

**PROCEEDINGS OF VILLAGE OF FRANKLIN
VILLAGE COUNCIL REGULAR MEETING
MONDAY, September 13, 2004, 8:00 P.M.
FRANKLIN VILLAGE HALL – BROUGHTON HOUSE
32325 FRANKLIN ROAD, FRANKLIN, MICHIGAN**

I. CALL TO ORDER

The meeting was called to order by President Jahnke at 8:00 pm at the Franklin Village Hall, Franklin, Michigan.

II. ROLL CALL

Present: Randy McElroy, Ralph Sosin, Mark Jahnke, Alan Harnisch, Fred Gallasch, Bill Lamott, Brian Coyer

Absent: None

Also Present: Jon Stoppels, Administrator
Eileen Pulker, Village Clerk
Dominick Schiano, Treasurer
Dr. David Roberts, Asst. Fire Chief
Edward Glomb, Police Chief
Christopher Doozan, AICP, PCP, Planning Consultant,
McKenna Associates, Inc.
John Staran, Village Attorney, Beier Howlett

III. ADOPTION OF AGENDA

Motion by Sosin, supported by Harnisch to Move Items XI A and XI B to Section IX Under Item C and to Approve the Agenda as Amended.

Ayes: McElroy, Sosin, Harnisch, Gallasch, Lamott, Coyer, Jahnke

Nays: None

Motion carried.

IV. MINUTES:

A. Regular Meeting of August 9, 2004

Gallasch noted one spelling correction.

Motion by Sosin, supported by Lamott to Approve the Minutes for the Regular Meeting of August 9, 2004 as Amended.

Ayes: McElroy, Sosin, Gallasch, Lamott, Coyer, Jahnke

Nays: None

Abstain: Harnisch

V. REPORTS OF VILLAGE OFFICERS AND AGENTS

Police Chief Glomb stated that the Fall Round Up festivities went very well. Glomb gave a Ryder Cup Update, stating that the Police Department had marked streets at 14 Mile as "No Parking, Tow Away" zones. Glomb stated that there will be some traffic problems and other issues in Franklin and that the FBI plans to use some of the Police facilities for the week. Glomb stated that other than minor issues he had just listed, he felt that the event would go very well and he encouraged people to attend the event. Council asked about the Police presence at the Round-Up. Glomb stated that all of the full time officers and thirteen volunteers were utilized during the event.

Fire Chief Tony Averbuch was not available for the meeting but had provided a written report.

Treasurer Dominick Schiano gave his customary short report, reviewing the bills list, and gave his approval of all items on it. Schiano gave an update on the tax receipts, which were at 88.1% of the total due. As of September 1st, all outstanding taxes would start being penalized. Schiano also gave an update on the Finance Committee's review of the Fire Department expansion, stating that it showed that no millage increases were necessary to support the Fire Department expansion.

VI. SUBMISSION OF CURRENT BILLS

Gallasch asked about the charges on page 3 of the Bills List from the State of Michigan. Stoppels stated that the Village was to reimburse the State of Michigan for unemployment charges incurred. Stoppels continued stating that the municipality's option of not participating in the unemployment insurance contribution program has enabled the Village to save on this expense each year, for many years.

Motion by Gallasch, supported by Harnisch, to Approve the Bills List as Submitted.

TOTALS

General Administration	\$ 13,922.81
Tax Fund	\$ 255,321.72
Building	\$ 21,676.14
General Debt	\$ 226,683.75
Insurance	\$ 44,786.13
Legal	\$ 4,184.36
Police	\$ 24,992.17
Pressure Sewer	\$ 300.00
Roads	\$ 21,661.44
2002 Local Road	\$ 2,778.03
Cell Tower	\$ 1,702.00
Rubbish	\$ 1,497.00

Trust & Agency	\$ 12,900.00
Village Hall & Grounds	\$ 2,250.00
Waste Water	\$ 1,221.72
ALL FUNDS	<u>\$ 635,877.27</u>

Ayes: McElroy, Sosin, Harnisch, Gallasch, Lamott, Coyer, Jahnke
Nays: None
Motion carried.

