

**PROCEEDINGS OF VILLAGE OF FRANKLIN
VILLAGE COUNCIL REGULAR MEETING
MONDAY, March 15, 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 Pikulas at 8:11 pm at the Franklin Village Hall, Franklin, Michigan.

II. ROLL CALL

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

Absent: Fred Gallasch (excused)

Also Present: Eileen Pulker, Village Clerk
John Staran, Village Attorney, Beier Howlett
Jon Stoppels, Village Administrator
Dominick Schiano, Treasurer
Edward Glomb, Police Chief
Tony Averbuch, Fire Chief
Dave Nicholson, Planning Consultant, McKenna Associates

III. ADOPTION OF AGENDA

The Council moved item IX C up to item IX A, and to move item VIII to the end of the agenda, just before the adjournment.

Motion by Sosin, supported by Saltzman, to Approve the Agenda as Amended.

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

Nays: None

Absent: Gallasch

Motion carried.

IV. MINUTES:

A. Regular Meeting of February 9, 2004

Motion by Saltzman, supported by McElroy, to Approve the Minutes for the Regular Meeting of February 9, 2004 as presented.

Ayes: McElroy, Sosin, Pikulas, Saltzman, Coyer

Nays: None

Abstain: Harnisch

Absent: Gallasch

Motion carried.

V. REPORTS OF VILLAGE OFFICERS AND AGENTS

Chief Glomb reported on recent robberies in West Bloomfield and Sylvan Lake, and wants the residents of the Village to be aware of these criminals. Glomb stressed that the residents cannot allow strangers to enter their homes no matter how sincere they may seem. The perpetrators of the recent robberies targeted elderly people, and restrained the people in their own homes while ransacking the houses for valuables. The suspects are now in custody. Glomb strongly recommended that residents install a panic button into their alarm systems near the front door, and also emphasized the importance of turning on alarm systems any time residents leave their homes.

Treasurer Schiano gave his approval of the items on the bills list, consistent with the approved amended budget. A large number of building bonds are returned on the bills list and there is a note in the file to that issue. Schiano concluded his report by expressing his appreciation of Pikulas and Saltzman. Schiano thanked Pikulas for inviting him to serve as Treasurer and stated that Pikulas' leadership set a good example. Schiano commended Saltzman's selfless service to the Village over many years and noted that she will be missed. Pikulas thanked Treasurer Schiano for his service to the Village.

The Fire Chief was not present to make his report due to a conflict with the Franklin Bingham Fire Board meeting in session at the same time.

VI. SUBMISSION OF CURRENT BILLS

Motion by McElroy, supported by Coyer, to Approve the Bills List as Presented.

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

Nays: None

Absent: Gallasch

Motion carried.

VII. PUBLIC REQUESTS AND COMMENTS

Pikulas opened the public comments, stating that comments in reference to an Agenda item should be held for that item presentation during the proceedings.

Whit Jones, 26765 Captains Lane, a resident of Franklin for 45 years, 11 of those on Council, 4 and 1/2 years as President, so he knows what it is to face the challenges that the Village government deals with on a day to day basis. Jones stated that because of that, with Pikulas and Saltzman retiring from the Council this night, he gave them his personal thanks for their many years of wonderful years of service in getting things resolved on Council. Jones noted that Pikulas and Saltzman (as well as their colleagues) have tackled some very difficult issues, resolved differences, came up with solutions which have been fair and effective and have done the entire

community a lot of good, and again extended his personal thanks for all that they have done for Franklin.

Connie Ettinger, 25600 River Drive expressed concerns about comments made about the Cell Tower Study Committee of which she is a member, in public, in articles in newspapers and in letters to the editors of newspapers. Ettinger stated that she needed to clear up misconceptions about that committee. The first item suggested by Mark Jahnke and Bonnie Cook in the articles and letters is that the committee is violating the Open Meetings Act. The Village attorney has advised that the committee is not violating the act, and Ettinger, who is an attorney, has also independently researched the issue and made her own determination that the committee is not violating the act. Ettinger also stated her research had found that the committee does not fit the definition of a public body and secondly that the committee meetings are not within the definition of meeting as defined in the Open Meetings Act, and cited the Attorney General's opinion that is directly on point and which says this type of committee is not covered by the act. Ettinger continued stating that she resents the implication that the committee is engaging in anything unethical or illegal and that in the future, if such libelous comments are going to be published she wishes that whoever publishes them would have the decency to consult her or an attorney, because this is demeaning and insulting and she believes it falls within the libelous category. The Committee has not broken any laws and if anyone wished to publish opinions on the subject that they would consult either herself or the other members of the Committee.

