

**VILLAGE OF FRANKLIN
VILLAGE COUNCIL REGULAR MEETING
MONDAY, DECEMBER 12, 2011, 8:00 PM
FRANKLIN VILLAGE HALL – BROUGHTON HOUSE
32325 FRANKLIN ROAD, FRANKLIN, MICHIGAN 48025**

I. CALL TO ORDER

The meeting was called to order by President James Kochensparger at 8:00 P.M. at the Franklin Village Hall, Franklin, Michigan.

II. ROLL CALL

Present: Lew Eads, Jim Kochensparger, Mike Seltzer, Sherry Sparks
Absent: Brian Gettel (excused), Tom Morrow (excused), Steve Rosenthal
Also Present: Amy Sullivan, Village Administrator
Eileen Pulker, Clerk
Patrick Browne, Police Chief
Mark Hafeli, Hafeli Staran Hallahan& Christ, P.C., Village Attorney
Vivian Carmody, Administrator, Main Street Franklin

III. ADOPTION OF AGENDA

Motion by Seltzer supported by Eads to approve the agenda for the December 12, 2011, Regular Village Council Meeting as submitted.

Sparks noted that an item which had been on a draft agenda sent to Council had been omitted from the current agenda. She requested that the item, "Consider Proposed Village Election Change to Even Year November General Elections" be added.

Sullivan explained that the vote needed to be taken in January 2012 so that terms would not be shortened for the appointees to the Village Council.

Kochensparger requested that the wording of Agenda item **X., B. Consider Resolution Naming Thomas Morrow as Village Treasurer**, be changed to read, Consider Re-Affirming Thomas Morrow as Village Treasurer.

Motion by Eads supported by Seltzer to approve the amended agenda to include IX., K. Consider Proposed Village Election Change to Even Year November General Elections and to approve the change of wording of X., B. to Consider Re-Affirming Thomas Morrow as Village Treasurer.

Ayes: Eads, Kochensparger, Seltzer, Sparks

Nays: None

Absent: Gettel, Morrow, Rosenthal

Motion carried.

II. MINUTES

A. November 14, 2011 Regular Village Council Meeting

Motion by Seltzer supported by Eads to approve the minutes of the November 14, 2011, Regular Village Council meeting.

Ayes: Eads, Kochensparger, Seltzer, Sparks

Nays: None

Absent: Gettel, Morrow, Rosenthal

Motion carried.

III. REPORTS OF VILLAGE OFFICERS AND AGENTS

Patrick Browne, Police Chief: Browne provided an update as to recent police activity in the Village and noted that during the month of November the Department responded to 230 calls for service, one was a residential break-in. Notification about it was sent out through Oak. Gov. to inform the residents. He also noted that there had been an attempted entry into a house which was not successful and larcenies that occurred were in Bingham Farms. Browne noted that crimes in the Village are at a 7-year high. He explained that a booklet on Crime Prevention tips is being developed which he will have printed, and distributed to all Franklin residents. Discussion ensued regarding the booklet/pamphlet. He reported that one of the officers is attending a 3-day school on Crime Scene Processing so he will be able to help out internally in the department.

Tony Averbuch, Fire Chief: Kochensparger advised that Averbuch was unable to attend the meeting and referred to his submitted report.

Vivian Carmody, Administrator, Main Street: Carmody provided the Council with a verbal summation of the Quarterly statistics update that Main Street Franklin is required to submit to the National Main Street Center which is done through Main Street Oakland County. For the third quarter, private dollar investment in the Village Center was \$36,500, while the volunteer hours amounted to 966 hours, valued at \$20,000, for a total value of \$57,000. All committees are required to submit annual work plans. The Board of Directors approved the 2012 Work Plans at its November meeting. The plans will be on the Main Street website in January 2012. The Village Plaza received \$1,000 matching façade grant and there are 3 more properties that are interested in the grants as well. "Sip, Shop and Stroll" is scheduled for Thursday night, Dec. 15, 2011 from 5 to 8 pm. although some merchants will be having specials throughout the day. Area papers have covered the event as well as the façade grants.

Thomas Morrow, Treasurer: Morrow was not in attendance at the meeting.

IV. SUBMISSION OF CURRENT BILLS

Motion by Eads supported by Seltzer to approve the Bills List as submitted.

Ayes: Eads, Kochensparger, Seltzer, Sparks

Nays: None

Absent: Gettel, Morrow, Rosenthal

Motion carried.

V. PUBLIC REQUESTS AND COMMENTS

- **Marcia Gershenson, Oakland County Commissioner, District 17,** advised that she is one of the hosts of a Home Ownership Retention seminar being held tomorrow, Tuesday, December 13, 2011 at the Costick Center in Farmington Hills. There will be information about loan modification programs, alternatives to foreclosure, and a program that is sponsored by the state, Michigan's Hardest Hit. There will be free counselors available to assist residents. DTE Energy now has a free program in Oakland County to evaluate individual home's energy efficiency. Oakland County has 3 openings in its IT Department that need to be filled for which the job descriptions are on the Oakland County website. The Executive Director of the Road Commission has retired. After a search, locally and nationwide, there are 5 finalists for the job. On a personal note, she wanted to thank all the residents who had contacted her about the redistricting controversy.
- Pat Burke, Franklin Ct., presented her response to statements and invitation to hear other Villager viewpoints regarding the website and the "Experience It" nomenclature that occurred at the November 2011 meeting by Sparks.