VII. PUBLIC REQUESTS AND COMMENTS

No comments.

VIII. PUBLIC HEARINGS FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT FOR THE FOLLOWING ITEMS:

A. PROPOSED RESOLUTION TO SCHEDULE THE VILLAGE'S REGULAR ELECTION ON THE FIRST TUESDAY AFTER THE SECOND MONDAY IN SEPTEMBER IN ODD-NUMBER YEARS AND THAT, IF A RESOLUTION TO DO SO IS NOT ADOPTED, THE VILLAGE'S REGULAR MUNICIPAL ELECTION WILL BE HELD AT THE EVEN-YEAR NOVEMBER GENERAL ELECTION DATE.

B. PROPOSED VILLAGE CHARTER AMENDMENT AND PROPOSED BALLOT LANGUAGE TO CHANGE THE TERM OF OFFICE FOR THE VILLAGE PRESIDENT AND VILLAGE TRUSTEES FROM TWO YEARS TO FOUR YEARS.

President Jahnke opened the Public Hearing portion of the meeting. Jahnke provided a short introduction and the facts of the State of Michigan Hammerstrom Election Consolidation Law that has precipitated the Village's examination of their options under the new regulations.

Carmina Tuksal, 30205 Rosemond Ct., asked the Council why the Village was proposing to change the election law. Jahnke stated that the election law was changed by the State Legislature, and as such, was out of the Village's control. Jahnke stated that the reason for picking odd-number year elections in lieu of the November even year dates was an attempt by the Council to stagger the election terms. This in combination with increasing the length of the terms of office for the Village President and Village Trustees is to keep the elections for the Village Council as similar as possible to those elections of the past. Several Council members stated their concern, due to the fact that if the Village were to choose the default option of even-number year elections combined with two year terms, that would create the possibility of the entire Village Council being replaced by new Trustees, eliminating the continuity that the Village is accustomed to, thus losing the experience and knowledge obtained over the years. Mrs. Tuksal asked if a

trustee were to resign their position early, would the replacement be elected or appointed. Ms. Tuksal also stated if the replacement were appointed, then that would be a problem; she would rather have two year terms to allow the Villagers to choose new Council Trustees, not the Council. Jahnke replied that the replacement would be appointed, and that in the current system, when a trustee resigns early that the replacement is appointed, not elected. Staran gave some additional clarification on the issues, stating that the State Legislature decided to change the election laws because, in general, people are confused by the large number of elections and the Legislature wanted to find a way to simplify the process and save money for all municipalities and the State. Staran went on to explain the time frame of the new election process, and which choices the Village could make. Staran stated that the Village wanted to maintain a level of continuity even though the change in election law would be dramatic. Discussion ensued during which various Council members expressed their concerns with the changes in election law and how the changes enacted by the State will impact future elections. Mrs. Tuksal expressed satisfaction with the Council's willingness to plan ahead.

