motion carried.**

- 2. #2021-53 Motion by Gordon, seconded by Saenz to appoint Gary Roberts, Amanda Davis, Eileen Harryvan, Nena Downing and Fred Gallasch to the Historic District Study Commission.**

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

**NAYS: None**

**ABSENT: Seltzer**

**Motion carried.**

- 3. #2021-54 Motion by Gordon, seconded by Saenz to appoint Paul Brakeman, Nena Downing and Peter Halick to the Planning Commission for a three (3) year term starting in July of 2021 and ending in July of 2024.**

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

**NAYS: None**

**ABSENT: Seltzer**

**Motion carried.**

- 4. #2021-55 Motion by Hanke, seconded by Gordon to appoint Randy Brakeman and Angelina Sulaka to the Zoning/Sign Board of Appeals for a three (3) year term starting in July of 2021 and ending in July of 2024.**

**Roll Call Vote**

<b>Hanke</b>	<b>AYE</b>
<b>Hansen</b>	<b>AYE</b>
<b>Gordon</b>	<b>AYE</b>
<b>Saenz</b>	<b>AYE</b>
<b>Erlich</b>	<b>NAY</b>
<b>Lamott</b>	<b>NAY</b>

**4-2, motion carried.**



**I. Consider Civic Event Permit Application for the Franklin Community Association Music on the Green on July 21, 2021.**

Angie Hanke, Franklin Community Association representative submitted the permit request to Council.

The Council was excited for the Music on the Green to be back after the COVID-19 pandemic.

**#2021-56 Motion by Hanke, seconded by Erlich to approve the Civic Event Permit Application for the Franklin Community Association Music on the Green on July 21, 2021, as presented.**

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

**NAYS: None**

**ABSENT: Seltzer**

**Motion carried.**

**J. Introduce an Ordinance to Amend Section 1042.3 of Chapter 1042, Sewer Use and User Charges, of Part Ten, Title Four of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Modify Sewage Disposal System Rates and Charges, and Repeals Conflicting Ordinances (first reading.)**

ORDINANCE NO. 2021-01

AN ORDINANCE TO AMEND SECTION 1042.13 OF CHAPTER 1042, SEWER USE AND USER CHARGES, OF PART TEN, TITLE FOUR OF THE CODIFIED ORDINANCES OF THE VILLAGE OF FRANKLIN, OAKLAND COUNTY, MICHIGAN, TO MODIFY SEWAGE DISPOSAL SYSTEM RATES AND CHARGES, AND REPEAL CONFLICTING ORDINANCES.

THE VILLAGE OF FRANKLIN ORDAINS:

Section 1. Section 1042.13 of Chapter 1042 of the Codified Ordinances of the Village of Franklin shall be amended, as follows:

**1042.13 RATES AND CHARGES**

The rates for use of the sewer system shall be as follows for all users of the system, whether inside or outside of the Village limits:

- (a) Sewage Disposal Charge. A quarterly charge for sewage disposal shall be made to each premise connected to the Village of Franklin Sewage Disposal System in the amount of two hundred ninety seven dollars and sixty two cents (\$297.62) per residential equivalent unit (REU) quarterly or as may be established from time to time. All residential customers with simplex grinder pump installations will be assigned a value of 1 REU. All residential customers with duplex or centrifugal

pump installations will be assigned a value of 1.5 REUs. REU assignments for all nonresidential customers will be based on the current Schedule of Unit Assignment factors, as set forth in Section 1042.14.

- (b) For any customers who elected not to pre-pay for grinder pump alarm installations, the quarterly charge will be \$82.33 per REU, and \$65.86 per REU for those who installed their grinder pump alarm panel after December 31, 2014.
- (c) Service Fee. A fee of two hundred fifty dollars (\$250.00) per service call shall be charged for all customer-related grinder pump repairs or replacements due to system misuse, excessive water discharge, customer power interruptions, non-grinder pump odors, internal plumbing issues, sump pumps, well problems and other issues not directly related to the actual operation of the grinder pump. A customer may appeal the assessment of a service fee to the Village Administrator who may waive the fee upon determining the customer was not negligent or at fault for the service call.

- (d) Industrial Surcharge. An industrial surcharge shall be levied against industrial and commercial customers contributing sewage to the system with concentrations of pollutants exceeding the levels described as follows:

275 milligrams per liter (mg/l) of Biochemical Oxygen Demand (BOD).  
350 milligrams per liter (mg/l) of Total Suspended Solids (TSS).  
12 milligrams per liter (mg/l) of Phosphorus (P).  
100 milligrams per liter (mg/l) of Fats, Oils & Grease (FOG).

