

**PROCEEDINGS OF VILLAGE OF FRANKLIN
VILLAGE COUNCIL, REGULAR MEETING
MONDAY, JANUARY 10, 2005, 8:00 PM
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 p.m. at the Franklin Village Hall, Franklin, Michigan.

II. ROLL CALL

Motion by Sosin supported by Gallasch to excuse Trustee Coyer in his absence from this meeting.

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

Nays: None

Absent: Coyer

Motion carried.

Present: Mark Jahnke, Randy McElroy, Ralph Sosin, Fred Gallasch, Bill Lamott, Alan Harnisch, Brian Coyer (arrived 8:52 p.m.)

Absent: None

Also Present: Jon Stoppels, Administrator
Eileen Pulker, Clerk
Edward Glomb, Police Chief
Tony Averbuch, Fire Chief
Dominick Schiano, Treasurer
John Staran, Village Attorney
Mary Hepler, Planning Commissioner
Pam Hansen, Planning Commissioner
Walt Denison, Historic District Commission Chairman

III. ADOPTION OF AGENDA

Motion by Gallasch supported by McElroy to approved the agenda as presented.

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

Nays: None

Absent: Coyer

Motion carried.

IV. MINUTES:

A. Regular Meeting of December 13, 2004

Motion by Sosin supported by Gallasch to approve the minutes for the Regular Meeting of December 13, 2004, as presented.

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

Nays: None

Absent: Coyer
Motion carried.

V. REPORTS OF VILLAGE OFFICERS AND AGENTS

Police Chief Glomb began his report by referring to his written report and stating that things had been quiet in the Village and while still compiling stats for his annual report, it appears as if it will be a record breaking year for the Special- Assessment District (commercial district in Bingham Farms), with the infrequency of major crimes. Chief Glomb reported that this was due to the exceptional job performance of the officers.

Fire Chief Averbuch began his report by referring to his written report, stating that the building addition construction was continuing, stating that there were timing and scheduling difficulties with the electric company that have subsequently been resolved. Chief Averbuch also reported that a new pumper tanker had been ordered with expected delivery in July or August of 2005. Chief Averbuch was complemented on the response time listed in his report by Council. Averbuch commented that although the response policy has been changed, to improve responses should there be secondary responses necessary simultaneously; he was pleased to report that the times remain good. False alarms were discussed and Chief Averbuch reported that the problem lies with weather and just started up furnaces, contractors who do not contact the alarm companies prior to commencing work, or with malfunctioning systems.

Treasurer Schiano began by stating that the bills list presented for consideration and authorization are generally consistent with the approved 2004-2005 Budget, and includes a \$250,000.00 payment to the Oakland County Drain Commission for recent and anticipated installation throughout the upcoming year, for which the Village has sufficient funds. Schiano referenced the report from Comerica bank listing the account balances on deposit. Additional Schiano reported that the Finance Committee would be meeting to discuss the 2ndQuarter Budget Review for the current budget and would provide a report for the February 2005 Council meeting. Schiano also reported that the finance committee had met with Tom Traciak of ACI Finance, Inc., and obtained his recommendation for the distribution of the accumulated funds in the Pressure Sewer Accounts, which are that the funds should be transferred to the debt service account in approximately \$250,000.00 increments over the next ten (10) years, which will be considered during deliberations for the Fiscal Year 2005-2006 Budget. Schiano finished by stating that the audit of the Village Finances for the Fiscal Year 2003-2004 is substantially complete and will be presented to the Finance Committee by the Auditors Janz & Knight, at a meeting to be scheduled before the end of January.

VI. SUBMISSION OF CURRENT BILLS

Motion by Gallasch supported by Harnisch to approve the bills list as submitted.

<u>Totals:</u>	
General Administration	\$ 6,214.14
Tax Funding	\$ 152.88
Building	\$ 19,314.77
General Debt	\$ 450.00
Insurance	\$ 23,828.14
Legal	\$ 3,595.75

Police	\$ 8,129.81
Pressure Sewer	\$ 295,485.70
Roads	\$ 8,775.00
2002 Local Road	\$ 1,198.74
Cell Tower	\$ 23.00
Rubbish	\$ 13,497.00
Trust & Agency	\$ 6,900.00
Village Hall & Grounds	\$ 975.00
Waste Water	\$ 479.66
All Funds	\$ 389,019.59

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

Nays: None

Absent: Coyer

Motion carried.