**C. SITE PLAN APPLICATION FOR THE PROPERTY LOCATED AT
32707 FRANKLIN ROAD (FRANKLIN BINGHAM FARMS FIRE
DEPARTMENT).**

Asst. Fire Chief David Roberts thanked the Council for considering the construction plan for the Fire Department. Chief Roberts gave an update on the expansion of the Fire Department, and asked the Council to allow the Fire Department to begin the work. Rick Koslowski, 26480 Woodlore, gave his support of the Fire Department expansion, stating that he felt it was important for the Fire Department to be ready for any situation, and that the Fire Department was financially responsible. Stephanie Graef, 26246 Vincennes, stated that she thought the neighbors surrounding the Fire Department would receive notice of where the addition would go on the building, but that she had not received any such notice. Jahnke explained to Ms. Graef that the letter she had received was her notification of this meeting and that any questions she might have would be answered in the Public Hearing portion of the meeting, as well as during the discussion of the item later in the agenda. Jahnke remarked that the representatives of the Architects were present and available to make a presentation. Derek Slupka of Sachse Construction, the contractor working on the Fire Station expansion, showed diagrams of the addition. Carmina Tuksal, 30205 Rosemond Ct., asked whether or not the ingress and egress around the building had been considered. Mr. Slupka stated that the building was affecting the drive on the west side of the building, but the drive would be diverted around the Fire Station. Mr. Slupka also stated that the surrounding businesses were supporting the addition fully. Rebecca Gale, 30740 Kirk Lane, stated that there was a need to emphasize the need for overnight facilities at the Fire Department, and that the expansion was a positive addition to the Fire Station.

Public Hearing closed at 8:50 pm.

IX. NEW BUSINESS

A. Consider Proposed Resolution to Schedule the Village's Regular Municipal Election on the First Tuesday after the Second Monday in September in Odd-Number Years.

#2004-80 Motion by Gallasch, supported by Harnisch to Approve the Resolution to Schedule the Village's Regular Municipal Election on the First Tuesday after the Second Monday in September in Odd-Number Years.

WHEREAS, the enactment of the Hammerstrom Election Consolidation Law, 2003 PA 298 et seq, as amended, supercedes the Village Charter, eliminates the Village's annual March regular municipal election date and requires the Village to hold its regular municipal elections on the even-year November general election date. Alternatively, the law authorizes the Village Council to decide to hold the Village's regular municipal elections on the first Tuesday after the second Monday in September in odd-number years; and

WHEREAS, in order to adopt the odd-year September date for the Village's regular municipal elections, the Election Consolidation Law requires the Village Council to, after notice and public hearing, approve the odd-year September election date by resolution adopted between September 1, 2004 and December 31, 2004; and

WHEREAS, on July 12, 2004, the Franklin Village Council resolved to hold a public hearing, at the Village Council's September 13, 2004 regular meeting, on the issue of whether to schedule the Village's regular municipal election on the first Tuesday after the second Monday in September in odd-number years and that, if a resolution to do so is not adopted, the Village's regular municipal election will be held at the even-year November general election date. Said resolution further directed the Village Clerk to give notice of the public hearing in accordance with MCL 168.642; and

WHEREAS, pursuant to such notice (copy attached hereto), the Village Council has held a public hearing at this September 13, 2004 regular meeting.

THEREFORE, it is resolved and decided by the Village Council that:

- 1. Commencing in 2005 and continuing thereafter, the Village's regular municipal election shall be held on the first Tuesday after the second Monday in September in odd-number years.**
- 2. In accordance with state law, the Village Clerk shall certify and transmit to the Secretary of State a copy of this resolution.**

Adopted this 13th day of September 2004.

Roll Call Vote:

McElroy	Aye
Sosin	Aye
Gallasch	Aye
Harnisch	Aye
Coyer	Aye
Lamott	Aye
Jahnke	Aye

Motion carried.

- B. Consider Proposed Amendment to the Village Charter relating to Chapter III, Plan of Government, Sections 4 and 5, that would change the terms of office for the Village President and Trustees from two (2) years to four (4) years, commencing with the Special Election on February 22, 2005.**

#2004-81 Motion by Harnisch, supported by McElroy, to Approve the Amendment to the Village Charter relating to Chapter III, Plan of Government, Sections 4 and 5, that would change the terms of office for the Village President and Trustees from two (2) years to four (4) years, commencing with the Special Election on February 22, 2005.

