

PROCEEDINGS OF VILLAGE OF FRANKLIN
VILLAGE COUNCIL REGULAR MEETING
FRANKLIN VILLAGE HALL -- BROUGHTON HOUSE
32325 FRANKLIN ROAD, FRANKLIN, MICHIGAN 48025
MONDAY OCTOBER 14, 2002 8:00 P.M.

I. MEETING CALLED TO ORDER

The meeting was called to order by President Pro Tem Florence Saltzman at 8:00 p.m. at the Franklin Village Hall, Franklin, Michigan

II. ROLL CALL

Present: Florence Saltzman, Randy McElroy, Ralph Sosin, H. Fred Gallasch, Brian Coyer, Alan Harnisch

Absent: James Pikulas (excused)

In Attendance: Jon E. Stoppels, Village Administrator
Eileen H. Pulker, Village Clerk
John Staran, Village Attorney, Beier Howlett
William Dinnan, Building Official
Mike Barger, Village Arborist
Edward Glomb, Police Chief
Tony Averbuch, Fire Chief
Tom Biehl, Village Engineer, Hubbell, Roth & Clark
James Stevens, Planning Commission Chairman

III. ADOPTION OF AGENDA

Motion by McElroy supported by Coyer to adopt the agenda as presented.

Coyer questioned the order of the items in new business relating to the three applications for Robertson Brothers Kahn property project, Cressbrook. Staran stated that because of the interrelation between the items, consideration of each item is dependant on the reports in regards to the other two items, so they may more simply be considered as subparts to the same item in the order that the items appear on the agenda.

Ayes: Saltzman, McElroy, Sosin, Gallasch, Coyer, Harnisch

Nays: None

Absent: Pikulas

Motion carried.

IV. ADOPTION OF MINUTES

A. Regular Meeting of September 9, 2002

Motion by Sosin supported by Gallasch to approve the minutes of the regular meeting of September 9, 2002 as presented.

Gallasch asked if there would be a report available for the amounts charged for police and fire in the Special Assessment District in Southfield Twp. that President Pikulas had requested of Chief Averbuch and Chief Glomb. Saltzman stated that both the Fire Chief and Police Chief were present at this meeting to present reports during which time that information would be requested.

Gallasch also stated that there was an error on **Page 8, Item IX. New Business C. ... above ground pool at 30020 Cheviot Hills Court. Pikulas had voted nay, the same as Gallasch.**

Saltzman stated that on **Page 7, third paragraph**, the statement should read as follows:
“Saltzman stated that the Council had looked at fifteen (15) neighboring communities regarding salaries paid to police officers and found that in comparison Franklin was fifth, and not the lowest paid as was asserted in the police flyer. Saltzman continued stating that she hoped to see a settlement before arbitration was needed.”

Sosin with Gallasch’s approval withdrew the motion.

Motion by Sosin supported by Gallasch to approve the minutes of the regular meeting of September 9, 2002 as amended by the comments made at this meeting.

Ayes: Saltzman, McElroy, Sosin, Gallasch, Coyer, Harnisch

Nays: None

Absent: Pikulas

Motion carried.

B. Water Study Report Meeting of October 1, 2002.

Motion by Gallasch supported by McElroy to approve the minutes for the Water Study Report Meeting of October 1, 2002 as presented.

Ayes: Saltzman, McElroy, Sosin, Gallasch, Harnisch

Nays: None

Abstain: Coyer

Absent: Pikulas

Motion carried.

V. REPORTS OF VILLAGE OFFICERS AND AGENTS

Police Chief Ed Glomb, was pleased to report what has developed, as a result of the investigation following the armed home invasion of September 6, 2002, they were fortunate in receiving good information from neighbors, that the victim recognized the perpetrator, but did not know his name and subsequently the suspect has been apprehended. The suspect had been on parole for another armed robbery in Novi until 2014, so arrangements were made with the parole office to apprehend the suspect. Chief Glomb, Sergeant Girardot and Sergeant Castro were present to arrest the suspect, who was armed with a loaded 9 mm automatic and struggled with the suspect with help from the staff at the parole office finally subdued the violent and dangerous suspect. Charges are being filed with Federal Authorities and Wayne County. One more suspect is still at large in regards to the same incident, so the investigation is ongoing.

Saltzman asked the Council if Item XI A Consider Police Commendation Resolution could be moved up in the agenda to be addressed at this time. Council agreed and Trustee Sosin read the following proclamation into the record.

