

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

I. CALL TO ORDER

The meeting was called to order by President Bill Lamott, at 7:01 P.M. on Monday, March 08, 2021 via Zoom.us©.

II. ROLL CALL

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

Absent: None

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

III. ADOPTION OF AGENDA

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

Roll Call Vote

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

Motion carried.

IV. MINUTES:

A. Regular Meeting of February 08, 2021

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

Gordon corrected an error on page four (4), the word needed to be changed from censor to censure. Mydloski was instructed to correct the error.

Motion by Seltzer, seconded by Gordon to approve the Regular Meeting Minutes of February 08, 2021 as amended.

Roll Call Vote

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

Motion carried.

V. PUBLIC REQUESTS AND COMMENTS

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

A. Representative Kyra Harris Bolden

Ravynne Gillmore spoke on behalf of Representative Kyra Harris Bolden.

- She highlighted the current legislature and upcoming events. She invited the Council to participate and also to subscribe to the Newsletter.
- Lamott inquired of the status of municipal meetings at the end of the month in relation to Governor Gretchen Whitmer's Executive Order.
- Gillmore responded that she did not have an answer at the moment but would look into it and get back with Lamott.
- Fraser inquired of the Open Meetings Act requirement and how it relates to restricting attendees, ending virtual platform and the potential costs passed on to the Village to accommodate the state mandated restrictions.
- Gillmore asked for some time to report back and let the Council know if they had to make alternate arrangements.

Katie Weaver

- She is the Board President of the Greater Metropolitan Board of Realtors.

- Spoke in favor of Short-Term Rentals.

Jamie Hope

- Spoke in favor of Short-Term Rentals.

Megan and Nick Hopkins

- Spoke in favor of Proposal 1.

Ross Macbeth

- Spoke in favor of Proposal 1.

Liz Connolly

- Requested that the Council review the process of posting meeting minutes online. She felt strongly that the information needed to be available soon after a meeting took place to allow the public enough time to familiarize themselves with the current issues and become prepared for the next monthly meeting.

Jennifer Kozick

- Spoke not in favor of removing stop signs, as she feels it creates a safety hazard.
- Lamott asked Roberts to weigh in on her stop sign concern.
- Roberts reiterated that Hubbell Roth and Clark, the Village Engineering Firm, performed the Traffic Study and made the recommendations and the Police department had nothing to do with the street sign placement. He further mentioned that statistics proved that multiple stops signs in a proximity were indeed likely to create a safety hazard as motorist tended to roll through them or avoid them completely.
- Gordon asked Kozick to put her concern in writing and submit it to the Village and the Police Department.
- Hanke asked that this topic be discussed again so the public can understand the Traffic Study clearly.

Rick Notter

- Spoke not in favor of short-term rentals.

Kristen Wolfe

- Spoke in favor of stop signs and stated she would write a letter to the Village and FBFPD as well.

Josondra Notter

- Spoke not in favor of short-term rentals.

Public Requests and Comments were closed at 7:38 PM by President Bill Lamott.

VI. RECEIVE RECOMMENDATION FOR A NEW VILLAGE ATTORNEY

#2021-20 Motion by Seltzer, seconded by Gordon to retain the services of Timothy J. Currier of Beier Howlett Law Firm.

Seltzer thanked John Staran, the former Village Attorney, for his faithful service to the Village over the past two decades. He further stated that there had been a change in every position in the Village Administration in a short time and it made sense to revisit and review the position of Village Attorney as well. He stated that the committee recommended Timothy J. Currier of Beier Howlett Law Firm.

Gordon elaborated on the Legal Committees process to retain the right individual. He was pleased with the quality of candidates that responded. He stated nine (9) candidates were contacted by the Legal Committee, from law firms comparable in size and locality. Four (4) were extensively interviewed, proved professionally qualified. Currier emerged as a front runner as he was adequately prepared and knowledgeable of the community. Gordon further mentioned that Staran was still in the running, but had tendered his resignation, while the search was still in progress.

