

PROCEEDINGS OF VILLAGE OF FRANKLIN
VILLAGE COUNCIL REGULAR MEETING
FRANKLIN VILLAGE HALL -- BROUGHTON HOUSE
32325 FRANKLIN ROAD, FRANKLIN, MICHIGAN 48025
MONDAY DECEMBER 9, 2002 8:00 P.M.

I. MEETING CALLED TO ORDER

The meeting was called to order by President James Pikulas at 8:00 p.m. at the Franklin Village Hall, Franklin, Michigan.

II. ROLL CALL

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

Absent: H. Fred Gallasch (excused)

In Attendance: Jon E. Stoppels, Village Administrator
Eileen H. Pulker, Village Clerk
Bill Dinnan, Building Official
John Staran, Village Attorney, Beier Howlett
Edward Glomb, Police Chief
Tony Averbuch, Fire Chief

III. ADOPTION OF AGENDA

Motion by Harnisch supported by McElroy to approve the agenda as presented.

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

Nays: None

Absent: Gallasch

Motion carried

IV. MINUTES:

A. Regular Meeting of November 11, 2002

McElroy asked to correct the percentage on page 4 2nd paragraph from 71% to 79.2 %.

Motion by Saltzman supported by Sosin to approve the minutes of the Regular Council Meeting of November 11, 2002, as corrected to indicate 79.2% on page 4, 2nd paragraph in lieu of 71%.

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

Nays: None

Absent: Gallasch

Motion carried

V. REPORTS OF VILLAGE OFFICERS AND AGENTS

Police Chief Ed Glomb reported that the police clerk had been laid off and reported that she had done a good job and would be missed. Chief Glomb reported that things had been quiet in the Village as indicated in his written report and asked if Council had any questions.

Pikulas questioned the significance of statistics provided in the police report for traffic citations. Chief Glomb explained that all of Telegraph Road falls within the boundaries of Bingham Farms,

which explains the greater amount of parking tickets and moving violations being written in Bingham Farms.

Fire Chief Averbuch referred to his written report and reported that the acquisition of the department's new equipment was on schedule and expected delivery remains early in 2003. Chief Averbuch reported that the training exercise at 30550 Woodside would take place on December 22, 2002. Chief Averbuch explained that the training does not completely demolish the home and is conducted under the safest of circumstances.

Trustee McElroy, interim Treasurer, reported that he and Clerk Pulker had met and reviewed the various bank accounts, statements, and procedures. Subsequently some of the Village funds were transferred to interest bearing accounts, in particular those funds in the Pressure Sewer and Rubbish Funds. McElroy stated that his review of procedures showed that all proper procedures are being followed as directed in the Charter. McElroy also stated that he is drafting a letter to the bank to accurately ascertain what the bank fee charges are for and when we can expect them to cease. McElroy reported that our bond advisors have begun to gather information relative to the re-financing of the 1994 Sewer Bond, which if successfully negotiated will result in a total savings of \$250,000 or \$25,000 per year in debt reduction savings, but not available for use in the General Fund.

VI. SUBMISSION OF CURRENT BILLS

TOTALS

General Administration	\$	15,007.98
Building	\$	13,097.23
General Debt	\$	41.00
Insurance	\$	46,527.43
Legal	\$	2,728.77
Police	\$	9,421.39
Pressure Sewer	\$	492.00
Roads	\$	2,617.23
Rd Bond Expense – 2002	\$	15,155.50
Rd Bond Expense – 2001	\$	148.53
Cell Tower	\$	345.00
Rubbish	\$	12,891.00
Trust & Agency	\$	1,000.00
Village Hall & Grounds	\$	919.80
Waste Water	\$	<u>1,012.31</u>
All Funds	\$	121,405.17

Motion by McElroy supported by Saltzman to approve the bills list as presented.

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

Nays: None

Absent: Gallasch

Motion carried.

VII. PUBLIC REQUESTS AND COMMENTS

Dr. Mark Berkowitz of 30714 Helmandale commented on his difficulties with water and his well. The concerns he listed include: inability to flush toilets, water lawns, arsenic levels, home

insurance rates, fire protection, and rumors of lack of water making it difficult to sell homes. Dr. Berkowitz stated that he felt the water study conducted had been expensive and statistically insignificant and asked that the Council put the issue to a vote without spending further time or money on studies. Dr. Berkowitz also provided information on his experience and inability to obtain adequate well service from two (2) different well companies. Dr. Berkowitz stated that he had obtained and completed a complaint form from Oakland County but had not received a response and closed by stating that Franklin cannot survive without a stable water supply.

