

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

I. CALL TO ORDER

The Regular Meeting of the Council of the Village of Franklin was called to order by President Pikulas at 8:14 pm at the Franklin Village Hall, Franklin, Michigan.

II. ROLL CALL

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

Absent: Fred Gallasch (excused)

In Attendance: Eileen Pulker, Village Clerk
John Staran, Village Attorney
Jon Stoppels, Village Administrator
Edward Glomb, Police Chief
Dominick Schiano, Treasurer
Bill Dinnan, Building Official
Jim Stevens, Planning Commission Chairman

III. ADOPTION OF AGENDA

Motion by Sosin, supported by Harnisch, to Approve the Agenda with the following amendment: to add the Lot split at 32975 Romsey, under the heading NEW BUSINESS, subheading “E”, item “1”.

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

Nays: None

Absent: Gallasch

Motion carried.

IV. MINUTES

A. Regular Meeting of November 10, 2003

Motion by Sosin, supported by Harnisch, to Approve the Minutes of the Regular Meeting of November 10, 2003 as presented.

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

Nays: None

Absent: Gallasch

Motion carried.

V. REPORTS OF VILLAGE OFFICERS AND AGENTS

Chief Glomb reported on the increase in burglary activity in the last couple of weeks. There had been a daytime burglary on the 17th of November, and then four more break-ins on Monday, December 1st. The Franklin Police had possible suspects and possible vehicles used for the burglaries. Glomb stated that only one home out of the five had an alarm, and it was not turned on. Glomb also stated that mobile watch is out and the Police are changing shifts to better deal with the problem. Glomb concluded his report by asking Villagers to volunteer for mobile watch and also encouraged Villagers to buy and use alarm systems for their homes.

Council stressed that Villagers should not assume that their alarms work, people should have their alarm systems tested.

No verbal report from Chief Averbuch due to vacation, Council noted written report.

Treasurer Schiano gave a report, stating that all budget requirements would be met for the month and that the annual audit was nearing completion.

Council mentioned cost cutting efforts, in preparation for shortfalls in revenue sharing from the State of Michigan. Schiano felt that Stoppels had created semi-contingency plans in preparation for that possibility.

VI. SUBMISSION OF CURRENT BILLS

Council directed Clerk Pulker to place totals for the bills for the special water election under the Water Account, so the Village could keep track of all of the monies spent in preparing information and the special election for public water.

Motion by Coyer, supported by McElroy, to Approve the Current Bills as Submitted.

TOTALS	
General Administration	\$ 7,798.27
Building	\$ 16,213.11
Insurance	\$ 45,470.35
Legal	\$ 3,196.67
Police	\$ 9,875.04
Roads	\$ 15,845.10
2002 Local Road	\$ 5,955.25
Cell Tower	\$ 861.00
Garbage & Rubbish	\$ 13,213.27
Trust & Agency	\$ 1,900.00

Village and Grounds	\$ 919.80
Water	\$ 3,378.54
Waste Water	\$ 8,892.18
ALL FUNDS	\$ 133,518.58

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

VII. PUBLIC REQUESTS AND COMMENTS

Mark Jahnke, 27158 Appletree Lane, expressed his objection to current cell tower site plan. Mr. Jahnke read items from the Master Plan, which he felt related to cell tower issue. Those items were as follows: "Preserve and Promote the Historic Identity of the Village, Encourage the Preservation of Historic Structures and Spaces Still Remaining in the Village Center and Historic District. Further, Policy C, Site Development in the Village Center Should Relate to and be Compatible with Adjacent Buildings Land Uses and the Rural and Historic Character of the Village. Goal #5, Enhance and Maintain a Unique Coherent Village Visual, Social and Jurisdictional Identity Distinct and Separate from the Surrounding Communities. Goal #6, Enhance and Support the Economic Vitality and Attractive Appearance of the Village Center, With It's Present Boundaries, and Included as Policy D, Encourage the Preservation of the Simple Rural Atmosphere of Franklin by Enhancing and Protecting Large Open Areas." Also, quoting from page twenty of the Community Facilities and Master Plan Update, an addendum report: "To Complete a Master Plan for the Expansion of Public Facilities so that a Large and Contiguous Open Space can be designated for preservation", and continuing under the positive points of the option, "Failure to do this could result in the incremental destruction of public open space within the Village center, further, it provides a clear understanding for the future of open public spaces and community facilities, both for capital improvement planning and for expectation by the community for future available space." Mr. Jahnke finished with an excerpt from the Village Center Enhancement Master Plan update, appendix A, "Historic Preservation is an important concern of Franklin Residents, according to an attitude survey, the Village center is seen as a quaint area with informal edges soften by abundant shade and shrubbery, it is neat but not over trimmed, composed, but without apparent order. Based on the survey, 77% of Village residents believe that Historic Preservation should be a high priority in Franklin Planned Use planning efforts." Mr. Jahnke concluded by stating that he does not believe economics should be a deciding factor for the cell tower issue.

