

**PROCEEDINGS OF VILLAGE OF FRANKLIN
VILLAGE COUNCIL REGULAR MEETING
MONDAY, NOVEMBER 8, 2004, 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 Jahnke at 8:02 p.m. at the Franklin Village Hall, Franklin, Michigan.

II. Roll Call

Motion by Gallasch, supported by Harnisch to excuse trustees Sosin and McElroy in their absence from this meeting.

Ayes: Lamott, Gallasch, Harnisch, Coyer, Jahnke

Nays: None

Absent: Sosin, McElroy

Motion carried.

Present: Mark Jahnke, Bill Lamott, Fred Gallasch, Alan Harnisch, Brian Coyer

Absent: Ralph Sosin (excused), Randy McElroy (excused)

Also Present: Jon Stoppels, Administrator
Eileen Pulker, Clerk
Edward Glomb, Police Chief
Tony Averbuch, Fire Chief
Dominick Schiano, Treasurer

III. Adoption of Agenda

Motion by Coyer, supported by Harnisch to approve the agenda as presented.

Ayes: Lamott, Gallasch, Harnisch, Coyer, Jahnke

Nays: None

Absent: Sosin, McElroy

Motion carried.

IV. Minutes:

A. Regular Meeting of October 11, 2004

One typographical error was noted and corrected.

Motion by Lamott supported by Coyer to approve the Minutes for the Regular Meeting of October 11, 2004 as corrected.

Ayes: Lamott, Gallasch, Coyer, Jahnke

Abstain: Harnisch

Nays: None

Absent: Sosin, McElroy

Motion carried.

V. Reports of Village Officers and Agents

Chief Glomb began his report by stating that there had been some thefts from open garages and unlocked vehicles in the Village. Glomb reported that among those items stolen were golf clubs, cameras, purses and computers. Glomb urged residents to take care to lock all garage doors, including side entry doors, and to turn on their alarm systems. Glomb stated that this was a crime of opportunity, occurring between the hours of 2:00 am and 6:00 am, that has become epidemic in the areas in and around Franklin.

Chief Averbuch referred Council to his written report and stated that there had not been a lot of activity in the Village in the past month. Averbuch also commented that the construction was due to begin on the Fire Station addition and that the ground breaking should occur later that week. Chief Averbuch responded to questions regarding his written report, stating that malicious false alarms refer to those locations where a pull station alarm is present and the alarm is sounded by someone other than the manager.

Treasurer Schiano began his report by stating that the bills list for the month was consistent with the approved '04-'05 Budget and that the Village had sufficient funds to meet its current obligations. Schiano continued, stating that the tax receipts received as of this date in the amount of \$2,264,528.64 representing 94.2% of the expected total. Schiano added that, as requested at the last Council meeting, a meeting had been conducted between the Village's bond advisor, Tom Traciak of ACI Finance, and Jahnke, Stoppels and Pulker, and that at this meeting, Traciak was directed to advise what was to be paid to the Debt Service account from the Pressure Sewer Fund and how else the Village may manage the funds in the Pressure Sewer Account. Schiano stated that he expects to receive that recommendation shortly and will refer it to Council upon receipt. Schiano also reported that the fiscal year 2003-2004 audit is nearing completion and a 1st Quarter budget review for the current fiscal year (2004-05) will be conducted shortly. Schiano stated he expects the finance committee to convene and meet with the auditors upon their completion of the audit.

VI. Submission of Current Bills

Motion by Harnisch, supported by Coyer to approve the current bills list as presented.

<u>Totals:</u>	
General Administration	\$20,834.18
Tax Funding	191.49
Building	16,792.01
General Debt	75.00
Insurance	23,320.09
Legal	4,790.92
Police	8,062.81
Pressure Sewer	5,500.00
Roads	15,113.00
2002 Local Road	1,464.24
Cell Tower	126.50
Rubbish	13,497.00
Trust & Agency	2,700.00

Village Hall & Grounds	1,272.00
Waste Water	<u>2,863.68</u>
All Funds	<u>\$116,602.92</u>

Stoppels was asked about the refrigerator purchased for the Broughton House, to which he responded that the refrigerator was for the basement to provide additional space for perishables.