Hansen asked for clarification from the Legal Committee on a contingency clause for performance or associated costs.

Gordon and Seltzer felt strongly the committee had done its due diligence and retained the correct individual but agreed with Hansen that it would be prudent to amend the motion to include a contingency.

#2021-21 Motion by Seltzer, seconded by Gordon to retain the services of Timothy J. Currier of Beier Howlett Law Firm subject to a satisfactory negotiation of the contract conducted by the Village of Franklin Legal Committee as amended.

Roll Call Vote

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

Motion carried.

VII. REPORTS OF VILLAGE OFFICERS AND AGENTS

Dan Roberts, Police Chief

- Reviewed Submitted Report.
- Asked the Council to review the proposed annual budget he had prepared.
- Informed the Council that the department had obtained an excellent part-time candidate. His name is Derek Wiese, an ex-Marine with the K-9, MP Officer, and a retired officer from Washtenaw County Sheriff's Office.
- He stated that Fraser and himself were contacted by the Village Administer of Bingham Farms to Bingham Farms to meet with their Administrator, Ben Templeton regarding the Police Contracts as they had questions. He will report back to the Council.
- Referred to the stop sign issue in public comments regarding Crestwood and Thirteen Mile Road. HRC had concluded their secondary assessment per request and had come up with a solution. Although is not an ideal solution to that specific intersection. HRC suggested a T-Intersection, which would not be prudent as it would be expensive and not realistic. The solution recommended was to adjust the western leg of Crestwood section, making that back to two-way traffic, allow left and right turns out of it. The road would need to be widened to accommodate two cars. The temporary solution is to place a yield sign for southbound Crestwood traffic to stop and yield to any traffic coming off of Thirteen Mile, also not allowing left turns off of Thirteen Mile on the east leg of Crestwood which is an acute turn.
 - Gordon agreed that there should not be a left on the eastbound leg. He mentioned that he and Erlich lived close to the stop sign in question and it was indeed an acute turn. He suggested no left turn at either and rather use Woodside or down by Franklin Road.
 - Erilch stated that to not be allowed to make a left turn there would hinder residents from exiting the street, specifically in the winter when the roads are not plowed, it would create a hazard.
 - Gordon and Erilch expressed their desire to reevaluate HRCs suggestions for that specific intersection as they both had concerns.
 - Roberts cautioned that HRC was hired to conduct the traffic study because of their expertise and deviating from their requested findings could create a liability for the Village.
 - Gordon asked for an opportunity to meet with HRC and see if an amendment could be agreed upon based on resident concerns.
 - Lamott agreed that Gordon, Erlich and himself should meet with HRC.
- Ofc. Christina Doolan was successful in removing a nine-time, drunk driving offender from the streets. Hanke commended her effort as well.

Tony Averbuch, Fire Chief

- Reviewed Submitted Report.
- Reported that the department has seen a significant decline in COVID positive cases. He commended the community for wearing masks and social distancing and encourage all to continue until we turn into an "end-emic."

VIII. SUBMISSION OF CURRENT BILLS

Lance Vainik, Village Treasurer

- Reviewed Submitted Report.

Totals: 03-08-2021	
CATEGORY	SUB TOTALS
General	\$ 77,704.85
Major Streets	\$ 19,826.82
Local Streets	\$ 19,534.27
Police	\$ 74,004.57
Garbage and Rubbish	\$ 15,100.01
Building Dept.	\$ 12,519.42
Street Project	\$ -
Road Millage	\$ -
Pressure Sewer	\$ -
Tax Collection	\$ 8,577.21
Wastewater	\$ 1,483.24
TOTALS	\$ 228,750.39

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

Roll Call Vote

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

Motion carried.

IX. SPECIAL REPORTS

A. President's Report

No report

B. Council Report

Trustee Seltzer

Wished a Happy Birthday to long time, Franklin resident, Shelly Williams who was turning ninety-one years young.