Susan Zweig, 25905 Romany Way, stated 9 reasons why Sprints Cell Tower should not be in Franklin:

1. Historic Commission was not consulted by Sprint early on.
2. Survey of the surrounding areas showed no cell tower of a similar height in surrounding communities.
3. A Cell tower of 135 feet must meet Setback Fall zone requirements.
4. FCC allows for dead spots in cellular coverage.
5. That Sprint has not searched for other sites.
6. Environmental Impact study should be conducted for the requirements of preserving a historic place.
7. Site was declassified from the Historic District for the purpose of building the police station, not for a cell tower.
8. Concern over why the Sprint environmental representative spoke to American Indian communities about a cell tower in Franklin, and what impact their opinion would have if any.
9. Nearly four hundred Villagers and counting have expressed opposition to a cell tower.

Ms. Zweig concluded by stating that a survey should be sent out to the Villagers, like with Public Water, to bring a certainty of opinion.

VIII. SPECIAL REPORTS

A. Verbal Report, James Pikulas, Council President.

Pikulas stated that the County Food Bank would supply a Food Bank donation box on the porch of the Village Offices. Also, the Salvation Army sent the Village a letter to announce the Red Kettle Campaign and the Council asked the Villagers to help support the Salvation Army for all the work they do feeding hungry families in our County and around the state.

Council thanked Mike Seltzer and the Franklin Community Association for putting together the Holly Day events on Saturday December 6th, 2003.

Council stated that the website should be updated, to include FCA events.

Pikulas announced the formation of a Cell Tower Advisory Committee. Over the past three years, the Village Council has been dealing with the issue of how best to provide improved cellular phone communications within the Village. In March of 2003, the Council passed a resolution (by unanimous vote) agreeing to a long term lease with Sprint to erect a cell tower to serve Sprint and up to four additional co-users. That lease was conditioned upon site plan approval, among other things, and the site plan approval process to consider a 135-foot tall stealth tower located behind the police station is presently before the Planning Commission.

This Committee will be represented by two members each from the Village Council, Planning Commission, Historic District Commission and two members at large. Appointments are as follows:

Village Council	Brian Coyer, Chairman Randy McElroy
Planning Commission	Jim Stevens Rob Sickles
Historic District Commission	Rick Koslowski Bill Lamott
Delegate at Large	Mike Seltzer Connie Ettinger

As required, Jon Stoppels will provide staff support; John Staran, legal support; and Dave Nicholson planning support.

Wallace Haley, Sprint representative, will be available to assist in Study Committee inquiries in Study Committee inquiries. A Cell Tower Consultant, if required, may be retained by the Committee.

The Committee is charged with reviewing the pros and cons of the presently proposed tower location and alternative sites within the framework of the Village's existing ordinances and legal commitments, the needs of the cell phone companies and available technology. The Committee is to present a written report of its findings to the Council by April 1, 2004.

Coyer expressed approval of forming a committee to study the subject of a cell tower, stating that he felt confident in the individuals selected for the committee and that as Chairman, he promised the committee would be quick and fair. He continued that there would be public meetings held to include public opinion.

Council formally introduced Wallace Haley, the representative from Sprint, to the Villagers as a whole. Mr. Haley expressed a willingness to participate in the committee process and to provide all the information and expertise at their disposal, not just for Sprint, but also for all of the other carriers.

IX. PROCLAMATIONS/RESOLUTIONS/ORDINANCES

- A. Consider Ordinance to Amend Sections 1225.04, 1225.06 and 1225.11 of Chapter 1225, Subdivision Regulations, of Part Twelve, Title Two of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Add and Define the Term "Buildable," to Require All Lots Resulting From a Subdivision or Land Division to be Buildable, to Repeal**

Conflicting Ordinances, and to Prescribe a Penalty for Violations (first reading.)