VII. PUBLIC REQUESTS AND COMMENTS

McElroy stated that he had received a call from Village resident Randy Brakeman of 27490 Wellington regarding his displeasure with the snow removal following recent storms, stating that he felt that the roads had been plowed too narrowly, and was concerned that the amount of salt used could have an adverse effect environmentally. Jahnke added that he held also heard from Mr. Brakeman and asked Stoppels to report on the job done. Stoppels stated that the normal number of calls stating dissatisfaction had been received and noted that there had been three snowfalls in four days. Stoppels added that there had been no reported accidents, no impediment to emergency vehicles, and no roads were impassable.

VIII. SPECIAL REPORTS

A. Long Term Planning, meeting to be held January 18,2005 at 7:00 p.m.

Jahnke reported that a Special meeting of the Village Council had been scheduled for Tuesday, January 18, 2005, 7:00 p.m. at the Broughton House-Village Hall for long term planning and that the Planning Commission, Historic District Commission, and Zoning Board of Appeals members had been invited. Jahnke continued stating that a to-do list would be developed using the Village's Master Plan and other resources.

B. Village Special Election to be held February 22,2005, to change council term lengths from 2 years to 4 years.

Jahnke reported that Southfield Township will be conducting an election for the Village on Tuesday, February 22, 2005 to ask the Villagers to approve changing the Charter of the Village to change the terms of the Village President and Council Trustees to four year terms in lieu of the current two year terms, and that the election would take place at the Village Hall, due to an event already having been scheduled at the Franklin Community Church. Jahnke added that these changes would allow for the continued good government allowed by staggered terms and the continuity and institutional memory that the current arrangement provides. Jahnke stated that these Charter changes are necessary as of a result of the change in State Election law that eliminates the Village's Annual March

election and that the Village's General Elections will now take place in September of odd years; this year's on Tuesday, September 13, 2005.

C. Report, Eastern Michigan University, National Register of Historic Places Registration Form.

Jahnke asked Lamott, as former Historic District Commissioner and current Historic District Commission Liaison to introduce the subject and speaker. Lamott introduced Jennifer Wendler representing Theodore Ligibel, PhD, Director, Historic Preservation Program of Eastern Michigan University. Lamott began by providing an overview of the project stating that the original 1969 Historic National Register form had needed to be updated, within five (5) years, due to the requirements of the State Historic Preservation Office (SHPO) following their review as a result of the investigation for the federal funds obtained to reconstruct Franklin Road in 2000. Lamott continued stating that after having been chosen to conduct the update, Professor Ligibel directed his Fall 2002 Historic Preservation graduate class to begin the research necessary for the update and the research continued with the Spring 2003 documentation class. Lamott stated that the first draft, completed in August 2003 had been reviewed by SHPO and minor corrections and clarifications had been completed. Ms. Wendler added that she had been a participant in the research as an intern to advisor Ligibel, has subsequently graduated from the EMU program, and has now been appointed the Historic District Commission consultant and is working on a design guidebook to aid Historic District property owners.

Ms. Wendler reported that the National Register is largely an honorary designation, but that tax credits are available for income producing properties and some homes that are considered contributing. Ms. Wendler added that non-contributing properties would be those properties that had been substantially modified or are of new construction, and those properties that are contributing are studied and documentation is created for each structure. Ms. Wendler continued stating that Bob Christensen of the SHPO is the person to whom the report is presented, he will, upon review of the State Review Board, which will hold a meeting in March 2005, forward the update to the National Parks Service. Ms. Wendler added that the Local Historic District, which has slightly different boundaries than the national district, continues to require the local design review process provided by the Historic District Commission.

Discussion ensued regarding the process seeming to be elaborate for an update to which Ms. Wendler responded that the original application in 1969 had been very brief, 3 pages, and as such the state required re-application much as a new applicant would require, but that it was in fact, an update. Those properties newly included were discussed: The Franklin Community Church, the Village Green and Franklin Community Association Properties, Lisa Martin's home (26285 W. 14 Mile Rd.), Bill & Ann Lamott's home (26475 Scenic), and Janine Meldrum's home (32020 Franklin Road) and the removal of the Kahn property which is no longer considered contributing. Several Council members complimented Ms. Wendler, Lamott and the Historic District Commission for a job well done. Ms. Wendler added that a meeting with SHPO had been scheduled for later the same week to which Walt Denison, Bill Lamott, Ted Ligibel and Ms. Wendler would be in attendance to finalize the submittal.