#2002-104 Motion by Sosin supported by McElroy to adopt the resolution as follows:

WHEREAS, on September 6, 2002 there was an invasion at a home in the Village of Franklin by an armed intruder; and

WHEREAS, the intruder attacked, held hostage and ultimately shot and wounded the homeowner; and

WHEREAS, the intruder stole the victim's automobile and made his escape; and

WHEREAS, the Village of Franklin Police Department was called to the scene to investigate and assist the victim; and

WHEREAS, the Village of Franklin officers and investigators conducted a twenty day investigation which resulted in the identification of the individual; and

WHEREAS, Chief Edward Glomb and Sergeants William Castro and Edward Girardot went to apprehend the suspect, who was a repeat offender, when he reported to his Parole officer in Detroit; and

WHEREAS, the suspect was armed with a 9mm semi-automatic handgun when the officers attempted to apprehend him; and

WHEREAS, the assistance of several parole officers and staff members was needed to assist in this apprehension and arrest of the suspect; and

WHEREAS, the individuals who assisted in the apprehension of this suspect did so at risk of being harmed or mortally wounded; therefore

BE IT RESOLVED THAT THIS VILLAGE OF FRANKLIN PRESIDENT AND VILLAGE COUNCIL WISHES TO FORMALLY COMMEND THE FOLLOWING INDIVIDUALS FOR OUTSTANDING SERVICE, BRAVERY AND HEROISM BEYOND THE CALL OF DUTY:

Chief Edward Glomb

Police Sergeant Edward Girardot

Police Sergeant William Castro

Police Officer Brian Crane

Police Officer David Dwyer

Police Officer Mark Dyjewski

Police Officer James Gardner

Police Officer Steven Goulet

Police Officer James Hirschfeld

Police Officer Michael VanLacken

Police Clerk Olivia Boitos

Nancy Spigliano, Supervisor

Kirk McVittie, Supervisor

Duane Fox, Parole Agent

Gary Edwards, Parole Agent

Sam Carter, Parole Agent

Keith Hollingshed, Parole Agent

Robert Wilson, Parole Agent

Scott Boswell, Parole Agent

Michael Sparks, Parole Agent

John Duhoski, Parole Agent

Ayes: Saltzman, McElroy, Sosin, Gallasch, Coyer, Harnisch

Nays: None

Absent: Pikulas

Motion carried.

Chief Glomb thanked the Council and further commented that he is pressing for metal detectors to be installed in the parole offices to protect unarmed workers against these types of incidences.

Chief Glomb also reported that there had been a home invasion on Ovid Court on Monday September 23, 2002, wherein cash and jewelry was stolen. Two days later, Southfield Police attempted to stop a suspected stolen car that when examined, contained the jewelry that belonged to the homeowner on Ovid Court. There are two suspects, one of whom has confessed, and charges are being sought for the other suspect.

The Franklin Police were involved in security for the President's visit on October 14, 2002 and Chief also reported on the recent International Association of Chief of Police conference for which Attorney General John Ashcroft was a speaker. The Attorney General emphasized continuing vigilance for terrorism, citing the recent case of four people in Oregon and two in Detroit that resulted from a routine call to a patrol officer over shots fired. Just as last year's conference, which had been held shortly after September 11, this was an interesting session and the emphasis on vigilance continues to be discussed.

McElroy asked if the cooperation between Federal and Local authorities remained high.

Chief Glomb responded that cooperation still remains at a good level.

Gallasch asked what information had been gathered regarding the Special Assessment Districts for Southfield Twp., for which the Village provides Police and Fire Protection.

Chief Glomb replied that there are seven (7) houses in Southfield Twp., on 14 Mile Road and approximately \$1500 to \$1800 annually is collected, and while service is provided like at any other Franklin or Bingham Farms residence, the incidence rate is not a problem. Chief further stated that financial reports should provide the correct amount of millage and he will research that and provide the figure to Council.

Saltzman stated that these residents also contribute to the cost of dust control for 14 Mile Road.

Fire Chief Tony Averbuch reported that in addition to his written report already submitted, asked if the Council had any questions. Saltzman asked about malfunctioning alarms. Chief Averbuch responded that 20% of the calls for the department last year were in response to malfunctioning alarms. Gallasch asked if these malfunctioning alarms were consistently from the same residences and businesses. Chief Averbuch stated that yes, the same alarms are the problem, and fines have been levied. Gallasch asked what mills are charged for Fire Protection for the Southfield Twp. residents on 14 Mile Road and Chief Averbuch replied that it was two (2) mills which makes about approximately 1 ½ % of the Fire Department Budget. Coyer commented that 4.63 minutes is a very good response time.