Trustee Hanke

Wished everyone on the Council and everyone in attendance for the meeting a Happy International Women's Day!

C. Administrator Report

Roger Fraser, Village Administrator

- Provided the recent Water Survey statistics to be at a 50% take, which proved to be an excellent result to the concerted effort to obtain them. He pointed out that the demographics of the submitted survey results provided a well-rounded coverage of the Village.
 - Fraser commended Karen Couf-Cohen for her extensive effort with the survey.
- Fraser and Martin informed Council that the Village Administration is currently working on a hybrid solution for all meetings in anticipation of the Governors Executive Order's end in March.
- Code Enforcement Officer, Karl Woodard will be performing his duties in a repurposed FBFPD patrol vehicle that will now be used for Village Administration business.
- Discussion on the idea of an electric vehicle charge station placed at the Village.
 - Hanke and Fraser have been in contact with Adopt-A-Charger, a resource to help municipalities to have charge stations installed at a reasonable rate.
 - Saenz asked if the Charger was complimentary to the community. Fraser responded no; the charge station was able to receive credit card payments.
 - Gordon mentioned that the Franklin Community Church may prove to be a viable option as they had ample space to accommodate a charge station.
- Expressed a need for Council to revisit the contract with Jerry Johnson for his Public Works Service to the Village. There have been some concerns with the quality of work and his contract with the Village has not been updated since 2018.
 - Lamott and Hansen offered to work alongside Fraser to address his Public Works Department concerns.

D. Main Street Franklin Report

No report.

E. Planning Commission Report

David Goldberg, Chairman

- Available to speak to the Ordinance for Short Term Rentals.
- Goldberg drew attention to the comments on Short-Term Rentals made earlier in the meeting. He pointed out that a President from a Board of Realtors along with residents spoke in favor of Short-Term Rentals. He further mentioned that they had discussed this topic six times, including a public hearing, and in all of them not one person came to their meetings in any fashion to speak in favor of it. He further explained it was thoroughly vetted and they should review the Planning Committee Minutes to make an informed decision.
- The business at 30777 Telegraph, the Former Bank of America Building, has site plan application is in process.
 - Gordon asked what the process was that makes this project go before the Planning Commission as opposed to the normal process of being handled by the Building Department exclusively.
 - Goldberg clarified that things that come to the PC are a submitted site plan with an alteration to the layout configuration of the property specifically and not to the aesthetics or the inside of the building. The PC looks at parking, traffic configurations and building size in relation to setback and ascertains whether they are in compliance or in need of a variance as submitted.

F. Diversity & Inclusion Committee Report

David Sahli, Chairman

- D&I Committee has resolved to meet twice a month to ensure measurable action steps to bring D&I awareness to the community.
- Announced that March was Women's Appreciation Month, and this very day was Women's Appreciation Day and wished everyone happiness in their celebrations.
- Challenged the Council and the community to engage in activities this month that honor women.
 - Supporting local, women owned business and specifically in Franklin.
 - Learning about famous and inspirational women.
 - Raise funds to donate to countless women's charities.
 - Reach out to and appreciate women who have inspired you.
 - Music and movies that were authored by women.
- Developing a Mission Statement.
- Formed three (3) Sub Committees.
 - Governance.
 - Communication and Outreach.
 - Analytics of demographic representation in the community.
- Lamott referenced a book he had read "Uncomfortable Conversation with a Black Man" by Emmanuel Acho and offered anyone interested in reading it to contact him and he would lend it to them. He felt it opened his mind to the perspective of a black man and was an inspirational book.

VIII. PUBLIC HEARING

A. Community Development Block Grant Funds

The Public Hearing was opened at 8:10 PM by President Bill Lamott.

