

**VILLAGE OF FRANKLIN  
VILLAGE COUNCIL  
SPECIAL MEETING  
September 3, 2013, 6:30 PM  
AT THE VILLAGE HALL  
32325 FRANKLIN Road  
FRANKLIN, MICHIGAN**

**WORKSHOP**

Mike Seltzer called the meeting to order at 6:40 PM.

Present: Judy Moenck, Tom Morrow, Ed Saenz, Mike Seltzer  
Absent: Brian Gordon, Pam Hansen, Jim Kochensparger  
Also Present: Eileen Pulker, Clerk; Amy Sullivan, Administrator; John Staran, Village Attorney

**Motion by Morrow, supported by Moenck, to excuse Jim Kochensparger and Brian Gordon from the meeting.**

**Motion was approved unanimously.**

**I. Set Council Meeting to hear right-of-way obstruction appeals.**

Morrow opined about the Right-of-Way Ordinance and Council passing it without knowing how to enforce it or rules to follow. Seltzer replied that Council had to start somewhere.

Moenck re-iterated the three (3) criteria for the passage of this ordinance: 1. Safety; 2. Access (emergency vehicles); 3. Damages.

Staran provided a brief background of the ordinance, emphasizing the standards it addresses and focusing on several of those criteria Moenck mentioned. Council will look at the cases in a case-by-case basis and form a judgment based on those standards. In his discussion, Staran mentioned the subject of “grandfathering” any obstructions and the ramifications of allowing it.

The subject of liability insurance and the Village’s responsibility (administrative burden of tracking) was discussed.

It was stated that neither Chief Roberts nor Chief Averbuch had requested the Ordinance but rather it originated with the Council. It was noted that the three Council members who are proponents of the Ordinance were not present at this meeting.

Sullivan suggested that a discussion on the subject be postponed until the October workshop. Saenz suggested that the task before the Council would be to define if this is a “public safety” matter or a “nuisance” matter.

In response to a question, Staran provided a legal definition of “safety” in that it is more of a traffic engineering issue than a legal issue.

**II. Discussion on Responding Publicly as a Council Trustee.**

Morrow explained his concern is that Council members must be mindful of his/her position in the Village when writing or speaking in public or private. Each member needs to distinguish hers or his opinions as those of a “private citizen” or, in fact, on behalf of the Council. Staran concurred

and added that each member should be careful of those interactive websites and must be cognizant of “electronic quorum meeting” vs. the open meeting act.

Drawing from past experience, Seltzer advised that he does not respond to phone call interviews but instead responds in a written email.

Referencing FocusFranklin.com and Sullivan’s administering of it, Saenz made mention that there should not be any implications that the Council is going to engage or respond to the comments. Staran had some suggestions for placing a disclaimer on the website. Moenck suggested that if a Council member wants to address an idea or opinion that she or he contact the writer directly and make it clear that she/he speaks as a “private citizen” or for the Council.

### **III. Discuss Pathways.**

This is a continuation of the pathways discussion. Saenz asked Sullivan to put together a proposal that would extend the pathway on Franklin Rd. from where it ends at approximately Hawthorne Rd. to 13 Mile and 13 Mile from Inkster to Telegraph Rd. She also provided financial estimates of millage rates and a map showing the amount of people who would be impacted by the new pathways.

Seltzer questioned if this could be voted on as a separate ballot issue with the Village paying \$3000 for a special election, as opposed to one in conjunction with a Council election, as was the case when this was originally proposed. Discussion ensued.

Seltzer is in favor of informing the residents of the sequence of the major financial obligations which would be coming up, ie. road millage, general admin and police millage. There was a discussion of the election calendar.

The different routes were discussed, including the idea of completing sections one at a time, as opposed to entire routes.

Saenz suggested that the Council let the ideas steep for a few weeks.

**Motion by Saenz, supported by Morrow to adjourn the meeting at 7:50 PM.  
Motion passed unanimously.**

Submitted,

---

Gail Beke, Recording Secretary

---

Eileen H. Pulker, Clerk

---

James Kochensparger, President