

**VILLAGE OF FRANKLIN
REGULAR COUNCIL MEETING
MONDAY, November 14, 2022, 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 7:00 P.M.

II. ROLL CALL

Present: Kathy Erlich, David Goldberg, Mark Hanke, Pam Hansen, Ed Saenz, and Bill Lamott

Absent: Mike Seltzer

Present: Dan Roberts, Police Chief; Tony Averbuch, Fire Chief; Roger Fraser, Village Administrator, Susan Goldstrom, Assistant Administrator; Peter Gojcaj, Village Attorney; and Lance Vainik, Village Treasurer

III. ADOPTION OF AGENDA

Lamott stated that item 10E) "Consider the Police Department Roof Bid" has been removed from the agenda. The Headlee Override amendment discussion to be added to the Treasurer Report.

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

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

NAYS: None

ABSENT: Seltzer

Motion carried

IV. MINUTES

A. Regular Meeting of November 14, 2022

Erlich wanted a resident comment added to the Minutes. Saenz stated that on the bottom of the first page he is listed making the motion and being absent. Goldberg noted a few corrections on pages 3 and 10.

- ❖ Hanke asked if there was any follow up on the political mailing using the Franklin's Police and Fire Emblems.
 - Attorney Gojcaj explained that the Benjamin Franklin emblem is allowable to use but in his interpretation the emblem of the police and fire could not be used. He also stated that the Michigan Secretary of State provides clarification of what is allowed and what is not allowed.

- ❖ Hanke requested the attorney create a document for the Council to review.

Approval of the Minutes were postponed until the next Village Council meeting.

V. PUBLIC REQUESTS AND COMMENTS

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

David Sahli, 26172 Meadow Drive

- He wanted to publicly thank the residents for welcoming him as he was knocking on doors during the campaign cycle.
- He wanted to discuss two items on the agenda, the Historic District vote and the lighting ordinance. If it is a state of just information gathering, unfortunately, if you are all provided the opportunity to ask questions, tonight, I will be put in a position in future meetings to vote on something that I will not be afforded the same opportunity to ask questions for. He would love the opportunity to be able to ask questions. And again, have it on the record in front of a public forum.

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

VI. REPORTS OF VILLAGE OFFICERS AND AGENT

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A. Police Report

Dan Roberts, Police Chief

- Dan Roberts, Police Chief reviewed with Village Council his submitted report.
- Roberts stated the Village had some larceny from automobiles. They are automobiles that are left unlocked with expensive items left inside. He urges all residents to lock their cars at night and secure their valuable items in the house. He knows that Birmingham and Bloomfield Township, did get hit over the weekend, in some cases, 20 to 30 cars were hit. So the Village won't have any of that crime problem.
- The other thing he mentioned is police officer overtime and the personnel challenges. Currently one command staff who is out on Long Term Disability right now. One of the part time officers is out for several weeks with an off-duty injury. He has officers' wives that are having children in January, in one case, twins, so they are going to be out for extended leave. So that is about half the department that will be gone. Working diligently to try and find solutions to make sure that the department has enough patrol officers on the road. You have seen a great increase in the amount of overtime that we have had for the last month or two. And that is because he is trying to keep officers on the road, with all the illnesses and other things. So, but unfortunately, the overtime budget is taking a big hit on that. And there is six to seven more months left in the fiscal year. So, he anticipates that this year for the first time, we may go over in our overtime budget.

Discussion:

- ❖ Hanke asked a question about the overhead intersection cameras installed in the Village.
 - Chief Roberts explained they were working very well, and they have helped to solve two crimes that has occurred in the downtown area. He also added they are not monitored unless there is an issue.
- ❖ Goldberg asked a question about the incident at the Speedway Station.
 - Roberts stated the misinformation out there that there was a shooting that occurred there. There was not, it was a nighttime burglary. Unfortunately, a number of gas stations in our area, not in Franklin, have been targeted for burglaries at night where they are going in breaking through the door in that case, and interestingly, only taking cash.

