

**PROCEEDINGS OF VILLAGE OF FRANKLIN
VILLAGE COUNCIL SPECIAL MEETING
MONDAY, MAY 13, 2013, 7:00 PM
FRANKLIN VILLAGE HALL – BROUGHTON HOUSE
32325 FRANKLIN ROAD, FRANKLIN, MICHIGAN 48025**

I. CALL TO ORDER

The meeting was called to order by President, James Kochensparger, at 7:00 P.M. at the Franklin Village Hall, Franklin, Michigan.

II. ROLL CALL

Present: Brian Gordon, Pamela Hansen, Judy Moenck, Thomas Morrow, Michael Seltzer, James Kochensparger

Absent: Steven Rosenthal

Also Present: Amy Sullivan, Administrator
Eileen Pulker, Clerk
David Goldberg, Chairman, Planning Commission
Daniel Roberts, Police Chief
Anthony Averbuch, Fire Chief

III. DISCUSS POSSIBLE CLOSURE OF HELMANDALE & RUSHMORE

President Kochensparger explained the purpose of the meeting, noting that the neighbors had been invited to discuss the idea of closing Helmandale and Rushmore access to Telegraph Road, to assist with traffic cut-throughs and potential crimes. Kochensparger referred to a conversation he had had with John Calene, who has previously served on the Subdivision Board and the Village Council, and Calene has stated that this proposed plan to close off Helmandale and Rushmore at Telegraph Road had previously been approved by the neighborhood, Michigan Department of Transportation (MDOT) and the Village Council, adding that the plan had not been enacted due to the cost. Trustee Hansen stated that this meeting would be a discussion, not a formal meeting, with no time limit as would be usual in a meeting and an exchange of ideas will be the focus of the meeting of both the possible road closures and possible residential development ideas for the remaining lots in the neighborhood.

Police Chief Roberts recapped the crime statistics for the last several years, as follows:

- Current year to date, Village-wide there have been two (2) residential burglaries (home invasions), one (1) of which was in the Helmanwood subdivision.
- In 2012 Village wide there were nine (9) total residential burglaries, two (2) in the subdivision.
- In 2011, 15 Village wide, and one (1) in the subdivision
- In 2010, four (4) Village wide, one (1) in the subdivision
- In 2009, 11 Village wide, none in the subdivision

On average one or two burglaries per year; this is a significant amount for a small subdivision such as this one (3 streets). Chief Roberts opined that closing the streets in question would be a deterrent to crime with only one exit available from the neighborhood. Roberts also noted that the Fire Chief, Chief Averbuch would probably disagree in as much as the closures would limit the Fire Department's access to the neighborhood making their job more difficult. In addition, Chief Roberts noted that he had researched the possibility of camera surveillance systems, and had found it to be cost prohibitive and that they would not prevent crime, but would aid in solving any problems after their occurrence.

Eman H. Jajonie-Daman, President of the Helmanwoods Subdivision, stated that she had received a number of emails from neighbors requesting information on why this subject would be being discussed, that the idea had not currently started in the neighborhood and questioned how it had come about. Ms.

Jajonie-Daman thanked the Council for their concern and the opportunity to discuss the possible solutions with the neighbors. Jajonie-Daman added that closing one road and not both might work better for the neighborhood, closing Helmandale and leaving Rushmore open. Jajonie-Daman also questioned the \$63,000 cost, noting that the neighborhood had incurred and collected from neighbors a large cost for successfully defending the lawsuit for the proposed re-zoning project, and would like to know how the cost would be covered.

Tom Tanner, stated that in addition to break-ins, there was a lot of traffic driving through the neighborhood, littering, 4 wheel drive vehicles driving over lawns, thefts of construction materials, thefts from the Saturn Dealership on Telegraph Road and using Helmandale as their get –a- way, and a sexual assault that happened at the former bus stop at Telegraph and Helmandale Roads. Tanner noted that he was in favor of closing both streets, adding that a special assessment might be a good way to pay the price for the closure.

Sam Awwa, stated that he was in favor of the proposed closures due to many occasions of strangers knocking on doors after dark, a van that had tried to turn went through the open ditch and the driver was injured, and the u-turn on Telegraph is too close to the entrance for Helmandale to be safe.

John Calene, noting that he had been a resident for 23 years, had previously been the President of the subdivision board and also a member of Village Council stated that he agreed with the idea to close both Helmandale and Rushmore at Telegraph. Calene added that back in 1994, the subdivision had provided the Village with a resolution stating all of these same concerns. Calene noted that the amount of traffic at one entrance and how difficult that might be, should be measured in a traffic study. Calene further stated that he believed that by denying access to Telegraph, with careful attention to quality of a barricade which could help with both noise and traffic, it would discourage commercial development and increase property values for the 79 homeowners within the subdivision. Calene reiterated that he is strongly in favor of closing both roads.

