

**VILLAGE OF FRANKLIN
VILLAGE COUNCIL
SPECIAL MEETING
October 1, 2013
6:30 PM
AT THE VILLAGE HALL
32325 FRANKLIN ROAD
FRANKLIN, MICHIGAN**

WORKSHOP

President Kochensparger called the meeting to order at 6:30 PM.

Present: Pam Hansen, Jim Kochensparger, Judy Moenck, Tom Morrow, Ed Saenz

Absent: Brian Gordon, Mike Seltzer

Also Present: Eileen Pulker, Clerk; Amy Sullivan, Administrator; John Staran, Village Attorney

I. Set Date to Hear Right of Way Obstructions Appeals.

Saenz stated that he was under the impression from the conversation at last month's workshop that this agenda item was supposed to be a discussion on the intent of the Ordinance, i.e. public safety matter. He questioned whether there would be a continuation of that discussion and/or if the Council was only going to set a date to hear appeals. Sullivan stated that the agenda item was both: 1. Discussion about whether the ordinance is a public safety matter and if the Council wants to go forward with it and 2. To set a date for the appeals.

Saenz summarized that three of the Council Members present felt that the ordinance dealt with a safety issue. He asked if Kochensparger was of the opinion that the Ordinance deals with a safety matter. Kochensparger answered in the affirmative.

Chief Roberts gave a brief history and noted that from a historical and documented perspective there have only been two pedestrian-related incidents, both on Franklin Rd.; one being the 1991 Labor Day Parade accident and the other which occurred in the middle of the night. Neither were related to rocks. The only concern he has from the police department perspective is that if the rocks are moved from the ROW his department will be flooded with complaints of people driving on lawns. His fear is that the officers will be acting as insurance claim adjustors writing reports. He even commented that when this subject was brought up in a Legal Committee Meeting, Council Member Seltzer stated that this is not a police issue. When asked by Hansen if he thought this was a "potential" public safety issue, Roberts said that anytime you put pedestrians in the roadway there potentially is a public safety issue.

Staran iterated that "public safety" is all encompassing, whether it be pedestrians, bikers, snowplows, landscaping crews, service vehicles or rocks which force traffic out in the middle of the road. He mentioned that what is safe and what is unsafe varies from circumstances to circumstances. Therefore, the ordinance provides an appeal process.

Kochensparger stated that the question that needs to be answered is, does the lawn next to the

roadway belong to the resident or the Village? Morrow answered that it is the Village's Right Of Way (ROW) even though the resident treats it as his/her own lawn. He also brought up arguments which might potentially be brought up during an appeal hearing.

Hansen discussed the criteria to grant or not grant an appeal. 1. Expense and to whom; 2. Degree of safety hazard; 3. Obstacles were in place when resident moved in; 4. What are the reasons the residents are appealing?

Saenz mentioned that the Village Council (VC) isn't under any self-imposed time pressure as to when it has to rule on the appeal, i.e. the VC can hear the appeal and then deliberate at a subsequent meeting. An appeal can be in person or in written form. Deliberation will be at an open meeting and the appellant will be notified of such meeting. Staran added that the process would be similar to that of the ZBA. Pulker elaborated on that process, including the timing element.

Council members unanimously agreed to hear three (3) appeals before the next Village Council Meeting in November, starting at 7 PM. Sullivan will provide the appeal forms (3 at a time) to all trustees.

II. Consider Elimination of Waste Water Management Board.

Staran stated that the Village needs to approve connections to the sewer system but Council sitting as the Waste Management Board does not have to approve them and can delegate the responsibility to a staff member. They can be handled administratively and it does not require an ordinance amendment. He suggested that this issue be scheduled as an "action" item on the agenda of the next regular Council Meeting.

Hanson and Saenz asked if the responsibility could be delegated to the Village Administrator without disbanding the Board. Staran answered in the affirmative. It was suggested that the Board meet on an as needed basis.

#2013-84 Motion by Morrow, supported by Saenz to modify the frequency of the Waste Water Board meetings to semi-annual and authorize the Village Administrator to grant the hook-up requests, provided they meet all the requirements and to convene the Waste Water Board meetings on an as needed basis if an emergency arises.

Ayes: Hanson, Kochensparger, Moenck, Saenz, Morrow

Nays: None

Absent: Gordon, Seltzer

Motion approved.

III. Consider Timeline for Police & Administration Millage Renewal.

Sullivan prefaced this discussion by stating that this a policy decision that she needs some input on for budgeting purposes. She explained the timing of the election for the next millage renewal which would expire in July, 2016.

Morrow explained the financial details of the budget and millage, as well as, the possible ramifications of the (coinciding) of the election of Council Members and the renewal in 2014 or maybe plan for it in 2016. He believes that conversations in public meetings about this renewal would be beneficial and believes the discussions about this issue need to begin now, noting that in reality this is not a renewal but a new tax.

IV. Discuss Implementing Fines for False Alarm Events.

Gordon asked for a discussion about this matter. According to Sullivan this rarely happens, but Gordon wanted to know if the Village should charge residents for repeated false alarms as stated in Ordinance 1060.05.

Chief Roberts sees an advantage to seeing his officers responding to alarms even if they are false. It familiarizes them with the neighborhoods, gets them out of the cars and around the houses, it gets them interacting with the citizens. Repeat offenders are not prevalent in this area and if they were he would personally handle the situation. Chief Roberts also stated that charging for false alarms may discourage the use of alarms which could lead to more home invasions. The Fire Department is a different story; involving the expenditure of money and volunteer involvement and more. He suggested that there be a difference between a Police False Alarm and a Fire False Alarm.

Staran stated that the impetus for such an ordinance is primarily for the repeat offenders, and the Council determined that fines should be charged as stated in the ordinance.

There was a discussion about the program Eleanor (Coco) Siewert will be presenting before the next Council Meeting. To date 15 people have signed up and the session is open to the public.

**Motion by Morrow, supported by Hanson to adjourn the meeting at 7:57 PM.
Motion passed unanimously.**

Submitted,

Gail Beke, Recording Secretary

Eileen H. Pulker, Clerk