

**VILLAGE OF FRANKLIN  
REGULAR COUNCIL MEETING  
MONDAY, May 10, 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 7:00 P.M. on Monday, May 10, 2021 via Zoom.us©.

**II. ROLL CALL**

Present: Mike Seltzer, Franklin, MI; Ed Saenz, Naples, FL; Brian Gordon, Los Angeles, CA; Pam Hansen, Franklin, MI; Mark Hanke, Franklin, MI; Kathy Erlich, Franklin, MI; and Bill Lamott, Franklin, MI.

Absent: None

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

**III. ADOPTION OF AGENDA**

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

Gordon asked that the agenda to include two (2) Resolutions: Resolution Streetscape Sidewalks I and Resolution Streetscape Sidewalks II to be added to New Business (XI) under section (F) and (G.)

Seltzer asked that the agenda be amended to include a Proclamation to be added for Dean and Judy Moenck to be added after the minutes and before the Public comments, (V), (C.)

Lamott asked that the agenda be amended to remove item number (E), Easement Pathway Discussion, under New Business (XI) to be stricken from the record as it was added in error.

**Motion by Gordon, seconded by Saenz to adopt the Agenda as amended.**

**Roll Call Vote**

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

**Lamott            AYE**

**Motion carried.**

**IV.    MINUTES:**

**A. Regular Meeting of April 12, 2021**

**Motion by Seltzer, seconded by Hansen to adopt the Regular Meeting of April 12, 2021 as presented.**

**Roll Call Vote**

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

**Motion carried.**

**B. Special Meeting of the Budget Workshop May 03, 2021**

**Motion by Seltzer, seconded by Gordon to adopt the Special Meeting of the Budget Workshop May 3, 2021 as presented.**

**Roll Call Vote**

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

**Motion carried.**

**V.    PROCLAMATION**

**A. Consider Proclamation for Dean and Judy Moenck.**

**PROCLAMATION**  
**Dean and Judy Moenck**  
**In Appreciation of their Public Service to the Village of Franklin**

**WHEREAS Judy Moenck** has served as Village Trustee, for five (5) years, from February 2013 until November 2018 and for a brief time in 2020 to accommodate a Council vacancy; serving on both the Finance, Main Street Liaison and Personnel Committees; and,

**WHEREAS Dean and Judy Moenck** have served at the Franklin Public Library and Judy Moenck was on the Franklin Public Library Board for twenty (20) years, from March 2000 to November 2020; and,

**WHEREAS Dean and Judy Moenck** served on Franklin's Mobile Watch with Judy Moenck as Secretary; Dean Moenck served as President for many years; and,

**WHEREAS Judy Moenck** served as President of the Main Street 501-C3 effort; and,

**WHEREAS Dean Moenck** served on the Planning Commission for sixteen (16) years and the Zoning Board of Appeals for twelve (12) years; and,

**WHEREAS Dean Moenck** served on the Oakland County Road Commission, Adopt-A -Road Program in which he removed litter along Thirteen Mile for five (5) years; and,

**WHEREAS Dean and Judy Moenck** have resided in the Village for more than twenty-two (22) years; and,

**NOW THEREFORE BE IT RESOLVED**, on this 10h day of May 2020, that the Franklin Village Council hereby publicly recognizes, commends, and thanks Dean and Judy Moenck for their service to the Village.

**#2021-36 Consider Proclamation for Dean and Judy Moenck as presented.**

**Roll Call Vote**

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

**Motion carried.**

**VI. PUBLIC REQUESTS AND COMMENTS**

Resolution to Adopt Rules for Electronic Meetings Rule 34, PUBLIC COMMENTS, During Village Council meetings conducted electronically, members of the public attending the meeting, once recognized by the chair, shall identify themselves for the record and indicate the municipality where they reside. Comments by the public will be limited to 2 minutes for each speaker unless the time is extended by the chair or by vote of the Council. Comments by the public during electronic meetings will be restricted to the public requests and comments portion of the meeting.

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

Natalie Robinson-26061 HAWTHORNE

- Read 2021 Proclamation Declaring the First Friday of June to be National Gun Violence Awareness Day.

**2021 PROCLAMATION  
DECLARING THE FIRST FRIDAY IN JUNE TO BE  
NATIONAL GUN VIOLENCE AWARENESS DAY**

This proclamation declares the first Friday in June to be National Gun Violence Awareness Day in the Village of Franklin to honor and remember all victims and survivors of gun violence and to declare that we as a country must do more to reduce gun violence.