Ettinger continued by citing another comment about how the Committee does not accept outside comments and opinions. Ettinger referred to the February 18, 2004 issue of the Eagle where Bonnie Cook was quoted as saying, "I have a list of eleven technical experts nationwide on cell towers. They would help, but they (Village Council) will not ask. I am being excluded." Ettinger responded by saying that was not true. First, on January 26, 2004 there was a Cell Tower Advisory Committee Town Meeting, on Cell Tower Siting alternatives, which asked for Villagers to provide information to committee members in oral or written comments. Ettinger also then cited several occasions where she personally invited Jahnke and Cook to submit information to her, and received the following response from Jahnke via e-mail which stated, "Connie, I was pleased to hear that you had volunteered to serve on this committee. Bonnie Cook and others have done a remarkable amount of research on this issue. If you would like any access to any of this data, please let me know." Ettinger continued stating that her response was that she indicated she had been glad to hear from him, and that she would appreciate seeing any material that he might have, including, "Shopping the marketplace of ideas sounds like a good place to start Let me know how I could get a copy of what you have, so when I begin to educate myself, I have as much information as possible." Ettinger continued by stating that not only did she not receive the information she requested in a timely manner, but of the eleven listed consultants, five had disconnected phone lines. Ettinger requested that residents bring information forward to the Committee and if there are any comments to be made that they be made directly to the Committee.

The Council thanked Connie Ettinger and the rest of the Cell Tower Study Committee for their hard work and dedication. Saltzman expressed her annoyance that the newspapers haven't attempted to find out if the accusations are true or false, which enables people to continue to attack with falsehoods, which is not good journalism, and Saltzman spoke as someone with experience in journalism many years ago. Harnisch continued these comments, saying that he appreciated everyone on the committee and the excellent and time consuming work being done, and the countless hours of citizen participation contributed because of dedication to our Village. Harnisch further stated that the misinformation needs to stop, whether it is deliberate or merely mistaken, because it is hurting the efforts of the Committee, who have spent hundreds of hours working on the project to date. Harnisch concluded stating that he hoped the cell enhancement issue would be resolved without any more meritless accusations, which border on demagoguery.

Rick Koslowski, 26480 Woodlore, thanked Pikulas and Saltzman for their years of service, their hard work and dedication to the Village. Koslowski stated that he has been a resident of this Village for about 20 years, (by some standards, the new kid on the block and by others he has been around a while). Nevertheless, in these 20 years, he has observed that under Pikulas' leadership, many good and positive changes have occurred in the Village, to improve all our lives. To Mrs. Saltzman, having served with her on the Board and in many other activities around the Village, and as well as being a part of this Village Council, Koslowski expressed his belief that she was a catalyst to these many good, positive changes. Koslowski stated that he came this evening to express heartfelt thanks and let each of them know how much he appreciates what they have done.

Pikulas thanked Ettinger and Koslowski and stated that he would comment further on some of what was discussed.

Pikulas, noting that Chief Averbuch had arrived, invited him to make his report at this time.

Chief Averbuch referred Council to his previously submitted, written report. Averbuch thanked Pikulas and Saltzman for their hard work in the Village, both on behalf of himself and the Franklin Bingham Fire Department.

Saltzman referred the Fire Chief to an article she had recently forwarded to him from the New York Times about Volunteer Fire Departments. The people in the New York suburbs, people stated that it wasn't enough being a boring CPA, and that they preferred to also be a Volunteer Fireman. Averbuch responded that he also has an accounting degree and feels that would be boring work. Pikulas stated on his behalf as well as Saltzman, that the Village is lucky to have an outstanding Police Department and an outstanding Fire Department, all volunteers, which come out in the middle of the night, and respond quickly. These two organizations are the essence

of our Village, and we are a volunteer Village in many ways. Pikulas thanked both Averbuch and Chief Glomb for leading these excellent organizations.