Saltzman stated that at this time Council would ordinarily receive a Treasurer's report and asked Stoppels if any volunteers had come forward to fill the vacant Treasurer's position. Stoppels replied that President Pikulas was planning to speak to several individuals and no further word had been received, however it was important to note that Trustee McElroy continues to serve in that capacity until a replacement can be found. Saltzman commented for the benefit of those listening, that the Treasurer's position is no longer an elected one, but is now an appointed position that does not require a large commitment of time. Saltzman stated that President Pikulas is looking for a volunteer Villager with expertise who would be willing to serve as Treasurer.

VI. SUBMISSION OF CURRENT BILLS

Totals:	
General Administration	\$ 15,657.16
Tax Funding	298,809.23
Building	22,609.32
General Debt	1,052.50
Insurance	26,467.20
Legal	2,937.94

Police	20,965.07
Pressure Sewer	816.72
Roads	3,023.57
Rd Bond Expense – 2002	411,907.14
Rd Bond Expense – 2001	3,177.48
Rd Bond Expense – 2000	358.04
Rubbish	12,983.05
Trust & Agency	1,400.00
Village Hall & Grounds	372.35
Waste Water	<u>3,132.86</u>
All Funds	\$825,669.63

Gallasch questioned whether or not there were more funds available for the Fire Department and Library, recognizing that more money had been allocated to each entity in the Budget. Stoppels responded stating that the percentage paid represents the amount of tax monies received to date. McElroy stated that he had verified that information before signing the checks.

McElroy indicated that the item listed under Waste Water Fund for the printing and mailing of the meeting notice for the October 1, 2002 Water Study Meeting needs to be in a new water account so that the Village is able, in the future, to reimburse the General Fund from the bond, if and when there is a bond issue, for potable water in the Village.

Coyer questioned the invoice from Hubbell Roth & Clark for a wetland review on River Drive and was told by Bill Dinnan, Building Official, that a permit had been applied for.

Motion by Coyer supported by Sosin to approve the bills list for October 14, 2002 as amended to add the category of Water and to place the \$300.00 item in the new account.

Ayes: Saltzman, McElroy, Sosin, Gallasch, Coyer, Harnisch

Nays: None

Absent: Pikulas

Motion carried.

VII. PUBLIC REQUESTS AND COMMENTS

Mitch Wolf of Cranbrook Realtors, 32440 Franklin Road, addressed the Council regarding his concern over the enforcement of the sign ordinance stating that it has hurt the real estate business in Franklin. The placement of the signs makes it difficult to see the signs and the realtors would prefer that these signs be placed closer to the road.

Staran replied that the signs in the right of way create a traffic safety problem, distraction, which have never been allowed in the Village or any other community.

Saltzman suggested that Mr. Wolf speak to the Village Administrator, Jon Stoppels in order to determine the best placement of signs.

Sosin stated that the sign ordinance is now being properly enforced.

VIII. SPECIAL REPORTS:

A. Verbal Report, Jo Saltzman, President Pro Tem

Saltzman announced that there will be an Open House at the Huda School, to which everyone in the Village is invited, on Sunday October 20, 2002 at 1:30 p.m. to 6:00 p.m.

Saltzman also reported on a notice received from the Michigan Municipal League (MML) commenting on the various state proposals placed on the ballot for the General Election of November 5, 2002. Saltzman further stated that the Council cannot advocate voting for or against these proposals however, the State is running a deficit in the budget and adoption of these proposals will mean further cuts in the budget and that may mean a problem with revenue sharing in state funds to the Village.

B. Bond Project Update, Jon Stoppels, Village Administrator

1. Local Road Improvement Project

Stoppels reported that the Local Road paving is about 99% complete with the exception of a few projects. The subcontractor that was doing the restoration work has been unable to complete the work, and the main Contractor is interviewing other possible subcontractors one of which is Greenscapes, a local firm.

Gallasch commented on the comparison along Rosemond Drive between the work done in Southfield and the work done in Franklin. Gallasch and McElroy both voiced their concern that the Southfield work on both the road and the restoration, appears to have been more carefully completed on the Southfield end, which is not usually the case. Gallasch stated that the shoulder seems to be crumbling. Biehl responded that there is a punch list from which the contractor is working that lists several areas in the Village that in some cases, individual contractors working on homes in the Village have damaged the road. Coyer voiced his concern about drainage and safety questions for example at the curve on German Mill. Biehl responded that those items are also on the list and will be addressed in the coming weeks.