B. Fire Report

Tony Averbuch, Fire Chief

- Tony Averbuch, Fire Chief reviewed with Village Council his submitted report.
- Chief Averbuch stated, there are more driveway controls set up with gate access. In one case, there was a subdivision with the gate access that was modified. And the modifications took place at an unknown time during the year. As a result of the modifications, the fire department nor the police department can get in. From the fire department perspective, this is not acceptable. The service ability for the fire department for every resident that is in that subdivision may be diminished. The reason why he wanted to mention it tonight is for anyone in the audience or listening or on council that may want or have a desire or a present application of gate access. Please contact the police and fire departments before you put something in or modify it.
- The Franklin village has no fire hydrants, no municipal water, a fire department that uses a contractor for transportation, and has volunteers that respond directly for emergency calls. Without a conversation and the ability to understand the realities of our capabilities, emergency access can be hindered. That can cause unnecessary loss of life, or damage to property. The chief's phone number at the fire station 248-626-9862. Anyone who is involved in this, please give him a call. He would love to be able to work with you whoever you are, to better protect your homes at the same time, as affording the protection that we provide as public safety.

Discussion:

- ❖ Averbuch stated that the fire department is not made aware of gates that are installed or constructed. There are several actions that can take place, base all on the knocks system, which is secured keyway system. The fire department does operate using technology with a program called active 911 where it can track the specific locations of knocks controls. They also utilize the dispatch database which is shared between the fire and police.
- ❖ Hanke asked as the Village Council what should they do?
 - Averbuch stated to educate the public. And if there is ever an opportunity to amend a fence ordinance add something about access controls. This gets to be a much bigger subject matter than just dealing with the lock mechanism itself. It deals with power issues within the Village. So, if the power goes out, the gate should be automatically opened. As opposed to just being locked in place, it gets into access issues.

C. Treasurer Report

Lance Vainik, Village Treasurer

- Lance Vainik, Village Treasurer reviewed with the Village Council his treasurer's report. There was a large entry of \$22,404.90 for landscaping services paid to Johnson Landscaping.

VII. SUBMISSION OF CURRENT BILLS

Totals: 10-09-2022	
CATEGORY	SUB TOTALS
General	\$ 740,535.40
Major Streets	\$ 10,303.32
Local Streets	\$ 6,689.30
Police	\$ 129,883.47
Garbage and Rubbish	\$ 15,386.11
Building Dept.	\$ 10,436.63
Library	\$ -
Street Project	\$ 196.25
Road Millage	\$ 453,600.00
Pressure Sewer	\$ -
Tax Collection	\$ -
Wastewater	\$ 2,042.09
TOTALS	\$ 1,369,072.57

The Headlee Override Overview:

Lance Vainik

The Headlee Override that passed in the election. The Village was very concerned with the trajectory of future budget forecasts and the impact that that would have towards the general funds. Decades ago, they passed a millage rate of three and a half mills. It was reviewed, during our annual budget meetings. The Village recognized that it could reduce the mill rate which it did. The Village took steps to reduce it because it recognized the Village didn't need to keep this large of a surplus in general funds. The reverse is occurring right now. In an environment where the budget is dominated by police expenses. It is 80% of the budget and going up steadily. It is something that was focused on and reviewed at multiple budget meetings every year. We had to involve the Headlee Override. Now the rate is back up from 2.58, up to 3.5. That is on the Village tax portion of our property taxes. It is something that impacts everybody, but it is a reasonably minimal impact. The goal is to have a balanced budget, to have ample funds, and to run the Village. This should shore up the Village's future finances. And it is going to be a useful program.

Discussion:

- ❖ Lamott stated that the Village is spending more on accounting services than a year ago.

It was moved by Hanke, seconded by Goldberg to approve the submitted bills.

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

NAYS: None

ABSENT: Seltzer

Motion carried

VIII. SPECIAL REPORTS

A. President's Report

No report.

B. Council Report

Hanke stated his appreciation to Ed Saenz on Ed's last regular Council meeting, after six years of serving. He stated it had been a pleasure serving with him.

