

# Tower from page A1

gray" tower, that was dwarfed by nearby utility poles already in place.

City attorney Tom Schultz cautioned the board that the 1996 Federal Communications Act forbids using health considerations to deny a proposal. The argument, proposed by zoning board member Greg Kocak, had a perception that the towers would lower nearby property values because of health fears would likely be interpreted as "an end run" under the statute, Schultz said.

"We are forced, in addition, to use variance standards that when a city attempts to regulate wireless, it must do so in a manner that does not inhibit any particular provider," Schultz said.

He added that inhibiting the use of wireless could challenge First Amendment issues of the U.S. Constitution.

Board member Mary Avery suggested the issue be postponed pending the adoption of a new ordinance regulating cellular tower location.

But chairman Neil Swiacki said that could be up to a year, especially in light of the 3 1/2 years it has taken to develop such an ordinance.

Crane agreed, saying his company needed the tower to provide its service.

"There's no end in sight," Crane said. "We were going to wait for an ordinance, but this is critical to emergency services and customers driving through. We are over capacity."

Residents from the nearby 122-unit Echo Valley Condominiums on 12 Mile said the saw the tower as a threat to property values.

"We definitely feel high towers depreciate the value of our property," said Rita Fox.

Don Rohrbach, a neighbor of Fox, echoed her concerns and added that an approval would lead to more companies pushing for more towers.

"Let's postpone this until we have an ordinance and know what the ground rules are," he said.

Kevin Cousineau, a site developer

opment specialist with Air Touch, said there are already antenna sites at the Gateway office complex at 12 Mile and Farmington, the Mercy Center on 11 Mile, and near the Office Max at 14 and Orchard Lake roads similar to the one proposed, all under current city ordinances.

Swiacki said he was prepared to vote on this particular tower variance.

The variance would allow reduced parking at the hotel, a 40-foot height addition (to 80 feet) and closer setbacks for the rear and side yards.

But the board voted 6-1, with Swiacki opposed, to postpone the decision until February.

## Ordinance draft allows cell towers near homes

At the planning commission study session, a proposed ordinance was set for a public hearing at 7:30 p.m. on March 13.

Planning director Dale Countegon said the proposal would include 500-foot setbacks from residential areas and one-half-mile setbacks from schools, along with limiting the height to 100 feet on towers or 120 feet if companies co-located antennas on a tower.

"The real sticking point will be that antennas, under special approval, could be located on a main road in a residential area," he said.

That provision will be included in the proposed ordinance, he said, but will be subject to approval by the planning commission.

The public will have several chances for input on the proposal, beginning at the March 13 session.

Countegon said the city is concerned that any ordinance not be so attractive to cellular providers that they concentrate on Farmington Hills disproportionately.

The city currently has 14 cellular towers with another 22 proposed.

# Cable from page A1

Space."

"They have alternatives to Barney when Barney is on," said Curtis, a Farmington Hills resident. "And that's real critical to me."

"We miss the programming. The Golf Channel doesn't make it up for it."

Retired 47th District Judge Margaret Schaeffer agrees.

She enjoyed the mysteries and dramas as well as the channel's Canadian viewpoint on global issues. The Farmington Hills resident wrote a letter to the Farmington Observer protesting the loss of CICO.

"I thought it was a very good channel and equivalent to our PBS," Schaeffer said, "and in some ways, it was better."

"I wrote my letter and I heard from other people who read it. I thought, 'Oh, I'm not the only one.'"

Southwestern Oakland Cable Commission received 26 official complaints, said Caren Collins, executive director. Time Warner fielded 58 responses.

The latter number is compared to 38,000 subscribers, a Time Warner spokesman said.

"The people who are missing CICO are a very small, but a very vocal group," McCann said. "So, if over 92 percent of the people who subscribe to our service have little interest in it, our goal is to provide a channel selection with the most popular widest array of channels available. We think we've done that."

"We certainly cannot add every single to everyone's particular interest. There's not enough room to do that."

Time Warner added several channels to its expanded basic tier in December. The cable company also increased basic rates, but is offering one less basic channel.

"Their argument for raising rates was that they added channels," said Farmington Hills Mayor Aldo Vagnozzi, who also is SWOCC trustee. "That's true for the basic plus, but not with the basic service."

The Learning Channel, Bravo and History Channel should make up for the loss of educational programming with CICO's exit, McCann said.

"It's not the same quality stuff," she said.


Time Warner is not "turning a deaf ear" to customer complaints, McCann said. He sent a letter to Farmington Hills residents — including Vagnozzi — offering to discuss the issue.

SWOCC passed a motion at its Dec. 17, requesting the channel be returned. SWOCC has a say on access channels but not others.

"As a public relations move, it would be good for Time Warner to respond to our unanimous motion in one way or another," Collins said.

Short of a mass protest, though, McCann is not holding out hope of bringing CICO-TV back.

"We have asked our customers



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by Herbert M. Gardner, D.D.S. & Martha P. Zinderman, R.N., D.D.S.

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Specifications may be obtained by contacting the Purchasing Division. All bids must be submitted in accordance with the bid specifications.

The City of Farmington Hills reserves the right to accept or reject any or all bids, either in part or in whole, to waive any formalities and to accept the bid which it believes to be in the best interest of the City.

KATHRYN A. DORNAN, City Clerk

Published: February 2, 1997

### CITY OF FARMINGTON HILLS

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**H.U.D. PROJECT NO. B-96-MC28-0032R**

**CITY OF FARMINGTON HILLS, OAKLAND COUNTY, MICHIGAN**

Sealed proposals will be received by the City of Farmington Hills, Oakland County, Michigan at the Clerk's Office at 31555 Eleven Mile Road until 10:00 a.m., Thursday, February 20, 1997 at which time and place all proposals will be publicly opened and read aloud.

This project consists of approximately 2,800 Linear Feet of residential road paving with a hot mix asphalt on an aggregate base course. The approximate quantities of major items of the work are as follows:

Bituminous Road Paving	1,100 Tons
Aggregate Base	1,300 Tons
Culvert Installation	1,200 Linear Feet
Concrete Curb and Gutter	1,000 Linear Feet
Ditching	1,900 Linear Feet

Plus miscellaneous items necessary for a completed project.

Plans, specifications, and proposal forms may be obtained at the City Clerk's Office at the above address on or after TUESDAY, FEBRUARY 4, 1997, upon deposit of \$20.00, which is non-refundable. Proposals must be submitted on proposal forms furnished by the City of Farmington Hills. Each proposal shall be accompanied by a Certified Check or Bid Bond by a recognized surety company in the amount of five percent (5%) of the bid, payable to the City of Farmington Hills, as security for acceptance of the contract.

The successful bidder will be required to furnish satisfactory Performance, Labor and Material and Maintenance and Guarantee Bonds.

This project is partially funded by a Community Development Block Grant. Applicable federal regulations will apply.

The City reserves the right to waive any or all proposals, to waive irregularities and/or informality, and to make the award, that in the opinion of the City Council is in the best interest, and to the advantage of the City of Farmington Hills.

KATHRYN A. DORNAN, City Clerk

Published: February 3, 1997

### Arthritis Today

JOSEPH J. WEISS, M.D. RHEUMATOLOGY  
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