WHEREAS, the Village Council has considered a proposed amendment to the Village Charter relating to Chapter III, Plan of Government, Sections 4 and 5, that would change the terms of office for the Village President and Trustees from two (2) years to four (4) years commencing with the next election; and

WHEREAS, the Village Council, at its July 12, 2004 regular meeting, tabled and postponed further deliberation or action on the proposed Charter amendments until this September 13, 2004 regular meeting; and

WHEREAS, the Village Clerk caused a Notice of Proposed Charter Amendment to be published on August 12 & 29, 2004, in the Birmingham Eccentric notifying residents that Village Council, at this September 13, 2004 meeting, would consider taking action on the proposed Charter amendments and further setting forth the present Charter language, the proposed Charter language and the proposed ballot questions; and

WHEREAS, the Village Council has conducted a public hearing at this September 13, 2004 meeting,

THEREFORE, it is resolved:

- 1. The Village Council hereby approves for submittal to the electors the proposed Charter amendment as set forth in the published Notice of Proposed Charter Amendment (copy attached).**
- 2. The Village Clerk shall certify a copy of this resolution for submittal to the Governor of the State of Michigan for approval.**
- 3. The proposed Charter amendments shall be submitted to the electors for approval at a special election, which will be held on February 22, 2005.**
- 4. The Village Clerk shall give notice in accordance with state law of the election by publishing notice twice in the Birmingham Eccentric. The notice shall contain the present Charter language, the proposed Charter language and the proposed ballot questions. The first publication of said notice shall not be less than two (2) weeks, nor more than four (4) weeks prior to the date of the election. The notice shall also be posted in at least ten (10) public places within the Village not less than two (2) weeks prior to the election.**
- 5. The proposed Charter amendment shall be placed on the ballot in the form set forth in the published Notice of Proposed Charter Amendment (copy attached), with provision for voting “yes” or “no.”**

Adopted this 13th day of September 2004.

Ayes: McElroy, Sosin, Harnisch, Gallasch, Lamott, Coyer, Jahnke

Nays: None

Absent: None

Motion carried.

C. Consider Planning Commission Recommendation of the Site Plan Application for Building Expansion for the Franklin/Bingham Farms Volunteer Fire Department Facility.

Jahnke began by requesting Asst. Chief David Roberts to affirm the ability to continue the current millage rate for the Fire Department, with the support of Bingham Farms. Chief David Roberts then gave his affirmation, stating that their examination of tax records and accounting procedures supports their assertion. Several Council members stated their understanding that the Fire Department was fiscally responsible.

#2004-82 Motion by Coyer, supported by Gallasch, to Approve the Recommendation of the Planning Commission for the Site Plan Application

for Building Expansion for the Franklin/Bingham Farms Volunteer Fire Department Facility.

Ayes: McElroy, Sosin, Harnisch, Gallasch, Lamott, Coyer, Jahnke

Nays: None

Motion carried.

XI. Communications:

A. Consider Planning Commission Recommendation for Re-Zoning.

Jahnke noted that several members of the Planning Commission were in the audience and invited Planning Commission Chairman Jim Stevens to introduce this subject. Stevens gave a brief report, explaining the reasoning behind the proposed re-zoning. Stevens explained that the goal of the re-zoning project was to keep the look and appeal of the Village in conformity with the Master Plan, and to keep the openness of the Village. Stevens referred to a presentation board showing the areas proposed to be rezoned. Council discussed aspects of the plan that may or may not affect the property values of individuals who may wish to split properties and the impact on neighboring properties. Stevens stated that the Planning Commission did not feel that the Village would be eliminating any existing property values. Stevens gave examples of where the new zoning would help increase openness in the Village and was asked by Council members about the legal defendability of the new zoning planned. Stevens expressed a concern with "spot" zoning, where the Village could get involved in creating variances for non-conforming lots all over the Village. Doozan stated that the Master Plan was the greatest driving point, and the Master Plan was already in place before this zoning consideration. Staran also stated that the proposed re-zoning plan was a considerable evolution from previously proposed versions of the re-zoning plan. Staran stated that he did not feel that spot zoning was a question, however, he could not assure that the re-zoning would not be challenged, but that he felt that the re-zoning plan would be defendable in court. The Council expressed an interest in educating the public further. Doozan was asked by Council about how many non-conforming lots would be created by the Re-Zoning plan. Doozan stated that a total of twenty (20) lots would be nonconforming, fourteen (14) lots in the R-M areas and six (6) in the Historic District, one of which was already non-conforming, prior to Re-Zoning. Carmina Tuksal, 30205 Rosemond Ct., asked Council why the Village residents could not vote on the issue. Staran also stated that such a vote is now unconstitutional under State of Michigan Law. Brian Gettel, 26030 Romany Way, stated that he was protesting the proposed re-zoning in the Village Center. Mr. Gettel stated that currently he could split his property into two lots, and that he had built a home on the property so as to utilize the ability to split the lot. Mr. Gettel stated that the change in zoning would prevent the lot split, and that the lot was worth more when it was splittable. Mr. Gettel also suggested an alternate Zoning designation would create larger lots but still allow his own lot split, within the minimum lot size. Dayle Hoffecker, 26057 Romany Way, stated that she had a background in conservation, but that she was

