

**Planning Commission
Minutes of Meeting
April 15, 2015, 7:00 PM
32325 Franklin Road – Village Hall
Franklin, Michigan**

I. MEETING CALLED TO ORDER

The regular meeting of the Village of Franklin Planning Commission was called to order by Chairman, Connie Ettinger at the Franklin Village Hall, 32325 Franklin Road, Franklin, Michigan at 7:00 PM.

II. ROLL CALL

Present: Rajaei Abbass, Karen Couf-Cohen, Calvin Cupidore, Connie Ettinger, Peter Halick, Dean Moenck, Bill Sheppard, Bob Wilke (arrived 7:35 p.m.)
Absent: Mike Heisel
Also Present: Planning Consultant, Sarah Traxler, McKenna Associates; Village Administrator, Jim Creech; Village Clerk, Eileen Pulker; Village Council Trustees Pam Hansen and Judy Moenck.

III. ADOPTION OF AGENDA

Motion by Sheppard, seconded by Couf-Cohen to adopt the agenda, as presented.

**Ayes: Abbass, Couf-Cohen, Cupidore, Ettinger, Halick, Moenck, Sheppard
Nays: None
Absent: Heisel, Wilke
Motion carried.**

IV. ADOPTION OF THE MINUTES

A. Regular Meeting of March 18, 2015

Motion by Sheppard, seconded by Moenck to approve the Minutes for the Regular Meeting of March 18, 2015, as presented.

**Ayes: Abbass, Couf-Cohen, Cupidore, Ettinger, Halick, Moenck, Sheppard
Nays: None
Absent: Heisel, Wilke
Motion carried.**

V. COUNCIL LIAISON REPORT

Creech reported that at the Council meeting on April 13, 2015, Elaine McLain from the Birmingham Area Cable Board reviewed its annual report and highlighted other items. Council approved the Demolition Application for the property at 26175 Thirteen Mile Road, the Lot Split/Combination for parcel #TF24-08-253-010, and several Civic Event Permits; for the “Camp Mak-A-Dream,” event, and for the Dorchester Hills Neighborhood Association Picnic. Budget

Amendments for FY2014-2015 were approved, the date for the Budget Public Hearing was scheduled and the Ordinance update for the Codification was approved. Grass and tree removal bids will be coming in and he is working on other RFP's.

VI. PUBLIC COMMENTS

Ettinger opened the meeting for public comments with no one from the public responding.

VII. PUBLIC HEARING -2015 Master Plan

Ettinger opened the Public Hearing at 7:05 p.m.

Ettinger publicly thanked all of those who worked tirelessly on the document and those Communities that had positive comments.

Pam Hansen, resident and Council Trustee, Wing Lake Road, commended the Commission on its hard work on the Master Plan. She urged the PC to prioritize those projects it would like implanted and submit them to the Council for possible funding. She commented on her personal priorities.

Creech stated that due to May's full agenda, the earliest the Council could consider the Master Plan would be at its June meeting.

Ettinger closed the Hearing at 7:09 p.m.

VIII. NEW BUSINESS

A. Consider Master Plan recommendation to Village Council.

Traxler explained the correct procedure going forward.

Using the items on the Implementation Plan, Chapter 10, pages 118-119, Commissioners to submit up to 10 personal priorities to Ettinger before next Tuesday, April 21, 2015 who will compile everyone's lists and forward it to Creech.

Discussion ensued about the different methodologies and considerations for (of) prioritizing which also included the possibility of researching for available grants.

(Wilke arrived at 7:35 p.m.)

B. Village Council Resolution, DTE Ground to Sky Program.

Motion by Sheppard, seconded by Wilke to accept the Resolution as prepared by the Planning Commission Chairman urging DTE Energy to cease or modify its Vegetation Management Program (previously known as the Ground to Sky Program).

