

**VILLAGE OF FRANKLIN  
REGULAR COUNCIL MEETING  
MONDAY, November 13, 2023, at 7:00 PM  
Franklin Village Hall, Broughton House  
32325 Franklin Road, Franklin, Michigan 48025**

**I. CALL TO ORDER**

The meeting was called to order by President Bill Lamott, at 7:02 P.M.

**II. ROLL CALL**

Present: Kathy Erlich, David Goldberg, Mark Hanke, Pam Hansen, David Sahli, Mike Seltzer, and Bill Lamott

Absent: None

Present: Tony Averbuch, Fire Chief; Roger Fraser, Village Administrator; Susan Goldstrom, Assistant Administrator; and Peter Gojcaj, Village Attorney

**III. ADOPTION OF AGENDA**

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

**AYES: Erlich, Goldberg, Hanke, Hansen, Sahli, Seltzer and Lamott**

**NAYS: None**

**Motion carried.**

**IV. MINUTES**

**A. Regular Meeting of October 9, 2023**

**Motion by Seltzer seconded by Erlich to adopt the Minutes for the Regular Meeting of October 9, 2023, as presented.**

**AYES: Erlich, Goldberg, Hanke, Hansen, Sahli, Seltzer and Lamott**

**NAYS: None**

**Motion carried.**

**V. PUBLIC REQUESTS AND COMMENTS**

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

Rich Pirrotta, Woodside Drive

- He thanked the Council for following the process and recommending the Planning Commission review the application for Extenet Systems Application. He then suggested to expedite the meeting that the Council take up a motion to have a public hearing per the Planning Commission's recommendation.

Discussion followed moving items on the agenda to accommodate residents,

**Motion by Hansen, seconded by Seltzer, to change the move “New Business item 11F to New Business item 11A”.**

**AYES: Erlich, Goldberg, Hanke, Hansen, Sahli, Seltzer and Lamott**

**NAYS: None**

**Motion carried.**

Angelina Sulaka, 26172 Meadow Drive

- She would like the Council to direct the Village Administrator to provide code books for the Zoning Board of Appeals. She stated at the last meeting only one member has a copy of the code book in front of them. She would like the Council to make a motion to permit the funding for the code books.

Discussion followed.

Denise Cole, 24596 Riverwood

- She stated that she and her neighbors would like to thank the Council and everyone that communicated with them over their concerns regarding a neighbor dispute. She stated that they appreciate all the effort to try and resolve this issue. We are going to wait and see how things develop.

**Public Comments were closed by President Bill Lamott at 7:15 PM.**

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

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

#### **A. Police Report**

No report.

#### **B. Fire Report**

#### **Tony Averbuch**

- Tony Averbuch, Fire Chief reviewed with Village Council his submitted report.
- He stated medical runs remain high.
- He personally asked that families have preparations in place for their loved ones. Because firefighters, police officers, and EMS providers should be the last people to be giving advice on funeral arrangements.

#### **Lance Vainik, Village Treasurer**

- Lance Vainik, Village Treasurer reviewed with the Village Council his treasurer’s report.

- There was a large entry of \$14,802.42 for the Carol Street drain sewer investigation.

## VII. SUBMISSION OF CURRENT BILLS

<b>Totals: 11-12-2023</b>	
<b>CATEGORY</b>	<b>SUB TOTALS</b>
General	\$ 73,590.02
Major Streets	\$ 16,892.67
Local Streets	\$ 14,612.43
Police	\$ 105,887.01
Garbage and Rubbish	\$ 15,006.49
Building Dept.	\$ 9,714.60
Library	\$ -
Street Project	\$ -
Road Millage	\$ 471,675.00
Sewer Fund	\$ -
Tax Collection	\$ -
Wastewater	\$ 25,918.25
<b>TOTALS</b>	<b>\$ 733,296.47</b>

### Discussion:

- Clarification was asked on the Sunset maintenance entering and the entering for \$1,400.00 for two trees.

Discussion followed.

**It was moved by Seltzer, seconded by Erlich to approve the submitted bills.**

**AYES: Erlich, Goldberg, Hanke, Hansen, Sahli, Seltzer and Lamott**

**NAYS: None**

**Motion carried.**

## VIII. SPECIAL REPORTS

### A. President's Report

No report.

### B. Council Report

- Seltzer announced that Madeline's is now opening at seven o'clock. She will also have sandwiches available.
- Sahli thanked the Veterans for their service.

**C. Administrator Report**

No report.

**D. Planning Commission Report**

- Wooters stated the Commission sent the Council its recommendation on the Extenet Systems Application with provisions. He also explained that the Commission has developed a survey for the Pickering Barn and would like the Council to approve it.

Discussion followed on Pickering Barn, including the survey, possible locations within the Village, and what information the Planning Commission should be reporting back to the Council.

