

**VILLAGE OF FRANKLIN
PLANNING COMMISSION
Minutes of Meeting
September 15, 2010**

I. CALL TO ORDER

The regular meeting of the Village of Franklin Planning Commission was called to order by Chairman Pamela Hansen at the Franklin Village Office Building, 32325 Franklin Road, Franklin, Michigan, at 7:30 P.M.

II. ROLL CALL

Present: Al Beke, Calvin Cupidore, Connie Ettinger, David Goldberg (arrived at 8:20 p.m.), Pam Hansen, Mike Heisel, Mary Hepler, Dean Moenck, Joe Roisman
Also Present: Planning Consultant Christopher Doozan-McKenna and Associates, Interim Acting Administrator Amy Sullivan, Clerk Eileen Pulker, Main Street Director Vivian Carmody,

III. ADOPTION OF AGENDA

Motion by Ettinger supported by Cupidore to approve the agenda as revised.

Moenck suggested moving New Business IX (A) Wetland Application to Public Comments with the consensus of the Commission in agreement.

Ayes: Beke, Cupidore, Ettinger, Hansen, Heisel, Hepler, Moenck, Rosiman

Absent: Goldberg

Nays: None

Motion carried.

IV. ADOPTION OF MINUTES

A. Regular Meeting of August 18, 2010

Motion by Hepler supported by Roisman to approve the minutes for the regular meeting of August 18, 2010, as amended.

Hepler advised that she abstained on the Minutes considered at the August 18, 2010 meeting, requested a comment be added stating the Commission's consensus was to notify Council that incremental funding would be needed to proceed with the Parking Study, and noted the value of Heisel's idea to include a standing agenda item relative to the status of the To Do List, though it did not appear on tonight's agenda. Discussion ensued relative to the label and placement for the new agenda item with the consensus being to refer to it as the To Do List – Status and place it under Unfinished Business.

Ayes: Beke, Cupidore, Ettinger, Hansen, Heisel, Hepler, Moenck, Rosiman

Absent: Goldberg

Nays: None

Motion carried.

V. COUNCIL LIAISON REPORT

Sullivan advised that Council approved funding for the Parking Study, appointed Mary Ann Liut to the Village Historic District Commission (HDC), approved replacement of the Police Station handrails, awarded bid for the first phase of the Road Rehabilitation Program, postponed discussion on the Brody/City of Farmington Hills Agreement, discussed Southfield Township's request to be advised on Villagers interested in serving on the Board of Review with names to be submitted to Pulker who will forward to the Township, recommended approval of Franklin Grill's application for a MLCC Dance/Entertainment Permit for light entertainment with Hepler inquiring if an elevator is required to which Sullivan replied no, approved a Civic Event Permit for a fundraising 5k to 10k run/walk for Almost Home Animal Rescue, postponed discussion on the Banner Policy, and approved the annual transfer of SMART funds to Birmingham Area Seniors Coordinating Council (BASCC) for senior transportation. Hepler inquired regarding Parking Study funding with Sullivan advising Council approved funding up to \$1,800, as needed. Discussion ensued regarding PC budget (tight, irresponsible to go over budget,

request incremental funding if necessary) and zero based budgets (non-budgeted requests come from fund balance, budgets are fluid, economic challenges driving tight budgets and enhanced scrutiny of requests).

A. Main Street Franklin (MSF) Program Update

Carmody noted that excitement is building and people are beginning to understand the value of Main Street resulting in new volunteers. Continuing, she advised that Committees are putting together work plans which after Board approval will be posted on the Main Street website, Promotions Committee approved a new event Franklins Frenzy to be held October 23, 2010, Tech Visit by MSOC was recently held which focused on moving Main Street forward, Main Street Advocacy Day in Lansing was today with one Board member attending, upcoming Visioning Session in October, MSF is a partner with the Village, and invited all Commissioners and community members to join a committee and share their ideas.

VI. BUDGET EXPENDITURE REPORT

Hansen noted they are a couple of months into the fiscal year and led a discussion on the budget as follows: Budget amount (11K or 12K – Hansen to clarify with Pulker), FY 2009-2010 operational expenses came in close to budget, Site Plan Review consultant costs are borne by the applicant and do not appear in budget, McKenna flat fee arrangement (term, cancellable, merit of flat fee arrangement which incentivizes watching hours), year to date column enables Commission to make informed decisions relative to taking on new activities, fixed costs (McKenna, Recording Secretary, printing, occasionally Legal Consultant & HRC, etc.), tightness of budget (low discretionary funds, recent reductions in budget, training & newsletter eliminated, Council to be approached for incremental funding on extraordinary projects if necessary such as Parking Study and Medical Marihuana, Requesting incremental funding from Council is a reasonable way to control expenditures, economic challenges projected to continue), meeting schedule (law requires 4 meetings per year, cancelling a meeting saves clerical fee), Parking Study (Doozan hourly but capped, potential for Main Street involvement/assistance though timing is problematic in the short-term), and Commission has discretion over the extent it deals with some issues.

VII. PUBLIC COMMENTS

There were no Public Comments.

IX. NEW BUSINESS

A. Consider Wetland Application for the property at 25733 River Drive and schedule Public Hearing.

Hansen welcomed the Applicants and requested Doozan to provide a brief overview. Doozan referred to HRC's correspondence dated September 13, 2010, which noted the Application is in correct form and recommended approval subject to a few minor changes, noted that 3 Ordinances are involved in this type of application (Wetland, Flood Plain, and Tree), and noted that action required is to set a public hearing.