Jahnke had several questions for Ms. Wendler regarding changes that had been made to the current map and discussed those new items to be added to the National listing and the map to be submitted as well as the documentation provided from those property owners.

Jahnke asked if any of the residents that had participated in the 1969 application had been consulted for this study to which Ms. Wendler responded that some were contacted but not all former participants, specifically Carmina Tuksal was very involved, but not Bob George. Jahnke asked if this was merely an honorary listing, there would be no restrictions on the properties to which Ms. Wendler responded that only if a federally funded project were to effect a Nationally listed property, a section 106 review would take place, but there are no restrictions for private property owners to make changes to their own property. Wendler stated that the majority of these properties listed, however, are also listed in the local district which does require review of the Historic District Commission should any changes be made to the properties. Jahnke asked if the previous study of 1990 and 1991 survey was used and Ms. Wendler stated that yes, that study was used as a resource. Jahnke asked if the files submitted to SHPO would be maintained by SHPO, to which Ms. Wendler replied that the records would be maintained by SHPO and would eventually be archived and available online so that they could be accessible to anyone wishing to view them. Jahnke also asked if the neighborhood association had been alerted to the study, to which Ms. Wendler replied that all had been contacted and many had provided information and access to their homes for the study.

Jahnke asked what the Council's role would be and Ms. Wendler replied that because this report was an update, no further authorization was required, beyond what had originally been granted when the new study began. Jahnke questioned whether the change in the map and those properties now included would require any action from Council to which Ms. Wendler replied not that she was aware of. Staran added that the honorary status of this designation doesn't require any formal action beyond the authorization to perform the study and funding the study, however, any changes to the local district would need to follow those provisions of the Village Historic District ordinance and a vote by Council. Staran added that while when changes were made to Franklin Road using Federal funds, any such changes to local roads will not require this type of process. Stoppels added that the Village office has adequate records over the last several years' documenting the entire process.

Ms. Wendler also provided that she will be working as a consultant and developing a guide book for the local district, but that no further study or any changes are planned for the local district.

Walt Denison thanked Ms. Wendler and Bill Lamott for their work in completing this update.

D. 14 Mile Road Sewer Line Construction.

Stoppels reported that he is monitoring the project approaching Franklin, about 1/2 mile outside of the Village, which is a Detroit Water and Sewerage Department Project under the supervision of the Oakland County Drain Commission. Stoppels continued stating that while the project is 2 months away from being in the Village, trees are being taken care of in compliance with Village Ordinances. Stoppels stated that the project is necessary to prevent overflows, and that all affected residents had been invited to comment and had an opportunity to attend informational meetings.

Trustee Coyer arrived.

IX. NEW BUSINESS

A. Consider Application for Landfill Permit for the property located at Lot 21 Wellington (at Scenic).

The applicant, Jerry Brody of Brody Homes was present to answer questions and concerns of Council.

#2005-01 Motion by Sosin supported by Harnisch to conditionally approve the landfill permit application for Lot 21 Wellington at Scenic subject to two revised plan sheets; indicating a new culvert at the drive approach on Scenic Hwy. and improved drainage in the roadside ditch along Scenic Hwy being approved, subject to the usual bond and building official requirements.

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

Nays: none

Motion carried.

B. Consider Application to Demolish structures for the property located at 31145 Woodside.

The applicant, Michelle Giorgi, was present to answer questions and concerns of Council.

#2005-02 Motion by McElroy supported by Harnisch to approve the application for demolition for the property located at 31145 Woodside.

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

Nays: none

Motion carried.

Discussion ensued regarding the Village becoming a new Village, the need to preserve open space and older homes, and that that should be discussed further at another time.

X. PROCLAMATIONS/RESOLUTIONS/ORDINANCES

Jahnke introduced the next five items on the Agenda thanking the entire Planning Commission for a job well done, mentioning those present Mary Hepler and Pam Hansen, and also Chris Doozan and Dave Nicholson of McKenna Associates, Inc and Jim Stevens the Chairman of Planning Commission. Jahnke also noted that while the Council may appear to be cursory in their dealings with these issues this evening, they have been discussed at many previous meetings, having been read for the first time in December 2004, and public hearings with both the Planning Commission and the Village Council.

A. Consider Ordinance to Amend Sections 1248.02,1250.01,1250.02,1250.05 and Appendix B of Chapter 1248of Part Twelve, Planning and Zoning Code, Title Four, of the Codified Ordinances of the Village Franklin, Oakland County, Michigan, to Create the R-M, Modified Low Density Residential District, to Establish Standards for the R-M District, to Repeal Conflicting Ordinances, and to Prescribe a Penalty for Violations (second reading).