C. Cell Tower Update, John Staran, Village Attorney

John Staran reported that since the last Council meeting, he had had contact with the Sprint Attorney, Wallace Haley who is the lead contact for those companies who wish to co-locate on a cell tower in the Village on the property behind the Police Station. Mr. Haley had forwarded a lease form to which Staran had responded, hoping to receive comments back from Mr. Haley, which did not arrive prior to this Council meeting. In connection with the proposed cell tower, if it is approved, Staran reported that the height requested at 125 feet would require a Zoning Ordinance amendment which could allow an increased height to that level in certain circumstances that will be specified in the Ordinance to create a special exception or waiver for the Council to determine whether those criteria are met. One of the exceptions would be that the increased height is necessary in order to allow more co-locators and eliminate the need for separate poles, which would be the principal reason why the Council would consider allowing a greater height. Staran stated that it is his intention to provide the Ordinance Amendment and the lease agreement as a comprehensive package, should Staran be able to report that this issue is moving forward.

IX. OLD BUSINESS

A. Consider Re-Application to Demolish or Remove Structures for the Property Located at 31425 Nottingham Drive, Franklin.

Saltzman introduced this item stating that it had been before the Council previously, and asked if the applicants were present. They were not, so Bill Dinnan was asked to comment on the application. Gallasch questioned whether a pool, which is not to be demolished, can be allowed to remain on the property before a building permit has been obtained for the new dwelling. Dinnan replied that a building permit will need to be secured and that safety precautions will need to be taken to fence and cover the pool. Dinnan reported that while this demolition application had been approved previously, the performance bond and permit had not been attained.

#2002-105 Motion by Sosin supported by Coyer to approve the application for demolition for the structure at 31425 Nottingham Drive, as presented subject to a \$5,000 bond and subject to the requirements of the building official.

Ayes: Saltzman, McElroy, Sosin, Gallasch, Coyer, Harnisch
Nays: None
Absent: Pikulas
Motion carried.

X. NEW BUSINESS

A. Consider Planning Commission Recommendation for the Application for Wetland Use for the Property located at 26520 Willowgreen, Franklin.

Keith Schmaltz of Environmental Artists, Inc. was present to address Council and answer any questions. Gallasch questioned whether or not restoration work would take place immediately stating that other contractors have taken too long in the past. Dinnan assured Council that he would pursue this project with due diligence. Dinnan also stated that both he and the engineers, Hubbell, Roth and Clark determined that this project was a minor one, in response to Coyer's question. Staran referred to the Wetland Ordinance, Chapter No. 1226 for the definition of minor projects.

#2002-106 Motion by Gallasch supported by McElroy to approve the Wetland Application for 26520 Willowgreen, subject to the building official's approval and all necessary paperwork be filed with the Village.

Ayes: Saltzman, McElroy, Sosin, Gallasch, Coyer, Harnisch
Nays: None
Absent: Pikulas
Motion carried.

B. Consider Request of Huda School to Hang Temporary banner in front of Building located at 32220 Franklin Road.

#2002-107 Motion by Coyer supported by Gallasch to approve the request of the Huda School to immediately display the temporary sign or banner advertising the Open House at the school located at 32220 Franklin Road on Sunday October 20, 2002 conditioned upon receipt of proper insurance documentation.

Sosin commented that the purpose of the Open House is advertised as an event to come learn about Islam.

Ayes: Saltzman, McElroy, Sosin, Gallasch, Coyer, Harnisch
Nays: None

Absent: Pikulas
Motion carried.

C. Consider Landfill Application for the property at 27245 Scenic, Franklin.

Keith Schmaltz of Environmental Artists was present to address any concerns or questions and clarified that this was an addition to this house and the landfill will not change the grade or drainage of the property but will prevent erosion and improve the condition of the front lawn. Coyer questioned if the loads being brought in would damage the new road surfaces and Biehl replied that the normal state weight laws would apply and should not be a problem.

#2002-108 Motion by Sosin supported by McElroy to approve the application for Landfill at 27245 Scenic subject to the conditions contained in the Hubbell, Roth and Clark letter of October 7, 2002.

Ayes: Saltzman, McElroy, Sosin, Gallasch, Coyer, Harnisch
Nays: None
Absent: Pikulas
Motion carried.

D. Consider the SMART FY 2003 Municipal Credit and Community Credit Contract.

#2002-109 Motion by Sosin supported by Harnisch to apply the SMART FY 2003 Municipal Credit and Community Credit Contract to the Birmingham Area Seniors Coordinating Council (BASCC).

