

**VILLAGE OF FRANKLIN  
VILLAGE COUNCIL REGULAR MEETING  
MONDAY, AUGUST 10, 2015, 7 PM  
FRANKLIN VILLAGE HALL – BROUGHTON HOUSE  
32325 FRANKLIN ROAD, FRANKLIN, MICHIGAN 48025**

**I. CALL TO ORDER**

**Motion by Moenck supported by Gordon to appoint Mike Seltzer as Chairman, for the purpose of this meeting.**

**Ayes: Gallasch, Gordon, Moenck, Morrow**

**Abstain: Seltzer**

**Absent: Hansen, Kochensparger**

**Motion carried.**

The meeting was called to order by Trustee Mike Seltzer, at 7:02 PM at the Franklin Village Hall, Franklin, Michigan.

**II. ROLL CALL**

**Present: Fred Gallasch, Brian Gordon, Judy Moenck , Tom Morrow, Mike Seltzer**

**Absent: Pam Hansen, Jim Kochensparger**

**Also Present: Jim Creech, Village Administrator**

**Lt. Brian Crane, Police Department**

**Chief Tony Averbuch, Fire Department**

**Eileen Pulker, Village Clerk**

**John Staran, Village Attorney (arrived at 7:30 PM)**

**III. ADOPTION OF AGENDA**

**Motion by Gordon, seconded by Moenck to adopt the Agenda, as presented.**

**Ayes: Gallasch, Gordon, Moenck, Morrow, Seltzer**

**Absent: Hansen, Kochensparger**

**Nays: None**

**Motion carried.**

**IV. MINUTES**

**A. Regular Meeting of July 13, 2015**

**Motion by Moenck, seconded by Gordon to approve the Regular Council Meeting Minutes for July 13, 2015 as presented.**

Moenck corrected the outcome of the vote on Page 7 to reflect the motion carried:

**Motion by Seltzer, seconded by Hansen to endorse the 2015 Master Plan Resolution, as presented. Motion carried.**

Gordon and Seltzer corrected the vote on Page 6 under **C. Consider Civic Event Permit Application for the Women for Humanity, 5K Run on October 3, 2015** to reflect that both voted nay on the motion:

Gallasch corrected the vote on Page 3 under **VI. SUBMISSION OF CURRENT BILLS** to reflect that Gallasch abstained from voting on the motion:

**Motion by Moenck, seconded by Gordon to approve the Regular Council Meeting Minutes for July 13, 2015, as amended.**

**Ayes: Gallasch, Gordon, Moenck, Morrow, Seltzer**

**Absent: Hansen, Kochensparger**

**Nays: None**

**Motion carried.**

## **V. REPORTS OF VILLAGE OFFICERS AND AGENTS**

**Lt. Brian Crane, Police Department Representative**, advised that he was filling in for Chief Roberts, referred to and provided an overview of Chief Robert's submitted monthly Report. He stated that the new Chevy Tahoe is now in service and the old vehicle which had been owned by Bingham Farms had been sold to Chicago Motors. There were 14 arrests in July, mostly traffic related, including an assault/battery on two (2) employees at a construction site plus a larceny of personal property involving rims and tires stolen from a vehicle. He cautioned residents to enhance their car alarms by installing additional outdoor lighting, and using several locking lug nuts on the wheels. These larcenies are carried out by well-organized crews working during the night in Oakland and Wayne Counties. The Chief and the rest of the Police Department wanted to personally thank John Staran for his assistance with regards to the Group Home on Bloomington Ct. Referring to the break-ins in Bingham Farms: one (1) house was unlocked and one (1) house was locked but the alarm had not been armed, he encouraged residents to be cautious.

**Tony Averbuch, Fire Chief**, referred to his monthly report and added that the Franklin-Bingham Fire Department is part of the Mutual Aid Program as are other Oakland County communities. As such, the Department would be assisting another agency during the Dream Cruise to support their emergency response personnel, if needed. Several members attended the visitation and funeral for Chief Rowley of Southfield.

Fred Gallasch stated that he attended the Annual Meeting of the Fire Department. He complimented the Department on its fiscal responsibility in terms of its budget and setting monies aside to buy equipment. He brought up the subject of how to recruit more volunteer firefighters, to which Averbuch responded by explaining the qualifications and training commitment to the Department that are necessary to fulfill the requirements for the positions and its recent history of recruiting.

**Main Street Franklin** - no one was present at the meeting. Seltzer referred to a letter (dated Aug. 10, 2015) sent by Barry Silverstein, Chairman of the Board, to the Council Members, noting that Main Street has hired a new Executive Director, Courtney Miller, who will start August 17, 2015.

## **VI. SUBMISSION OF CURRENT BILLS**

**Motion by Moenck, seconded by Gordon to approve the Bill's List as presented.**

Morrow noted that since there were only five (5) people available to vote on this matter, either he or Gallasch would be voting and not abstaining. Whoever voted would not sign the current week's/month's checks. It was decided that he would abstain and sign checks and Gallasch would vote and not sign checks.

