

**PROCEEDINGS OF VILLAGE OF FRANKLIN
VILLAGE COUNCIL REGULAR MEETING
MONDAY, AUGUST 14, 2006, 8:00 P.M.
FRANKLIN VILLAGE HALL - BROUGHTON HOUSE
32325 FRANKLIN ROAD, FRANKLIN, MICHIGAN 48025**

I. Call to Order

The meeting was called to order by President Pro Tem Fred Gallasch at 8:00 p.m. at the Franklin Village Hall, Franklin, Michigan.

II. Roll Call

Present: Randy McElroy, Dominick Schiano, Fred Gallasch, Alan Harnisch, Brian Coyer, Bill Lamott

Absent: Mark Jahnke (excused)

Also Present: Jon Stoppels, Administrator
Eileen Pulker, Clerk
Patrick Browne, Police Chief
Tony Averbuch, Fire Chief
Thomas Morrow, Treasurer
John Staran, Hafeli Staran Hallahan Christ & Dudek, P.C., Village Attorney

Motion by Coyer supported by McElroy to excuse President Jahnke in his absence from this meeting.

Ayes: McElroy, Schiano, Gallasch, Harnisch, Coyer, Lamott

Nays: None

Absent: Jahnke

Motion carried.

III. Adoption of Agenda

Motion by Coyer supported by Harnisch to amend the agenda to include VIII. SPECIAL REPORTS C. Council Reports to include tree and pedestrian bridge updates.

Ayes: McElroy, Schiano, Gallasch, Harnisch, Coyer, Lamott

Nays: None

Absent: Jahnke

Motion carried.

IV. Minutes

A. Regular Meeting of July 10, 2006

Motion by Coyer supported by Lamott to approve the minutes of the Regular Village Council meeting of July 10, 2006 as presented.

Ayes: McElroy, Gallasch, Harnisch, Coyer, Lamott

Nays: None

Abstain: Schiano

Absent: Jahnke

Motion carried.

V. Reports of Village Officers and Agents

Police Chief Patrick Browne referred Council to his written report and brought details for a few items to the Council's attention including an incident that occurred July 12th at a construction site on Rosemond during which a homeowner stopped by in the evening to check on the property and observed a male subject along the north side of the residence who had on a heating and cooling company shirt. The resident spoke to the man and obtained a name and phone number from him. The next morning when the contractor arrived at the house he discovered that the furnace had been disconnected and had been dragged across the floor, which was reported to the police. The police tried the telephone number that the man gave the homeowner and it was a good number. The subject was interviewed and found that he had been out on parole; the subject is now back in custody. Chief Browne continued by informing the Council of a hit and run accident that happened on Telegraph Road just south of 13 Mile Road on July 13th at 11:00 pm. A motorcyclist was struck by another vehicle that then fled the scene; however, witnesses were able to give a description of the vehicle and the driver. Officer Hirschfeld found a piece of the vehicle at the scene with a portion of the vehicle identification number as well as the automobile company information. From that the police were able to determine the make and model of the vehicle which led them to the driver of the vehicle who resides in Westland; subsequent interviews have taken place and charges are pending. Chief Browne also reported on two minors that were stopped for a speeding violation on Scenic, August 1st who were in possession of marijuana for which there are charges pending.

Fire Chief Tony Averbuch referred Council to his written report, adding that plans were being made for the upcoming Labor Day Round Up and asked for permission to hang the banner across Franklin Road and the council informed him that they would be provided later in the agenda when the Application for Civic Event for the September 4, 2006 "Round Up" was addressed.

Treasurer Tom Morrow reviewed the Bills List with the Council and explained that the Village has sufficient funds to meet its current and anticipated obligations. Morrow suggested that the Village consider submitting Requests for Proposals to compile information to determine whether or not some of the Village accounts should be moved to other banks in the area.

Motion by Coyer supported by McElroy to refer this matter at the Treasurer's recommendation, to create a Request For Proposal to examine our bank accounts and interest rates and other criteria to the finance committee for a report at the next Village Council meeting.

Ayes: McElroy, Schiano, Gallasch, Harnisch, Coyer, Lamott

Nays: None

Absent: Jahnke

Motion carried.

VI. Submission of Current Bills

TOTALS:

General Administration	\$ 23,669.83
Building	20,501.87
Insurance	30,392.70
Legal	5,177.05
Police	21,554.51
Pressure Sewer	433,067.95
General Debt Service	0.00
Major Roads	29,532.92
Local Roads	31,851.40
Rubbish	24,405.92
Trust & Agency	16,400.00
Village Hall & Grounds	0.00
Waste Water	<u>4,018.29</u>
ALL FUNDS	<u>\$640,572.44</u>

Motion by McElroy supported by Lamott to approve the bills list as presented.