VIII. SPECIAL REPORTS

A. Verbal Report, Jim Pikulas, Village President

Pikulas reported on the recent "Holly Day" festivities in the Village stating that the Franklin Community Association had done a great job and there had been a wonderful turnout. The FCA had received \$1,200 in donations for the Tree and Wreath auction, and numbers for the other events are still outstanding.

Pikulas commented on the recent revenue sharing reductions decided in Lansing of \$8,800 for this Fiscal year. Pikulas reported that the upcoming Fiscal year, which begins in July, would see possible 50% reductions in revenue sharing funds. The Village currently receives around \$250,000 in revenue sharing and does not yet know how much that will be reduced. The Council is reviewing the budget and directing staff to do so to avoid raising taxes.

Pikulas also stated that the Village is run on three (3) mills, of the total 9.5502 mills. Four (4) of the remaining mills are for Debt payment on the bonds for roads, drainage projects and the Police Station. The remaining three (3) mills are dedicated to trash removal, Fire Department and the Library. Pikulas explained that three (3) mills to operate the Village is a small amount, with no parks and recreations, and no Department of Public Works, 2/3 of the three mills go to operate the Police Department. Pikulas further stated that the shortfall as a result of the new Police Contract, even with re-bidding insurance coverage which resulted in a lower cost for some coverage, resulted in the layoff of an employee, who will be replaced with a part time employee with no benefits.

Pikulas read from a recent letter that had been written to Village employees and copied to Council:

“ Due to forthcoming reductions in Revenue Sharing and other cost considerations, it is important that all Franklin Village implement cost containment programs. Effective immediately, the following measures are directed:

- 1) Examine budgets for cost saving opportunities. Jon Stoppels is to consolidate cost reduction by account.
- 2) Any new non-budgeted requirements must be offset by budget savings identified by account.
- 3) All overtime is suspended. Any required exceptions are to have the prior approval of the Village Administrator.
- 4) All seminars, association meetings etc., and attendant travel requirements are suspended.
- 5) Required Village business mailings are to be combined, where possible, to effect postal savings.
- 6) Car costs are to be examined for cost saving opportunities.”

Pikulas further stated that it is the obligation of this Council to make these changes and look for other opportunities to help keep costs down and prepare for further revenue sharing costs.

The Franklin Historical Society has paid for and installed new street signs in the Historic District. The signs are historically accurate and the Village appreciates the Historical Society's gift. In addition, the Village has been required by the State Historic Preservation Office as a result of the reconstruction of Franklin Road, to conduct a study to re-certify the Franklin Historic District. Dr. Ted Ligibel of Eastern Michigan University's Historic Preservation Program was contracted to perform the study as a class project using fifteen (15) graduate students. The EMU students have compiled reports that are to be presented at a special Historic District Commission meeting to be held on December 19, 2002 at 7:00 p.m. Pikulas also encouraged everyone to visit The Historic Society's Museum which is open 1:00 p.m. to 3:00 p.m. on Wednesdays and Saturdays in a home donated by Mrs. Derwich on five (5) acres in Franklin located at 26165 Thirteen Mile Road.

B. Bond Project Update, Jon Stoppels, Village Administrator

1. Local Road Improvement Project.

Stoppels reported that there were a number of areas not quite finished and the yard restoration projects are not complete, both of which will be completed in the spring. Franklin Oaks Trail was scheduled to be completed this year but due to the change in weather, will be completed in the spring. The owners of the three homes on that street have paid for the paving work that will complete the road and enable to the road to be dedicated to the Village upon completion. Stoppels pointed out that this had originally been a three (3) year project that has been reduced to two (2) years with a small amount of paving work to be finished.

IX. OLD BUSINESS

A. Consider Appointing Committee to Develop Additional Information Regarding the Question of Public Water.

Pikulas explained that a water committee is to be created to address concerns raised by Villagers to explore alternatives, potential sources, possible special assessment district and examine concerns. Sosin added that additional work had been done to the resolution provided at last month's meeting, to allow for the opportunity to develop additional information and that the compromise now expresses the general intent of the Council which is important enough to the Village to pursue at this time.