John Anderson stated that he was completely opposed to closing the two streets and questioned the prohibitive cost of camera systems, noting that he worked in that industry supplying security devices/systems and knew that camera systems were far less expensive than the \$63,000 berm that had been proposed. Anderson further stated that he believed a traffic study should be conducted to better understand the possible benefit of the closure, which road should be closed, or both, and the ease of getting out of the neighborhood was one of the reasons that helped his family to decide to purchase a home in this neighborhood.

Craig Edelheit, stated that he was opposed to closing the two streets because he felt that the occurrence of a tree coming down in the road, on the one remaining exit for the neighborhood, would result in everyone being late for work or other necessary appointments. Edelheit also opined that a gated entry with a key or card entry could work, and still allow access for emergencies.

Sam Awwa noted that there was little room for gates of that kind.

John Calene opined that these roads are Village, public roads, owned by the Village; not private.

Leon Saperstein, stated that he was opposed to the closures, asking who would pay for it, and questioned whether a gated community would be valid, and added that it would certainly be inconvenient. Saperstein also commented that limited commercial development should be explored and opined that it could be controlled.

Barry Levine, stated that he was opposed to the closures, noting inconvenience, for all of the neighbors especially those living closest to Thirteen Mile Road, and cost.

Trustee Hansen began the discussion of “What would you support as residential development?”

Eman H. Jajonie-Daman asked why this subject was being discussed and why this subject would be on a Village Council Agenda noting that the one use for the lots remaining along Birchway should be single family residential zoning as is provided in the Village Zoning and in the neighborhood Deed Restrictions. Jajonie-Daman added that she had received several emails from neighbors asking why this subject would be brought up in a meeting as the subdivision had won the recent lawsuit and appeal and as a result is not open to any other type of development and that the owners of the property in question should allow homes, single family, to be built on those lots, as stated in the deed restrictions. Jajonie-Daman concluded stating that she was 100% opposed to any alternatives.

Trustee Morrow stated that it was his understanding that the only subject being discussed at this meeting was to be the proposed closing of Helmandale and Rushmore roads, and asked that the public meeting be closed at this time.

Kochensparger stated that it was his understanding that both topics were to be discussed, the proposed road closures to limit access to Telegraph Road and to discuss what types of residential development the neighborhood would support.

Leon Saperstein stated that he did not recognize the Helmanwoods Subdivision Homeowner’s Association as a valid organization, and noted that the lots in question should be developed as residential on the inside (Birchway) sides of the lots.

John Calene stated that he supported Jajonie-Daman, adding that the court had upheld both the Deed Restrictions and the Homeowners Association. Calene further stated that the closure of the roads would foster use as residential properties and he felt that limiting access to Telegraph Road would be the best overall solution.

Sam Awwa stated that his home is very close to Telegraph and commented on the noise level being high, questioned whether berms could be used to minimize the noise and it would not be too expensive, when the lots are developed for single family homes.

Kochensparger asked how the Village Council could help their neighborhood; was there anything else that could be done to help the residential lots sell, as in potential alterations of setbacks by Zoning or Planning.

John Anderson asked why the owners for the remaining lots weren’t building, asking if that was the neighborhood’s problem, or is it to find a solution for the property owners.

Kochensparger stated that he had no contact with the owners of the property, the property is vacant, many quality trees had been cut down several years ago, lot of scrub and dead trees falling down, and it will only look worse over time. Kochensparger added that all he was trying to do was to find out if there was anything that the Village could do to help complete the neighborhood, or maybe you all would like it to remain as it is.

Jajonie-Daman stated that it was not up to the neighbors, the decision is not theirs.

Steve Cohen stated that the neighborhood does not have to help sell this property, adding that he was not thrilled to see the property owner at this meeting, and that while this is a free country, residential, single family home are what needs to be built on that property. Cohen added that he is not interested in changing deed restriction and that the property owner should let each lot be resolved individually, whether or not variances would be requested.

Craig Edelheit stated that whomever owns the property, he opined that the property should be sold now that building is on the increase, as it would be worthwhile for a residential builder.

Kochensparger stated that the comments would be reviewed and the neighborhood would be contacted, and if it is determined that nothing is to be requested, than nothing will be done.

IV. ADJOURNMENT

Motion by Moenck supported by Seltzer to adjourn the meeting.

Ayes: Gordon, Hansen, Moenck, Morrow, Seltzer, Kochensparger

Absent: Rosenthal

Nays: None

Motion carried.

There being no further business, the meeting adjourned at 7:44 P.M.

Respectfully submitted,

Eileen H. Pulker, Clerk

James Kochensparger, President