Moenck asked for a clarification about K & M (Copier Lease) and Leader Business (Copies).

**TOTALS**

General Administration	\$	8,269.99
Building	\$	6,554.47
Insurance	\$	45,652.41
Legal	\$	1,587.00
Police	\$	14,551.03
Pressure Sewer	\$	-
General Debt Service	\$	-
Major Roads	\$	1,404.40
Local Road	\$	1,414.91
Rubbish	\$	17,953.90
Trust & Agency	\$	400.00
Tax Fund	\$	116,658.19
Waste Water	\$	35.72
<b>ALL FUNDS</b>	<b>\$</b>	<b>214,482.02</b>

**Ayes: Gallasch, Gordon, Moenck, Seltzer**

**Abstain: Morrow**

**Absent: Hansen, Kochensparger**

**Nays: None**

**Motion carried.**

**VII. PUBLIC REQUESTS AND COMMENTS**

No comments were made at this time

**VIII. SPECIAL REPORTS**

**A. NEXT Report**

No Representative was present at the meeting.

**B. President's Report**

None

**C. Council Report**

Gallasch congratulated the Franklin Community Church on its 175<sup>th</sup> Anniversary celebration. He noted how the church is a major contributor to the Village. He commented on the recent Broughton House meeting with those who would be involved in its renovation/restoration and advised the Council that if additional work was necessary and not covered by the grant, the funds might have to come from the General Fund. Creech added that depending on how much money is still available in the grant, if the work fits under the umbrella of the grant which, at the moment was not specified, the grant agreement might be able to be changed or the State might approve additional items to be funded. The basement may be modified to be a whole basement, eliminating the crawl space, which will make room for additional storage and better access to pipes and utilities. Gordon asked the Administrator if there was a plan for relocation and maintaining operations of the Village Office if the building needed to be vacated. Creech replied that it depended on the construction issues.

**D. Administrator Report**

Creech continued his report by stating that the road project had been delayed and would start the following week with the rubberized crack filling. The project would take 10 days.

**IX. NEW BUSINESS**

**A. Consider SMART's FY2016 Municipal Credit (MC) and Community Credit (CC) Contract.**

**#2015-59 Motion by Morrow, seconded by Gordon to approve SMART's FY2016 Municipal Credit (MC) and Community Credit (CC) Contract and transfer \$3,116 in Municipal Credit to NEXT and \$3,684 in Community Credit to NEXT.**

**Ayes: Gallasch, Gordon, Moenck, Morrow, Seltzer**

**Absent: Hansen, Kochensparger**

**Nays: None**

**Motion carried.**

**B. Consider Demolition for the property at 30633 N. Greenbriar.**

**#2015-60 Motion by Moenck, seconded by Gordon to approve the Demolition Application for the property located at 30633 N. Greenbriar.**

Igor Kourliandtchik, builder, owner and project manager, was present. He explained that he intends to demolish the structure and build a new one as soon as a permit is issued.

Moenck inquired as to whether the application was complete since the \$150 Application Fee had not been checked on the Demolition Application Checklist. Creech confirmed that the list was complete.

**Ayes: Gallasch, Gordon, Moenck, Morrow, Seltzer**  
**Absent: Hansen, Kochensparger**  
**Nays: None**  
**Motion carried.**

**C. Consider Demolition Application for the property at 27115 Wellington.**

**#2015-61 Motion by Gordon, seconded by Morrow to approve the Demolition Application for the Property at 27115 Wellington.**

Eric Bean, owner currently residing on Willowgreen, briefed the Council of his involvement with this property, adding that it is his intention to demolish the house and build a new home for his family. He also noted that he had previously purchased and renovated a house on Carol in 1998, in the Historic District, and was aware of the restrictions involved. He stated that he had researched the property on Wellington and found no such restrictions as it was not in the District nor designated as historic, thus he purchased the lot.

(Staran arrived at 7:30PM)

**Gary Roberts**, Wellington and Chairman of the Franklin Historic District Commission (HDC), referred to the HDC motion in the minutes of its July 8, 2015 meeting, explaining the reasons behind the vote that stated that the HDC would not support the demolition. He requested that the Council deny the application while the HDC initiates a process to update the List of Significant properties outside of the current Historic District. Shortly he would be requesting that the Council appoint a Study Committee to re-review the area of the local Historic District which hasn't been done in over a decade and is obligated to do. He requested that a demolition moratorium be placed on those 31 homes deemed to be the most historically significant properties throughout the Village and that are not currently part of the Historic District, whether contiguously or not.

Jerry Wertheimer, Wellington, stated that he lives across from the Bean property and commented on the former owner's activities of the last two (2) years, during which landscaping was destroyed and the house was gutted. He opined that he is very supportive of Mr. Bean's plans to demolish the house. When asked if he had contacted the Village Office about his concerns regarding the state of the property, he replied yes he had.

