

**PROCEEDINGS OF VILLAGE OF FRANKLIN
VILLAGE COUNCIL REGULAR MEETING
MONDAY, October 13, 2003, 8:00 P.M.
FRANKLIN VILLAGE HALL – BROUGHTON HOUSE
32325 FRANKLIN ROAD, FRANKLIN, MICHIGAN**

I. CALL TO ORDER

The meeting was called to order by President James Pikulas at 8:00 p.m. at the Franklin Village Hall, Franklin, Michigan. In Clerk Pulker's absence, President Pikulas appointed Randy McElroy acting clerk.

II. ROLL CALL

Present: James Pikulas, Florence Saltzman, Randy McElroy, Fred Gallasch, Ralph Sosin, Alan Harnisch, Brian Coyer

Absent: None

In Attendance: Jon Stoppels, Village Administrator
John Staran, Village Attorney, Beier Howlett
Brian Crane, Police Officer
Tony Averbuch, Fire Chief

III. ADOPTION OF AGENDA

Motion by Sosin, supported by Gallasch, to Adopt the Agenda as presented.

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

Nays: None

Motion carried.

IV. MINUTES:

A. Regular Meeting of September 8, 2003.

Motion by Gallasch, supported by Coyer, to Approve the Minutes of the Regular Meeting of September 8, 2003, as presented.

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

Nays: None

Motion carried.

V. REPORTS OF VILLAGE OFFICERS AND AGENTS

In Chief Glomb's absence, Officer Brian Crane gave the Police Departments report. Officer Crain referred to the written report and referenced the reports of attempted child abductions in Farmington Hills, stating that the Police have increased patrols around the playground areas in the Village.

Chief Averbuch referred to his written report and stated that the banner had been hung for the Franklin Community Church Antique Sale. Council made note of the increase in the number of call outs. Chief Averbuch stated that an increase like that occurs at the beginning of the fall and spring every year, because of an increase in false alarms, due to malfunctions. These malfunctions can occur when furnaces or air conditioning units start up for the first time of the year and excess dust gets kicked up into the air, creating smoke. Chief Averbuch continued by listed other factors that can increase excess dust include: sanding prior to painting or when working on wood floors, and when working with dry wall. Chief Averbuch said sensors should be covered in these situations. Another issue was with contractors renovating homes, the owners did not communicate with the alarm companies, and as a result the contractors were inadvertently setting off alarms. Chief Averbuch also stated that alarm systems do require maintenance, homeowners should contact their alarm companies every five to ten years to verify that the alarm systems still work.

In the absence of Treasurer Schiano, President Pikulas read the Treasurer's report. McElroy urged that the six percent of the people who had not paid their property taxes do so quickly, because after a little while the County would put a tax lien on the property and make it difficult for the owner to sell or borrow money.

VI. SUBMISSION OF CURRENT BILLS

Gallasch asked about the Risk Management Insurance payments, Stoppels responded, stating the payments were the combined amount for the first two of three payments. Coyer asked how much the insurance covered, Stoppels stated that it covered everything the Village owned, buildings and vehicles, and the necessary liability coverage.

Council raised a question about charges for an impounded vehicle. Officer Crane stated that a vehicle had been impounded, and a letter was sent to the owner, after which if the owner did not try to reclaim the car in seven days, it would then be auctioned. The car was auctioned, the towing and storage fees were paid off and the balance was returned to the owner of the vehicle, as required by State Law.

Motion by Coyer, supported by Gallasch, to Adopt the Current Bills, with a change to the impounded vehicle expenses from "net proceeds" to "money to be returned to car owner".

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

Nays: None

Motion carried.

VII. PUBLIC REQUESTS AND COMMENTS

None were presented at this time.

VIII. SPECIAL REPORTS:

A. Verbal Report, James Pikulas, Council President.

President Pikulas recognized Annetta Miller, who recently turned 100 years old, and is a resident of River Road in the Village of Franklin, and the Council congratulated her. Pikulas continued by speaking about the cost cutting program in the refinancing of the Waste Sewer Fund, resulting in a \$25,000 a year savings to the Village. The Council is also looking out for the reported shortfalls in the State government budget, which may result in the Village receiving less State funds, the Council considers it's cost cutting efforts a preparation for the coming State budget reductions. Council also asked that if any Villagers have any ideas on how to save more money, they may feel free to pass the information to the Council for consideration.