Ayes: Lamott, Gallasch, Harnisch, Coyer, Jahnke
Nays: None
Absent: Sosin, McElroy
Motion carried.

VII. PUBLIC REQUESTS AND COMMENTS

No comments.

VIII. SPECIAL REPORTS

A. Verbal Report, Mark Jahnke, Village President

Jahnke began his report by stating that as the village is in a "quiet time" and following discussions with several people, he has concluded that now may be the time for future planning for the Village. Jahnke continued stating that major issues have been addressed in the past 15 or 20 years including: sewers, roads, Village Manager/Administrator position, water, Star Theatre, police station, Master Plan update, and a lot of development has come to the Village as a result of the sewer system being installed which has increased the work load on the Village Administration. Jahnke stated that he felt now would be a good time to look at all of those things on everyone's lists, adding that Stoppels has provided observations from other communities that he has been involved with, and this would be a good time to hold a special council meeting or goal setting meeting to look at those items. Jahnke continued stating that the first order of business would be to set priorities, goals and objectives to insure that Franklin remain a small, independent, financially strong Village Government. Jahnke added that help will be sought from the Planning Commission, Village Staff, Historic Commission, and the Franklin Community Association as well other interested Villagers.

Gallasch added that with Stoppels help, work on forecasting forward reaching budget needs had been looked at, and a more rigorous review would be required for any future planning needs to help determine which issues the Village could financially handle or need to seek community support to achieve.

Jahnke added that different things had been passed on to him such as: tree canopy, Broughton House, downtown, website, financial planning, training for Commission Members and Council Members. Jahnke also stated that while the Village is in great financial shape and financially sound thanks to many people currently in the room, financial planning needs to be looked at for long term goals.

Discussion ensued to determine when to meet (evening or Saturday) and who should be included (perhaps members of the various commissions and the FCA).

Lamott added that following the meeting on the Oakland Land Conservancy, he had attended several other meetings, as well as one the following day with Oakland County Planning on the Green issue and land conservation. Lamott stated that he was also developing a list of potential projects to do in the Village. Lamott added that projects may not require a lot of

funding, but setting priorities and the knowledge of what can be accomplished may facilitate some improvements.

Coyer commented on the resolution of issues over the last few years, stating that it was true that many of the questions within the community have been resolved successfully. Coyer recommended adding to the list to consider issues of implementation; how to keep ordinances enforced; how to make certain that people who perhaps know about the ordinances and violate them knowingly can be held accountable; landfill and dumping violations administered, implemented, and coordinated; as well as finding new things to do.

Jahnke added that consensus would be sought for a good time to meet and that everyone would be advised when a date and time were fixed.

B. Cable Casting Board Report, Fred Gallasch, Cable Board Representative

As the Village's representative on the Birmingham Area Cable Casting Board, Gallasch had a brief report on three issues:

1. The Cable Board had a negotiation with Comcast during which it was found that Comcast had incorrectly calculated fees and it would subsequently be necessary for Comcast to reimburse the Board to correct the amounts paid.
2. Public Education and Government Access Operations (PEG), is supported by a 3% fee from Comcast, which is paid by customers. PEG revenues are used to fund capital equipment purchases and grants to municipalities and to fund the Cable Board's agreement with the Bloomfield Community Television Network (BCTV). BCTV is the group that filmed: Music on the Green and Village Council meetings. Franklin has been asked if they would like to be more involved in their bulletin board program for meeting notifications, providing agendas and meeting dates.
3. Franklin has been asked if they would like to participate in a pilot program for "Web Streaming" which would enable Village Council meetings to be broadcast on the web. The meetings would continue to be broadcast on BCTV Channel 15, but trying this program would enable BCTV to perfect their process for this new system.

Discussion ensued during which it was decided that while BCTV already has meeting schedules, agendas could be provided for posting as well. In addition, the Council was receptive to the "Web Streaming" idea and encouraged Gallasch to pursue implementing that program and find out what additional procedures and equipment may be necessary. Jahnke commented that the Franklin Baseball League had gone to on-line registration three or four years ago and had also used the bulletin board feature on BCTV Channel 15 with great success.

