

**PROCEEDINGS OF VILLAGE OF FRANKLIN  
VILLAGE COUNCIL REGULAR MEETING  
MONDAY, November 10, 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 Pikulas at 8:00 p.m. at the Franklin Village Hall, Franklin, Michigan.

**II. ROLL CALL**

Present: Randy McElroy, Ralph Sosin, Fred Gallasch, James Pikulas, Jo Saltzman, Alan Harnisch, Brian Coyer (8:30 p.m.)

Absent: None

In Attendance: Eileen Pulker, Village Clerk  
John Staran, Village Attorney  
Jon Stoppels, Village Administrator  
Edward Glomb, Police Chief  
Dominick Schiano, Treasurer  
Tony Averbuch, Fire Chief

**III. ADOPTION OF AGENDA**

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

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

**Nays: None**

**Absent: Coyer**

**Motion carried.**

**IV. MINUTES**

**A. Regular meeting of October 13, 2003**

McElroy referred to page 6, last paragraph under **PROCLAMATIONS/RESOLUTIONS/ORDINANCES**, and pointed out that the line consisting of "There will be a minimum of thirty-five feet above the tree line" should be changed to read "There will be a minimum of forty feet above the tree line".

Typographical error on page 7, third paragraph, the word "FCA" in line 4 of that paragraph should read "FCC".

**Motion by Saltzman, supported by Sosin, to Approve the Minutes of the Regular Meeting of October 13, 2003 as amended.**

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

**Nays: None**  
**Absent: Coyer**  
**Motion carried.**

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

Chief Glomb referred to his written report and continued by giving an update on a robbery. October 20th there was a robbery at Comerica Bank, but the suspect was apprehended on Thursday of same week in Farmington Hills. Suspect confessed to four other robberies in the area as well. The Police Department finished the paperwork to receive reimbursement from the State for overtime charges during the last black out. The Department is communicating with Senator Stabenow's Office as to receiving Terrorism Fund monies.

Chief Averbuch referred to his written report and stated that the Franklin annual inspection of occupancy had been completed and went well. Council gave praises of Fire Department, base upon their quick response time and pointed out that most of their actions are for medical emergencies.

Treasurer Schiano began his report by stating that the Village Finances were in good shape, and that the bills list was consistent with the budget. Schiano had conducted a first quarter budget review and expenses for the year, and found that the Village was on budget, and the full year outlook was on track. Schiano was concerned about the possible 50% State revenue cut, and that he and Stoppels were considering a contingency plan and they would keep an eye on those numbers. Ninety five percent of the tax monies had been received, as compared to ninety four percent at that point the previous year, and have been taking actions to resolve the delinquent tax issues, with one instance where monies were received on a parcel which was two years past due.

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

**Motion by McElroy, supported by Sosin, to Adopt the Current Bills as Submitted.**

<b>TOTALS</b>	
<b>General Administration</b>	<b>\$ 24,651.47</b>
<b>Tax Fund</b>	<b>\$ 209.41</b>
<b>Building</b>	<b>\$ 17,616.98</b>
<b>General Debt</b>	<b>\$ 65.00</b>
<b>Insurance</b>	<b>\$ 23,941.83</b>
<b>Legal</b>	<b>\$ 3,049.27</b>
<b>Police</b>	<b>\$ 10,101.05</b>
<b>Pressure Sewer</b>	<b>\$ 780.00</b>
<b>Roads</b>	<b>\$ 8,290.98</b>
<b>Cell Tower</b>	<b>\$ 241.50</b>

<b>Garbage &amp; Rubbish</b>	<b>\$ 13,213.27</b>
<b>Trust &amp; Agency</b>	<b>\$ 13,300.00</b>
<b>Village and Grounds</b>	<b>\$ 2,009.20</b>
<b>Water</b>	<b>\$ 780.16</b>
<b>Waste Water</b>	<b><u>\$ 325.00</u></b>
<b>ALL FUNDS</b>	<b>\$ 118,575.12</b>

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

## **VII. PUBLIC REQUESTS AND COMMENTS**

Lisa Robinson, 30193 Cheviot Hills, expressed an interest in the rates charged by building official Bill Dinnan, as brought up by a recent newspaper article in the Observer Eccentric. Ms. Robinson also addressed Cell Tower position, stating that it should not be located in the middle of the Village Green. Sosin stated that the fees are paid in permit charges, not from the budget, and buildings fees cannot be used for anything else other than building department. Stoppels stated that the Building Official is not just a rubber stamp, his services have saved problems for homeowners, builders, and the Village alike. Council pointed out that the article was inaccurate, and that if any Villagers wished to view accurate information, they could visit the Village offices during normal business hours, and the Administrator would be able to supply them with the information.