Applicants Alan and Ann Frank provided an overview of the project, the history of the river and its dramatic transformation over time resulting in a negative impact on the Frank's and up and down stream land, vegetation, trees, streams, and wildlife, the positive outcome to be derived from the project, and noted that as steward's of the river and property the desire is to protect the rural aspect and natural character of the property which they value and recognize the Village does as well. Applicant's consultant, Scott Dierks, PE, of JFNew provided an overview of his background, qualifications and experience, presented a detailed power point presentation outlining the need for the project and its goals, noted they were not aware until last night when they saw the agenda that this issue had been labeled as wetlands, contended that the project area is not wetlands as it does not meet the criteria, and advised that timing is problematic as there is risk associated with going in the river which increases as cold weather approaches.

Discussion ensued regarding wetlands determination (who makes the determination, criteria, can Applicant's consultant make that determination, HRC, submitting an application does not mean a permit is required), Village's official wetland map (river has dramatically changed, no detailed boundaries),

Wetland Ordinance (restrictions, experienced wetlands person can make determination, what triggers a public hearing), public hearing (timing, notice publication requirements), project was clarified (length – 2 to 3 weeks dependent upon weather, cost, need, no negative ramifications up or down stream with positive impact expected), Flood Plain Evaluation (will need to be considered by the Commission), and process with the consensus being the wetland determination needs to be evaluated, a public hearing should be scheduled to meet notice publication requirements which could be cancelled if it is not needed with the Flood Plain Application to be considered at the same time, at the October 20, 2010 regular meeting. Roisman voiced his concerns and noted in the interest of time the Application should be approved as this is not a wetland and the Applicant's consultant is a qualified experienced wetlands person who has made that determination.

Motion by Hepler supported by Cupidore to schedule a public hearing at the next regularly scheduled Commission meeting to consider this proposal, request the Building Official to determine if an evaluation of the determination is needed, and have HRC provide an evaluation if needed and flood plain status prior to the meeting.

Discussion ensued regarding timing of meeting with it being noted that a special meeting prior to Council's meeting could be scheduled as the Commission will need to make a recommendation to Council for its consideration which would cover all contingencies as the Flood Plain evaluation will require the applicant to appear before the Commission again.

Ayes: Beke, Cupidore, Ettinger, Goldberg, Hansen, Heisel, Hepler, Moenck

Nays: Rosiman

Motion carried.

Hansen advised that in the interest of time, the Commission might consider postponing discussion on Unfinished Business Items A, B, and C, and New Business A with the consensus of the Commission in agreement.

VIII. UNFINISHED BUSINESS

A. 2006 Master Plan Implementation Plan

Discussion postponed.

B. Green Initiatives

Discussion postponed.

C. Village Parking Plan Development

Discussion postponed.

D. Medical Marijuana Facilities Regulations

Goldberg provided an update, noting that the Village Attorney has provided a confidential memo outlining regulatory issues which has been provided for Commissioners to review for a future discussion and advised the ultimate issue pertains to whether the Village has the right to regulate and if so, what is the regulatory scheme the Village will pursue which, he opined, falls to Council to decide, as knowing that determination will cost-effectively drive the Commission's review. Continuing, Goldberg noted the 4 potential courses of action outlined by Staran (regulate by prohibition, permit but regulate, ignore completely and let State law control, and moratorium) and outlined the pros and cons of each, the competing issues of personal liberties of individuals and legislating out their right to do things they are otherwise entitled to do, and the issue as to whether Village residents or non-residents can be addressed differently. Goldberg advised he can provide a written review in anticipation of presentation to Council.

Discussion ensued regarding whether Council should be approached requesting clarification as to course of action or whether the Commission should recommend a course of action and if so, how detailed should the recommendation be before Council concurs as to course of action, with the consensus being that a presentation to Council should recommend a specific regulatory approach with explanations as to why this approach was selected and other's excluded. Discussion ensued regarding differentiating between

use and growing, financial barriers with it being recommended to include a cost-estimate in the Council presentation, and potential to schedule work session with Hansen suggesting the Subcommittee can review and report back to the Commission.

Commissioners commented on the Wetlands discussion with it being noted that having the Building Official present would have been of benefit.

IX. DISCUSSION

A. Conditional Rezoning, Educational
Discussion postponed.

X. UPCOMING MEETING DATES

A. Next Regular Meeting Date: October 20, 2010, 7:30 P.M.

XI. ADJOURNMENT

Motion by Roisman supported by Beke to adjourn the meeting.

Ayes: Beke, Cupidore, Ettinger, Goldberg, Hansen, Heisel, Hepler, Moenck, Roisman


Nays: None

Motion carried.

There being no further business, the meeting adjourned at 10:29 P.M.

Respectfully submitted,

Lori D. Rich, Recording Secretary



Eileen H. Pulker, Clerk

TO DO LIST

September 15, 2010 Planning Commission Meeting

1. Minutes:

- a. Revise vote on minutes considered at the August 18th meeting to reflect Hepler abstained.
- b. Add comment regarding the Commission's consensus was to notify Council that incremental funding would be needed to proceed with the Parking Study.

2. Agendas:

- a. Add To Do List – Status as a standing agenda item under Unfinished Business.

3. Wetland Application:

- a. Schedule Public Hearing, call Special Meeting if necessary, cancel Public Hearing if not needed, Consider Flood Plain Evaluation at meeting.
- b. Dinnan to evaluate Wetland Determination.
- c. HRC to do Flood Plain Evaluation and weigh in on Wetland Determination if necessary prior to meeting.

4. Medical Marijuana:

- a. Commissioners review Staran's Confidential Memo.
- b. Subcommittee review, pursue regulatory approach, and report back.

5. Conditional Rezoning – Educational

- a. Reschedule Discussion.