1. Public Water

Not addressed, discussed later in the meeting.

IX. BIDS/CONTRACTS/PROPOSALS

No bids, contracts, or proposals were considered at this time.

X. NEW BUSINESS

A. Consider Application for Street Use Permit for the Property located at 32654 Franklin Road (Market Basket).

#2003-82 Motion by Gallasch, supported by Sosin, to Approve the Street Use Permit for the Property located at 32654 Franklin Road (Market Basket) with a change to add a twenty five dollar (\$25.00) annual renewal fee.

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

Nays: None

Motion carried.

B. Consider Request of the Franklin Community Church to Display Signs for the Antique Show.

#2003-83 Motion by Sosin, supported by Saltzman, to Approve the Request of the Franklin Community Church to Display Signs for the Antique Show.

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

C. Consider Application for Demolition for the Property located at 32850 Romsey.

David Goldberg, owner was present to address questions and concerns of Council. Gordon McAlpine, of 32750 Romsey Road, questioned what would replace the structure. Mr. Goldberg stated that the new home built would only be slightly larger, extending fifteen feet to the north end of the property, well within the ordinance restrictions.

#2003-84 Motion by Sosin, supported by Coyer, to Approve the Application for Demolition for the Property located at 32850 Romsey subject to \$5,000 Cash or Surety Bond and Approval of the Building Official.

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

D. Consider Finalized Contract Revisions for Village Administrator.

#2003-85 Motion by Sosin, supported by McElroy, to Approve the Finalized Contract Revisions for Village Administrator.

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

E. Consider Finalized Ballot Language for Special Election of November 17, 2003.

Council discussed the idea of having another public hearing about the issue. Sosin stated that a question and answer mailer was being sent out. Also a video taped question and answer session between members of the Council and Employees of Hubble, Roth and Clark, the Village's Engineers would be airing on the public access channel, along with copies of the video taped session to be left at the Library to be checked out and a copy to be run at the Village Offices. A Wednesday morning coffee series would also run, where residents could come into the Village Office every Wednesday morning, until the election, to ask questions. Coyer feels there should be another public hearing on the matter anyway, but also encouraged people to go to the coffee sessions, hoping that if large enough numbers of people show up, it will force a need for a larger forum, and facilitate the need for another public hearing.

Rose Galley, of 24440 S. Cromwell, asked about connecting to the water, should the vote pass, and whether or not it would be a requirement. The Council stated that residents could opt-out of the connection, and keep their wells, however the largest costs of public water will be born by the Village as a whole through taxes, and not by individuals connecting to the water, so it makes sense to take advantage of the connection while it is being offered, if the vote should pass.

Coyer specifically addressed Rose Galley's question by stating that whether or not residents will be required to connect to public water will be a matter of public policy for the Council to determine. The Council can decide whether there will be no requirement, whether it be the current Council, or a Council composed of new members sometime in the future.

Coyer asked about the additional one million dollars added to the total for Proposal B. In the absence of Tom Biehl, the Village Engineer, Sosin answered Coyer's question, explaining that the new total included estimations for two more items than in previous totals. Sosin stated that the first item was a new horizontal boring procedure, which would cost more money than the typical vertical boring procedure, but would allow construction crews to bore under streets in the Historic District without damage to the trees or the streets. Sosin continued by stating that the second item was considering the possible cost of building a reservoir in the Village. The total of Thirteen Million Dollars is simply a worst-case scenario total.

#2003-86 Motion by Sosin, supported by Saltzman, to Approve the Finalized Ballot Language for Special Election of November 17, 2003, as follows:

PROPOSAL A

Shall the Village of Franklin construct, provide and maintain a public water system? (The authorization in this Proposal A shall not be effective unless Proposal B is also approved.)

PROPOSAL B

Shall the Village of Franklin borrow a principal amount of money not to exceed Thirteen Million Dollars (\$13,000,000) and issue its general obligation unlimited tax bonds therefore, in one or more series, for the purpose of acquiring and constructing a public water supply system to be maintained by the Village? The maximum number of years the bonds may be outstanding, exclusive of any refunding, is 23 years; the estimated millage that will be levied to pay the proposed bonds in the first year that the levy is authorized is 2.90 mills (\$2.90 per \$1000 of taxable value); and the estimated simple average annual millage that will be required to retire the bonds is 2.90 mills. (The authorization in this Proposal B shall not be effective unless Proposal A is also approved.)