IX. NEW BUSINESS

A. Consider Application to Demolish Structure at 31205 Ramble

Bennett Donaldson of J.B. Donaldson, owner of the property, was present to provide answers to any questions. Mr. Donaldson was asked if this property could possibly be used by the Franklin Fire Department to conduct a training session. Stoppels advised that he would follow up with the Fire Department and advise whether or not this would be feasible. Mrs. Sachs of 31060 McKinney had several questions regarding the pool and landscaping on the property, to which Mr. Donaldson replied that the trees were to be maintained with more planned to be planted, and that the pool and wall were to be removed.

#2004- 102 Motion by Gallasch supported by Harnisch, that due to all of the appropriate documentation having been completed and submitted, that the application to demolish the structure at 31205 Ramble be approved pursuant to the receipt of a \$5,000 bond, cash or surety, and any requirements of the Village Building Official.

*Gallasch complimented Donaldson on the completeness of his application and his willingness to cooperate with the Village.

Ayes: Lamott, Gallasch, Harnisch, Coyer, Jahnke

Nays: None

Absent: Sosin, McElroy

Motion carried.

B. Consider Purchase of the Lighted Speed Display Sign.

Jahnke introduced the sign purchase asking both Stoppels and Glomb to comment. Stoppels stated that an increase in compliance to speed limits had been noted during testing of the sign. Glomb agreed with Stoppels and added that he had received several telephone calls in support of the sign. Discussion ensued regarding police officer hours saved, cost effectiveness of the sign, and the need for safety on Village crosswalks.

#2004- 103 Motion by Coyer supported by Gallasch to approve the purchase of the Lighted Speed Display Sign, allocating \$4,500 plus \$1,000 for installation from the Major Road Fund.

Motion by Coyer supported by Gallasch to amend the previous motion to change the amount allotted to with an amount not to exceed \$7,000.

Ayes: Lamott, Gallasch, Harnisch, Coyer, Jahnke

Nays: None

Absent: Sosin, McElroy

Motion carried.

X. PROCLAMATIONS/RESOLUTIONS/ORDINANCES

A. Consider Ordinance to Amend Chapter 1265, Wireless Telecommunication Facilities, of Part Twelve, Title Four of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Modify Wireless Telecommunication Facility Regulations, Repeal Conflicting Ordinances, and prescribe a Penalty for Violations (first reading).

Jahnke introduced the Ordinance, stating that the Wireless Communication Policy was approved by Council in August 2004 and the first item in the action plan of that policy was to amend the Village Ordinances to address current and foreseeable wireless issues, technologies and facilities, in addition to traditional cell towers. Jahnke continued stating that the Planning Commission, having held a Public Hearing and reviewed the Wireless Telecommunication Ordinance (making a few minor revisions) has now referred the document back to Council for their consideration.

Coyer, Chairman of the Wireless Telecommunications Committee, reported that these

*corrected at the December 13, 2004 Village Council Meeting
revisions as presented, in his judgement, are consistent with the needs of the community and balanced with the need to maintain the aesthetic issues that had been studied and resolved by the committee and Council over many months. Coyer continued stating that the ordinance facilitates wireless communication in the Village, maintaining the aesthetic issues, with permitted locations for wireless facilities, as follows:

- 1) on new and existing utility poles within road right of ways and public easements
- 2) on Village properties if incorporated into the Village's emergency communication network
- 3) in all zoning districts, except not mounted on existing residential dwellings or accessory buildings and new ground mounted facilities cannot be located within 200 feet of a residential dwelling.
- 4) A 70-foot limit on new facilities unless the carrier can demonstrate their inability to feasibly locate on an existing structure or a 70-foot tower.

Coyer added that these new restrictions would in no way diminish the quality of wireless service that can be obtained in the Village. Coyer also listed additional standards applicable to all facilities, as follows:

- 1) color
- 2) camouflage
- 3) lighting & signs
- 4) maintenance & construction codes
- 5) equipment shelters

Coyer noted that the co-location section of the ordinance has been eliminated, now that technology supports alternatives to multiple tall towers and other less obtrusive facilities are possible. Coyer continued, stating that approvals by other agencies within the Village included the Historic District Commission, Planning Commission review, and site plan approval for proposed new facilities. Coyer concluded by stating that the community is probably relieved now that the Village is ushering in an age wherein better wireless communications and aesthetic harmony can be achieved.