Ayes: McElroy, Schiano, Gallasch, Harnisch, Coyer, Lamott

Nays: None

Absent: Jahnke

Motion carried.

VII. Public Requests and Comments

David Goldberg, 32850 Romsey Road spoke regarding the nominations of the Planning Commission vacancy. Goldberg stated that he was one of those considered for the position and realized that President Jahnke had brought forward another name for consideration. Goldberg offered that he would stand willing and able to accept the position, should he be called upon to serve in the future.

Harold Stulberg representing Franklin Commons LLC, asked for a study session to review the proposed concept for Franklin Commons LLC on Telegraph Road and 13 Mile Road. Stulberg explained that the Planning Commission had denied to recommend approval to the Village Council for the proposed Re-Zoning, due to what Stulberg opined is a misunderstanding. Stoppels explained that the Planning Commission would be the contact for any such discussion and advised Stulberg that he should set up a meeting with the Planning Commission members.

VIII. Special Reports

A. Village Administrator Goals & Objectives – Jon Stoppels, Administrator

Stoppels reviewed the following administrative goals for 2006 – 2007 for the Council.

- Develop Comprehensive Emergency Preparedness Plan
- Begin implementation of Master Plan Goals and Objectives
- Develop and implement Downtown Business District Revitalization Plan
- Develop long-term police service contract with Village of Bingham Farms
- Implement goals and objectives of Mercer Police Department Study (as determined by Village Council and Police Chief) Includes Future Staffing Plan
- Develop ten-year forecast for building and development activities
- Develop plan to improve ordinance enforcement related to property maintenance issues and building/construction site maintenance management

- Update and expand five-year financial plan to include long-term debt retirement strategy
- Develop and implement Village Finance and Investment policy
- Implement Phase II and Phase III tree planting programs
- Develop and implement tree removal program
- Implement Phase III Broughton House Renovation Program (Includes Police Department Building)

Motion by Lamott supported by McElroy that the Village Administrator Goals and Objective Report be referred to the Personnel Committee to meet with Mr. Stoppels and Chief Browne to finalize their objectives for 2006 – 2007 fiscal year and to help them develop their presentation that Browne & Stoppels may make to Council in September, while advising the Council on the on-going progress.

Coyer clarified the following two things:

- (1) To identify goals and objectives for the administrator based on what he had stated that could be used for purposes of evaluation.**
- (2) To make a presentation to Council related to the additional goals associated with the Police Department for the coming year to enable the personnel committee to assist the administrator in developing that.**

Ayes: McElroy, Schiano, Gallasch, Harnisch, Coyer, Lamott

Nays: None

Absent: Jahnke

Motion carried.

B. Oakland County Annual Planning and Economic Development Conference, September 20, 2006.

Gallasch explained that President Jahnke had asked that the Council obtain three volunteers from the Village to attend the conference: one from the Planning Commission; one from the Historic District Commission; and one from the Council.

Discussion ensued during which it was determined that President Jahnke would be given the opportunity to attend and if he cannot then Stoppels will go as a representative. Stoppels was directed to contact the Chairpersons of the Planning Commission and Historic District Commission to find out which of their members are available to attend. Stoppels stated that he had already planned on attending the conference.

C. Council Reports

Lamott stated that trees have been planted throughout the Village and asked for people to call the Village Office if they know of a need for trees.

Lamott explained that earlier this year the Council approved the expenditure of \$1,200 to plan a Naturescaping Symposium and that the hall at the Franklin Community Church was reserved for October 7, 2006. Lamott continued stating that the program will consist of landscaping ecology, design and plant selection; with smaller group break out sessions to address individual issues.

Lamott also updated the Council regarding the Village owned portion of the historical Museum property on Kirk Lane, noting that Boy Scout Will Ashbaugh wished to work on

the pathway through that property as his Eagle Scout project and will begin to do so later this fall.

Coyer reported on the bridge that would cross the Franklin River parallel to 14 Mile Road and just east of Franklin Road to give a pedestrian crossing over the river from the east side of the Village, adding that Robertson Brothers, as part of their site plan agreement for the Cressbrook property have started construction of the bridge and it should be completed within the next month.

Gallasch commended Stoppels and his staff for the Loss Control Achievement Award that the Village received from Michigan Municipal League which recognizes outstanding efforts in maintaining safe work environments and dedication to reducing worker's compensation losses through employee training. The Village of Franklin is being recognized for the lowest experience modification factor for the policy year beginning July of 2006.

