

**VILLAGE OF FRANKLIN
VILLAGE COUNCIL
SPECIAL MEETING
December 9, 2013
7:00 PM
AT THE VILLAGE HALL
32325 FRANKLIN ROAD
FRANKLIN, MICHIGAN**

WORKSHOP

I. CALL TO ORDER.

Jim Kochensparger called the meeting to order at 7:03 PM.

Present: Jim Kochensparger, Judy Moenck, Ed Saenz, Mike Seltzer.

Absent: Brian Gordon, Pam Hansen, Tom Morrow.

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

Kochensparger explained the procedures that the Village Council will adhere to when hearing the Right Of Way Appeals.

II. ADOPTION OF AGENDA.

Motion by Seltzer, seconded by Moenck to approve the agenda as submitted.

Ayes: Kochensparger, Moenck, Saenz, Seltzer

Nays: None

Absent: Gordon, Hansen, Morrow

III. CONSIDER ROAD RIGHT OF WAY (ROW) OBSTRUCTION APPEALS.

Sullivan explained that one applicant has asked to be removed from the agenda and added to the January Agenda when his attorney would be available to represent him.

Robert Sklar, 26650 Woodlore Rd., introduced himself, explained that he lives at the corner of Woodlore and Scenic and that he is requesting a variance to the Road ROW Ordinance explaining that some of the rocks in question have been in place for more than 18 and 1/2 years at the time they purchased the home. The other rocks were put in about 7 years ago because each year they would lose about 3-4 feet of grass due to cars cutting the corner. In addition along the Woodlore side he has had to replace 3 or 4 sprinklers per summer for the same reason. He thinks that another part of the problem is that cars are parked on his lawn so as to avoid the steep drainage ditch on the other side of Woodlore. Sklar stated that he was not aware of any accidents and have not had any complaints.

Kochensparger explained the reasoning behind the ROW Ordinance and Seltzer provided a remedy to solve the problem: that being to move those rocks, larger than 4 inches tall, 3 feet from the edge of the road surface.

Staran explained the purpose of a ROW, for utilities and drainage, and the necessity of the Village to enforce the ordinance citing safety reasons for both vehicles and pedestrian safety.
#2013-108 Motion by Moenck, seconded by Seltzer to deny the variance to the Road ROW

Ordinance at 26650 Woodlore Road. However, the Council has agreed to provide an estimate from the Village DPW to move the rocks.

Ayes: Kochensparger, Moenck, Saenz, Seltzer
Nays: None
Absent: Gordon, Hansen, Morrow

Bernard Kent, 26840 Charles Lane, referred to the 8/8/2013 letter he and his wife, Nina, had written to the Village Council stating that in 2001 the Village widened Charles Lane and Willowgreen and which at that time the rocks that they had placed over 20 years ago, were repositioned to their current location by the Village's contractor. Therefore, they are of the opinion that the Village should be responsible for moving them, so as to be in compliance with the Ordinance.

Mrs. Kent also stated that there are four culverts at the corner of Charles Lane and Willowgreen, making vehicular safety of utmost importance, especially at night and in the winter.

Discussion ensued, concluding that photos would be helpful in the ruling on this variance request.

#2013-109 Motion by Seltzer, seconded by Moenck to deny the variance to the Road ROW Ordinance for 26840 Charles Lane. The Village will pay for the re-location of the rocks which were moved when the Village widened Charles Lane and Willowgreen.

Ayes: Kochensparger, Moenck, Saenz, Seltzer
Nays: None
Absent: Gordon, Hansen, Morrow

For Mr. Sklar's benefit, Sullivan will ask the Village DPW contractor for an estimate to move the rocks on his property. Discussion evolved around the issue of whether or not the Village should be paying for rock relocation. Sullivan said that the funds would come from the Village Major or Local Roads Account.

Robert and Debra Ferguson, 25275 River Drive, were not in attendance but sent a letter to Village Council, explaining their situation and reasons why they are requesting a variance. Council discussed the request.

#2013-110 Motion by Seltzer, seconded by Moenck to deny the variance to the Road ROW Ordinance for 25275 River Drive.

Ayes: Kochensparger, Moenck, Saenz, Seltzer
Nays: None
Absent: Gordon, Hansen, Morrow

Gail Dishell, 26721 Carol Ave., was not in attendance, but due to her observance at last month's Special Meeting, was aware that she would not be granted a variance.

#2013-111 Motion by Saenz, seconded by Moenck to deny the variance to the Road ROW Ordinance for 26721 Carol Ave.

Ayes: Kochensparger, Moenck, Saenz, Seltzer

Nays: **None**
Absent: **Gordon, Hansen, Morrow**

IV. PUBLIC COMMENTS.

Fred Gallasch, Rosemond Dr., stated that the Village, should it use Village funds to move rocks, will be diminishing the Road funds which, depending on the weather, may be needed in the future. He cautioned the Council to be judicious when it comes to spending public money.

V. ADJOURNMENT.

Motion by Saenz, seconded by Seltzer to adjourn the meeting.

Ayes: **Hansen, Kochensparger, Moenck, Saenz, Seltzer**
Nays: **None**
Absent: **Gordon, Hansen, Morrow**

The Meeting was adjourned at 7:35 PM.

Submitted,

Gail Beke, Recording Secretary

Eileen H. Pulker, Clerk