Joe Roisman, of 30633 Greenbriar, wanted to know when the “right of way” portion of his property would be fixed from mistakes made during the road construction. Stoppels stated that Contractor was being charged three hundred dollars a day until the problem is fixed. Mr. Roisman wanted to bring in another contractor. Council promised to fix the problems.

Mark Jahnke, of 27158 Appletree Lane, made general comments on the Cell Tower project. Mr. Jahnke asked Council to reconsider the Cell Tower site and hand the search for the Cell Tower site over to the Planning Commission, to provide for a search on properties other than those owned by the Village. He ended by asking if the cell tower had to go in Franklin to service the so-called “Dead Zone”?

Chris Rich, 26059 German Mill Road, expressed a disappointment in the lack of creativity and resourcefulness in finding a better location for the Cell Tower. He felt that the Village would lose the credibility of the title “The Town That Time Forgot”.

## **VIII. SPECIAL REPORTS:**

### **A. Verbal Report, James Pikulas, Council President**

## **1. Public Water**

Council encouraged Villagers to vote at the Special Election on Public Water, election to be held on Monday, November 17, from 7:00 a.m. to 8:00 p.m. at the Franklin Community Church.

Pikulas announced that Fred Gallasch was awarded Alumnus of the Year from North Carolina State University, and the Council wanted to recognize the honor and congratulate him.

Article in the Detroit News and Free Press on the Crestwood subdivision, it was a nice article which said nice things about Franklin.

Stoppels gave an update on the Franklin Grill parking agreement. Stoppels stated that the original application had been completed and approved, pending improvements to the parking lot to improve drainage. The paving had been started, but were still changes to be made. Stoppels had spoken to one of the owners and expressed the need to complete the process before winter began, so the Liquor License approval process could be completed on schedule.

## **IX. PUBLIC HEARING**

### **A. To Hear Resident Input and/or Concerns Regarding the Following CDBG Fund Allocations:**

#### **1. PY 2004 Community Development Block Grant (CDBG) Funds.**

Pam Hansen, of 32820 Wing Lake Road, asked about where Villagers could find out about regulations for usage of these funds and alternative uses of the funds?

Council stated that the regulations are in the Village Office. Stoppels directed to supply regulations and guidelines to Ms. Hansen.

#### **2. Request to Waive Recapture of CDBG PY 2001 Funds.**

**#2003-91 Motion by Saltzman, supported by Gallasch, to close the public hearing.**

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

**Nays: None**

**Motion carried.**

## **X. NEW BUSINESS**

### **A. Consider Community Development Block Grant (CDBG) Program Funding Recommendations:**

#### **1. PY 2004 Community Development Block Grant (CDBG) Funds.**

#### **2. Request to Waive Recapture of CDBG PY 2001 Funds.**

**#2003-92 Motion by Coyer, supported by Saltzman, to Approve the Request to Waive Recapture of Community Development Block Grant PY 2001 Funds and to Adopt the Recommendation to Allocate the Program Year 2004 Community Development Block Grant Funds to be allocated as follows:**

- **\$4,000 to provide various public services to low to moderate income senior citizens, including but not limited to: senior home chores, minor home chores, minor home repairs, transportation, and meals on wheels;**
- **\$1,600 to fund administrative service costs for the implementation of CDBG projects.**
- **To Waive Recapture of \$2,400 from the Remove Architectural Barriers account.**

**Ayes: McElroy, Sosin, Gallasch, Pikulas, Saltzman, 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.  
(Second Reading)**

Sosin was in favor of a Cell Tower in Franklin, he feels that the Council has considered many locations for the Cell Tower, and that the currently proposed location, which will not be on the Village Green but instead it was proposed to stand behind the Police Station, was the best one. The Council had considered four smaller towers as well, but Council consensus was to build only one.

Saltzman stated that in all of the public discussion not once was the Village Green considered, so people should not be concerned about that issue. Saltzman also wondered if there was a concern other than the aesthetic appeal for the people who felt the tower should not be taller than seventy feet.