Moenck asked the owner if he had found any information relative to the house being historical or having any significance in that perspective. Mr. Bean replied no, adding that he saw this as a legal issue. She asked Staran to comment on the Village's latitude relative to the law on historic homes outside the District.

Staran explained that the Village has a process that follows the state law, which would provide for designation of properties deemed to be historic. Staran noted that while in the future, homes on this list may be designated historic, this cannot, at this time, be attributed to those homes now listed as significant properties. Morrow suggested that Roberts initiate a program which would recognize historic properties and follow the established process that

Staran has laid out so that perspective owners would have advance notice of the situation prior to purchasing.

Seltzer recused himself from the vote on this matter because his home is on the list Roberts referred to.

**Bill Finnicum**, German Mill, Finnicum Brownlee Architects, stated that as the Chairman of the Historic Commission during the early 1990's, a Study Committee had been formed because the same issue came up involving a house on Scenic Highway which was on the list. The State Enabling Act for Historic Districts automatically grants a one (1) year moratorium to study the historic value of the homes in order to put protection into place. He supports Morrow's suggestion, adding that historic designations are not necessarily voluntarily made.

**Ayes: Gallasch, Gordon, Moenck, Morrow, Seltzer**

**Abstain: Seltzer**

**Absent: Hansen, Kochensparger**

**Nays: None**

**Motion carried.**

**D. Consider Site Plan and Special Approval Use Applications for 32455 Franklin Road (Franklin Public Library).**

Moenck recused herself, leaving her seat on the dais, as she is currently a member of the Franklin Public Library Board.

Referring to his August 5, 2015 Memo and attached documentation, Creech introduced this issue.

**#2015-62 Motion by Morrow, seconded by Gordon to approve the Site Plan and Special Approval Use Applications for 32455 Franklin Road (Franklin Public Library) in a residential zoning district, as recommended by the Planning Commission.**

Gallasch asked Creech for a clarification of the statement "...regarding the landscaping, this may be dealt with administratively." Creech explained that if there were minor changes within the scope of what they were doing, that would be fine. If there were to be major changes, then site plan approval process needed to be followed.

**Ayes: Gallasch, Gordon, Morrow, Seltzer**

**Abstain: Moenck**

**Absent: Hansen, Kochensparger**

**Nays: None**

**Motion carried.**

**E. Consider Civic Event Permit Application for the Franklin Community Association "Round Up" and "Art in the Village".**

**#2015-63 Motion by Gordon, seconded by Morrow to approve the Civic Event Application for the Franklin Community Association "Round Up" and "Art in the**

**Village”, to take place on Labor Day, September 7, 2015, including a banner to be placed across Franklin Road, and contingent upon the Police Department approval of the parking plan.**

**Ayes: Gallasch, Gordon, Moenck, Morrow, Seltzer**

**Absent: Hansen, Kochensparger**

**Nays: None**

**Motion carried.**

## **X. ORDINANCES/RESOLUTIONS**

- A. Consider Ordinance to Amend Sections 1256.02 through 1256.04 of Chapter 1256 C-1 Commercial District of the Codified Ordinances of the Village of Franklin Oakland County, Michigan, to Modify Regulations Concerning Accessory Uses, Buildings and Structures in the C-1 District; Regulate Solar And Wind Facilities as Accessory Structures and a Special Approval Use in the C-1 District; Provide for Uses Not Otherwise Permitted, Repeal Conflicting Ordinances and Prescribe a Penalty for Violations(first reading).**

**#2015-64 Motion by Moenck, seconded by Gordon to Approve the proposed ordinance to amend section 1256.02 through 1256.04 of Chapter 1256 C-1 Commercial District of the Codified Ordinances of the Village of Franklin Oakland County, Michigan, to Modify Regulations Concerning Accessory Uses, Buildings and Structures in the C-1 District; Regulate Solar And Wind Facilities as Accessory Structures and a Special Approval Use in the C-1 District; Provide for Uses Not Otherwise Permitted, Repeal Conflicting Ordinances and Prescribe a Penalty for Violations, for the first reading.**

Morrow and Gordon asked for a more comprehensive explanation of the subject of garages which Staran provided.

**Ayes: Gallasch, Gordon, Moenck, Morrow, Seltzer**

**Absent: Hansen, Kochensparger**

**Nays: None**

**Motion carried.**

## **XI. ADJOURNMENT**

**Motion by Gordon to adjourn the meeting.**

**Ayes: Gallasch, Gordon, Moenck, Morrow, Seltzer**

**Absent: Hansen, Kochensparger**

**Nays: None**

**Motion carried.**

There being no further business, the meeting adjourned at 8:00 P.M.

Respectfully submitted,

Gail Beke, Recording Secretary

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Eileen H. Pulker, Clerk

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Michael Seltzer, Acting Chairman