Gallasch reported that the Birmingham Cable Board is going to be doing a survey of residents to see what people's viewing habits are such as what their preferences are, what they watch and when on the local cable channels. Gallasch stated that there have been complaints that people often cannot hear the comments made; including those by Council members, on the rebroadcasts of the Village Council meetings and the Cable Board is suggesting that lavalier microphones may be purchased by the Cable Board to assist with the audio recording at the Village meetings.

IX. Old Business

A. Consider Appointments to Village Boards and Commissions

Motion by Harnisch supported by Schiano to recommend that Council ratify the Village President's appointment of Bruce Blanton, to fill the vacancy on the Planning Commission the term to be completed in July 2009.

Ayes: McElroy, Schiano, Gallasch, Harnisch, Coyer, Lamott

Nays: None

Absent: Jahnke

Motion carried.

Motion by McElroy supported by Lamott that the Council ratify the Village President's appointment for the reappointment of Pam Hansen and James Stevens to the Planning Commission, each for a term to be completed in July 2009.

Staran, in response to questions, stated that the Village President makes the appointments subject to the Council's ratification, and that the President Pro Tem is authorized to make recommendations, which is distinguished from actual appointments.

Coyer stated that the Charter states that in the absence of the President, the President Pro Tem shall perform the duties of the President. Coyer verified that if this is the recommendation of the President Pro Tem, he is empowered to make them, to which Staran replied yes, the President Pro Tem can make recommendations.

McElroy changed his motion, with Lamott's agreement.

Motion by McElroy supported by Lamott, to ratify the recommendation of the President Pro Tem for the reappointment of James Stevens and Pam Hansen to the Planning Commission, each for a term to be completed in July 2009.

Ayes: McElroy, Schiano, Gallasch, Harnisch, Coyer, Lamott

Nays: None

Absent: Jahnke

Motion carried.

Motion by McElroy supported by Coyer to ratify the Village President's appointment and the President Pro Tem's recommendation for the reappointment of Randy Brakeman to the Zoning Board of Appeals for a term to be completed in July of 2009.

Ayes: McElroy, Schiano, Gallasch, Harnisch, Coyer, Lamott

Nays: None

Absent: Jahnke

Motion carried.

Motion by McElroy supported by Schiano to ratify the Village President's appointment and the President Pro Tem's recommendation for the reappointment of Madelyn Haddad to the Historic District Commission for a term to be completed in July 2009.

Ayes: McElroy, Schiano, Gallasch, Harnisch, Coyer, Lamott

Nays: None

Absent: Jahnke

Motion carried.

X. New Business

A. Consider Lot Split Application for the Property Located at 30539 Hickory

Jeffrey Budday, 30539 Hickory, stated as homeowner and the architect on the project he was present at the meeting to address the Council's questions and concerns. Budday explained that his original plan was submitted in February 2006, which was for the demolition of his garage, swimming pool and pool house, the construction of a new garage and a master bedroom addition on the home as well as a lot split. Budday stated that after he received an approval from the Building Official Bill Dinnan to do the work and that everything was in conformance he proceeded with his demolition. At the end of the demolition is the time when he came in for the formality of the lot split. After paying for another survey, he discovered that there was a one foot, three inch differential between the original survey that was done and the new one. Budday explained that he then met with Mr. Dinnan and Mr. Doozan wherein they suggested to him that he either demolish two feet of his house or amend the lot line to conform to the rules of the Zoning Ordinance. Budday subsequently submitted a revised plan showing the amendment of the lot line and received a letter recommending approval from Mr. Doozan stating that it was in conformance. Budday explained that the original plan and the revised plan were both brought before the Planning Commission and that it was his understanding that the Planning Commissioners were concerned that the realignment of the property line did not meet with the spirit of the ordinance and they would prefer that he demolish the two feet of his home. Budday explained that he then demolished the two feet eight inches of his home and had the wall rebuilt again and now he is before the Council with the original

plan from February absolutely accurately surveyed to within a thousandth of a foot, with everything cut down that has to be cut down, and requested that the Council use their authority to grant a lot split tonight with the agreement of everyone who is a consultant to the Village.

Council members expressed their concern about approving a lot split without the Planning Commission's review of the new information.

Patty Cueny, 30593 Hickory Lane, introduced herself as the President of Franklin's Hickory Acres Homeowner's Association and read a statement in opposition to the lot split request (Attachment #1).