**WHEREAS**, every day, more than 100 Americans are killed by gun violence, alongside more than 230 who are shot and wounded, and on average there are more than 13,000 gun homicides every year; and

**WHEREAS**, Americans are 25 times more likely to die by gun homicide than people in other high-income countries; and

**WHEREAS**, Michigan has 1,212 gun deaths every year, with a rate of 12.1 deaths per 100,000 people, Michigan has the 31st highest rate of gun deaths in the U.S.; and

**WHEREAS**, gun homicides and assaults are concentrated in cities, with more than half of all firearm related gun deaths in the nation occurring in 127 cities; and

**WHEREAS**, cities across the nation, including in the Village of Franklin, are working to end the senseless violence with evidence-based solutions; and

**WHEREAS**, protecting public safety in the communities they serve is the mayors' highest responsibility; and

**WHEREAS**, support for the Second Amendment rights of law-abiding citizens goes hand-in-hand with keeping guns away from people with dangerous histories; and

**WHEREAS**, mayors and law enforcement officers know their communities best, are the most familiar with local criminal activity and how to address it, and are best positioned to understand how to keep their citizens safe; and

**WHEREAS**, gun violence prevention is more important than ever as the COVID-19 pandemic continues to exacerbate gun violence after more than a year of increased gun sales, increased calls to suicide and domestic violence hotlines, and an increase in city gun violence;

**WHEREAS**, in January 2013, Hadiya Pendleton was tragically shot and killed at age 15; and on June 4, 2021 to recognize the 24th birthday of Hadiya Pendleton (born: June 2, 1997), people across the United States will recognize National Gun Violence Awareness Day and wear orange in tribute to –

- (1) Hadiya Pendleton and other victims of gun violence; and
- (2) the loved ones of those victims; and

**WHEREAS**, the idea was inspired by a group of Hadiya’s friends, who asked their classmates to commemorate her life by wearing orange; they chose this color because hunters wear orange to announce themselves to other hunters when out in the woods and orange is a color that symbolizes the value of human life; and

**WHEREAS**, anyone can join this campaign by pledging to wear orange on June 4th, the first Friday in June in 2021, to help raise awareness about gun violence; and

**WHEREAS**, by wearing orange on June 4, 2021 Americans will raise awareness about gun violence and honor the lives of gun violence victims and survivors; and

**WHEREAS**, we renew our commitment to reduce gun violence and pledge to do all we can to keep firearms out of the wrong hands, and encourage responsible gun ownership to help keep our children safe.

**NOW, THEREFORE BE IT RESOLVED**, that President and the Trustees of the Village of Franklin declares the first Friday in June, June 4, 2021, to be National Gun Violence Awareness Day. I encourage all citizens to support their local communities’ efforts to prevent the tragic effects of gun violence and to honor and value human lives.

**#2021-37 Motion by Hanke, seconded by Erlich to approve 2021 Proclamation Declaring the First Friday of June to be National Gun Violence Awareness Day.**

**Roll Call Vote**

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

**Motion carried.**

**Nena Downing-30645 BRUCE**

- In recognition of Earth Day, she proposed the Council alter their ordinance to include the banning of outside recreational and waste wood burning.

Rick David-27201 WELLINGTON

- Noted that upon reviewing the Village Council Budget Workshop minutes from May 3, 2021 there was a missed deadline for a millage renewal of \$120,000.00. He asked why it happened and if there would be any accountability for it?
- He also asked about the Declaration of Emergency the Council enacted to allow for online meeting to continue under the COVID-19 resurgence was set to expire on May 31, 2021. He asked that it be extended to allow all residents to attend.
- He asked if some of the committees that have been enacted by the Council if they followed the Open Meetings Act and required minutes.
- Currier clarified that any meeting formed by the public body was an open meeting and subject to the Open Meetings Act.
- Saenz stated he has been in the Personnel Committee and Minutes were not taken. He asked if minutes were required?
- Currier stated that there was a difference with the Personnel Committee can be closed and is a unique situation. However, they are subject to the same rules and require minutes to be taken.
- Gordon stated that the Council had been advised their previous legal counsel that if there were only three (3) or less Trustees involved in such a meeting was not subject to the OMA and it is in direct conflict with Currier's counsel.
- Currier said the laws had changed to include any committees that are formed by the Council (Public Body) are subject to the Open Meetings Act.
- Hansen reminded the Council that they were out of order as this was the Public Comments section of the meeting.
- Hansen agreed that committees were subject to the OMA. She said some committees with three (3) Trustees or less was not a quorum and was therefore not deciding, so was it still under the OMA? Currier said it was still under the OMA.
- Hansen asked Fraser to give guidance to the Council on the OMA so they could be in compliance as the laws have changed.
- Currier noted that John Staran was not incorrect at the time his advice was given; the laws had simply changed.
- Selzer found it challenging to have to discuss some topics in a public setting, but he desired to be in compliance and would adhere to the OMA.
- Saenz wanted to hear more information on the missed millage renewal.
- Lamott mentioned that the change in staff and the retirement of our former Clerk it was simply missed.