#2005-03 Motion by Coyer supported by Sosin to approve the Ordinance to Amend Sections 1248.02,1250.01,1250.02,1250.05 and Appendix B of Chapter 1248 of Part Twelve, Planning and Zoning Code, Title Four, of the Codified Ordinances of the Village Franklin, Oakland County, Michigan, to create the R-M, Modified Low Density Residential District, to Establish Standards for the R-M District, to Repeal Conflicting Ordinances, and to Prescribe a Penalty for Violations in its second reading.

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

Nays: none

Motion carried.

B. Consider Ordinance to Amend Chapter 1248 and the Zoning Map of Part Twelve, Title Four, of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Rezone the Property Described herein (in the area of Romany Way, east of Franklin Road) R-1 Single Family Residential to R-L Single Family Residential, and the Prescribe a Penalty for Violations (second reading).

#2005-04 Motion by Harnisch supported by McElroy to approve the Ordinance to Amend Chapter 1248 and the Zoning Map of Part Twelve, Title Four, of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Rezone the Property Described herein (in the area of Romany Way, east of Franklin Road) R-1 Single Family Residential to R-L Single Family Residential, and the Prescribe a Penalty for Violations in its second reading.

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

Nays: none

Motion carried.

C. Consider Ordinance to Amend Chapter 1248 and the Zoning Map of Part Twelve, Title Four, of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Rezone the Property Described herein (in the area east of Inkster Road, west of Franklin Road, south of Irving, north of Crestwood) from R-1 Single-Family Residential to R-M Single Family Residential, and to prescribe a penalty for Violations (second reading).

#2005-05 Motion by Coyer supported by Sosin to approve the Ordinance to Amend Chapter 1248 and the Zoning Map of Part Twelve, Title Four, of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Rezone the Property Described herein (in the area east of Inkster Road, west of Franklin Road, south of Irving, north of Crestwood) from R-1 Single-Family Residential to R-M Single Family Residential, and to prescribe a penalty for Violations in its second reading.

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

Nays: none

Motion carried.

D. Consider Ordinance to Amend Chapter 1248 and the Zoning Map of Part Twelve, Title Four, of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Rezone the Property Described herein (in the area east of Romsey, west of Wing Lake, south of Fourteen Mile and north of River Drive) from R-1 Single-Family Residential to R;M Single Family Residential, and to prescribe a penalty for Violations (second reading).

#2005-06 Motion by Harnisch supported by Gallasch to approve the Ordinance to Amend Chapter 1248 and the Zoning Map of Part Twelve, Title Four, of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Rezone the Property Described herein (in the area east of Romsey, west of Wing Lake, south of Fourteen Mile and north of River Drive) from R-1 Single-Family Residential to R-M Single Family Residential, and to prescribe a penalty for Violations in its second reading.

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

Nays: none

Motion carried.

E. Consider Ordinance to Amend Sections 1240.07,1268.17 and Appendix B of Part Twelve, Planning and Zoning Code, Title Four, of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to adopt New Side Setback, Building Height, and Grading Regulations in the R-E, R-L, R-M, R-1, and R-2 Districts, to Repeal Conflicting Ordinances, and to Prescribe a Penalty for Violations (second reading).

#2005-07 Motion by Sosin supported by Gallasch to approve the Ordinance to Amend Sections 1240.07,1268.17 and Appendix B of Part Twelve, Planning and Zoning Code, Title Four, of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to adopt New Side Setback, Building Height, and Grading Regulations in the R-E, R-L, R-M, R-1, and R-2 Districts, to Repeal Conflicting Ordinances, and to Prescribe a Penalty for Violations in its second reading.

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

Nays: none

Motion carried.

XI. ADJOURNMENT

Lamott added two comments:

1. Following up on the Land Conservancy report of December 2004, tree survey proposals have been received from three (3) firms that will provide educational material for village residents.
2. Wireless Communications update -Dave Schneider of ClearLinx has notified the Village that having received the approval of the Council, work will begin soon on installation of their system for cellular phone provider service, Distributed Antennae Service (DAS), and that their "hotel" facility is to be built in Bingham Farms.

Motion by McElroy supported by Gallasch to adjourn the meeting.

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

Nays: none

Motion carried.

There being no further business, the meeting was adjourned at 9: 10 p.m.

Respectfully submitted,

Eileen H. Pulker, Village Clerk

Mark W. Jahnke, Village President