Cris Braun

- A representee from Next requested that CBDG funds be given to their organization in part or in full. She stated that considering the public need during the pandemic, they made the bold choice to stay open as guidelines permitted to provide their services to the community.
- She stated that the Villagers support has enabled them to stay open.
- Revenue is reported to be 40% down for their organization due to the challenges associated with COVID-19 as fundraising activities were limited or halted.
- Next circulated 2400 Newsletters to their members and the surrounding community and the cost is \$20,000.00.
- Hanke and Seltzer praised the organization.
- Seltzer is a Council Liaison to Next and an active volunteer with their Meals on Wheels program.

Trustee Hansen

- Asked if there was anyone else in attendance wanting to request CBDG funds.
- She referred to the letter requests in the Council packet from the Birmingham Youth Organization and Haven.
- Hanke, Hansen and Braun praised Haven and BYA as outstanding community programs.

Trustte Erlich

- Asked what organizations we had supported in the past.
- Martin gave a summary.
 - 2020 Haven, \$7,000.00
 - 2019 BYA, \$7,000.00
 - 2018 BYA, \$6,000.00
 - She also stated that BYA had not utilized the plan year 2018 funds received from the Village, even after filing for an extension.

The Public Hearing was closed at 8:44 PM by President Bill Lamott.

IX. OLD BUSINESS

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

Gordon indicated that the former Village Attorney had questioned the current, proposed language and made subsequent adjustments and it would be prudent to have the review of the newly retained Village Attorney before the Council acted on it. He further stated that some of our surrounding communities had moved too swiftly on the short-term rentals and were now having to revoke their ordinances. He did not want the Council to rush into it, but rather take the appropriate time and measures to ensure a well-informed decision.

Fraser asked Gordon if he had an intended timeframe for tabling the motion.

Hanke did not like the indefinite timetable of the motion and implored Gordon to set a timeframe.

Fraser suggested bringing the proposed Short Term Rental Ordinance back to the Council following the review or the new Village Attorney and the Planning Commission in April for the Council meeting in May. Gordon agreed.

#2021-22 Motion by Gordon, seconded by Saenz to table the adoption of the Ordinance for Short Term Rentals (Second Reading) until further review by the Village Attorney and the Planning Commission before the May Village Council Meeting. -

Roll Call Vote

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

4 to 3, Motion carried.

B. Consider Economic Development Criteria

Discussion on why this was a Council Agenda line item. Lamott stated that he liked how the proposed EDC document read but felt it did not define measurable goals for the candidate. He stated that a plan was necessary to move forward effectively and with a sense of urgency.

Fraser explained that the EDC had been added to allow for Council discussion on actionable steps, measurable goals and deliverables of a qualified candidate in order to expedite the hiring process.

Seltzer identified that there were indeed defined measurable goals and deliverables within the job description.

Gordon asked what the status was on the hiring process.

Hansen mentioned she has two (2) Main Street Professionals express interest and John Bry had pushed the opportunity out to his business network. She encouraged the Council to do the same.

Gordon inquired as to when the interviews would take place.

Hansen responded to Gordon that she expects to have a recommendation by the next Village Council Meeting in April.

Selzer informed the Council that the Personnel Committee is fast tracking the process and have been proactive in searching for and responding to qualified candidates. So far, the prospects have been ruled out, but he remains confident they will retain the right person for the job.

X. NEW BUSINESS

A. Receive 2020 Audit for the Village of Franklin

a. Audit Report, Rana Emmons, PSLZ, LLP

Reviewed the submitted 2020 Audit Report. Below are some highlights from that report.

- Village received an unmodified audit opinion, which is the highest rating possible as there were no executions or disclaimers.
- Taxable values were up at 3.35% over the prior year and had been up 5% increase the year prior and both are a strong increase that should make the Village proud.
- She gave accolades to Vainik and the Village Administration Staff for their professionalism and efficiency with providing her all documents she required to preform the audit.
- The Building Department Revenue remained strong, especially for the challenges brought with the COVID-19 pandemic.
- Investment income increased by \$37,000.00 over the year prior. Diversified and stable investments are paying off. The Village has been wise with investments.
- The General Fund balance increased revenue by \$207,000.00 over the prior year and came in under budget on the expenses by \$112,000.00.
- Operating expenditures increased by \$23,000.00 over the prior year.