pro-property rights. Ms. Hoffecker stated that she wrote a memo to the Council about some alternatives to introducing the re-zoning plan into the charter. Ms. Hoffecker referred to a Cleveland community, which did very similar re-zoning and spoke on what they did: 1.) grandfathering, allowing the properties that are made non-conforming by the Re-Zoning to exist with a minimum of problems; and 2.) a vote, the community at large should accept the change. Ms. Hoffecker stated that the whole thing should be better explained to the whole community, and the Villagers should be allowed to vote. Mary Hepler, 30570 Rosemond, stated that she felt that the Village did not want more property density, as long as the Village did not cause too many non-conformities. Hepler stated that she felt that a phase-in once the resolution was passed would be appropriate.

#2004-83 Motion by Coyer, supported by Sosin, to Table the Issue for One Month, and to Make the Community More Aware of the Council's Consideration of Re-Zoning.

Ayes: McElroy, Sosin, Harnisch, Gallasch, Lamott, Coyer, Jahnke
Nays: None
Motion carried.

B. Wireless Telecommunication Ordinance Referral to Planning Commission.

Coyer provided a report on the need for wireless communications facilities in the Village, and the need to change the Ordinance on Wireless Communications. Coyer then gave a brief presentation of the proposed ordinance to be presented to the Planning Commission. Council members asked Staran for clarification as to the next procedural step. Staran stated that the motion before Council was just an introduction to Council, to then allow the Planning Commission to hold a public hearing, either approve it, reject it, or create some revision to it, after which if it is then sent back to Council, then the Council can make it's final decision. Coyer stated that the Council needed to act prudently as providers continue to make proposals to the Village. Sosin stated that the Village needed to make cell service available as soon as possible.

#2004-84 Motion by Coyer, supported by McElroy, to Approve the Referral of the Wireless Telecommunication Ordinance to the Planning Commission.

Ayes: McElroy, Sosin, Harnisch, Gallasch, Lamott, Coyer, Jahnke
Nays: None
Motion carried.

IX. NEW BUSINESS: (continued)

D. Consider Proposed MPSC Metro Act Safe Harbor Telecommunications Right-of-Way Bilateral Permit Filed by Clearlinx Network Corporation.

Stoppels gave an introduction of the proposal from Clearlinx. Staran gave clarification of the ordinances that affect the Clearlinx proposal, how the Metro Act affects the decisions the Council can make, and that the Council has to approve the application as long as it is properly submitted. Staran stated that the Council could set some conditions when they make the decision. Staran stated that the Council could not set the amount of the bond with the information in front of them at the time, but could establish that a bond could be set when adequate information has been received.