Clerk Pulker was asked to explain what BASCC is, and Pulker responded that the center provides programs and services to area seniors in Franklin, Bingham Farms, Beverly Hills and Birmingham. The voted millage is credited to BASCC for the purpose of providing transportation to area seniors.

Ayes: Saltzman, McElroy, Sosin, Coyer, Harnisch
Nays: Gallasch
Absent: Pikulas
Motion carried.

E. Consider Application to Demolish or Remove Structures for the property Located at 25825 W. Fourteen Mile Road Franklin.

Chairman Jim Stevens of the Village Planning Commission gave a brief report of the Planning Commission's deliberations that led to the recommendation of final approval of the site plan. Several specific issues were reviewed as follows:

- 1) Water quality and quantity, reports were reviewed by the Village Engineers Hubbell Roth and Clark and found that there was sufficient water to not cause significant draw-down on the neighboring properties;
- 2) Pedestrian access, originally Robertson Brothers had proposed a bridge that would go from the center of the development across the river to German Mill. Robertson Brothers later provided a second option, which was a path along 14 Mile Road and removed the bridge as an option. Stevens further reported that an additional option that came up after the preliminary approval of the site plan had been given, which

was a connection, a foot path, from River Road which would come across to German Mill. This would not be required by Robertson Brothers to build, but rather the necessary easement could be allowed which would enable the Village to construct a path later which would provide pedestrian access to the downtown area from those properties north of the river. Stevens stated that the engineering questions of flood plain, topography, and other matters would be addressed when and if the path were built.

Stevens further stated that the approval was conditioned on keeping the 14 Mile path which would go from the entrance to the subdivision across the river and Robertson Brothers would look to build an extension off the existing road bridge. The path would continue along to the intersection to meet the other sidewalk. Robertson Brothers have agreed to finance it, construct it and maintain it. Questions remain regarding easements, use of right of way, and permits required. The path would also extend to the east, and Robertson Brothers would provide easements for that to be done in the future and possibly escrow money.

3. Tree Permit and the replacement program were all resolved to the Planning Commission's satisfaction.

John Staran, Village Attorney, stated that the details of the trail concept could be worked out with the Administrator, the engineers, the Building Official and Village Attorney after receiving direction from Council whether or not to proceed. The easement, if granted, would be brought back before Council for approval.

Saltzman, stated that on the Agenda Items E & F tie into G, all of which are in regard to the Robertson Brothers project.

Staran stated that the matter of the demolition has been pending for some time, having been presented to and approved by the Historic District Commission in November of 2001. The administrative decision made by the Village that neither the Planning Commission nor the Council should deal with this application for site plan on a piecemeal basis, has lead to the Council considering the site plan, tree permit and demolition permit together.

Doug Smith began, stating that he was present representing Robertson Brothers Company along with Paul Robertson, Jr. and Jim Clarke and several other professionals to answer any questions Council may have. Smith stated that with respects to the proposed easement, Robertson Brothers are willing to entertain an easement in that area although there are a lot of details that they are concerned about with respects to an easement.

Paul Robertson, Jr. further stated, their interest in being cooperative on where this path might be placed as long as it would be no wider than a 15 or 20 foot easement.

Staran stated that a narrow path was all that was being considered.

William Finnicum of 25885 German Mill stated his opposition to a path that would abut or come near his property citing the topography and subsequent engineering difficulties involving wetlands, floodplain and the steep embankment of the river and their concern regarding privacy.

Council discussed the pros and cons of the proposed path.

Saltzman asked if there was a problem addressing the demolition item followed by the tree item on the agenda.

Coyer stated that that the demolition considerations that the Village Ordinances require for these four structures have been considered first by the Historic District Commission and asked if there were anything else to consider prior to approval other than the necessity of the full site plan approval.

Bill Dinnan, Village Building Official, stated that approving the demolition prior to the site plan approval or dependant on the site plan approval, the required time limits stated in the demolition ordinance would be a problem.

Staran stated if you were inclined to move forward favorably on the demolition permit you could make the effective date commiserate with the approval of the final plan.

#2002-110 Motion by Coyer supported by McElroy to approve the demolition application dated September 25, 2002 but otherwise having been appropriately acted upon by the Historic District Commission, Planning Commission and Engineers with the effective date of the approval at the time the actual site plan approval was obtained.

Staran inquired whether Robertson Brothers would proceed with demolition at this time, contemporaneous with the land development, if it were approved. Understanding that the end of the construction season is close, is that still the intention or does this proposed resolution create some unanticipated problem for the developer?