- Wooters asked the Council to include the Planning Commission on its new subcommittee on pedestrian sidewalks. He also spoke on the concerns raised at the last ZBA meeting regarding synthetic turfs and PFAs.

Discussion followed.

**Action Item: Planning Commission will provide its finding to the Council next month.**

**E. Main Street Franklin Report**

- Goldstrom reported that the Sip, Shop and Stroll date had been changed due to scheduling conflicts.

**F. Committee on Pathways Report**

- Hanke stated that he and Sahli are developing a five-year plan. He stated that the subcommittee will meet once a month two weeks after Council meetings.

Discussion followed.

**IX. PUBLIC HEARING**

**Public Hearing was opened by President Bill Lamott at 7:54 P.M.**

**A. Ordinance to Amend the Zoning Map to Include Certain Properties in the Public Institutional Zoning District.**

**Public Comments:**

Al Beke, 32900 Colony Hill

- He stated the Franklin Community Association's Board of Review has not been able to agree to this new zoning district. They are requesting more time to review.

Rich Pirrotta, Woodside

- He stated that FCA has carefully reviewed the new zoning district and does not want to be included in it. FCA is going to take an initiative and work with the Village's Zoning Commission to determine how to migrate from the current residential zoning to something else.

Tony Bull, Franklin Community Church

- He stated that at this time the Church does not support being included in the Public Institutional Zone. They feel as if the Church is being asked to give up some control over how they authorize the use of their property. They would like more time to review this.

**Public Hearing was closed by President Bill Lamott at 7:59 P.M.**

**X. OLD BUSINESS**

**A. Consider the Second and Final Reading for the Public Institutional Zoning District.**

Discussion followed on delaying a vote on the Public Institutional Zoning District,

**It was moved by Seltzer, seconded by Hanke to reschedule the vote on the Public Institutional Zoning District until next month.**

**AYES: Erlich, Goldberg, Hanke, Hansen, Sahli, Seltzer and Lamott**

**NAYS: None**

**Motion carried.**

**B. Consider Tax Parcel Split Application for 020 & 022.**

Goldberg discussed communication with Oakland County regarding the parcel split. The County wants us to apply for a land division. This will create two new PIN numbers that will represent the properties the Village and the FCA own. What is needed now is a resolution for the Village to authorize the Village President to sign the two affidavits approved at the last meeting and submit the application.

Discussion followed.

**RESOLUTION TO ADDRESS PROPERTY CONCERNS INVOLVING VILLAGE OF FRANKLIN PROPERTIES RELATING TO THE LIBRARY, VILLAGE HALL AND FRANKLIN COMMUNITY ASSOCIATION PROPERTIES**

**WHEREAS**, the Village Council of the Village of Franklin directed its attorney to research, search and review title records for various Village of Franklin properties, including but not limited to, the properties commonly referred to as the Library Property (Parcel ID No. 24-06-253-024), and the Village Hall Property (Parcel ID No. 24-06-253-022);

**WHEREAS**, the Village Council of the Village of Franklin directed its attorney to research, search and review title records for Franklin Community Association properties, including but not

limited to, the properties commonly referred to as the Ball Field and Hill Property (Parcel ID No. 24-06-253-020);

**WHEREAS**, Vanguard Title Company and its attorney conducted a title search of the properties;

**WHEREAS**, Vanguard Title Company, the Village of Franklin (and its attorney), and Trustee David Goldberg noticed the following:

Concerning the Library Property (Parcel ID No. 24-06-253-024), lot 195 was not included in the deed that was executed and recorded on July 30, 1971 conveying the rest of the parcels to the Village of Franklin (lots: 157 – 168 and 184 - 194 were included in this deed, but 195 seems to have been inadvertently omitted);

Vanguard Title Company's attorney suggested remedy to the issue of lot 195 being not included in the July 30, 1971, deed conveying this lot to the Village of Franklin, was to prepare an affidavit, which affidavit was executed by the Village of Franklin President, William Lamott, and shall be recorded against lot 195 with the Oakland County Register of Deeds;

Similar to lot 195 not being conveyed, the Village Hall Property (Parcel ID No. 24-06-253-022) lots 171 through 178 were inadvertently not included in the deed conveying these lots to the Village of Franklin;

Vanguard Title Company's attorney's suggested remedy to the issue of lots 171 through 178 being not included in the deed conveying these lots to the Village of Franklin, was to prepare an affidavit, which affidavit was executed by the Village of Franklin President, William Lamott, and shall be recorded against lots 171 through 178 with the Oakland County Register of Deeds;

**WHEREAS**, lot 78 (which is owned by Franklin Community Association) was erroneously associated with the Village Hall Property (Parcel ID No. 24-06-253-022) in Oakland County Records for tax purposes instead of lot 78 being associated with Franklin Community Association Property (Parcel ID No. 24-06-253-020);