Motion by Coyer supported by Harnisch to remand the Lot Split/Combination Application for 30539 Hickory to the Planning Commission.

Schiano asked for the Planning Commission to place this item on their agenda for their meeting to be held on Wednesday, August 16, 2006.

Ayes: McElroy, Schiano, Gallasch, Harnisch, Coyer, Lamott

Nays: None

Absent: Jahnke

Motion carried.

B. Consider Event Permit Application for the Franklin Community Association "Round Up" to take place on September 4, 2006.

Motion by Schiano supported by McElroy to approve the Event Permit application for the Franklin Community Association "Round Up" to take place on September 4, 2006 and the approval of signs throughout the Village and of the banner to be hung across Franklin Road.

Ayes: McElroy, Schiano, Gallasch, Harnisch, Coyer, Lamott

Nays: None

Absent: Jahnke

Motion carried.

C. Consider Demolition Application for the Property Located at 26415 Scenic Drive.

Ron Cornillie introduced himself as a Trustee of the Robert E. Cornillie Trust at 2109 Alpers, Royal Oak.

Discussion ensued regarding the barn on the property and whether or not it could be saved and it was determined that there was no way to ensure that the new owners would wish that the structure remain.

Motion by Coyer supported by McElroy to approve the demolition application for the property located at 26415 Scenic Drive subject to the usual restrictions including the \$5,000 performance bond.

Gallasch asked for permission to take a photograph of the barn before it is demolished for documentation purposes, to which Cornillie agreed.

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

D. Consider Demolition Application for the Property Located at 31235 Woodside Drive.

Motion by McElroy supported by Coyer to approve the demolition application for 31235 Woodside Drive subject to the usual restrictions and the required performance bond.

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

XI. Adjournment

Motion by Gallasch supported by McElroy to adjourn the meeting.

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

There being no further business, the meeting adjourned at 9:37 p.m.

Respectfully Submitted,

Angie Eby, Recording Secretary

Eileen H. Pulker, Clerk

H. Frederick Gallasch, President Pro Tem

Attachment #1

Franklin's Hickory Acres Homeowner's Association

Hickory Lane, Franklin MI 48025

Franklin Village Council Meeting
Monday, August 14, 2006

Opposition to Lot Split at 30539 Hickory Lane (Lot 21)

As President of Franklin's Hickory Acres Homeowner's Association, I represent all of the Hickory Lane lot owners and their desire to maintain the continuity and harmony of Hickory Lane, specifically its "sprawling" characteristic of large lots. The lot owners are opposed to any lot splits which would produce a lot/parcel with less than 160' of frontage as stated in the Association Deed Restrictions as recorded in Liber 37656, pages 179-181, June 5, 2006, in Oakland County. On Monday, July 17, 2006, the Village Planning Commission unanimously rejected a request to split Lot 21 based on a side yard set-back non-conformity, and at the interest of the Homeowners Association opposition to the split.

Further, any parcel/lot splits granted after June 5, 2006, with less than 160' of frontage, would be subject to and enforced by the Association Deed Restrictions and would deem the parcel un-buildable.

Additionally, the Association has witnessed recent structural changes to the property since the July 17th Planning Commission Meeting. The Association respectfully requests that all plan, property, and structure adjustments to Lot 21 since July 17, 2006, be resubmitted to the Village Planning Commission for their review and research so that they may fully analyze and determine if the adjustments are in accordance with the Village Ordinances.

Also, the Homeowners Association is deeply concerned with the current non-compliance of Lot 21 with respect to Franklin Village Ordinance 1250.04 ACCESSORY USES (one private garage for each residential lot), and Ordinance 1268.14 STORAGE IN YARDS AND OTHER OPEN AREAS. The Association desires the Village Council to uphold and enforce all applicable Village Ordinances, and mandate that the existing property and its structures be brought to Village Ordinance conformity prior to any further or future approval considerations for Lot 21. Particularly, the renovation plans submitted for Lot 21 includes a garage in accordance with Village Ordinance 1250.04. It is the Association's desire that Lot 21 be considered in its entirety until it meets all Village Ordinances, and that the renovation plans including the addition of a garage be fully executed to bring the existing structure into conformity, and conformity not be contingent upon finances generated by a lot split and/or sale of a lot/parcel.

The lot owners of Franklin's Hickory Acres Homeowner's Association wish to maintain the continuity and harmony of sprawling lots on Hickory Lane by both working with the Village, and by

upholding the Hickory Lane lot owners' common interests as expressed in the Association's Deed Restrictions.

Patti Cueny
President
30593 Hickory Lane
248-626-2987