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

Nays: None
Motion carried.

**F. Consider Election Inspectors for the Special Election to be held
November 17, 2003.**

**#2003-87 Motion by Coyer, supported by Saltzman, to Appoint Gordon
McAlpine, Ethel McAlpine, Judy Moenck, Rose Galley and Lori Carswell as
Election Inspectors for the Special Election to be held November 17, 2003.**

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

XI. PROCLAMATIONS/RESOLUTIONS/ORDINANCES:

**A. Consider Proposed Ordinance to Amend Section 1265.03 of Chapter
1265, Wireless Telecommunications Facilities, of Part Twelve, Title Four,
of the Codified Ordinances of the Village of Franklin, Oakland County,
Michigan, to Allow the Village Council to Approve Wireless
Telecommunications Facility Height Greater than 70 Feet, to Repeal
Conflicting Ordinances, and Prescribe a Penalty for Violations. (First
Reading).**

Pikulas introduced the Ordinance and the discussion opened with Coyer, who felt that there should be serious research into the possibility of constructing a cell tower that does not exceed seventy feet, instead of a one hundred thirty five foot tower. Coyer stated he does not favor a one hundred thirty five foot tower, and believes that a stealthier, shorter tower could be built. Coyer stated that he also realizes that the tower will create revenue for the Village, but wishes that the Council consider his concerns. Coyer also stated that the Council to consider a different location for the tower. Gallasch stated that the Council was not looking for revenue for the Village when selecting a site for a tower, the Council simply wanted to keep the tower out of residential areas.

McElroy stated that the Police and Fire Chiefs have both expressed a need for a cell tower, stating that the safety of the residents of the Village has become an issue, because of how many people rely on cell phones as their primary communications devices. McElroy continued, stating that under current technology restrictions, eight feet of height above the tree line is required per service provider who wishes to make use of the tower, and currently there are five, so no matter where the tower is placed, there will be a minimum of forty feet above the tree line. The currently proposed tower would be stealthy, instead of incorporating a series of antennas at the top, it would be a smooth pole.

Staran stated that the proposed Ordinance was only one part of the entire proposal and the motion for the evening was only for a preliminary understanding and approval. Staran also stated that Sprint, primary service provider using the tower, would be willing to consider language in the contract to allow for removal of the tower and replacement in the event of new technology becoming available which would allow for a shorter tower.

Nicholas Moenck, of 26148 Meadow Drive, asked if the monies collected in revenue would really balance out with the size of the pole in contrast to everything around it. McElroy answered, stating that the monies earned from the contract are driven by the market economy, not by esthetics appeal.

Coyer asked whether the Village would lose the status as a Historical District if a cell tower were to go up. Staran answered, stating that the tower has to pass a Section 106 review, under the Federal Historic Preservation Act before the service provider can receive an FCC license. The State Historical Preservation Office and Sprint have advised that the local approval process should be completed before the Federal approval process begins. Staran continued, stating that even though the selected cell tower location was not in the Historic District, SHPO will still consider the Historical impact.

#2003- 88 Motion by Saltzman, supported by Sosin, to Adopt the Ordinance to Amend Section 1265.03 of Chapter 1265, Wireless Telecommunications Facilities, of Part Twelve, Title Four, of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Allow the Village Council to Approve Wireless Telecommunications Facility Height Greater than 70 Feet, to Repeal Conflicting Ordinances, and Prescribe a Penalty for Violations. (First Reading).

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

B. Consider Proposed Ordinance to Approve the Editing and Inclusion of Certain Ordinances and a Resolution as Parts of the Codified Ordinances (First Reading).

#2003-89 Motion by Saltzman, supported by Harnisch, to Approve the Ordinance to Approve the Editing and Inclusion of Certain Ordinances and a Resolution as Parts of the Codified Ordinances (First Reading), and Amended by Coyer, supported by Sosin, to waive the second reading.

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

#2003- 90 Motion by McElroy, supported by Saltzman, to Give Final Approval to the Ordinance to Approve the Editing and Inclusion of Certain Ordinances and a Resolution as Parts of the Codified Ordinances.

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

XII. AJOURNMENT

Motion by Coyer, supported by Saltzman, to adjourn the meeting.

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

There being no further business, the meeting adjourned at 9:30 p.m.

Respectfully submitted,

John C. Pulker
Recording Secretary

Randy McElroy
Acting Village Clerk

James Pikulas
Village Council President