Ettinger reference her most recent revision of the Resolution, which she handed out at the meeting, and reviewed the changes. After speaking with a DTE representative recently, she felt that the changes in red ink were more prudent. Additional suggestions included: Page 2, #3 – At the beginning of the final sentence the insertion of "*trimming*" after "If such ..." Sentence to

read, "If such *trimming* activities have not commenced... to re-notify the customer."; Page 2, #4
There was a discussion about the enforceability of the ANSI A300 Standards for the Tree Care
Industry Association and how the Planning Commission should proceed.

Ettinger referenced a letter to Don Johnson, Exhibit A from DTE (Michael Palchesko) about
Tree replacement, 3rd Bullet Point.

Keith and Susan Abentrod, Wing Lake Road, inquired if homeowners could do their own
trimming. They also congratulated the PC for its stewardship of the trees.

**Motion by Sheppard, seconded by Wilke to request that the Franklin Village Council
adopt the Resolution urging DTE Energy to cease or modify its Vegetation
Management Program (previously known as the Ground to Sky Program), as amended
(attachment #1).**

**Ayes: Abbass, Couf-Cohen, Cupidore, Ettinger, Halick, Moenck, Sheppard, Wilke
Nays: None
Absent: Heisel
Motion carried.**

IX. BUDGET EXPENDITURE REPORT UPDATE

The Planning Commission is under budget.

X. UPCOMING MEETING DATES

A. Next Regularly Scheduled meeting, May 20, 2015 at 7:00 p.m.

XI ADJOURNMENT

Motion by Moenck supported by Wilke to adjourn the meeting.

**Ayes: Abbass, Couf-Cohen, Cupidore, Ettinger, Halick, Moenck, Sheppard, Wilke
Nays: None
Absent: Heisel
Motion carried.**

There being no further business, the meeting adjourned at 8:12 p.m.

Respectfully submitted,

Gail Beke, Recording Secretary

Eileen H. Pulker, Clerk

Attachment # 1

**MOTION TO REQUEST THAT THE FRANKLIN VILLAGE COUNCIL
ADOPT THE FOLLOWING RESOLUTION:**

**RESOLUTION URGING DTE ENERGY TO CEASE OR MODIFY ITS
VEGETATION MANAGEMENT PROGRAM (PREVIOUSLY KNOWN AS THE GROUND TO
SKY PROGRAM)**

Whereas, the Franklin Village Council (hereinafter FVC) is aware of a recent directive from the Michigan Public Service Commission (MPSC) to DTE Energy and Consumers Energy to implement a new tree trimming program beginning in 2015 to reduce the number of power outages caused by falling trees and branches near power lines. DTE is calling this program the DTE Vegetation Management Program, but initially referred to this program as "Ground to Sky"; and

Whereas, electric service in Franklin is provided by DTE Energy; and

Whereas, DTE Energy has interpreted this directive from the MPSC in an extreme fashion and proceeded with overly aggressive measures in other communities, resulting in drastic tree removal and a corresponding loss of numerous mature trees and other vegetation due to clear-cutting methods; and

Whereas, while FVC recognizes the need for the Village of Franklin to have reliable electric service, it also recognizes that the Village places a high value on preserving and enhancing its existing tree canopy and other vegetation, which is vital to maintaining Franklin's Tree City USA designation and adds significantly to the character of the Village, as well as Village property values; and

Whereas, FVC believes that while appropriate measures should be taken by DTE Energy to maintain reliable electric service by keeping power lines that run through the Village clear from trees and branches, such efforts should be done in coordination and cooperation with each respective community, including the Village of Franklin, in order to prevent the unnecessary loss of existing tree canopy; and

Whereas, FVC recognizes that the December (13), 2013 storm that caused the electrical outages, and that later resulted in a mandate from the MPSC (See Staff Report to the Commission per Order in Docket U-17542 on the December 2013 Ice Storm for Consumers Energy and DTE Electric Companies, dated October 1, 2014) to increase tree trimming to reduce power outages was an unusually severe storm which occurred shortly before the Christmas holidays, and that a similarly severe storm had not occurred since 1998; and

Whereas, it is a concern that the removal of trees and other vegetation results in unremoved branches, stumps and other related debris which gives a blighted appearance not only to the affected area, but to the Village as a whole; and