<u>Amount of Industrial Surcharge</u>	<u>Total Charge Per Pound of Excess Pollutants</u>
Biochemical Oxygen Demand (BOD)	\$0.347
Total Suspended Solids (TSS)	0.476
Phosphorus (P)	6.368
Fats, Oils & Grease (FOG)	0.111

It is assumed that normal domestic customers do not contribute sewage with concentrations of pollutants exceeding the above levels. Therefore, the Industrial Surcharge will not apply to domestic customers. Further, restaurants shall be exempt from Industrial Surcharge per Federal Court Order "Second Interim Order," dated July 10, 1981.

- (e) Industrial Waste Control (IWC). Each nonresidential user will be billed for industrial waste control based on an assigned water meter size from the following size schedule and the following charge schedule.

#### SIZE SCHEDULE

Units Assigned in Accordance with the Current Oakland County Water  
Commissioner's Assigned Water

<u>Schedule of Unit Assignment Factors</u>	<u>Meter Size (inches)</u>
1 – 4	5/8 and ¾
5 – 10	1
11 – 20	1-1/2
21 – 32	2
33 – 64	3
65 – 100	4
101 – 200	6

## CHARGE SCHEDULE

<u>Meter Size (inches)</u>	<u>Monthly Industrial Waste Control (IWC) Charge</u>
5/8	\$ 3.54
3/4	5.31
1	8.85
1-1/2	19.47
2	28.32
3	51.33
4	70.80
6	106.20
8	177.00
10	247.80
12	283.20
14	354.00
16	424.80
18	495.60

Non-residential users shall be defined as users other than those in single family houses, apartment buildings, condominiums, town houses, mobile homes, schools, churches, and municipal buildings.

Section 2. Severability. This ordinance and each Chapter, section, subsection, paragraph, subparagraph, part, provision, sentence, word and portion thereof are hereby declared to be severable; and if they or any of them are declared to be invalid or unenforceable for any reason by a court of competent jurisdiction, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

Section 3. Repeal, Effective Date, Adoption.

- (1) Repeal. All regulatory provisions contained in other Village ordinances which conflict with the provisions of this ordinance are hereby repealed.
- (2) Effective Date. This ordinance shall become effective on July 1, 2021 after its publication on June 27, 2021.
- (3) Adoption. This ordinance was adopted by the Village Council of the Village of Franklin at a meeting thereof held on June 14, 2021.

M. Drew Sandahl, P.E. submitted a report to Council and was present to address their questions.

In response to Gordon's question, Sandahl stated that rates will be increased 3.5% for users that prepaid for the grinder pump alarm panel project. Rates will be increased 2.3% for users that did not pre-pay for the project. (EXAMPLE: Let us assume that pre-paid user pays \$100 and regular user pays \$200. And the total operational increase that we are recommending is \$10 per user. So, that represents a 10% increase for the pre-pay customers but only a 5% increase for the regular user. They both have the same dollar increase. But, because the regular user has a higher starting bill, their percentage increase is smaller.)

Sandahl mentioned the alarm panels were doing their job and as a result service calls have dropped significantly.

In response to Hanke, Sandahl explained the low-pressure sewer system was more expensive compared to gravity systems that are used in our surrounding communities simply due to the high-cost maintenance costs. It was determined that Franklin could not convert to a gravity system. Basically, it was more expensive to maintain due to the fact not all residents are on the pressure sewer system.

Hansen pointed out that we have 716 low-pressure sewer systems connections out of the 1300 or so parcels in Franklin. Looking at an inefficient system, wouldn't it make sense to investigate an overall conversion overtime? Sandahl said it was worth pursuing. Hansen asked Fraser to follow up with Sandahl on the subject.

**#2021-57 Motion by Erlich, seconded by Hanke to waive the second reading and approve the Ordinance to Amend Section 1042.3 of Chapter 1042, Sewer Use and User Charges, of Part Ten, Title Four of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Modify Sewage Disposal System Rates and Charges, and Repeals Conflicting Ordinances as amended.**

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

**NAYS: None**

**ABSENT: Seltzer**

**Motion carried.**

**XI. ADJOURNMENT**

**Motion by Erlich, seconded by Hanke to adjourn.**

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

**NAYS: None**

**ABSENT: Seltzer**

**Motion carried.**

There being no further business, the meeting was adjourned at 11:27 PM.

William Lamott  
Village Council President

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Heather C. Mydloski  
Village Clerk

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