- Police fund expenditures decreased by \$40,000.00 over the prior year. (One less vehicle.)
- Fire and Library mileages were collected and disbursed to the respective governmental entities.
- Road Improvement project has \$1.6 million remaining in bond proceeds portion of the fund balance.
- No new debt in 2020. Also \$675,000.00 was paid down on principle debt.
- Net Pension liability increased \$139,000.00 over the year prior.
- Significant investment income increased in the pension trust in the fiscal year of 2020 in the amount of \$535,000.00 in comparison to the prior year that was a \$165,000.00 loss.
 - MERS changed their assumption in their actuary evaluations which increased the pension liability by \$300,000.00.
 - The pension plan is 52.5% funded currently.
 - She cautioned that the state requires 60% pension and 40% for post-retirement plan.
 - The Village needs to increase the contribution to 60% at a minimum and she suggested a target of 70% to provide a cushion and to mirror surrounding community pension contribution trends.
 - Saenz asked Emmons if the communities contributing 70% are comparable to Franklin.
 - She continued that they were comparable and the lowest they had dipped was 50% when their investments took a hit.
 - She reiterated to Council that they should significantly increase their contributions for the next three (3) consecutive years.

B. Consider Application for Appointment to the Zoning Board of Appeals

#2021-23 Motion by Seltzer, seconded by Gordon to discuss the candidate for the open vacancy for the Zoning Board of Appeals term ending in July of 2021.

Mydloski stated that Natalya Shub had submitted her application with an error and wanted it corrected as follows:

- Natalya Shub, ZBA Application Question: “Are you an elector in the Village of Franklin?
~~NO~~ YES”

Gordon was thrilled to see three (3) applicants for the open position on the ZBA. He encouraged whoever was not selected to try again for another opportunity and reiterated that he appreciated their interest and willingness to serve the Village.

Lamott stated that Bevins stood out to him with his legal experience.

Seltzer asked if there was a recommendation from the ZBA. Lamott stated there was not.

Hanke agreed that Bevins was an excellent candidate and that he had met him at an FCA gathering. He found him to be an experienced and well qualified applicant.

Hansen did not see all of the applications in her packet. She said she was aware of Bevins and Shub but not the third application. Gordon informed her that Rick David had submitted an application on

this day and the email was forwarded to the Council by the Clerk and posted in the online packet link to Council.

Hansen stated that she knew Shub and had not met Bevins. She challenged the Council to consider Shub as an effort to create a diverse Board representation. She also wanted to advocate for more women to be selected.

Gordon told Hansen that her thoughts had merit. He mentioned Bevins had extensive knowledge but that did not rule out Shub or David. He had no problem with selecting a woman for the job.

Hanke talked to both Shub and Bevins and felt Bevins was the best choice. He stated that he did not consider anyone's gender in making his decision.

#2021-24 Motion by Hanke, seconded by Erlich for the Appointment of Nick Bevins to the Zoning Board of Appeals to fulfil term ending in July of 2021.

Roll Call Vote

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

4 to 3, Motion carried.

C. Proposed Allocation of Community Development Block Grant Funds

#2021-25 Motion by Gordon, seconded by Saenz for Next to receive the Allocation of Community Development Block Grant Funds.

Hanke and Hansen felt that Next should not be the recipients of the CBDG Funds as the Village provides them \$10,000.00 in revenue annually.

Roll Call Vote

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

5 to 2, Motion carried.

X. ADJOURNMENT

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

Roll Call Vote

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

Motion carried.

There being no further business, the meeting was adjourned at 9:36 P.M.

Heather C. Mydloski
Village Clerk