Whereas, FVC has demonstrated its concern for preservation of its tree canopy by enacting a stringent Tree Protection Ordinance in 2010, Chapter 1232 of the Franklin, Michigan Code of Ordinances; and

Whereas, FVC is aware that a number of neighboring municipalities have adopted resolutions similar to the instant one, and

Whereas, FVC is also aware of the existence of three cases of pending litigation initiated as a result of tree removal undertaken by DTE Energy, which litigation is reputed to be seeking damages in excess of \$54 Million, as well as the existence of three more civil actions which have been filed but not yet served; and

Whereas, FVC also desires to communicate any concerns it may have related to the effects of DTE's existing Vegetation Management Program (formerly Ground to Sky Program) and offer constructive, alternate recommendations to DTE Energy to preserve, to the maximum extent possible, Franklin's tree canopy, and also to avoid unnecessary litigation; and

Whereas, FVC strongly urges DTE Energy to review its Vegetation Management Program and revise and develop a program consistent with maintaining electric service to Franklin, while preserving the maximum amount of the Village of Franklin's highly valued tree canopy; and

Now Therefore, Be It Resolved, the Franklin Village Council urges DTE Energy to undertake a careful review and analysis of its Vegetation Management Program and corresponding implementation strategy, taking the following comments into consideration:

1. While falling trees and branches have contributed to loss of electrical services, primarily during storms, a clear-cutting approach is unreasonable **in some instances** and goes well beyond what is necessary to achieve reliable electric service to the Village.
2. Any tree removal or trimming techniques should err on the side of minimizing or foregoing the trimming or removal of any trees or shrubs or portions thereof under lines that do not threaten those power lines. Additionally, trees or shrubs that do not possess growth characteristics which would suggest that the tree or shrub in question can reasonably be expected to reach a height that would pose a threat to the lines within the subsequent 36 months should also be so treated.
3. Prior to beginning any trimming or removal activities, DTE Energy shall notify the property owners that such activities are planned, along with an estimated commencement date. Notice may be given by first class mail bearing an indication on the envelope that the enclosed communication concerns impending vegetation trimming or removal on their property, telephone calls, door hangers which contain a dedicated telephone number the customer may call for further information, or a combination thereof. Notice shall be given sufficiently in advance of commencing said trimming or removal activities so as to facilitate the opportunity for meaningful communications between DTE Energy and the customer. The customer shall have the right to request and receive a personal meeting with an authorized representative of DTE Energy before any trimming or removal activities commence.
If such ^{activities} have not commenced within 120 days receipt of the foregoing notice(s), DTE Energy shall be required to re-notify the customer.
4. In conducting its trimming and/or removal activities, DTE Energy shall adhere to the established professional tree trimming standards as set forth in the ANSI A300 Standards of the Tree Care Industry Association.

5. DTE Energy shall properly grind any stumps which remain to ground level after any trees are removed, and shall make every effort to immediately remove any resultant debris arising from any grinding, trimming and/or removal of trees or portions thereof from the work site upon completion thereof, and in no event later than 10 working days after completion of said grinding, trimming and/or removal at said site.
6. In addition to the customer notifications indicated in Section 3, above, DTE Energy shall also submit written notice to the Administrator of the Village of Franklin not less than 15 working days before any trimming and/or removal is planned. Such notice shall include [both] the locations and proposed scope of work to be done, as well as the dates the work is expected to commence. If the work has not commenced within 120 days of the original notice, DTE Energy shall re-notify the Village Administrator.
7. DTE Energy shall be required to make provisions for the replacement of trees and any other vegetation that it removes from public property with suitable replacements. The Village Administrator shall have the authority to approve the proposed replacements.
8. DTE Energy must secure the appropriate approvals and/or authorizations for work to be done on private property and outside of any easements which DTE Energy may have in place.
9. Replacement of trees and/or other vegetation shall be consistent with the provisions of Section 1282.04(h) of Franklin, Michigan Code of Ordinances.