Rick Notter- 26170 HERSHEYVALE

- Thanked Village residents for voting in the May 4, 2021 Special Election.
- Spoke in favor of the YES vote on the May 4, 2021 Special Election.

John Simon-30320 KINCARDINE

- Spoke not in favor of the YES vote on the May 4, 2021 Special Election.
- (His comments were not audible on Zoom)

Trustee Pam Hansen- 32820 WING LAKE

- Stated that John Simon's comments were incorrect and untrue, and she would personally listen the recording from this night's meeting and she would refute each comment he made with documentation.

Connie Ettinger- 25600 RIVER

- Thanked Village residents for voting and for volunteering in all aspects with the May 4, 2021 Special Election.
- Informed Council that there was a resident that verbally assaulted another resident and her 3 and ½ year old son.
- She implored the Council to unite and promote unity and encourage negative and divisive behavior to cease.

Angelina Sulaka-26172 MEADOW

- Thanked all residents on behalf of Connect Franklin for voting.
- She stated that Connect Franklin was established to build unity and inclusiveness to all residents and will continue to provide events and seek opportunities to enhance unity.
- Thanked Mydoski for posting the Meeting Packets online, as it is building transparency.
- Spoke in favor of the YES vote on the May 4, 2021 Special Election.

Josondra Notter-26170 HERSHEYVALE

- Spoke in favor of the YES vote on the May 4, 2021 Special Election.
- Asked the Council to move forward with the sidewalks swiftly.

Public Comments were closed by President, Bill Lamott at 7:36 PM.

**VII. REPORTS OF VILLAGE OFFICERS AND AGENTS**

Dan Roberts, Police Chief

- Reviewed Submitted Report.
- Traffic Violations have increased as traffic has increased.
- Ofc. James Hirschfeld was retiring again. He had served from 1988-2014 retiring as a Sergeant; he then came back part-time until now. He is an excellent officer and will be greatly missed.
- Roberts mentioned FBFPD is throwing a retirement party for Hirschfeld on June 5, 2021 and that he would provide more details as they became available.

Tony Averbuch, Fire Chief

- Reviewed Submitted Report.
- Initiated 2021 Annual Testing of equipment and Apparatus.

**VIII. SUBMISSION OF CURRENT BILLS**

Lance Vainik, Village Treasurer, was absent.

- Council reviewed Submitted Report.

<b>Totals: 05-10-2021</b>	
<b>CATEGORY</b>	<b>SUB TOTALS</b>
General	\$ 38,734.42
Major Streets	\$ 1,332.00
Local Streets	\$ 1,332.00
Police	\$ 68,306.77
Garbage and Rubbish	\$ 15,310.01
Building Dept.	\$ 22,561.71
Street Project	\$ -

Road Millage	\$ 636,900.00
Pressure Sewer	\$ -
Tax Collection	\$ -
Wastewater	\$ -
<b>TOTALS</b>	<b>\$ 784,476.91</b>

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

**Roll Call Vote**

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

**Motion carried.**

**IX. SPECIAL REPORTS**

**A. President's Report**

Bill Lamott, Village Council President

- More white concrete in our rural, historic village is not my first choice but 628 of 1117 voters approved an enabling charter amendment so we will begin the process of putting sidewalks on Franklin and 13 Mile Roads. I hope that, unlike the Village center streetscape, we can think outside the box and find a way to create safe walkability and keep our unique character. Time will tell.
- He mentioned that the Post Office was closed at 9:30 AM this morning and the hours of operation had been inconsistent. He found it unacceptable and would continue to pursue an answer for the inconsistency. He had already contacted Andy Levin's Office.