Council asked if the Planning Commission review would be necessary for a second reading. Jim Stevens, Chairman of the Planning Commission, gave his assurances that Planning Commission would provide a quick review.

#2003-96 Motion by Sosin, supported by McElroy to Amend Sections 1225.04, 1225.06 and 1225.11 of Chapter 1225, Subdivision Regulations, of Part Twelve, Title Two of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Add and Define the Term "Buildable," to Require All Lots Resulting From a Subdivision or Land Division to be Buildable, to Repeal Conflicting Ordinances, and to Prescribe a Penalty for Violations (first reading), and to waive the second reading.

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

Nays: None

Absent: Gallasch

Motion carried.

B. Consider Amending Liquor Control Commission Resolution for Mad Dog Central, Inc., DBA the Franklin Grill at 32760 Franklin Road.

Council noted that applicant had not completed all of the requirements for site plan approval for the Liquor License.

#2003-97 Motion by Sosin, supported by Coyer to Approve above all others the Amendment to the Liquor Control Commission Resolution for Mad Dog Central, Inc., DBA the Franklin Grill at 32760 Franklin Road with a Side Letter Indicating Requirements for Completion of Site Plan Approval.

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

Nays: None

Absent: Gallasch

Motion carried.

X. NEW BUSINESS

A. Consider Referral to Planning Commission of the Re-zoning of properties in the R-1 District, immediately south of Fourteen Mile Road, East of the Cressbrook development and north of River Drive.

#2003-98 Motion by Coyer, supported by Saltzman, to Approve Referral of the Proposed Re-Zoning of properties in the R-1 District, immediately south of Fourteen Mile Road, East of the Cressbrook development, West of Chatham and north of River Drive to the Planning Commission.

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

**B. Consider Planning Commission recommendation for the Lot
Combination Application for the Property located at 30810 Franklin.**

**#2003-99 Motion by Sosin, supported by Saltzman, to Approve the Lot
Combination Application for the Property located at 30810 Franklin.**

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

**C. Consider Planning Commission recommendation for the Lot Split
application for the Property located at 30300 Woodside.**

**#2003-100 Motion by Sosin, supported by Saltzman, to Table the Lot Split
Application for the Property Located at 30300 Woodside Until the Next
Regular Council Meeting to Allow Applicant Time to Obtain letters of
approval from the mortgage company and copy of the deed restrictions for
the subdivision.**

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

**D. Consider Historic District Commission recommendation for the
Application for Demolition for the Property located at 32539 Woodcreek
Ct., Lot 10, known as the Carriage House at Cressbrook.**

Council gave a review of the previous decisions on the property. Doug Smith, a representative from Robertson Brothers, stated that the current building was found unsafe and the builders wanted to rebuild the existing building with new materials. Council noted that the Historic Commission had given their approval of a demolition.

**#2003-101 Motion by Coyer, supported by McElroy, to Approve the
Application for Demolition for the Property located at 32539 Woodcreek Ct.,
Lot 10, known as the Carriage House at Cressbrook.**

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

Nays: None
Absent: Gallasch
Motion carried.

E. Consider reapplication for Demolition for the Property located at 32975 Romsey.

The owner of the Property, Kristi Bluestone, had already received a demolition permit for the property, but the permit had expired, so Ms. Bluestone was reapplying.

#2003-102 Motion by Sosin, supported by Harnisch, to Approve the Demolition for the Property located at 32975 Romsey, subject to a \$5,000 cash or surety bond and subject to the requirements set forth by the building official.

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

1. Consider Proposed Lot Split at 32975 Romsey.

Gordon McAlpine, of 32750 Romsey, inquired about the importance of the split at that time, why not wait until the Planning Commission could make a decision? Mr. McAlpine expressed concern for the lot split, because he is aware of problems with construction on that property, due to wetland conditions.

Kristi Bluestone, the owner of 32975 Romsey, asked how completion of demolition would be tantamount to approving the lot split. Council stated that the entire demolition process had to be completed before the lot split could occur.

#2003-103 Motion by Sosin, supported by Coyer, to table the Consideration of the Proposed Lot Split at 32975 Romsey, until the Demolition on that Property had been Completed.