Goldberg added that the Village needed to recognize that and all the dedication and time that he gave to the Village.

Erlich informed the Council that Josie the horse has passed away. She brought this fact up because currently the Planning Commission is talking about the horse ordinance. It states that once all the horses in the Village have moved or died then no more horses will allowed in the Village. Her questioned to the Council was, is this something the Planning Commission should review?

C. Administrator Report

Fraser stated that HRC will be beginning next week with underground drainage work along Evelyn Court and Franklin Court, west of Vincennes up to 14 Mile Road. There will be some ditches rebuilt along several of the homes and some of the ditches and the culverts are underground that need cleaning. They will be doing that as well. This is the first of two parts for this project. Additional information on the work on Greenbrier will be provided to you.

Discussion:

- Do the residents affected by this project know what is going on?
 - Door hangers are being place on their doors tomorrow.
- Hansen stated when the Village signed the contract with HRC and its subcontractors to do this, her specific request was that they develop educational material for the Villagers about the importance of drainage.
 - Fraser agreed a better plan for educating the residents is needed and they will correct it.
- Hanke was concerned that this is affecting people's property and that they deserve to know what it is going to look like when it is done.
- Lamott would like to see at least a phone call to the affected homeowners.

D. Planning Commission Report

Pete Halick, Chairperson

The Planning Commission has three new business items it is working on. One of them is the tree ordinance. The planner brought to our attention that the tree ordinance matter is going through the court system. So, we are going to postpone addressing it now. There has been a significant challenge to it that would affect our ordinance as well, so the Commission is going to hold off making modifications until we find out what the outcome is.

The Commission has also started looking at burn permits for leaf burning and outdoor burning in general. They are reviewing the pros and cons. He has talked to Chief Averbuch about it. Currently, burn leaves and branches are allowed after applying for a permit online. Which is an easy permit to get; just notifying the fire department about the fire that will take place and who will be supervising it.

The Commission continues to develop ideas on having a dog park. He is part of the process of looking at how these dog parks have been implemented in other areas around us. There is one at Lathrup Village right on Southfield and 12 Mile. They have done a small one, but you can see it is used. It has a membership type arrangement. So, it doesn't have to be a giant area. The area in the Village that could work is next to the cemetery.

Finally, the last two items are the master plan implementation, or master plan review. We've done our go through of that. There's a process now to reform reformat photographs, implement our changes, and it may take Chris Doozan, the planner some time to put it all together. Then there is our pathway, village land inventory item, and the Commission has a document ready that it would like to put before the Council. The Commission recommends pursuing some pathway possibilities and will take the bulk of the work on to push it forward if the Council is in favor of it.

So, if you have any questions on the lighting ordinance, he would be happy to take them now. He will summarize the one key aspect is that the Commission has put a 0.2 foot candle maximum at the property line of all residential properties. Two Commission members, Nicks Bevins and Stuart Wooters went out and did some studies with their light meter and found that the foot candle was rare to go over 0.2. It gives a quantifiable way to measure light intrusion.

Discussion:

- Hanke questioned why the Village is pursuing a dog park, since feedback suggests the residents are not for a dog park.
 - Halick stated the Commission did hear from the residents that they really did not want near their homes. So, it was changed based on their feedback. The location moved to an area that will only about one neighbor. It will have a low impact.
- Hanke would recommend stop working on the dog park.
- Goldberg believes it should be vetted out.
- Lamott asked Halick to come to the next Council meeting with an idea of what this park would look like, so there can be discussion.
- Hanke questioned, what is a fair way to measure compliance with foot candle?
- Lamott believes the Council does not have enough information to act on the lighting ordinance.
- Goldberg has questions about the ordinance and why is only the first page stricken and has added language.
 - Halick explained because the old ordinance was just one page, so the additional pages are new information.
- Other concerns regarding the lighting ordinance included discussions on flashing lights, holiday lights and exemptions.
- Hansen would like to hold a workshop to discuss issues of the connectivity in the Village and combine it with the lighting ordinance.