**B. Council Report**

Trustee Saenz

- Thanked Lamott for supporting the will of the people for the May 4, 2021 Special Election.
- Thanked Hansen for her faithful and persistent effort to see the Streetscape project through.
- He implored residents to come to a state of unity and move past division and into unity.

Trustee Erlich

- Congratulated all residents for their efforts to support the May 4, 2021 Special Election, no matter how they chose to vote.
- She urged all residents to continue with the same level of involvement in the community as they demonstrated with this past election.
- She hopes residents will chose to respect the needs of all people, not merely their own concerns and with kindness and respect.



Trustee Hansen

- Thanked Saenz for the acknowledgment.
- Asked Lamott and Erlich to reach out to Josh Lawton and request that he take down his websites that she felt was negative and divisive. She stated that she believed that Lamott and Erlich wanted the acrimony in the Village to stop.
- Erlich responded that the issue was not one sided and it was not fair to call out Josh Lawton. She indicated he was not the only one that had been accused of passing out misinformation. She stated that she and Bill were not in cahoots with anyone.

Trustee Seltzer

- Spoke of the challenges with the past election and expressed his frustration with Lamott and Erlich.

Trustee Gordon

- Shifted the conversation to a positive note, he reminded the Council of their recent accomplishments of the completion of the Downtown Lighting Project.
- He mentioned the ribbon cutting and expressed his regret that more residents could not attend due to COVID-19 restrictions.
- He is proud that this project was supported, approved, and achieved by the Village residents.

Trustee Hanke

- Reinterred Rick David's question during the Public Comment section of the meeting that the Village had missed a millage renewal. He asked for clarification and who was to take responsibility for the error.
- Lamott had stated everything he knew. He was more concerned on how to get out of it rather than to lay the blame on someone.
- Fraser stated that he had no idea of such a millage, and he did not know it was expiring this past year. To renew it, it would have required a Special Election that would have to have been set up last year. There would be a shortage of revenue consequently, but the good news was that we have a healthy fund balance and there is an opportunity to focus on our needs for the future.

**C. Clerk Report**

Heather Mydloski, Village Clerk

- Reviewed Submitted Report.
- May 4, 2021, Special Election Results
  - Yes – 628 (56.22%)
  - No – 489 (43.78 %)
  - Vote Cast – 1,117
- Thanked Clerk Sharon Tischler of Southfield Township and her team for an excellent job on the election.
- She thanked all the volunteers and the former Village Clerk, Eileen Pulker for working the election.
- She informed Council that a local resident submitted a donation to the Village in the amount of \$150.00 in gratitude for the Village keeping the restrooms open during the pandemic.
- She praised Doreen Martin for her continued efforts to improve internal processes at the Village Office. She stated that Martin had upgraded the software to allow Meeting

Packets to be posted on the Village website and for all Village Boards and Commissions.  
She referenced Martin as an invaluable part of the Administration Team.

#### **D. Administrator Report**

Roger Fraser, Village Administrator

- American Rescue Plan Act (ARPA).
  - We are starting to receive reports of the plan and how it will be distributed. We have until 2024 to allocate the funds we are entitled to under this plan; however, we do not yet know how much that is. More information to come on this.

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

No report.

#### **F. Planning Commission Report**

David Goldberg, Planning Commission Chairman

- Sarah Traxler will be leaving McKenna and will be missed. Traxler has been an asset the Planning Commission for many years. Her successor will be Chris Doozan.
- Chief Dan Roberts had brought an issue to his attention regarding our current sign ordinances. He will investigate it with the Commission and get back to Roberts with direction.
- The Planning Commission acted on the Public Institution Zoning Districts and the Garden Fence Standards. He awaits the Council's decision once the items are placed on the Council Agenda.

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

David Sahli, DE&I Chairman

- Sahli will submit a written report for the Council for the June 2021 meeting to include the Committee's Mission Statement, main goals and objectives and proposed training initiative for both the committee and the residents.
- Praised Martin for her continued efforts to improve the Village's internal processes and in doing so, further promoting inclusiveness and transparency.

### **X. PUBLIC HEARING**

A. Proposed Budget, Fiscal Year 2021-2022, beginning July 1, 2021.

The Public Hearing was opened by President, Bill Lamott at 8:20 PM.