VIII. PROCLAMATION/RESOLUTION/ORDINANCES

A. Consider Resolution for the Lot Split Application for the property at 30300 Woodside.

Saltzman stated that she was against lot splits in general, because they create density, and destroy the life and style of the Village. Staran explained the legal points involved with the motion, specifically that State Law overrides the ordinances of the Village, and the Village is required to approve the split because it meets with the criteria of the Zoning Ordinances. Greg Hanley, 30155 Woodside, a neighbor and the attorney involved in a lawsuit to enforce the deed restrictions on the property, commented that Council and Village Attorney has assessed the situation correctly and are dealing with the situation appropriately. Hanley gave praise to the Council for their efforts. The Council expressed the importance of deed restrictions and how important Community Associations are. Coyer asked about the risk the Council would face if they were to vote against the motion. Staran stated that under the 1997 State Law the Council does not have the authority to deny the split. John Simon, 30203 Woodside, asked about how the language of the motion will show the Council's concerns about the final motion. Council expressed that the resolution would make the case clear.

#2004-12 Motion by Sosin, supported by Coyer, to Approve the Lot Split Application for the Property at 30300 Woodside as follows:

WHEREAS, a complete application to divide Lot 41, Winwood Hills Estates Subdivision No. 1, more commonly known as 30300 Woodside, has been filed with the Village; and

WHEREAS, the Franklin Village Planning Commission reviewed and considered the land division application and forwarded a recommendation of approval to the Franklin Village Council; and

WHEREAS, the Village Council determines the applicant has satisfied the technical requirements for approval under the Michigan Land Division Act and the Village's land division ordinance.

THEREFORE, IT IS RESOLVED that the Village Council approves the land division.

IT IS FURTHER RESOLVED that the Village Council's approval of the land division is neither intended, nor shall it be construed as an assurance that either resulting parcel is buildable or that any proposed or

particular improvement or development of the resulting parcel(s) will comply with building, zoning, wetland or other applicable land development or environmental regulations, as may be amended. To provide constructive notice of this disclaimer to any current or successor owner/occupant, the applicant shall record a copy of this Resolution at the Oakland County Register of Deeds. This land division approval shall not be considered effective until satisfactory proof of recording is filed with the Village Clerk.

IT IS FURTHER RESOLVED that by approving the land division pursuant to the Michigan Land Division Act and Village ordinance, the Village in no way intends to affect or prejudice any private rights or burdens of the applicant or any lot owners in the same subdivision under any applicable building and use restrictions.

Ayes: McElroy, Sosin, Pikulas, Coyer, Harnisch

Nays: Saltzman

Absent: Gallasch

Motion carried.

B. Consider Resolution for President James Pikulas in Appreciation of his Public Service to the Village of Franklin.

C. Consider Resolution for Councilman Florence F."Jo" Saltzman in Appreciation of her Public Service to the Village of Franklin.

Sosin stated that these two people have not only been important in the Village of Franklin and in Village government, but to him personally and he wishes to speak about some of his own feelings. Jo Saltzman and he go back a long way. Back in the 1960's he and Jo worked together on the Franklin School PTA. Back then as well as now she was a dynamo, working always for the Village and for the school. Jo was largely responsible for acquiring their own school bus for the Franklin School that took children around when the Board of Education did not provide transportation for students to the school. Sosin further stated that he hoped that Jo would continue to be his mentor and role model, because after she was President of the PTA, he became President of the PTA and when she was on the Board of Education, largely through her recommendation, he was appointed to the Board of Education.

Sosin stated that he and Jim Pikulas had only met 7 years ago for the first time when Sosin came onto the Council. However, they found they had attended the same High School and knew many of the same people, shared many values, shared a love of the Village of Franklin and a desire to work towards it's betterment. Sosin stated that he knew Pikulas would say that the Council as a whole has accomplished a great deal in 10 years. Sosin stated that, as the leading force behind this Council, Pikulas deserves much of the credit. Sosin noted that Pikulas was responsible for the collegial spirit that has existed on this Council that is so important.

Coyer stated that those in the audience have the privilege of standing before them, if he had thought it was appropriate he would have chosen to stand in front of Jim and Jo also. Coyer spoke his admiration of both Jim and Jo, and couldn't say anymore than has already been said by Sosin. Coyer stated that he considered them both mentors, and thanked Jim for his help and continuing education in the art of local politics. It is the art of making things happen in the community and it is not easy, particularly under the circumstances faced when Jim first came to office. Coyer stated he is thankful that both Jim and Jo have served on this Council. Coyer further stated that this has been a time of peace and a time of progress, and a time of preservation which we have made better those things that we value in Franklin. It has been a time of intellect, good memories, and history that has been brought to our attention with the outmost skill of people who are able to apply what they have learned over many years of their own experience. Jo and Jim have set a standard that he cannot dream of attaining in terms of volunteering and active participation. Coyer concluded stating that in his life, himself and his family, have been made better by the fact that both Jo and Jim have been his friends and members of this Council for the last ten years.