PUBLIC COMMENT

Rick David

Stated any citizen that wants to get involved in the library, they will be interviewing and having to select someone to fill a four-year term. So, library board trustee position will be open and it will be posted shortly once the election results have been certified. So please contact the library if you are interested.

He then questioned the Planning Commission in regard to the cellular service.

Lamott stated that the Village has reached out to AT&T, T-Mobile and Verizon. AT&T seems to be the one with the most interest.

David questioned if Verizon was looking to put in a tower. Will the Village consider them if they make a proposal?

Hanke stated that the Village is not prejudging any proposal. They are just looking for the best solution.

Hansen would like to bring that to the whole council for discussion, when the cellular committee has its findings.

E. Main Street Franklin Report

No report.

Discussion:

- Lamott wanted to firm up the time for the organizational meeting scheduled for November 21st, he would like it to start at 7 p.m.

Fraser stated that per the Village Charter the organizational meeting will start at 8 p.m.

IX. PUBLIC HEARING

Public Hearing was opened by President Bill Lamott at 8:00 PM.

A. Community Development Block Grant Funding, Plan Year 2023.

Kathy Womack, Birmingham Youth Assistance

She thanked Franklin for its ongoing sponsorship contributions through the CDBG funds. Those funds help support our programs to help kids get involved with skill building activities and camp activities. They have worked with Franklin on expanding some of the terms for the CDBG funds to include things such as outside counseling for youth who may not have the resources for that. Franklin also gets involved in some of our other community programs. That it speaks volumes to our programs as well.

Discussion:

- Hanke asked if the Birmingham Youth Assistance Program is based in the public schools?

Womack stated that all the communities which are part of the Birmingham Public School District, we help with. We can service all those kids and families, whether it be through direct casework services, where I will work one on one with young people and families or through some of our community programs. And some of our scholarship programs which the CDBG funds help us to support families to get involved with camps during the summer or skill building programs throughout the year.

Chris Brown, Executive Director of Next

We work with the seniors in the community. We serve Franklin as well as Birmingham, Bingham Farms, Beverly Hills, our enrollment is growing, our needs are growing, our resources are not. We have always appreciated Franklin's support of the programs that we provide. But more importantly, the support services we provide. We have increased our number of Franklin residents that do partake in in the programs, which is great, but if one thing we have learned from COVID is the importance of very reliable, dependable support services. We have increased our number of residents that we serve here in Franklin with Meals on Wheels, transportation to doctor's appointments, and grocery stores, as well as support services that help with lawn and snow removal, fall cleanups, things of that nature, gutter cleaning, furnace checks, things of that nature.

Discussion:

- Hansen asked what are the guidelines on how the money can be allocated?
- Fraser stated that it can be allocated to one specific entity or two entities.
- It was discussed among the Council whether to split the allocation or give it to one entity. During the discussion, Lamott mentioned that \$10,000 is budgeted for Next every year.
- Saenz stated that the Council had received a letter from Haven requesting consideration for the allocation.

Public Hearing was closed by President Bill Lamott at 8:09 PM

X. NEW BUSINESS

A. Community Development Block Grant Funding, Plan Year 2023.

Motion by Hanke, seconded by Erlich to allocate \$7,000 for Community Development Block Grant (CDBG) Distribution for Program Year 2023 to Birmingham Youth Assistance.

Ayes: Erlich, Goldberg, Hanke, Hansen, Saenz, Lamott

Nays: None

Absent: Seltzer

Motion Carried.

B. Consider Civic Event Permit Application for "Art Menorah 2022" on December 19, 2022.

Lamott read the Civic Event Permit from Rabbi Benzion Geisinsky regarding the event.

Discussion:

- The Council had questions on the actual location of the setup.

It was moved by Saenz, seconded by Erlich to approve the Civic Event Permit Application for “Art Menorah 2022”, on December 19, 2022.

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

NAYS: None

ABSENT: Seltzer

Motion carried.

