

**VILLAGE OF FRANKLIN
VILLAGE COUNCIL
SPECIAL MEETING
July 2, 2013
6:30 PM
AT THE VILLAGE HALL
32325 FRANKLIN Road
FRANKLIN, MICHIGAN**

WORKSHOP

Pam Hansen, President Pro-Tem called the meeting to order at 6:30PM.

Present: Brian Gordon, Pam Hansen, Judy Moenck, Ed Saenz, Mike Seltzer
Absent: Jim Kochensparger, Tom Morrow (excused)
Also Present: John Staran, Eileen Pulker, Amy Sullivan

Hansen explained that at the last Council Meeting (6/10/13) it was decided to move from a “committee format” to an informal “workshop format” and this is the first workshop. Parliamentary Procedure has been suspended for this meeting.

Motion by Gordon, supported by Moenck, to excuse Tom Morrow from the meeting.

Ayes: Gordon, Hansen, Moenck, Saenz, Seltzer

Nays: None

Absent: Kochensparger, Morrow

Motion carried.

1. Discuss possible standards for variances for right-of-way obstructions.

Amy Sullivan explained the history of this ordinance and why it is before the Council. She continued by stating that the objective of this workshop is to identify any obstruction that may be worthy of a variance and what that standard would be. Different categories of such were listed as: brick mailboxes, rocks placed at the corner of a property, rocks placed in front of the mailbox, rocks placed at driveway approaches, rocks placed along the road, brick pillar approaches to driveways, rocks used as part of the landscaping and a retaining wall.

Sullivan called surrounding communities about this subject. They all take action on obstruction in the roadway but it appears that none are actively looking for such obstructions.

Gordon confirmed that the ordinance has been published in the local papers. Thus, anything that exists is in violation and anything created in the future is in violation. The reasoning for such an ordinance is to address public safety, liability, and future enforcement of such obstructions.

Each Council Trustee gave his/her opinions about establishing standards which would/could be enforced by the Ordinance. Staran suggested that the Council focus on not who is in violation now but to what degree is the obstruction a violation; is it an obvious safety issue or is it a technical issue? Through the variances, “clear and imminent dangerous” violations can be identified and corrected. He is also concerned about establishing a probationary period.

Moenck suggested that those 3 (three) issues be prioritized and based upon that set of priorities, enforced. Discussion ensued concerning notification of the violations.

Seltzer suggested that the VC must pick its issues. He is undecided as to where to start the process.

Saenz asked if the Police and Fire Departments had been consulted and do they have any opinions and/or suggestions? Sullivan has spoken with the Fire Chief.

The concept that residents consider the “right-of-way” as their property and maintain it as such was discussed.

Public Comments:

Dan Roberts, Chief of Police, addressed the Council and presented the Police Department’s perspective on the subject of public safety noting that since his tenure as Chief (less than 1 year) he had not had any complaints in regards to right-of-way obstructions/safety concerns. Referencing the Fire Department, he knows of one problem, that being at the end of Ovid Ct. He asked that the Council give the Police Department. guidance in terms of where the residents should be directed when complaining about ruts in the grass caused by the right-of-way obstructions being removed. Discussion ensued about public property vs. private property.

Connie Ettinger, River Dr., brought in pictures for the Council to demonstrate the obstructions, she, personally, had encountered.

Fred Gallasch, Rosemond Dr., stated that the issue of the maintenance of the right-of-ways has been around for decades. The other concern involves the mailboxes and liability insurance.

Seltzer stated that he’s in favor of enforcement and experimentation of beginning the process to see how it goes.

Hansen stated in summary that if the Council is still debating this Ordinance they are not ready to enforce it. She expressed her opinions on the subject, explaining that she was on the Legal Committee that originally brought this matter to the Council. Therefore, she’s on the side of enforcing the Ordinance. She is in favor of pushing the rocks back and requiring the owners of brick mailboxes on the road to provide proof of liability insurance. She is not in favor of giving a timeframe to removing those obstructions.

Saenz is in favor of enforcement.

Sullivan suggested that the Village send out the letters to those 57 residents who have: (1) the highest concentration of rocks and then, (2) the immobile obstructions, such as, brick mailboxes, the retaining walls, pillars at the driveways.

Methods of enforcement of the Ordinance were discussed; enforcement was expressed as paramount.

Motion by Moenck, supported by Seltzer to adjourn the meeting.

Ayes: Gordon, Hansen, Moenck, Saenz, Seltzer

Nays: None

Absent: Kochensparger, Morrow

Motion carried.

There being no further business, the meeting adjourned at 7:30 PM.

Submitted,

Gail Beke, Recording Secretary

Pamela Hansen, President Pro Tem

Eileen H. Pulker, Clerk