Harnisch stated that in addition to what other Council members said, in which he concurs wholeheartedly, it has been a pleasure and a privilege to serve on Council with both Jim and Jo for the last four years. They have demonstrated the leadership, progress, and collegiality which is so very important and which is sometimes lacking in other municipal governments. Harnisch concluded stating that he is sorry that neither one will be on Council, but is grateful that both will continue to be involved in community affairs and he appreciates the opportunity to have served on Council with both.

Jim Stevens, 25700 Meadowdale, stated that he wished to make comments in support of the motion and urge Council to vote in favor of this motion, not being too concerned that there was much doubt in that. Stevens stated he wanted to take the opportunity to thank both Jo and Jim. Stevens spoke to Jo that it had been his pleasure to work with her. Not having the years of history, but having heard over the years of all of the involvement she has done for Franklin and the greater community at large, he appreciates her efforts, and believes all of that does not go unnoticed or unfelt. The community is better off for their contribution and thanked Jim and Jo for that. Stevens continued that it has been his privilege to work with Pikulas all these years as well. The collegiality that has been mentioned, is something that he is pleased others had noted. This has been a very collaborative group, and a collaborative approach to everything that has been done has served the Village well. The Council tends to not hear from Residents when things are going well. There is not enough appreciation for the work that the Council does and the difficult decisions that need to be made from time to time. There are not enough people to come up and say thank you when thank you is due. Stevens concluded that with Jim and Jo leaving the game, he hoped that they enjoy the view from the sidelines. Thank you again.

#2004-13 Motion by Sosin, supported by Coyer, to Approve the Resolution for President Pikulas in Appreciation of his Public Service to the Village of Franklin as follows:

WHEREAS, JAMES PIKULAS has served the Village of Franklin, Michigan since March 28, 1994 as an elected member of the Village Council and since March 23, 1998 as Village President until his retirement on March 22, 2004;

WHEREAS, JAMES PIKULAS, has resided in the Village of Franklin, Michigan, for thirty three (33) years and has served as the Franklin Cemetery Association President;

WHEREAS, JAMES PIKULAS graduated from Wayne State University in 1956;

WHEREAS, JAMES PIKULAS had been employed by Chrysler Corporation for thirty two (32) years, performing many duties including Personnel, Labor Relations, and as the Director of Administrative Services at the time of his retirement in 1989;

WHEREAS, as a Council member, JAMES PIKULAS has demonstrated strong leadership and communication skills through his appointment as a member of the Legal Liaison Committee, as a member of the Personnel Committee, and Road Administrator;

And

WHEREAS, as a Council Member and Village President for the Village of Franklin, JAMES PIKULAS has exercised unfailing good humor, perseverance and sound judgment in attending to official duties.

NOW, THEREFORE, BE IT RESOLVED, on this 15th day of March 2004, that the Village Council of Franklin desires to express their appreciation for such dedicated public service by JAMES PIKULAS and to thank him for his legacy of constructive involvement which has made such a profound and positive impact upon the Village of Franklin. JAMES PIKULAS is to be commended for his dedication and skill at performing the duties required of each organization he has served.

BE IT FURTHER RESOLVED that a copy of this resolution and expression of civic appreciation be presented to JAMES PIKULAS on behalf of the undersigned.

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

Nays: None

Absent: Gallasch
Motion carried.

And:

#2004-14 Motion by Sosin, supported by Coyer, to Approve the Resolution for Councilman Florence “Jo” Saltzman in Appreciation of her Public Service to the Village of Franklin as follows:

In Appreciation of her Public Service to the Village of Franklin

WHEREAS, FLORENCE SALTZMAN has served the Village of Franklin, Michigan, since March 28, 1994 as an elected member of the Village Council until her retirement on March 22, 2004;

WHEREAS, FLORENCE SALTZMAN has resided in the Village of Franklin, Michigan, for 42 years and has served as treasurer of her neighborhood association, Winwood Hills Homeowners Association;

WHEREAS, FLORENCE SALTZMAN graduated with an undergraduate degree and graduate school from Syracuse University in the 1943; and a Doctor of Humanities from Saginaw Valley State University