David Schneider, the Director of Community Affairs for Clearlinx, showed the Council a mockup of the unit that would go onto electrical poles and showed a map of where the antennas would go in the Village. Mr. Schneider stated that no additional poles would be required and no cell towers would be built. Mr. Schneider stated that the only real addition to existing electrical poles would be a maximum of two feet additional height. McElroy pointed out that the Village would see very little revenue from the Clearlinx system, unlike what would be provided by the installation of a cell tower. Members of Council questioned Mr. Schneider asking if anyone other than AT&T would be serviced by the Clearlinx system. Mr. Schneider stated that AT&T was the only wireless service provider for the moment, and that location of antennas in the Village reflected the needs of AT&T Wireless customers only. Mr. Schneider stated that Clearlinx had reviewed the environmental impact of installing the antennas, and found that the impact would be minimal and easily remedied if there should be a problem. Discussion ensued whether there was any reason that Sprint could not use the Clearlinx system. Mr. Schneider's response was no and also stated that any carrier does not have to use all of the nodes available, they can choose to use any nodes they wish to if they wanted to connect. Sosin stated that he would have preferred the single tower, all of the providers taken care and the \$75,000 in annual revenues, but understood that other options are now available.

#2004-85 Motion by Coyer, supported by Lamott to Approve the MPSC Metro Act Safe Harbor Telecommunications Right-of-Way Bilateral Permit Filed by Clearlinx Network Corporation, as follows:

RESOLUTION APPROVING WITH CONDITIONS THE MPSC METRO ACT SAFE HARBOR TELECOMMUNICATIONS RIGHT-OF-WAY UNILATERAL PERMIT FILED BY Clearlinx Network Corporation

WHEREAS, the State of Michigan enacted the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, Act No. 48 of the Public Acts of 2002 (the "Act"); and

WHEREAS, the Act, among other things, provides for a uniform permit and permit fee for access to and use of the public rights-of-way by telecommunications providers; and

WHEREAS, the Act further provides, among other things, for the Village to approve or deny access to the rights-or-way within 45 days of receiving the Safe Harbor Application from a telecommunications provider; and

WHEREAS, the Village, on August 16, 2004 received an Application for Access to and Ongoing Use of Public Ways by Telecommunications Providers under Metropolitan Extension Telecommunications Rights-Of-Way Oversight Act; and

WHEREAS, the Village, on August 24, 2004 received a Safe Harbor Bilateral Permit, both pursuant to the Act; and

WHEREAS, the Village has complied with the requirements of the Act by approving or denying this Application and Safe Harbor Bilateral Permit on the 28th day from the date the Application was received;

NOW, THEREFORE, it is hereby

RESOLVED, that the Village of Franklin hereby determines that the METRO Act Safe Harbor Application and Bilateral Permit filed by Clearlinx Network Corporation are deficient, incomplete; and

FURTHER RESOLVED, that the Village is required to take some form of action within 45 days from the date the application is received from a provider; and

FURTHER RESOLVED, that the deficiencies contained in the Safe Harbor Application and Safe Harbor Bilateral Permit are matters that can be rectified by Clearlinx Network corporation through clerical means, and that the deficiencies are not serious enough to reasonably deny the issuance of the Bilateral Safe Harbor Permit that Clearlinx Network Corporation has applied for; and

FURTHER RESOLVED, that the Michigan Public Service Commission METRO ACT Compliant Bilateral Safe Harbor Telecommunications Right-of-Way Permit between the Village of Franklin and Clearlinx Network Corporation is approved with the condition that Clearlinx Network Corporation provide, pursuant to the Act:

1. Satisfactory evidence of a certificate of insurance that meets the requirements of the Act, including the requirement of Accidental Environmental Contamination Insurance, pursuant to Section 6.1.2 of the Safe Harbor Bilateral permit, and Michigan Compiled Law §484.3106(1); or
2. Provide a Directive from the Metro Authority indicating that Clearlinx Network Corporation is exempt from the requirements of Section 6.1.2 of the Safe Harbor Bilateral permit; or

3. Provide the Village with further evidence that the expense of such accidental environmental contamination insurance is prohibitive to this project, in relation to the risks associated with Clearlinx's facilities.
4. The Village will establish an amount for a bond, the amount to be determined by the Administrator, equal to an amount 10% greater than the estimated cost of removal of the facilities.