There were no public comments for the Public Hearing.

The Public Hearing was closed by President, Bill Lamott at 8:20 PM.

### **XI. OLD BUSINESS**

#### **A. Water Project Update**

- Fraser introduced Jamie Burton of Hubbell, Roth, and Clark Engineering.
- Reviewed Submitted Report

- Burton praised the Village of Franklin for their high response rate, he pointed out that an excellent response rate for a survey, on a nationwide average, was from 20% to 30% and the Village had a response rate of 48%!
- Shared a data collection map with the Council that showed an evenly dispersed response by parcel, which was also unusual and a testament to the commitment of resident involvement with the topic of water.
- Praised Karen Couf-Cohen for her tremendous effort with this project.
- Lamott wanted to know the problem and what solution can be achieved to solve it.
- Saenz asked for clarification on the 48% response rate and why that was such an accomplishment. Burton clarified that 1200 parcels were identified and invited to participate in the Water Survey and half of them had responded, blowing the national average out of the water! He further stated that kind of response rate was unheard of.
- Lamott asked if those who did not participate would be given a second chance to take the Water Survey?
- Erlich asked if the water was truly safe and asked what future measures would be taken by the Village to help residents ascertain the quality of their water for safe use and consumption.
- Hanke thanked Burton for a thorough job on the water survey and he publicly recognized the 48% response rate achievement that was obtained from good management and resident participation. He too asked what strategy would be instituted in the future to ensure the quality of their water for safe use and consumption in the Village.
- Burton said it was not necessary to have all the answers but rather to educate the residents. He believes the water to be safe as has been substantiated by EGLE and the Oakland County Water Resource Commission. The goal is to educate and work toward maintaining the water quality along with monitoring any changes to the environment or otherwise that could change that.
- Seltzer stated that residents often articulate the fact they moved to Franklin for the old time feel, “The Town that Time Forgot.” He further stated that the community need to band together and proactively prepare for the future of our watershed safety.
- Hansen mentioned that the raw data from the survey was intriguing and she agreed with a deeper dive into the analysis to allow residents to easily understand them.
- Burton was impressed with how many Village residents knew a lot about their wells, it was over half.
- Fraser grew up on a well and found it interesting that residents sought to be knowledgeable about their wells.
- Gordon added that the results were enlightening, and he too noticed how evenly distributed they were throughout the Village. He then begged the question of how this may pertain to the option of municipal water in the future, and how we would narrow down next steps and education efforts for the future?
- Burton reminded the Council that there are a host of solutions to water quality for the future and that municipal water was not necessarily the goal here.
- Lamott asked about the Village providing water quality tests for residents. He implored the Council and Village Administration to explore a solution.

**B. Consider Declaration of Emergency for COVID-19 Resurgence**

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

**RESOLUTION DECLARING A LOCAL STATE OF EMERGENCY**

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

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

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

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

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

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

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

“(c) Promulgation of Orders, Rules and Regulations. Following such proclamation, the Village President may promulgate such reasonable orders, rules, and regulations as he or she deems necessary to protect life and property or to bring the emergency within the affected area under control. Said orders, rules and regulations may provide for the control of traffic; the designation of specific zones within the area in which the occupancy and use of buildings and egress and ingress of persons and vehicles may be prohibited or regulated; the control of places of amusement and assembly and of persons on public streets and thoroughfares; the establishment of a curfew; the control of the sale, transportation and use of alcoholic beverages and liquors; and the control of the sale, carrying and use of firearms or other dangerous weapons, ammunition, explosives and inflammable materials or liquids deemed to be dangerous to the public safety. The Village President may also issue other orders, rules and regulations, without being limited by the foregoing.”

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

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

**#2021-38 Motion amended by Saenz, seconded by Erlich to approve the Resolution for the Declaration of Emergency for COVID-19 Resurgence to be amended to end on August 31, 2021. The Village Council will meet in person at the Franklin Community Church for the June 14, 2021 Regular Meeting. Other Boards and Commissions have the option to utilize Zoom or to meet in person.**

**Roll Call Vote**

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

**Motion carried.**

**XII. NEW BUSINESS**

**A. Consider Adoption of the Proposed Budget, Fiscal Year 2021-2022, beginning July 1, 2021.**

**#2021-39 Motion by Seltzer, seconded by Saenz to approve the Adoption of the Annual Budget, by the Resolution that follows, for Fiscal Year 2021-2022, beginning July 1, 2021 to June 30, 2022 as presented.**

**Roll Call Vote**

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

**Motion carried.**

Lamott had reservations with the General Fund as we are spending \$380,000.00 more than is in that fund. The expenses are not one time but rather long-term costs due to expanded employees.