WHEREAS, FLORENCE SALTZMAN has been a board member of the League of Women Voters; Franklin Village School Parent Teacher Association; and has been elected President of the Birmingham Board of Education (1970-1974), and Treasurer, Michigan Association of Governing Boards;

WHEREAS, the surrounding communities have benefited from the work of FLORENCE SALTZMAN as Chairman, Board of Control, and Saginaw Valley State University Trustee from 1977 to 1990, Republican Party positions on several committees and as precinct delegate;

WHEREAS, as a Council member, FLORENCE SALTZMAN has demonstrated strong leadership and communication skills through her appointment as Council Liaison for the Personnel Committee, Police Facility Landscape Committee Chairman and President Pro Tem; and

WHEREAS, as a Council Member for the Village of Franklin, FLORENCE SALTZMAN has exercised dedicated and sound judgement in attending to official duties.

NOW, THEREFORE, BE IT RESOLVED, on this 15th day of March 2004, that the Village Council of Franklin desires to express their appreciation for such dedicated public service by FLORENCE SALTZMAN and to thank her for her legacy of constructive involvement which has made such a profound and positive impact upon the Village of Franklin. FLORENCE SALTZMAN is to be commended for her dedication and skill at performing the duties required of each organization she has served.

BE IT FURTHER RESOLVED that a copy of this resolution and expression of civic appreciation be presented to FLORENCE SALTZMAN on behalf of the undersigned.

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

IX. NEW BUSINESS

A. Consider Franklin Community Association Application for Village Signs.

Mike Seltzer, Franklin Community Association addressed the Council, stating that he had approval from the Oakland County Road Commission and had reviewed plans with the Village Building Official, and Seltzer stated that the signs will be installed in cement and should be protected from theft. When asked, Seltzer commented that sign placements are being discussed, with six signs currently planned and two additional signs to be ordered. Seltzer stated that signs would be placed at key locations and was urged by Council to mark the southern boundaries of the Village along Inkster Road and Franklin Road. Mary Hepler, 30575 Rosemond, stated that she felt that the new sign on 13 Mile Road should be moved down to the Village boundary, farther south down Franklin Road at the Village limit. Council expressed to the residents that they should help support the Franklin Community Association and pay their FCA dues.

#2004-15 Motion by Sosin, supported by Coyer, to Approve the Application by the Franklin Community Association for Village Signs.

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

B. Consider Referral of Re-Zoning to Planning Commission for Public Hearing and recommendation.

Nicholson made comments about the proposed zoning plan, and showed the Council the proposed Zoning changes and a map summarizing the potential changes. Nicholson further stated that the Planning Commission is looking at explore changing the zoning in the areas on the eastern border of the Village currently zoned R-2 modify them to R-1 and to examine changing R-1 districts to a new designation R-1A. The Planning Commission requires the referral from Council to schedule the necessary public hearing. Jim Stevens, Chairman of Planning Commission, made additional comments noting that the goal of the Planning Commission is to follow the Master Plan, to maintain the rural-like atmosphere, and not overdevelop neighborhoods by permitting the lot sizes to comply with new Zoning area requirements.

#2004-16 Motion by Coyer, supported by Harnisch, to Refer the Re-Zoning Plan to the Planning Commission for a Public Hearing and Recommendation.

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

Nays: None

Absent: Gallasch

Motion carried.

C. Consider Demolition Application for the property at 30525 Rosemond Drive.

Mary Hepler stated that the building was deteriorating, and she was looking forward to the demolition of the house. Hepler expressed concern about the island on the street, asking for an additional bond to protect the island. Hepler noted that there was no direct reference to the shed on the property and asked whether or not that structure would be removed. The Council stated, and this was confirmed by the property owner who was present, Roberto Leao, that the application was for all structures on the property. Hepler then requested that the application for the demolition reflect the intention to remove all structures and that the current grade should be maintained, regardless of any temporary fill dirt necessary for safety.

#2004-17 Motion by Sosin, supported by McElroy, to Approve the Application for Demolition for the Property at 30525 Rosemond Drive, with a \$5000 Cash or Surety Bond, and to comply with all requirements of the Building Official.

Motion by Sosin, supported by McElroy, to amend the motion to read as follows: to Approve the Application for Demolition for the Property at 30525 Rosemond Drive, with the recommendation that all structures be removed and to include a \$7500 Cash Bond or Surety Bond to cover liability for both the property and the island on the street, and to comply with all requirements of the Building Official.