Smith replied that the resolution may create a problem, if Robertson Brothers were to begin demolition work and the site plan was not approved now, that would hold up beginning the project.

Robertson added that it was Robertson Brother's intention to begin this project this fall and begin the demolitions right away.

Mike Barger, Village Arborist, stated that the tree permit would need to be approved in conjunction with the demolition permit before the demolition permit would be issued.

Gallasch stated that he objected to the demolition permit and the site plan being connected.

Staran stated he had not been aware until the comment was made by Mr. Barger that the tree removal permit is tied to the demolition permit. Under the Villages tree removal permit, the tree removal permit does not become effective until site plan approval.

Ayes: Saltzman, McElroy, Sosin, Coyer, Harnisch

Nays: Gallasch

Absent: Pikulas

Motion Carried

Coyer stated that based on the previous discussion, the Council would next consider the site plan, and consider the tree removal permit following the determination of the site plan.

G. Consider Planning Commission Recommendation for the Revised Plan, Cressbrook Condominium Site Plan Single Family PRDO Final Plan and Documentation Review; Zoned R-1 Single Family Residential; 22.78 acres south of Fourteen Mile and east of Franklin Road; Site Plan print date: 4/22/02, Revised 8/30/02.

Smith stated that the pergola would remain in its current position and a new pergola would be built in the butterfly garden.

Council discussed the thorough job performed by the Planning Commission and Historic District Commission and the various Village consultants stating that the many concerns of density, environmental issues, maintenance of wetlands, maintenance of the floodplain, maintenance of this area as a wildlife area, all of these concerns had been addressed. Further discussion detailing both paths and how to proceed with each proposed plan and possibly extending the pathway along 14 Mile Road to Dennison, and considering the concerns of the residents south of the Kahn property to pursue a possible easement for a path across the river.

Tom Biehl of Hubbell, Roth and Clark, stated that the wet land issues had been resolved, including testing for individual wells instead of community wells, as stated in the last review letter, Hubbell, Roth and Clark are recommending this site plan for approval. Biehl continued stating that there are a few remaining construction issues such as the 14 Mile Road path, which will be resolved when the construction plans are submitted for approval and in regards to the southern path, there are grade issues, the need to look at construction plans, not being familiar with the grade on the back of this property.

Robertson stated that he would agree to a mutually agreed upon 15 foot easement through the property, Robertson Brothers would work out with Mr. Finnicum and with the Village to everyone's satisfaction. From an engineering viewpoint that would be very difficult, steps would be needed, which is why Robertson Brothers originally rejected the plan to do a walkway across the river.

Biehl stated that any plan would need to address handicap requirements.

Council further discussed preserving the ability to build a walk way in the future and complemented everyone involved on the marvelous job, very professionally done. Further clarification on the homes that were to remain on the property was requested.

Smith stated that in the preliminary discussions with the Historic District Commission, the style of the German Mill home will be similar to the surrounding homes and the plans are to be approved by the Historic District. The Carriage House is to be added on to the back and the side of the dwelling unit that now exists, maintaining that structure as is, and adding on to the structure subject to approval from the Historic District Commission.

Council asked about the change in architects and how much the design had changed as a result. Robertson replied that the designs remain similar with less stucco, now a mixture

of brick and stucco and will be in a European cottage look in keeping with the design of the Kahn house.

Council asked about the vegetation plan and the understanding that more hardwoods and less evergreens would be used.

Smith replied that there had been discussions regarding the 14 Mile Road buffer area, and had concluded that the goal was to maintain as natural an appearance as possible and limit the view. Smith further stated that Robertson Brothers did add some hardwoods, added 9 or 10 deciduous trees also varied the evergreen trees, several different species and different sizes resulting in a mix of 50% evergreen, 50% hardwood along that corridor, that is more in keeping with the rest of the site.

Stevens stated that he had not seen the revised plans, but the Planning Commission had not stated specific ratios, but had provided a general direction to maintain as natural an appearance as possible instead of a screen of evergreens. Stevens further stated that the ordinance provides for a bond to be in place, which provides the Village with the ability to enforce the plan proposed.

Barger reported that he had reviewed the revised plan, and added that the requested changes had been made.