Erlich mentioned that Hanke added \$50,000.00 to the budget with his proposed amendments.

Hansen asked Fraser to define his comment that the Village has a healthy budget to address Lamott's concern.

Fraser clarified that the Village had increasing home-market values with a history of regular increase, therefore increasing the base to apply the mil levy. He stated also that the fund balance had been increasing as well and the funds are available for the necessary expenditures. He further stated that if the Council was uncomfortable with using the fund balance, adjustments need to be made accordingly. He stated his concern with the Council choosing not to add staff, as he feels it is essential.

Lamott said we did not know the final cost of the Streetscape, yet we were approving the budget. He believed that needed to be reconciled first.

Hanke persisted that the topic had been adequately discussed and he believed we should move forward.

Saenz mentioned we needed to look at the retirement funds and asked Fraser to speak to that.

Fraser asked Vainik to speak on the topic if he was so prepared.

Vainik will present to the Finance Committee on the retirement pension fund and unfunded liability for the next five (5) to ten (10) years. The goal is to get to a 60% level of funding, but it will take a lot of effort and a tremendous amount of strategy to achieve.

Saenz asked for a background on staffing, but he would support the budget as is.

Lamott mentioned the \$300,000.00 repair cost for storm sewer would need to be addresses.

Erlich asked if there was an issue the Police fund balance? Fraser explained the Police was funded by the General Fund and from Bingham Farms and upon Council approval, those funds can be moved around to cover expenditures within the General Fund.

### **RESOLUTION**

**A resolution to establish a general appropriations act for the Village of Franklin; to define the power and duties of the Village of Franklin officers in relation to the administration of the budget; and to provide reminders for refusal or neglect to comply with the requirements of this resolution.**

**The Village Council of the Village of Franklin resolves:**

***Section 1: Title***

This resolution shall be known as the Franklin Village General Appropriation Act.

***Section 2: Chief Administrative Officer***

The Village Administrator shall be the Chief Administrative Officer and shall perform the duties of the Chief Administrative Officer enumerated in this act.

***Section 3: Fiscal Officer***

The Clerk shall be the Fiscal Officer and shall perform the duties of the Fiscal Officer enumerated in this act.

***Section 4: Public Hearings on the Budget***

Notice of a public hearing on the proposed budget was published in a newspaper of general circulation on April 25, 2021, and a public hearing on the proposed budget was held on May 10, 2021.

***Section 5: Estimated Revenues, Expenditures and Fund Balances***  
***(As listed on attached pages)***

- A. General Fund
- B. Police Fund
- C. Building Department Fund
- D. Major Streets Fund
- E. Local Streets Fund
- F. Rubbish Fund
- G. Road Millage Fund
- H. Pressure Sewer Fund
- I. Wastewater Fund
- J. Fire Fund
- K. Library Fund

***Section 6: Millage Levy***

The Village of Franklin shall cause to be levied and collected the general property tax on all real and personal property within the Village upon the current tax roll an estimated amount equal to 7.73 mills as authorized under state law and approved by the electorate.

***Section 7: Adoption Budget by Reference***

The general fund budget of the Village of Franklin is hereby adopted by reference, with revenues and activity expenditures as indicated in Sections 5 and 7 of this act.

***Section 8: Adoption of Budget by Cost Center***

The Village Council of the Village of Franklin adopts the 2021/2022 fiscal year general budget by cost center. Village officials responsible for the expenditures authorized in the budget may expend village funds up to but not to exceed, the total appropriation authorized for each cost center, and may make transfers among the various line items contained in the cost center appropriation. However, no transfers of appropriations for line items related to personnel or capital outlays may be made without prior Council approval by budget amendment.

***Section 9: Appropriation not a Mandate to Spend***

Appropriations will be deemed maximum authorizations to incur expenditures. The fiscal officer shall exercise supervision and control to ensure that expenditures are within appropriations, and shall not issue any order for expenditures that exceed appropriations.