#2004-104 Motion by Coyer, supported by Gallasch to approve in the first reading this ordinance to Amend Chapter 1265, Wireless Telecommunication Facilities, of Part Twelve, Title Four of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Modify Wireless Telecommunication Facility Regulations, Repeal Conflicting Ordinances, and prescribe a Penalty for Violations, in the first reading.

Staran stated that in 1997 the Village adopted its' then state of the art wireless ordinance which served the community well. Staran continued stating that the existing wireless ordinance contemplated the traditional cell towers, the monopoles or lattice type structures, allowing co-locators on each tower to eliminate the need for numerous towers. Staran shared that this Council and this Village had learned over the last year that the large cell tower concept did not necessarily reflect the desires of a number Village residents, that the philosophy needed to be reevaluated, and lower and more types of facilities in the Village was probably the preferred way to go. Staran stated that utilizing updated, current technology and advances, stealth technology, and camouflage technology, would better serve the Village. Staran added that this evaluation followed taking into account the many comments received from residents, the work of the cell tower committee, and the input from consultant Ted Kreines.

Staran stated that the ordinance moves away from the ground mounted cell towers with multiple co-locators and promotes the use of existing structures in all zoning districts with some limitations (i.e.: if the height of the existing structures not be increased by more than 20 feet) and requires that camouflage and stealth technology be used in all cases and recognizes that there have been a number of technological advances since 1997 and that these facilities need no longer be recognizable as facilities and can be disguised as a great number of things such as traditional wood utility poles. Staran stated that under the new ordinance, new ground mounted facilities, including monopoles and traditional cell towers, would need to go through exhaustive site plan and special land use reviews and approval, and a strict showing of feasibility, proving that there are no other alternatives.

Staran noted that the height provisions adopted a year ago have been removed, and now the maximum height is again 70 feet with some latitude for the Council to make discretionary decisions when appropriate, up to 10 feet above the tree canopy. Staran stated that the camouflage technology prevalent throughout the ordinance means building the facility in order to blend in inconspicuously, not just disguised. Staran concluded by stating that minor changes had been made at the request of Planning Commission and to conform to State of Michigan law terminology.

Gallasch questioned whether support or equipment structures are covered under the terminology for facilities, to which Staran replied that they were. Gallasch also questioned terminology used and Staran replied that he would make any changes necessary between the first and second reading of the ordinance to correct inconsistencies in terminology throughout the document.

Ayes: Lamott, Gallasch, Harnisch, Coyer, Jahnke

Nays: None

Absent: Sosin, McElroy

Motion carried.

XI. BIDS/PROPOSALS

A. Consider Proposal to Update Job Classification Manual.

Jahnke stated that the personnel committee had decided to obtain a proposal to update the manual, due to the fact that the positions and salaries had not been evaluated for five years.

#2004-105 Motion by Gallasch supported by Lamott to accept the Michigan Municipal League Compensation Survey proposal at a total of \$200.00 per each of six positions, specifically the building clerk, the finance clerk, the Village Clerk, the Police Chief, the police clerk and the administrative clerk for a total of \$1,200.00 and that the administrator be authorized to sign the agreement.

Discussion ensued detailing the impetus behind the update; that being that the inflation factor used in the ensuing five years may or may not be accurate when compared to communities of similar size and similar positions. The procedure involved in the review was also discussed in that each employee will be interviewed with input from Stoppels and Pulker, as well as new information to be compiled from surrounding communities, for the comparisons.

Ayes: Lamott, Gallasch, Harnisch, Coyer, Jahnke

Nays: None

Absent: Sosin, McElroy
Motion carried.

XII. ADJOURNMENT

Motion by Harnisch supported by Coyer to adjourn the meeting.

Ayes: Lamott, Gallasch, Harnisch, Coyer, Jahnke
Nays: None
Absent: Sosin, McElroy
Motion carried.

There being no further business, the meeting was adjourned at 9:13 p.m.

Respectfully submitted,

Eileen H. Pulker, Village Clerk

Mark W. Jahnke, Village President