FURTHER RESOLVED, the above conditions shall be satisfied prior to the installation and/or construction of the system in the Village's Rights-Of-Way.

FURTHER RESOLVED, the Village Administrator and Village Clerk are hereby authorized and directed to sign the Permit on behalf of the Village.

Ayes: McElroy, Sosin, Harnisch, Gallasch, Coyer, Lamott, Jahnke

Nays: None

Motion carried.

E. Consider Proposed Land Fill Permit Application for the Property Located at 32850 Romsey Road.

Stoppels referred the Council to the checklist procedure for Application approval, and that the permit appears to be complete. Gallasch asked whether the property had already been filled. Stoppels, upon checking with the applicant in attendance, stated that it had. Mary Hepler asked if when a property owner is supposed to apply for a permit and they do not, is there a fine involved. Stoppels stated that the Village could charge a fine, however, there was not a specific language for fines, and many times the property owners do not understand the application process, so the Village has been lenient. Stoppels stated that he would have Bill Dinnan look into the issue to see if there were any issues that the Village should enforce.

#2004-86 Motion by Sosin, supported by Harnisch, to Approve the Proposed Land Fill Permit Application for the Property Located at 32850 Romsey Road.

Ayes: McElroy, Sosin, Harnisch, Gallasch, Lamott, Jahnke

Nays: Coyer

Motion carried.

F. Consider Appointment to Village Planning Commission.

#2004-87 Motion by McElroy, supported by Sosin, to ratify the Appointment of Dean Moenck, 26841 Meadow, by President Jahnke to the Village Planning Commission through July of 2007.

Ayes: McElroy, Sosin, Harnisch, Gallasch, Lamott, Coyer, Jahnke

Nays: None

Motion carried.

G. Consider Request of the Franklin Community Church to place signs throughout the Village for the Annual Rummage Sale to be held October 8th and 9th, 2004.

#2004-88 Motion by Sosin, supported by Gallasch, to Approve the Request of the Franklin Community Church to Place Signs Throughout the Village for the Annual Rummage Sale to be held October 8th and 9th, 2004.

Ayes: McElroy, Sosin, Harnisch, Gallasch, Lamott, Coyer, Jahnke

Nays: None

Motion carried.

H. Consider Proposed Banner for the Franklin Community Church Antique Sale to be held on October 22 & 23, 2004.

#2004-89 Motion by Gallasch, supported by Harnisch, to Approve the Proposed Banner for the Franklin Community Church Antique Sale to be held on October 22 & 23, 2004.

Ayes: McElroy, Sosin, Harnisch, Gallasch, Lamott, Coyer, Jahnke

Nays: None

Motion carried.

X. SPECIAL REPORTS

A. Contextual Zoning, Mary Hepler, Planning Commission.

Hepler gave an update on the Planning Commission's position on Contextual Zoning and to introduce the plan to newer Council members. Hepler gave a brief history of the idea behind Contextual Zoning, referring to the Master Plan update from 1997. Planning Commission felt that the floor area ratio was not working the way it was supposed to, and since Estate size properties were only supposed to have structures that take up 10% of the property, that the floor area ratio did not have any affect at all.

Hepler continued stating that Contextual Zoning is only meant to regulate size in relation to other structures around it. The Village is not the only community in the area to use Contextual zoning. Hepler also added that the procedure is not to restrict floor area ratio, not to restrict size, but to restrict encroachment. The

Planning Commission wanted the procedures to be easy for builders to understand and easy for Village officials to explain. Hepler then explained the dimensions and definitions that the Planning Commission proposed and referred to illustration supplied to show how encroachment restrictions work. Hepler established that there was no action required at this time, but that the Planning Commission would request official consideration within 2 months.