***Section 10: Transfer Authority***

The Chief Administrative Officer shall have the authority to make transfers among the various cost centers (or line items) without prior Council approval, if the amount to be transferred does not exceed \$30,000. The Council shall be notified at its next meeting of any such transfers made, and reserves the right to modify, amend or nullify any such transfers made. Under no circumstances may the total general fund budget be changed without prior Council approval.

***Section 11: Periodic Fiscal Reports***

The fiscal officer shall transmit to the Council at the end of each of the first three quarters, and at the end of each month occurring during the fourth quarter, a report of financial operations, including, but not limited to:

- a. A summary statement of the actual financial condition of the general fund at the end of the previous quarter (month);
- b. A summary statement showing the receipts and expenditures and encumbrances for the previous quarter (month) and for the current fiscal year to the end of the previous quarter (month);
- c. A detailed list of:
  - i. Expected revenues by major source as estimated in the budget; actual receipts to date for the current fiscal year compared with actual receipts for the same period in the prior fiscal year; the balance of estimated revenues to be collected in the then current fiscal year; and any revisions in revenue estimates resulting from collection experience to date.
  - ii. For each cost center: the amount appropriated; the amount charged to each appropriation in the previous quarter (month) for the current fiscal year and as compared with the same period in the prior fiscal year; the unencumbered balance of appropriations; and any revisions in the estimate of expenditures.

***Section 12: Limit on Obligations and Payments***

No obligation shall be incurred against, and no payment shall be made from any appropriation account unless there is a sufficient unencumbered balance in the appropriation and sufficient funds are or will be available to meet the obligation.

***Section 13: Budget Monitoring***

Whenever it appears to the Chief Administrative Officer or the Village Council that the actual and probable revenues in any fund will be less than the estimated revenues upon which appropriations from such fund were based, and when it appears that expenditures shall exceed an appropriation, the Chief Administrative Officer shall present to the Village Council recommendations to prevent expenditures from exceeding available revenues or appropriations for the current fiscal year. Such recommendations shall include proposals for reducing appropriations, increasing revenues, or both.



***Section 14: Violations of This Act***

Any obligation incurred or payment authorized in violation of this resolution shall be void and shall subject any responsible official(s) or employee(s) to disciplinary action as outlined in P.A. 621 (1978) and the Village of Franklin personnel manual.

***Section 15: Council Adoption***

Hanke proposed two (2) amendments to be added to the budget in the amount of \$25,000.00 each and as follows: to add funding for Roger and his engineering team for sidewalks along Thirteen Mile Road and to continue their research and analysis for the water survey.

**#2021-40 Motion by Hanke, seconded by Saenz to amend the Adoption of the Annual Budget, by the Resolution that precedes, for Fiscal Year 2021-2022, beginning July 1, 2021 to June 30, 2022 to include research and funding for the Village Administrator and his engineering team to construct sidewalks along Thirteen Mile Road in the amount of \$25,000.00 and for continued research and analysis for the Water Survey in the amount of \$25,000.00 each.**

**Roll Call Vote**

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

**6-1, Motion carried.**

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

Fraser review submitted Millage Rate proposal. He encouraged the Council to look at this in the June Meeting.

Lamott stated we needed to increase revenues or decrease spending, period.

C. Consider Change Order NFE Proposal #9-D452 in the amount of \$35,940.00.

**#2021-41 Motion by Seltzer, seconded by Hansen to approve the Change Order NFE Proposal #9-D452 in the amount of \$35,940.00 as presented.**

**Roll Call Vote**

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

**Lamott                    AYE**

**Motion carried.**

D. Consider Approval of the West Nile Virus Fund Program 2021 Resolution.

**#2021-42 Motion by Seltzer, seconded by Hansen to approve the West Nile Virus Fund Program 2021 Resolution as presented.**

**West Nile Virus Fund Program 2021 Resolution**

**WHEREAS**, the Oakland County Board of Commissioners has established a West Nile Virus Fund Program to assist Oakland County cities, villages, and townships in addressing mosquito control activities; and

**WHEREAS**, Oakland County's West Nile Virus Fund Program authorizes Oakland County cities, villages, and townships to apply for reimbursement of eligible expenses incurred in connection with personal mosquito protection measures and mosquito larvicide distribution; and

**WHEREAS**, Oakland County has allotment of \$515.78 in funds for the Village of Franklin to spend on West Nile Virus prevention; and