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

Nays: None

Absent: Gallasch

Motion carried.

D. Consider Cell Tower Advisory Committee Recommendation for Technology Consultant.

Pikulas commented that the Cell Tower Advisory Committee had worked hard to review the requirements needed for a consultant. Coyer, as chair of the committee, reported that the committee had interviewed two consultants that had responded to the RFP and recommended that Kreines & Kreines be appointed. Coyer indicated that the resolution provided to the Council this evening required modifications, which he stated and are included in the resolution. Coyer further explained the need for the consultant in helping with negotiations with individual cell phone carriers, and help the committee understand

the merits of the various proposals received and asked for the Council's support. Coyer also commented on remarks having been published in the newspaper and to amplify those comments stated by Ms. Ettinger previously regarding the Open Meetings Act; stating that anyone accusing members of this committee of any violations of the law in respect to this are doing so ill advisedly or is deliberately trying to undermine the work of this group.

#2004-18 Motion by Coyer, supported by Harnisch, to Approve the Cell Tower Advisory Committee Recommendation for a Technology Consultant as amended:

WHEREAS, the Village Council ratified creation of a Cell Tower Advisory Committee (“Committee”), which Committee consists of eight representatives of the Village Council, Planning Commission, Historic District Commission, and concerned citizens;

WHEREAS, the task of the Committee is to advise and recommend to Council alternatives for effective wireless telecommunications in the Village, including consideration of a cell-tower on Village-owned property as proposed by Sprint Communications;

WHEREAS, the Committee has met frequently, including one public meeting, to request, receive and consider expert communications and opinions on several appropriate alternative wireless technologies from wireless telecommunications experts and members of the Village community;

WHEREAS, the Committee requires the assistance from a consultant to review appropriate alternative wireless technologies, to evaluate such alternatives, to assist in Village workshops on alternative wireless technologies, and to assist the Committee in reporting on such alternatives to the Council;

WHEREAS, the Committee has reviewed applications from several consulting firms who responded to two requests for proposals (“RFP”) and, following the RFPs, has interviewed two such consulting firms, including Kreines & Kreines, Inc.;

**58 Paseo Mirasol, Tiburon, CA 94920
Phone: (415) 435-9214
Fax: (415) 435-1522
e-mail: mail@planwireless.com)”Kreines & Kreines”);
and,**

WHEREAS, the Committee recommends that the Council authorize the retention of Kreines & Kreines to assist the Committee and Council in reviewing appropriate alternative wireless technologies, to evaluate such alternatives, to assist in Village workshops on alternative wireless technologies, and to

assist the Committee in reporting and recommending from among such alternatives to the Council.

BE IT RESOLVED, Council authorizes the engagement of Kreines & Kreines to assist the Committee, for an initial sum not to exceed \$3000, the terms of a contract subject to review by the Village legal counsel and the Village Administrator; and,

BE IT FURTHER RESOLVED, that the Committee's time for submitting a report and recommendation be extended from April 1, 2004 to June 1, 2004.

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

Pikulas stated that letters to the editor of the local newspaper have been published containing inaccurate information and leaving a false impression of the Village's process and efforts relative to the proposal to locate a wireless telecommunications facility (i.e., a cell tower) in the Village.

1. The Village Council already entered into a lease agreement with Sprint for a proposed cell tower before site plan review by the Planning Commission.

Response: To suggest the Village Council bypassed the Planning Commission or the site plan review process is false. Federal law does not allow the Village to totally exclude wireless telecommunication facilities; but Village ordinance does severely restrict where they may be located in the Village. New cell towers or monopoles are, essentially, limited to placement on Village property or public right's-of-way. Because the Sprint monopole is proposed for placement on Village-owned property south of the police station, it was necessary for Sprint to receive permission from the Village before Sprint had any right to proceed with its proposal before the Planning Commission or elsewhere.

Sprint did, after numerous meetings with Village personnel and consultants and a number of discussions at Village Council meetings, enter into a lease agreement w/ the Village, in March 2003. The lease expressly provides that the lease is contingent upon Sprint obtaining all necessary approvals from the Village, "including, but not limited to site plan and historic district commission approvals." The lease further requires Sprint to comply with all other applicable federal, state and local rules and regulations. Sprint has applied to the Village for site plan and special use approval, and their application is still pending.