#2002-135 Motion by Sosin supported by McElroy to resolve that

WHEREAS, the Village of Franklin ("Village"), as part of its ongoing review of the adequacy and the quality and quantity of individual wells in Franklin, contracted with its engineers, Hubbell, Roth and Clark ("HRC") to conduct a Water Study, which was submitted to the Village in written form in August 2001, and

WHEREAS, the Village made the HRC Water Study available to Franklin residents and conducted a public meeting at which a record was made identifying certain complaints of water shortages, and

WHEREAS, a number of the complains may have been related to conditions brought on by the 2001 and 2002 drought conditions which, because of timing, were not reflected in the August 2001 written report, and

WHEREAS, the Franklin Village Charter requires that installation of a public utility be taken to the Village voters in the form of a referendum; and

WHEREAS, although the Village electorate defeated a proposal to connect to the Detroit City Water system in 1990, certain residents have recently presented to the Village

Council informal petitions requesting that the Village place before the voters a referendum question directing the Village to connect to an unspecified public water system; and

WHEREAS, Council deems it necessary that additional information be accumulated and considered before the Council votes on whether or not a referendum on public water in Franklin should be submitted to a vote,

NOW, THEREFORE, IT IS RESOLVED:

That the President of the Council is directed to appoint a committee of three members of the Council, one of whom shall be the President, to conduct such investigations, together with the Village Administrator, Village Attorney and Village Engineer, as they deem necessary to obtain documentary evidence of individual homeowner's and businesses' water shortages occurring within the calendar year of 2002, and to provide information which would include, but not be limited to answers to the following questions:

- 1. What are the advantages and disadvantages to bringing public water to a part or parts of the Village as compared to bringing public water to the entire Village?**
- 2. Should a water provider be the Detroit City Water System, SOCWA, or some alternative source including the continued use of individual wells augmented with community wells as required? All financial data should be updated from the August 2001 Water Study as required.**
- 3. What actual dollar cost amounts (resident obligations) would be included in any referendum language to inform the voters who intend to tap in and those who don't?**
- 4. What is the best option for funding the installation of public water? Should funding be by bonding with its required incremental millage, or by special assessment district, or by a combination of two or more of these methods?**
- 5. What is the best way to insure that City Water hook-up is not made mandatory for individual residents or businesses if the voters approve making City Water available on either a Village-wide or selective-area basis?**

BE IT FURTHER RESOLVED, that the Committee shall report its findings to the entire Council no later than at its May, 2003 meeting, so that the Council may determine what steps, if any, need to be taken to alter the current system of privately-owned wells in Franklin, and so that, if the Council determines that a referendum should be held, to assist the Council approving language which will fairly place the issues before the public.

Discussion ensued regarding the importance of documentation and the reliance necessary upon the Village attorney, administrator and engineer. Anecdotes relating to high water bills for twenty residents in a neighboring community and concern over the aging Detroit system and the water shortages experienced during the summer drought. Input will be sought from individuals and the Village consultants and staff.

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

Nays: None

Absent: Gallasch

Motion carried.

Pikulas announced that the committee would consist of Trustees Gallasch and Sosin and President Pikulas.

X. NEW BUSINESS

A. Consider Application to Remove or Demolish Structures at 31230 Ramble, Franklin.

Richard Binder of Richard Binder Construction, the contractor for the Michael Lippitt family was present to answer any questions Council might have regarding the project.

2002-136 Motion by Sosin supported by McElroy to approve the demolition of the structures at 31230 Ramble of every structure other than the barn, subject to the usual \$5000 bond and the requirements of the building official.

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

Nays: None

Absent: Gallasch

Motion carried.

B. Consider Flood Plain Permit Application for 25733 River Drive, Franklin.

Alan Frank, the owner, was present to address any questions Council may have regarding his project.

#2002-137 Motion by Coyer supported by Harnisch to approve the Flood Plain Permit Application for 25733 River Drive subject to the usual bonds and insurance and the requirements of the building official.

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

Nays: None

Absent: Gallasch

Motion carried.

C. Consider Meeting Calendar Dates for January 2003 through December 2003.

#2002-138 Motion by Coyer, supported by Saltzman to approve the proposed Meeting Calendar Dates for January 2003 through December 2003 as presented (attachment #1).