**WHEREAS, the Village of Franklin, Oakland County, Michigan** plans to incur expenses in connection with mosquito control activities believed to be eligible for reimbursement under Oakland County's West Nile Virus Fund Program; and

**WHEREAS**, the Village of Franklin intends to implement a program for individual-sized, personal insect repellent distribution to residents; and

**NOW, THEREFORE, BE IT RESOLVED:** that the Village of Franklin authorizes and directs its Administrator, Roger Fraser, as agent for the Village of Franklin, in the manner and to the extent provided under an Oakland County Board of Commissioners Resolution, to purchase and request reimbursement for eligible mosquito control activity under Oakland County's West Nile Virus Fund Program for 2021.

**Roll Call Vote**

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

**Motion carried.**

~~E. Easement Pathway Discussion~~

Lamott removed this line item as it was added in error.

F. Resolution I, regarding streetscape sidewalk #1.

**#2021-43 Motion by Seltzer, seconded by Hanke to approve Resolution I, regarding streetscape sidewalk #1 as presented.**

**VILLAGE OF FRANKLIN**

**RESOLUTION REGARDING STREETScape SIDEWALKS I**

**WHEREAS**, on May 4, 2021 Franklin Village voters approved an amendment to the Village Charter, and

**WHEREAS** the approved amendment authorizes the Village Council to build sidewalks in residential areas along Franklin Road and 13 Mile Road, and

**WHEREAS** sidewalks planned and designed on the west side of Franklin Road between Vincennes on the north and Carol on the south have not been constructed, and

**WHEREAS** the engineers and contractors engaged to design and construct the various elements of the streetscape project will return to the Village this week to continue the project work.

**NOW BE IT RESOLVED**, the Village Administrator is directed to begin work immediately with the project engineers, Nowak and Fraus, and the contractor, ASI, to determine the costs and scheduling necessary to complete the sidewalks planned and designed on the west side of Franklin Road between Vincennes on the north and Carol on the south that have not been constructed, and

**BE IT FURTHER RESOLVED**, the Administrator, at the earliest opportunity, shall bring to the Council for Council's consideration, amended contracts for engineering and construction services sufficient to complete the above identified unfinished elements of the street scape project.

**Roll Call Vote**

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

**Motion carried.**

G. Resolution II, regarding streetscape sidewalk #2.

**#2021-44 Motion by Seltzer, seconded by Hanke to approve Resolution II, regarding streetscape sidewalk #2 as presented.**

**VILLAGE OF FRANKLIN**

**RESOLUTION REGARDING STREETScape SIDEWALKS II**

**WHEREAS**, on May 4, 2021 Franklin Village voters approved an amendment to the Village Charter, and

**WHEREAS** the approved amendment authorizes the Village Council to build sidewalks in residential areas along Franklin Road and 13 Mile Road, and

**WHEREAS** sidewalks planned and designed on the east side of Franklin Road between Hawthorne and 13 Mile Road have not been constructed, and

**WHEREAS** pedestrian cross walks with remote access pedestrian signals planned and designed at the intersection of Franklin Road and 13 Mile Road have not been constructed, and

**WHEREAS** the engineers and contractors engaged to design and construct the various elements of the streetscape project will return to the Village this week to continue the project work.

**NOW BE IT RESOLVED**, the Village Administrator is directed to begin work immediately with the project engineers, Nowak and Fraus, and the contractor, ASI, to determine the costs and scheduling necessary to complete the sidewalks planned and designed on the east side of Franklin Road between Hawthorne and 13 Mile Road that have not been constructed, and

**BE IT FURTHER RESOLVED**, the Village Administrator is directed to begin work immediately with the project engineers, Nowak and Fraus, and the contractor, ASI, to determine the costs and scheduling necessary to complete the cross walks with remote access pedestrian signals planned and designed at the intersection of Franklin Road and 13 Mile Road that have not been constructed, and

**BE IT FURTHER RESOLVED**, the Administrator, at the earliest opportunity, shall bring to the Council for Council's consideration, amended contracts for engineering and construction services sufficient to complete the above identified unfinished elements of the street scape project.

**Roll Call Vote**

<b>Erlich</b>	<b>AYE</b>
<b>Seltzer</b>	<b>AYE</b>

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

**Motion carried.**

### **XIII. ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:54 PM.

William Lamott  
Village Council President

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Heather C. Mydloski  
Village Clerk

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