#2002-111 Motion by Coyer supported by Sosin to approve the site plan application for the Cressbrook plan as proposed by the Planning Commission with the additional condition that there be a 14 Mile Road pathway as proposed by the Planning Commission and in the site plan, and with the proposed additional condition that the applicant has agreed to grant an easement to the Village for a pedestrian pathway along the southerly portion of the development site, connecting German Mill Road to River Drive at a mutually agreeable width and location, including all conditions and requirement set forth by the Planning Commission and Village Engineers, and those recommendations and conditions are those that have been identified by this Council in the meeting of March 18, 2002 and in the various meetings of the Planning Commission that have also identified and reviewed the compliance of the Cressbrook applicants that related to those conditions, also includes the bonds in sufficient amounts as determined appropriate by Village Administrator and Consultants to hold the Village harmless for all administrative costs of the development and for any structure costs of the development at least the initial development proceeding, connections to roadways be at the cost of the developer.

The Planning Commission was thanked for their many volunteer hours and it was stated that the Finnicums would be party to discussions about the pathway. Coyer stated that he wished to thank the Planning Commission, those volunteers who worked so hard on this application.

Staran questioned whether our Planning Consultant had reviewed the latest version of the plans since the last Planning Commission meeting, but there was mentioned in the minutes that there were street lights shown on the plans that the Planning Commission looked at in September, have those been removed?

Smith replied, yes all the items brought up by Mr. Stevens and the Planning Commission were addressed including the streetlights and a number of other issues.

Council inquired what further approvals were needed by the Historic District Commission.

Staran stated that this is not the end of the process, there are further engineering details, building permits to be obtained for individual units and part of that process will need to be submitted to the Historic District Commission with proposed elevations for the structures that are going to be built.

Ayes: Saltzman, McElroy, Sosin, Gallasch, Coyer, Harnisch

Nays: None

Absent: Pikulas

Motion carried.

F. Consider Application to Remove/Relocate trees at 25825 W. Fourteen Mile Road, Franklin.

Jim Stevens and Mike Barger, our Tree Consultant were asked if they had reviewed the plans and found the plans acceptable. Stevens reported that the Planning Commission had determined that the plans were close enough and that Robertson Brothers had agreed to the adjustments, and to not subject Robertson Brothers to a delay for another month.

#2002-112 Motion by Sosin supported by McElroy to approve the tree removal and replacement application as amended and presented with the requirements as shown by the Planning Commission and the Village Arborist subject to a bond to be computed at the rate of \$400 per tree, cash or surety bond.

Ayes: Saltzman, McElroy, Sosin, Gallasch, Coyer, Harnisch

Nays: None

Absent: Pikulas

Motion carried.

XI. PROCLAMATIONS/RESOLUTIONS/ORDINANCES:

B. Consider Traffic Control Order No. 2002-01

#2002-113 Motion by Coyer supported by Harnisch to approve the adoption of the Traffic Control Order No. 2002-01 stating "in accordance with Ordinance No. 4 as amended, we have made an investigation of traffic conditions on 14 Mile Road at Whatley and Dennison Roads and, as a result of said investigation, do hereby direct that: due to construction on 14 Mile Road that Whatley and Dennison be closed except for local traffic. This order shall expire 90 days from the date of filing, except that upon its approval by the Franklin Village Board of Trustees, it shall not so expire".

Ayes: Saltzman, McElroy, Sosin, Gallasch, Coyer, Harnisch

Nays: None

Absent: Pikulas

Motion carried.

C. Consider Traffic Control Order No. 2002-02

#2002-114 Motion by Harnisch supported by McElroy to approve the adoption of the Traffic Control Order No. 2002-02 stating “in accordance with ordinance No. 4 as amended, we have made an investigation of traffic conditions on Franklin Road and, as a result of said investigation, do hereby direct that: at 32654 Franklin Road a sign be erected allowing deliveries only between the hours of 8:00 a.m. to 10:00 a.m. The order shall expire 90 days from the date of filing, except that upon its approval by the Franklin Village Board of Trustees, it shall not so expire”.

Ayes: Saltzman, McElroy, Sosin, Gallasch, Coyer, Harnisch

Nays: None

Absent: Pikulas

Motion carried.

D. Consider an Ordinance to Amend Sections 1476.05 and 1476.99 of Chapter 1476, Swimming Pools, of Part Fourteen, Title Six of the Codified Ordinance of the Village of Franklin, Oakland County, Michigan to Prohibit Construction of Above-Ground Swimming Pools in the Village, Designate Violations of this Chapter to be Municipal Civil Infractions, Repeal Conflicting Ordinances and Prescribe a penalty for Violations (First Reading).