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

Nays: None

Absent: Gallasch

Motion carried.

D. Consider Proposed Lease Agreement for a Cell Tower between the Village of Franklin and Sprint Spectrum L.P.

Pikulas asked John Staran to share with Council his review of the agreement between the Village and Sprint. Staran began by introducing Wallace Haley, the attorney for Sprint who was present at the meeting to address the concerns and questions of Council. Staran explained that the plan presented was to construct a 125-foot wireless monopole near the cemetery on Village owned property, consistent with the Village ordinance. The term of the lease is for five (5) years the cost for which for Sprint will be \$24,000 per year or \$2000 per month with a 15% increase per renewal term. Sprint will own the tower and will allow up to three co-locators. Staran added that the cell tower would still be subject to the usual site plan approval process that involves both the Planning Commission and the Council. Staran continued by stating that the pole will not have a flag or omni-directional antennas and will be subject to property taxes. Staran also stated that an amendment to the zoning ordinance will be necessary to provide some provisions to allow

increased height, which now is at 70 feet and Sprint is proposing 125 feet. Pikulas added that the plan would require Historic District Commission approval.

Mr. Haley stated that he had conducted a survey of the carriers that were present at the public meeting held previously, and found those carriers still interested in co-locating on the pole and also stated that Sprint is ready to proceed without co-locators. Staran stated that any co-locators would need to enter into a lease with the Village. Haley also stated that Broadcast frequencies are regulated and will not cause problems for the Police or Fire Departments. Haley reported that the Village arborist had been consulted to determine the past path to follow in order to avoid a significant amount of trees. Haley also stated that the agreement with the Village does include additional plantings where construction is conducted as well as the surrounding area.

#2002-139 Motion by Sosin supported by Saltzman to approve conditionally the proposed lease agreement for a Cell Tower between the Village of Franklin and Sprint Spectrum L.P. providing adequate protections for review of Planning Commission and the Historic District Commission and that the President is authorized to execute the agreement on behalf of the Village.

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

Nays: None

Absent: Gallasch

Motion carried.

E. Consider Application to Dedicate Woodcrest Court.

#2002-140 Motion by Sosin supported by Coyer to table the dedication of Woodcrest Court until such time as remaining questions regarding legal description are resolved.

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

Nays: None

Absent: Gallasch

Motion carried.

F. Consider Amending of Fiscal year 2002-2003 Adopted Budget.

#2002-141 Motion by McElroy supported by Sosin to approve the amendment to the Fiscal year 2002-2003 Adopted Budget as follows:

WHEREAS: The Village must assure that expenditures in each account do not exceed those budgeted. A review of the Village's 2002/2003 Local Road Budget indicates accounts where budget amendments are required. We resolve that the following budget amendments be made to the 2002/2003 Local Road Fund budget with funds coming from the appropriation of prior year funds.

Appropriation Prior Year Fund Balance: Increase revenue account to \$1,650,000 (original \$0).

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

Nays: None

Absent: Gallasch

Motion carried.

XI. PROCLAMATIONS/RESOLUTION/ORDINANCES:

- A. Consider an Ordinance to Amend Sections 1476.05 and 1476.99 of Chapter 1476 Swimming Pools, of Part Fourteen, Title Six of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan to add Standards for Approval of Site Plans for Above-Ground Swimming Pools, designate Violations of this Chapter to be Municipal Civil Infractions, Repeal Conflicting Ordinances and prescribe a Penalty for Violations (second reading).**

#2002-142 Motion by Harnisch, supported by Sosin to approve in the second reading the Ordinance to Amend Sections 1476.05 and 1476.99 of Chapter 1476 Swimming Pools, of Part Fourteen, Title Six of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan to add Standards for Approval of Site Plans for Above-Ground Swimming Pools, designate Violations of this Chapter to be Municipal Civil Infractions, Repeal Conflicting Ordinances and prescribe a Penalty for Violations.

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

Nays: None

Absent: Gallasch

Motion carried.

XII. ADJOURNMENT

Motion by Coyer supported by Saltzman to adjourn the meeting.

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

Nays: None

Absent: Gallasch

Motion carried.

There being no further business, the meeting was adjourned at 10:15 p.m.

Respectfully submitted,

Eileen H. Pulker
Village Clerk

James A. Pikulas
Village President