**WHEREAS**, the Village of Franklin, in assistance and direction from Oakland County Equalization Division (Supervisor), will create two new tax parcels, with the effect of properly placing lot 78 with the other parcels owned by Franklin Community Association (associated with Parcel ID No. 24-06-253-020) and removing it from the Village Hall Property (Parcel ID No. 24-06-253-022), which will result in the issuance of a new tax parcel identification number for each new tax parcel;

**WHEREAS**, the Village Council of the Village of Franklin has been updated and approves of creating two new tax parcels to correct properly placing lot 78 with the Franklin Community Association Property and approves of the above noted actions;

**THEREFORE**, the Village Council of the Franklin Village approves, ratifies and resolves:

1. To direct its attorneys, with the assistance of Trustee David Goldberg, to properly memorialize, document, file and record with the Oakland County Equalization Division and Register of Deeds the above, and
2. The Clerk, President and the Administrator of the Village of Franklin are hereby directed to execute any and all documents required pursuant to this Resolution and as may be required by the Oakland County Equalization Division and Register of Deeds.

**It was moved by Seltzer, seconded by Goldberg to approve the tax parcel split application.**

**AYES: Erlich, Goldberg, Hanke, Hansen, Sahli, Seltzer and Lamott**

**NAYS: None**

**Motion carried.**

## **XI. NEW BUSINESS**

### **A. Consider Extenet Systems Application.**

#### **Public Comments:**

##### Rich Pirrotta, Woodside

- He would like the Council to hold another Public Hearing, based on the recommendation of the Planning Commission. He feels that there are a number of residents on both sides of this issue. This would suggest that a public hearing would be necessary and a good outcome for this process to allow transparency and inclusion of the community.

Discussion followed.

##### Caroline Schonek, Woodside

- She spoke on behalf of most of the neighborhood of Woodside and stated that they don't need a cell tower there.

##### Jacqueline Plummer, 30888 Rosemont Lane

- She was concerned that the new tower would be 100 feet from her child's bedroom window. She would like a chance to figure out what her rights are. So, she is in favor of another public hearing.

##### Cat Phillips, 31265 Woodside Drive

- She stated that most residents don't have T-Mobile, but she does and has no problem with service. She believes this cell tower will cause more problems than it will solve. She would like the Village to find an amenable solution for the residents. She believes a public hearing would allow the voice of the residents to be heard.

##### Tony Schonek, 31055 Woodside

- He is concerned that the new location for this tower is 135 feet from his bedroom. Everything he has heard says 400 feet is a safe distance. He stated that they never came asking for

improved service. He is happy with his current service. He would be agreeable if they found another location like the cemetery.

Paula Sloi, Woodside

- She asked if the residents that live on that street have some say in this cell tower.

Discussion followed on the 90-day window for approving the application and when does the 90-days start. Does it start when the original application was submitted or when the revised application was submitted?

**It was moved by Seltzer, seconded by Goldberg to approve the Special Use Application of Extenet Systems.**

**Motion died.**

**Action Item: Council decided to hold a Town Hall meeting next month on the Extenet Systems Application.**

**B. Consider the Appointment of Deputy Police Chief.**

**It was moved by Seltzer, seconded by Sahli to approve Curt Lawson as the new Deputy Police Chief.**

**AYES: Erlich, Goldberg, Hanke, Hansen, Sahli, Seltzer and Lamott**

**NAYS: None**

**Motion carried.**

**C. Consider First Reading of the Amendment to the Stormwater Management Ordinance.**

**Public Comments:**

TJ Sunset

- He was concerned about the Village's stormwater drainage. He believes that the Village needs to develop a plan for this problem. He was informed that the Village's engineers presented the Village with a plan to address this issue.

Discussion followed.

**RESOLUTION TO AMEND CHAPTER 1229 OF THE VILLAGE CODE OF  
ORDINANCES: STORMWATER MANAGEMENT**

**WHEREAS**, both the State of Michigan and the Federal Government provide laws and regulations requiring local units of government to protect and enhance the water quality of local watercourses, water bodies, and groundwater, and

**WHEREAS**, the Village of Franklin has adopted Chapter 1229, Stormwater Management, of the Village Code or Ordinances in compliance with these laws and regulations, and

**WHEREAS**, periodic amendments to these laws and regulations drive the need for the Village to amend our Chapter 1229 so as to remain compliant with these regulations, and

**WHEREAS**, amendments are proposed for Section 1229.03 Applicability and Section 1229.11 Waivers; and

**WHEREAS**, CHAPTER 1229 in its entirety is attached to this resolution, and,

**WHEREAS**, proposed amendments to Section 1229.03 and 1229.11 are printed in red in the attachment and read as follows:

1229.03 – (a) *The Oakland County Water Resources Commissioners Stormwater Engineering Design Standards as amended from time to time, are hereby adopted by the Village of Franklin in this article for the control and treatment of stormwater runoff. . . . .*

1229.11 - . . . . . *The Village Engineer shall have the authority to grant waivers from specific control provisions of the stormwater management standards due to site-specific conditions, but only if the waiver(s) are as restrictive as the Oakland County Standards. . . . .*

**THEREFORE**, the Village Council of the Franklin Village resolves:

1. To approve the proposed amendments to Sections 1229.03 and 1229.11 of the Village Code of Ordinances as presented and attached hereto, and
2. The Clerk and the Administrator of the Village of Franklin are hereby directed to provide a certified copy of this resolution with the attached, amended ordinance to the State of Michigan Department of Environment, Great Lakes, and Energy.

**It was moved by Hansen, seconded by Hanke to approve the First Reading of the Amendment to the Stormwater Management Ordinance with the changing the wording to say “The Village Council shall have the authority . . .” from the “The Village Engineer shall have the authority . . .”.**

**AYES:** Erlich, Goldberg, Hanke, Hansen, Sahli, Seltzer and Lamott  
**NAYS:** None  
**Motion carried.**

**D. Consider the Family Court Awareness Proclamation.**

**RESOLUTION**

**Family Court Awareness Month**

**WHEREAS**, the mission of the Family Court Awareness Month Committee (FCAMC) is to increase awareness on the importance of a family court system that prioritizes child safety and acts in the best interests of children, and

**WHEREAS**, the mission of the FCAMC is fueled by the desire to create awareness and change within the family court system where, it is conservatively estimated, 58,000 children a year are ordered into unsupervised contact with abusive parents, while also honoring the hundreds of children who have been reported as murdered during visitation with a dangerous parent, and

**WHEREAS**, the mission of the FCAMC is to increase awareness on the importance of empirically based education and training on domestic violence and child abuse, including emotional, psychological, physical, and sexual abuse, as well as childhood trauma, coercive control, and post separation abuse for judges and all professionals working on cases within the family court system, and

**WHEREAS**, the mission of the FCAMC is to increase awareness on the importance of using scientifically valid, evidence-based treatment programs and services that are proven in terms of safety, effectiveness, and therapeutic value, and

**WHEREAS**, the mission of the FCAMC is to educate judges and other family court professionals on evidence-based, peer reviewed research. Such research is a critical component to making decisions that are truly in the best interest of children. This research includes The Adverse Childhood Experiences (ACEs) Study (co-principal investigator Vincent Felitti, Kaiser Permanente-CDC); Child Custody Evaluators' Beliefs About Domestic Abuse Allegations (principal investigator Daniel Saunders, University of Michigan, sponsored by National Institute of Justice); and Child Custody Outcomes involving Parental Alienation and Abuse Allegations (principal investigator Joan S. Meier, GW Law School, sponsored by the National Institute of Justice).

**NOW THEREFORE**, I, William Lamott, Franklin Village Council President, hereby declare the month of November 2023, to be FAMILY COURT AWARENESS MONTH in the Village of Franklin and I encourage all Village residents to support local efforts to prevent harm to children in the hands of family members and to honor and value the lives of children.

**It was moved by Seltzer, seconded by Erlich to approve the Proclamation for the Family Court Awareness.**

**AYES: Erlich, Goldberg, Hanke, Hansen, Sahli, Seltzer and Lamott**

**NAYS: None**

**Motion carried.**

**E. Consider Changeable Sign in Front of Broughton House for Village Communications.**

**Action Item: This item has been moved until next month.**

**F. Discuss Pledge of Allegiance Before Council Meetings.**

- Seltzer stated he recently attended the Beverly Hills Council meeting, and the Pledge of Allegiance was recited. He believes that the Village of Franklin should consider.

Discussion followed.

**It was moved by Seltzer, seconded by Goldberg to adopt the reading of the Pledge of Allegiance before Council Meetings.**

**Roll Call Vote**

**Erlich           Nay**  
**Goldberg       Aye**  
**Hanke           Nay**  
**Hansen         Aye**  
**Lamott          Nay**  
**Sahli            Nay**  
**Seltzer          Aye**  
**Motion failed.**

**Public Comments:**

Barry Shatzman, 31800 Nottingham

- He lives across the street from the property at 25600 Franklin Park Drive. He stated that his neighbor has purchased homes on either side of his house with the intention of bringing Haitian refugees here. He wants to know what the Council’s stance is on it; and can the Village have a public meeting on it? His concern is that they look different.

Lamott provided the resident with an update. He explained that he and the Village Administrator have been working on this issue.

Discussion followed.

**X.     ADJOURNMENT**

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

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

There being no further business, the meeting was adjourned at 9:31 P.M.

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William Lamott, President

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Dana Hughes, Village Clerk