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

F. Consider Metro Act Permit Application by Michigan Bell Telephone dba SBC.

#2003-104 Motion by Sosin, supported by McElroy, to Approve the Resolution Approving with Conditions the MPSC METRO ACT SAFE

HARBOR TELECOMMUNICATIONS RIGHT-OF-WAY UNILATERAL PERMIT FILED BY MICHIGAN BELL TELEPHONE, d.b.a. SBC:

WHEREAS, the State of Michigan recently enacted the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, Act No. 48 of the Public Acts of 2002 (the "Act"); and

WHEREAS, the Act, among other things, provides for a uniform permit and permit fee for access to and use of the public rights-of-way by telecommunications providers; and

WHEREAS, the Act further provides, among other things, for the Village to approve or deny access to the rights-or-way within 45 days of receiving the Safe Harbor Application from a telecommunications provider; and

WHEREAS, the Village, on October 29, 2003 received an Application for Access to and Ongoing Use of Public Ways by Telecommunications Providers under Metropolitan Extension Telecommunications Rights-Of-Way oversights Act and a Safe Harbor Unilateral Permit, both pursuant to the Act; and

WHEREAS, the Village has complied with the requirements of the Act by approving or denying this Application and Safe Harbor Unilateral Permit on the 40th day from the date it was received;

NOW, THEREFORE, it is hereby

RESOLVED, that the Village of Franklin hereby determines that the METRO Act Safe Harbor Application and Unilateral Permit filed by Michigan Bell Telephone d.b.a. SBC are deficient, inaccurate and incomplete; and

FURTHER RESOLVED, that the Village is required to take some form of action within 45 days from the date the application is received from a provider; and

FURTHER RESOLVED, that the Village recognizes that SBC is in a unique position as their facilities have already been installed and that they are an incumbent provider who has done business in the State of Michigan and the Village of Franklin for decades; and

FURTHER RESOLVED, that the deficiencies and inaccuracies contained in the Safe Harbor Application and Safe Harbor Unilateral Permit are matters that can be rectified by SBC through clerical means, and that the inaccuracies and deficiencies are not serious enough to reasonably deny the issuance of the Unilateral Safe Harbor Permit that SBC has applied for; and

FURTHER RESOLVED, that the Michigan Public Service Commission METRO ACT Compliant Unilateral Safe Harbor Telecommunications Right-of-Way Permit between the Village of Franklin and Michigan Bell Telephone d.b.a. SBC is approved with the condition that the deficiencies identified in the December 4, 2003 letter from the Village Attorney regarding the application and permit are to be rectified by SBC within a reasonable period of time, in accordance with the provisions of the Act and any action, opinions and orders filed by the Michigan Public Service Commission or the METRO Authority; and

FURTHER RESOLVED, the Village Administrator and Village Clerk are hereby authorized and directed to sign the Permit on behalf of the Village.

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

Nays: None

Absent: Gallasch

Motion carried.

G. Consider Landfill Permit Application for the property located at 31425 Nottingham.

Sean Gardella, of Gardella Development, was present to answer questions from Council, and Bill Dinnan addressed issues too. The Village Engineers, Hubbell Roth and Clerk, did a study of the site and said that the land filling actually improved water flow and drainage and did not harm any trees. Mr. Gardella stated that some trees would be removed, but approval for tree removal was pending.

#2003-105 Motion by McElroy, supported by Sosin, to Approve the Landfill Permit Application for the property located at 31425 Nottingham.

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

Nays: None

Absent: Gallasch

Motion carried.

H. Consider Meeting Calendar Dates for January 2004 through December 2004.

#2003-106 Motion by McElroy, supported by Harnisch, to Approve the Meeting Calendar Dates for January 2004 through December 2004 as presented.

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

Nays: None

Absent: Gallasch
Motion carried.

Mike Seltzer spoke about starting the beautification process, and looking into Village of Franklin Signage. Seltzer stated that the FCA would pay for the signs, and showed the Council what the signs would look like. Locations for the signs would be at the four key entry points of Franklin: Thirteen Mile east of Inkster, Thirteen Mile west of Telegraph, Franklin north of Northwestern and Franklin at Fourteen Mile. The finished signs were five weeks out, pending objections. County Road Commission needed to give approval, and may require the Village to get approval.

XI. ADJOURNMENT

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

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

Nays: None

Absent: Gallasch

Motion carried.

There being no further business, the meeting adjourned at 9:45 p.m.

Respectfully submitted,

John C. Pulker
Recording Secretary

Eileen Pulker
Village Clerk

James Pikulas
Village Council President