Motion by Coyer, supported by Sosin to extend the Council Meeting beyond 11:00 pm.

Ayes: McElroy, Sosin, Harnisch, Gallasch, Lamott, Coyer, Jahnke

Nays: None

Motion carried.

Janet Francis, 30750 Inkster Road, asked about her situation where a property needed to fill in a ten foot deep indentation in a yard to build a driveway on a property. Hepler stated that there would possibly be a handful of situations where variances would be required. Council asked about whether there was a significant number of structures that would be nonconforming. Hepler stated that there would be several, and proceeded to cite examples of how a property could be nonconforming. Hepler stated that she would make additional presentation materials available to the Council, providing photos and other research notes on various properties.

B. Proposed Building Project at Northwestern Hwy & Inkster Road, Trustees McElroy & Gallasch.

McElroy gave a brief history of a piece of property along Northwestern at Inkster Road that a developer has indicated he would like to build on, for which no plans have yet been submitted. McElroy stated that the Village had a position on whether or not the building can be built, because a small corner of the proposed parking lot space was within the Village of Franklin. McElroy stated that the Rosemond Homeowner Association should reform and get ready to act on the matter. Jahnke stated that the action and communication to the developer should come from the Village Council. McElroy stated that when they spoke to the developer they spoke not as Village representatives but as interested citizens, and that they were simply appraising the Village of the situation. Carmina Tuksal, 30205 Rosemond Ct., stated that the Rosemond Homeowner Association could not do anything until the Village Council had been appraised of the situation.

C. Land Conservancy Meeting to be held on September 29, 2004 at 7:00 p.m.

Lamott stated that the meeting would cover land conservancy issues in the County and would make information available to the public about what options are

available to the Village and residents of the Village. Jahnke stated that this was an open meeting and that all Villagers were invited to attend.

XII. BIDS/CONTRACTS/PROPOSALS

A. Consider Road Re-Sealing Contract Bids.

Stoppels gave a brief history of the repaving project, stating that there were a small number of cracks that needed filling, due to normal wear and tear on the road and that filling the cracks now would limit the number and expense of future repairs. Stoppels stated that the low bid for the project was \$11,730.00 from Midwest paving, and that the Village should use the remaining money budgeted as investment in the repaving required 15 or 20 years down the road. Stoppels added that the work required to maintain the roads in Franklin were calculated by Hubbell, Roth & Clark.

#2004-90 Motion by Harnisch, supported by Lamott, to Approve the Road Re-Sealing Contract Bid from Midwest Paving for the Amount of \$11,730.00 to repair the cracks on the roads in Franklin.

Ayes: McElroy, Sosin, Harnisch, Gallasch, Lamott, Coyer, Jahnke
Nays: None
Motion carried.

B. Consider Proposed Renewal of Codification Contract.

Stoppels stated that the American Legal Publishing Codification Contract continuation would run the Village \$2000 - \$3000 each year, and that future changes would be fairly even, because the entire Ordinance code-book was already in their system and only updates are necessary.

#2004-91 Motion by Sosin, supported by Gallasch, to Approve the Renewal of the Codification Contract with the American Legal Publishing for a five year commitment.

Ayes: McElroy, Sosin, Harnisch, Gallasch, Lamott, Coyer, Jahnke
Nays: None
Motion carried.

XIII. ADJOURNMENT

Motion by Sosin, supported by Lamott, to Adjourn the Meeting.

Ayes: McElroy, Sosin, Harnisch, Gallasch, Lamott, Coyer, Jahnke
Nays: None
Motion carried.

There being no further business, the meeting adjourned at 11:48 pm.

Respectfully submitted,

John C. Pulker
Recording Secretary

Eileen H. Pulker
Village Clerk

Mark W. Jahnke
Village Council President