#2002-115 Motion by Gallasch supported by Sosin to adopt in its first reading the Ordinance to Amend Sections 1476.05 and 1476.99 of Chapter 1476, Swimming Pools, of Part Fourteen, Title Six of the Codified Ordinance of the Village of Franklin, Oakland County, Michigan to Prohibit Construction of Above-Ground Swimming Pools in the Village, Designate Violations of this Chapter to be Municipal Civil Infractions, Repeal Conflicting Ordinances and Prescribe a penalty for Violations.

Discussion ensued regarding concerns whether or not a blanket approach is appropriate, that in some instances an above ground pool could be appropriate, but others felt that the overwhelming sentiment was in favor of prohibiting above ground pools.

Ayes: Saltzman, McElroy, Sosin, Gallasch, Coyer

Nays: Harnisch

Absent: Pikulas

Motion Carried.

Motion by Coyer supported by Harnisch to extend the meeting beyond 11:00 p.m.

Ayes: Saltzman, McElroy, Sosin, Gallasch, Coyer, Harnisch

Nays: None

Absent: Pikulas

Motion Carried.

E. Consider Resolution for Adoption of the Violation Fines – Municipal Civil Infractions/Codes Enforcement.

#2002-116 Motion by Harnisch supported by McElroy to Resolve to Adopt the Violation Fines – Municipal Civil Infractions/Code Enforcement as follows:

Whereas, the Village of Franklin has adopted the Municipal Civil Infractions as sanctions for violations to the Village of Franklin Ordinances; and

Whereas, the Village of Franklin has established as a maximum fine not to exceed the amount of five hundred dollars (\$500.00); and

Whereas, it is the desire of the Village of Franklin to enforce its' ordinances in an efficient and effective manner to protect the health, safety and welfare of the general public; and

Whereas, the attached find schedule is reflective of those fines established by the 46th District Court of Southfield and enforced by surrounding municipalities; and

Whereas, the fines collected by the Village of Franklin will be used to offset the cost of ordinance enforcement of the Village of Franklin.

Now, Therefore, it is hereby

Resolved, that effective on October 15, 2002, the Village of Franklin Council adopts the Violation Fines – Municipal Civil Infractions/Code Enforcement dated October 10, 2002.

VIOLATION FINES – MUNICIPAL CIVIL INFRACTIONS/CODE ENFORCEMENT BUREAU

Code Section	Municipal Civil Infraction	First Violation	Second Violation	Subsequent Violation
FVO 666.02	Construction Hours	\$ 100.00	\$ 175.00	\$ 500.00
IPMC 2000	Dangerous Buildings	\$ 100.00	\$ 175.00	\$ 500.00
IPMC 2000	Display of Street Address	\$ 100.00	\$ 175.00	\$ 500.00
IPMC 2000	Failure to Cut or Destroy Weeds	\$ 100.00	\$ 175.00	\$ 500.00
FVO 1268.28	Fences	\$ 100.00	\$ 175.00	\$ 500.00
FVO 1230	Historic District Regulations	\$ 100.00	\$ 175.00	\$ 500.00
IPMC 2000	Property Maintenance	\$ 100.00	\$ 175.00	\$ 500.00
FVO 1474	Signs	\$ 100.00	\$ 175.00	\$ 500.00
MBC / IBC 2000	State Construction Code	\$ 100.00	\$ 175.00	\$ 500.00
MEC / IEC 2000	State Electrical Code	\$ 100.00	\$ 175.00	\$ 500.00
MMC / IMC 2000	State Mechanical Code	\$ 100.00	\$ 175.00	\$ 500.00
MPC / IPC 2000	State Plumbing Code	\$ 100.00	\$ 175.00	\$ 500.00
FVO 1232	Tree Conservation	\$ 100.00	\$ 175.00	\$ 500.00
FVO 1226	Wetland / Watercourse Protection	\$ 100.00	\$ 175.00	\$ 500.00
FVO 1268.14	Yard Storage	\$ 100.00	\$ 175.00	\$ 500.00
FVO 1242	Zoning	\$ 100.00	\$ 175.00	\$ 500.00

Ayes: Saltzman, McElroy, Sosin, Gallasch, Coyer, Harnisch

Nays: None

Absent: Pikulas

Motion Carried.

XII. ADJOURNMENT

Motion by McElroy supported by Gallasch to adjourn the meeting.

Ayes: Saltzman, McElroy, Sosin, Gallasch, Coyer, Harnisch

Nays: None

Absent: Pikulas

Motion carried.

There being no further business, the meeting adjourned at 11:15 p.m.

Respectfully submitted,

Eileen H. Pulker
Village Clerk

Florence F. Saltzman
President Pro Tem