2. The Village did not send the site plan to the Historic District Commission.

Response: Again, such an accusation is misleading and reflects a misunderstanding of the review process. Sprint's application for site plan approval remains pending and has not been approved or denied. The original proposed location for the cell tower was on the hill, south of the police station in the historic district. A revised proposal would move it north, off of the hill, out of the trees and closer to the police station, outside of the historic district. This location outside of the historic district means Historic District Commission approval is not required under state law or Village ordinance. However, under federal law, Sprint is still required to submit an environmental impact statement for review (called "section 106" review) by the State Historic Preservation Office ("SHPO") addressing any adverse effect the proposed monopole may have on the adjacent historic district. Because SHPO has determined the facility may have an adverse impact, SHPO will require further information, review and approval, including input from the Village's Historic District Commission. It should also be noted that the recently formed cell tower study committee established by the Village President and Village Council to review the proposed cell tower location and alternatives includes 2 members from the Village's Historic District Commission.

3. The Village Council voted to change the allowable height of the tower from 75 feet to 135 feet.

Response: Discussion about the advisability of affording flexibility in the allowable height for cell towers in order to promote co-location, minimize the propagation of cell towers and to assure that wireless telecommunication facilities will function effectively and provide broad coverage in the Village occurred over many months and many meetings, and the ordinance (at that time proposed) to allow the Village Council to approve additional height for wireless facilities was the subject of a public hearing held, last year, by the planning commission. No final decision concerning the height of the proposed facility have been made yet because, again, Sprint's applications for site plan and special land use approval are still pending. For the record, the ordinance allows a greater height up to 135' only if the Council determines the increased height is necessary or appropriate based on the following considerations

- A. Effects of topography, terrain and nearby tree canopy on transmission or reception ability;
- B. Construction & design of facilities in regard to safety regulations and fall zone requirements;
- C. Visual impact on surrounding properties and existing or proposed screening and buffering; and
- D. Minimization of need or demand for additional facilities due to increased co-location ability.

4. The Village continues to allow the cell tower study committee to meet behind closed doors.

Response: The innuendo of such a statement is that the Village is breaking the law. Yet, advisory and study committees are commonplace in municipal government. The attorney general and Michigan courts have long upheld the non-applicability of the Open Meetings Act to advisory, fact-finding committees, and the Village attorney has affirmed this. The committee, when it has completed its work, will report its findings to the Village Council, and the Village Council's discussions and deliberations relative to the committee's report will be conducted in open meetings. Moreover, the committee has conducted at least 1 open meeting and intends to have more.

5. The cell tower would already be built, but for the efforts of a small group of Franklin residents who kept vigilant in their opposition to the proposed location.

Response: In addition to being inaccurate, such political statements are very counter-productive. The documentable facts are that the concept of constructing a cell tower in Franklin at or near the proposed location dates back to at least early 2001 and has been the subject of (over a dozen???) public meetings in the interim. The "small group" who are now claiming credit for bringing attention to issues that the Village Council has been mindful of and dealing with for over 3 years, chose not until election time neared to get involved. Their constructive involvement and input would have been helpful and still is appreciated as the Village and residents alike are searching for the best solution for the Village concerning the cell tower. Unfair political rhetoric and misrepresentations of the facts and circumstances, unfortunately, are divisive at a time when the focus should be on working for the common welfare of the Village on this important issue.

Also, again, the cell tower has not (and had not at the time the petitions were submitted) received site plan or special land use approval or SHPO approval, all of which are prerequisite to constructing the cell tower.

E. Consider Franklin Community Church request to display signs throughout the Village for the Spring Rummage Sale of April 2 & 3, 2004.

#2004-19 Motion by Sosin, supported by McElroy, to Approve the Franklin Community Church request to display signs throughout the Village for the Spring Rummage Sale of April 2 & 3, 2004.

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

F. Consider Sealed Proposals for Police Vehicle Lease bid.

#2004-20 Motion by Harnisch, supported by Sosin to Award the Police Vehicle Lease Bid to Snethcamp for a 2004 Jeep Grand Cherokee for a 39 Month Lease at \$306.60 per Month and a 15,000 Mile Yearly Allowance.

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

G. Consider Appointments to Planning Commission.

#2004-21 Motion by Saltzman supported by McElroy to appoint Pam Hansen to fill the vacancy on the Planning Commission the term of which will end in July 2006.