Coyer stated that in drafting the current Cell Tower Ordinance several years ago, seventy feet seemed like a reasonable height at the time, but technology does not allow for that. Coyer continued, and stated that the Ordinance was an attempt to keep from a proliferation of cell towers, but stated that he would consider having four smaller towers, as long as they were shorter.

McElroy stated that there would be up to five towers, minimum of seventy feet each, and the towers would then have to go into Villagers' back yards. McElroy also stated that the Village would receive money from the lease agreement for the tower, but the money would go to the Villagers, it would affect how much money had to be paid in taxes, and would be especially crucial considering the suspected shortfall in State funding to come. As to the visibility of the Cell Tower, McElroy continued by stating that the proposed site plan shows the tower would be hidden by Cemetery Hill for most of the Village.

Harnisch stated that he would vote in favor due to the need to make a decision, even though he does not really like it. Harnisch felt there was a need to balance aesthetics with modern practicality, because people need their cell phones. Harnisch stated that the Council has considered other placements and the use of multiple, shorter, cell towers, but he feels it will soon become unnoticed. Harnisch feels the Village needs the cell tower, and the proposed location is the best location for it.

Saltzman wondered how many carriers would use the cell tower. Stoppels stated that four service providers were interested, with a possible fifth service provider.

Joe Roisman stated that he liked the use of a simulated treetop on a cell tower, like in Farmington Hills. Mr. Roisman continued, stating that Verizon was good quality, and he felt that the other Villagers should use Verizon phones. McElroy stated that all of the service providers are locked into specific frequencies, and each frequency carries specific attributes, Verizon uses a lower frequency, which travels through trees better, but does not work well in some areas of the Village anyway. Mr. Roisman finished by stating that he preferred the idea of one tower, over using many towers.

Mark Janke felt that the seventy-foot restriction should stand, and that the Council should turn the site selection over to the Planning Commission to consider a different location. Council gave clarification and pointed out that the Planning Commission was reviewing the site plan already.

Rick Jacobs, of 32501 Haverford, expressed a curiosity in the motivating factor for the Council, whether the decision would be based on the income from the lease, or from a real connection problem. Council stated that the motivation was the connection problem, specifically citing that the Police and Fire Departments feel that their functionality would be enhanced with a functioning cell tower in Franklin, Villagers will have less difficulty in getting the help they need.

Coyer pointed out that there were many steps that have to be achieved before a final decision can be reached. Coyer stated that utility poles could be used that would work, creating several towers to achieve the same effect as one very tall tower. Coyer stated that there were other opportunities to review other ideas.

Council stated that Planning Commission was reviewing the location.

**#2003-93 Motion by Sosin, supported by McElroy, to Approve Amendment of 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. (Second Reading)**

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

**Nays: Gallasch, Coyer**

**Motion carried.**

**B. Consider Proposed Ordinance to Amend Section 1440.03 of Chapter 1440, Permits, Bonds, Deposits and Fees, of Title Four, Part Fourteen of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Provide that no interest shall be Payable upon the Return of Cash Building Permit Bonds by the Village, To Repeal Conflicting Ordinances, and Prescribe a Penalty for Violations. (First Reading)**

**#2003-94 Motion by Saltzman, supported by McElroy, to Approve the Amendment of Section 1440.03 of Chapter 1440, Permits, Bonds, Deposits and Fees, of Title Four, Part Fourteen of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Provide that no interest shall be Payable upon the Return of Cash Building Permit Bonds by the Village, To Repeal Conflicting Ordinances, and Prescribe a Penalty for Violations.**

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

**Nays: None**

**Motion carried.**

**#2003-95 Motion by Coyer, supported by Harnisch, to Approve the Revised Amendment of Section 1440.03 of Chapter 1440, Permits, Bonds, Deposits and Fees, of Title Four, Part Fourteen of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Provide that no interest shall be Payable upon the Return of Cash Building Permit Bonds by the Village, To Repeal Conflicting Ordinances, Prescribe a Penalty for Violations, and to Waive the Second Reading.**

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

**Nays: None**

**Motion carried.**

## **XII. ADJOURNMENT**

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

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

**Nays: None**

**Motion carried.**

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

Respectfully submitted,

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John C. Pulker  
Recording Secretary

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Eileen Pulker  
Village Clerk

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James Pikulas  
Village Council President