C. Consider the Outdoor Lighting Ordinance.

Lamott recommended that the Council roll over this item until they receive more clarification on a possible workshop to discuss it.

It was moved by Saenz, seconded by Hanke to postpone a decision on the Outdoor Lighting Ordinance until December.

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

NAYS: None

ABSENT: Seltzer

Motion carried.

D. Consider the HDSC October 2022 Report on Modification to the Historic District.

Gary Roberts

It really is the best practice of the industry to look at the limits of your historic district every 10 years. It has been at least 20 years here in Franklin, and the reason that you would want to do that is things in the perimeter can change status. Things within the district could change status, and you might want to exclude them. In 2018, the Historic District commission approached the Council under the provisions of ordinance 1230.09 and appointed a five-member study committee to go forward and take a look at this matter. That the committee members are Amanda Davis, and myself, Fred Gallasch, Nena Downing and Eileen Harryvan. That's who was appointed at that time, and we stuck with it. Now, we did run into significant delays when we couldn't get a hold of Lansing and we took basically the whole pandemic route. But we have finally got here. The approach to this was to just start a clean sheet. We know what the district we have, and we don't think there's any limit changes within it; it certainly isn't going to contact. But let's look around and see what other assets and resources we might have in town that could be included. And the committee went out and looked at over 100 properties. There are just some tremendous historic resources in town that are not in the district. We agreed on 41 properties. And of those 41 properties, we sent them a personal letter, trying to extol the virtue of our initiative, trying to recognize the Council's directive that we were going to seek only voluntary contribution, or inclusion by homeowners. We had an open house at

the Kreger house, about 12 people came. And we gave them the design guide and several pieces of information about what the current Historic District is.

We identified eight properties that should be included in the report. Of the eight, three of them were a considerable distance away from the current edge of the district to farmhouse on 13 Mile and the farm property, on South Franklin Road around the curve. When we went to SHPO, explained what our map looked like, which had a couple of these long arms that went a mile away from the district itself. They said, no, that's not a district, that's a collection, you got to be closer diagonally across the street or in the same block or you know, reasonable distance. They got us two choices, drop those properties from your current application, or put in all the properties in between. So, we took them out.

There's a second initiative, to make those single Resource Districts at some point in the future if those homeowners are still interested. We finally got it down to the five properties which in this in this map is basically the Lamont house, the Meldrum house, the Kreger house and surrounding land, the Church and the FCA property. Four out of the five of those meet the voluntary guideline guidance that we were given by the council. The only objection to this plan is the FCA. Their objection is that the layer of bureaucracy or additional steps that would be placed on them, by having their three acres included in the district, it is the issue.

Discussion:

- The question was asked what was the procedure for this project and is this report different from the first draft?

Amanda Davis

The procedure was a year ago the draft report was submitted. The SHPO then had an extended period to get their comments, concerns, changes necessary to us. And then we spent several months meeting and discussing what to do, how to move forward. A lot of it involved a discussion of those two outlying properties, and what to do with those. And some of it involves the discussion of the FCA property. Because when we originally put in our draft report, my assessment based on my experience was that it should be included as a non-conforming property in the district to make a cohesive Village Green. The things that are different are the properties that were removed, as mentioned earlier, and the change of the FCA property from non-contributing to contributing.

Discussion:

- The discussion surrounded the FCA property and its inclusion in the Historic Designation.
- The FCA unanimous decision not to be included, the designation would require additional unnecessary steps to be get things approved.
- a 90-day extension was discussed.
- The dispute between what the Village of Franklin owns and what the FCA owns

It was moved by Goldberg, seconded by Hansen to extend the period by which this report must be accepted by Village Council for 90 days.

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

NAYS: None

ABSENT: Seltzer
Motion carried.

XII. ADJOURNMENT

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

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

NAYS: None

ABSENT: Seltzer

Motion carried.

There being no further business, the meeting was adjourned at 9:05 PM.

William Lamott, President

Dana Hughes, Village Clerk