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

#2004-22 Motion by Saltzman supported by McElroy to appoint Joe Roisman to fill the vacancy on the Planning Commission the term of which will end in July 2005.

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

Saltzman noted that other vacancies on other commissions are coming up, and that whomever would replace her needs to deal with these vacancies in a timely manner.

Clerk directed to contact the appointees.

X. SPECIAL REPORTS:

A. Verbal Report, James Pikulas, Council President

Pikulas commented that he had a few remarks. One of the things that he stated being particularly proud of is what the whole Council has accomplished.

Pikulas listed the accomplishments of the Council during the last few years and made recommendations of what the Council should do now and in the future.

A grand legend of approval of accomplishments for this Council, and this group should be proud of these accomplishments. There were some comments about the Master Plan made recently which he did not go into. Pikulas stated he would enumerate for the record, the list of accomplishments of this Council since the Master Plan was approved in 1997, as listed in a document prepared by the Village's Senior Principal Planner, Dave Nicholson, of McKenna Associates, Inc.:

- Develop guidelines to protect the rural character of the Village. The Council and Planning Commission worked toward this end by adopting a Tree Protection Ordinance, as well as many other various efforts.
- We provided Zoning Ordinance updates and the Planning Commission has been working on several Ordinance updates over the last few years, which is the right thing to do for preserving this community.
- We adopted mechanisms to hire a Village Administrator, and unanimously in proposing and approving the hiring of an administrator.
- Built adequate space for Village Police and Administrative staff.
- Council continues to utilize citizen committees.
- Preserve and promote historic character of the Village. Various efforts have been made to this end. Those include: establishing the separate, freestanding Historic Preservation Ordinance; work with the Franklin Historic Society for acquisition of property for museum use; carefully protecting the area west and south of Cressbrook Condominium to assure there is no adverse impact on the Historic District; protecting and preserving historic structures existing within the Cressbrook Condominium; and requiring developers to use native materials for landscape plans. The Planning Commission continues to work toward accomplishing additional goals and objectives of the Village Center. In fact, that topic is a continuing item on the Planning Commission agendas.
- Develop and maintain a tree management program.
- Maintain the integrity of the periphery of the Village so as to prevent intrusion or encroachment of intense development.
- Encourage the regulation of traffic and parking within the Village in order to improve safety conditions and reduce congestion, by slowing the speed limits and installing cross walks for pedestrian and vehicle safety.

"These responses to the changes posed by the Master Plan are evidence of the Franklin community's continuing pursuit of excellence. I know that the Village leaders will remain committed to these goals into the foreseeable future. In many communities, the Master Plan becomes an ornament that sits on a shelf and is only occasionally referenced. It is a very good sign of a healthy community to know that the Council members and Planning commissioners remain committed to accomplishing the Plan's objectives and policies."

"For your additional information, the Village should plan to update the plan soon. According to recent revision in Michigan's Municipal Planning Act, a Master Plan should be considered for update at least once every five years. I recommend that the Planning Commission undertake a systematic review of the Plan in the near future."

Pikulas requested that this document be copied and distributed to each of the villagers on the various Village commissions. Pikulas also stated that the Master Plan project completed five years ago, costing the Village \$50,000 need not be done at this time, which was an excellent job, but certainly take a good look at tuning up the Master Plan to update it.

Pikulas stated that he had never worked with a finer group of people, Fred Gallasch, Alan Harnisch, Brian Coyer, Ralph Sosin, Randy McElroy, and last but not least Jo Saltzman. Pikulas also thanked the outstanding committee chairmen: Jim Stevens of Planning, J. Hailey - Zoning Board and Walter Denison- Historic District. Pikulas added excellent support in Engineering, Legal, Planning Consultant, Village Staff, and great Village Clerk, terrific Treasurer, and Police office staff.

Saltzman promised to continue her commitment to the Police Station landscaping project, and echoed Pikulas' sentiments about working with the Council, and that this was a great board, and a remarkable group of people to have worked with.

Pikulas stressed that the strength of the Village is the volunteerism and encouraged everyone in the Village to become involved.

XI. ADJOURNMENT

Motion by Coyer, supported by Sosin, to Adjourn the Meeting.

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

Nays: None

Absent: Gallasch

Motion carried.

There being no further business, the meeting adjourned at 10:58 pm.

Respectfully submitted,

John C. Pulker
Recording Secretary

Eileen Pulker
Village Clerk

James Pikulas
Village Council President