"This is my response to the statements made by Sherry Sparks at the last Village Council meeting and her invitation to hear other Villager viewpoints:

I was present at all of the meetings as were representatives of as many stakeholder groups as we could muster so that there was representation across all segments of Franklin society.

We started by filling about 20 pages of large newsprint stuck up on the walls with descriptors of Franklin. We had about 200 descriptions covering all aspects of Franklin. Subsequently these descriptors were condensed into three main points. It became clear to everyone that Franklin is something that you actually have to experience. That it is a surprise when you enter it for the first time from the north and the south. That it is verdant. That it has historic charm. That it is has one of a kind shops. In order to represent those key aspects the phrase "Experience It" was chosen. The logo was carefully created to represent History (Barn), Natural Charm/Verdant (tree), Unique Shopping (shopping bags) and Dining (wine glasses). The font type was chosen to reflect script that may have been used in Ben Franklin's time. The concept was that any one of these elements could be peeled off and used independently or used as is by any Franklin entity that CHOSE to use it.

With a modicum of imagination "Experience It" can be easily used as a marketing tool by the Franklin Cemetery. In the "olden days" cemeteries were places for family get-togethers and picnics and were the forerunners of our city parks. We already invite people to experience our cemetery via historic tours and ceremonies that are held every year. The cemetery can become an important element of cultural tourism. I would invite everyone here to "experience" the cemetery as a place of quiet reflection, historical interest, and a possible place for eternal rest.

Branding is not a trend. It is a survival tool. Franklin needs to differentiate itself from every other community vying for residents and investment. We are in competition with Northville, Plymouth, Birmingham, Farmington Hills and many other communities. ..."

VI. SPECIAL REPORTS

A. President's Report

None

B. Council Report

None

VII. PUBLIC HEARING

A. To Receive Citizen Comments And Participation On Whether To Change The Village's Regular Municipal Election Date

Kochensparger opened the public hearing.

- Judy Moenck, Meadow Dr., asked for clarification. She stated that she was confused as to what we are changing "from" to "to". Sullivan explained that currently elections are in September of odd years. If passed, those elections would move to November of even years. Moenck asked if the plan tonight was to have the Public Hearing and then take a vote, due to the agenda change. Eads replied that there was a change in the agenda to consider a resolution to change the election. Moenck stated that wanted to express her support of the election year change, adding that since it requires changes in the charter when would the electorates be able to vote on it?

Sullivan explained that the election date change does not require a charter change. The charter can be changed by a resolution. Pulker concurred and explained that when the state enacted this law, it was determined that the change could be done by a resolution. In the past when the Village changed the term years from two (2) to four (4) for Council members, it was necessary to change the Charter but only a resolution is necessary to change the election date.

Moenck asked if this change would involve a term change for the Village Clerk. Pulker explained that terms can be lengthened but not shortened.

Moenck expressed her support for having Southfield Township run the elections, thereby saving money, but felt there were a number of things in the Charter that it would impact. Moenck opined that she doesn't want the Council to take this decision lightly. She urged the full Council to take the time to really think about the ramifications before voting on the change. She also asked that the Council look over the entire Charter. As an example she pointed out that there is at least one thing in the Charter that needs to be updated, in Chapter 4, Sec. 8, which states that the Village still has March Elections. She volunteered to assist in updating the Charter.

There was a discussion as to which Trustees would be affected by this change. Pulker explained that all those elected in September 2011 would have an extension of 14 months whether the Council voted on this issue now or in January 2012. If this is approved in December 2011, those newly appointed Trustees would serve through November 2012, at which time their positions would be voted on in order to complete their terms and other Villagers could challenge for those positions. If the vote is postponed until Jan., 2012, the appointees would remain in office until the next regular Village election which would occur in November 2014.

Sparks summarized the ramifications of the timing of the vote and acknowledged that this is definitely a "conundrum". However, she supported the idea of deciding in December 2011, thus giving the Villagers the right to elect two (2) Trustees in November 2012, as opposed to having appointees automatically serving for three (3) years.

- Diane Lake, Crestwood, questioned how this would affect not only the Clerk but also the Council terms? What are the alternatives so we can intelligently respond?
- Mira Stakhiv, Crestwood, asked for clarification concerning if it made a difference if the Council voted on this issue this month as opposed to next month. Stakhiv opined that it would be good to take the time to look at the Charter during the next four (4) or five (5) weeks, vote on it in January 2012, leaving time for elections in 2012 to vote in new Council members. She asked Hafeli, if a vote is taken in January 2012, why wouldn't the appointees need to run in November instead of automatically extending those terms an extra 14 months?

Pulker explained that a state election consolidation statute regulates that the next election takes place the year following the year it is adopted. Therefore, if it is voted on in 2011 it would allow the Village to hold an election in 2012. However, if enacted in 2012, the next opportunity would be in 2014. She explained that the State Legislature is moving forward with election consolidation, already having moved school elections to occur in November even years in lieu of May of odd years, and she had thought that it would be appropriate if the Village handled it under their own timetable instead of having the State do it.

Sparks clarified that eventually the State will mandate this change no matter what. Therefore, the difference being, if the vote is taken today, Villagers will be able to challenge for those two (2) appointed positions in November 2012. If the vote is postponed, then Villagers cannot challenge those positions for three (3) years.

- Stakhiv opined that the people of the Village should have the opportunity to vote on candidates, rather than having candidates appointed. She questioned the procedure which is followed in appointing people to such positions.

Seltzer suggested that due to the controversy of making this change, maybe the issue should be postponed until the entire Council is present to discuss it.

- Dean Moenck, Meadow Dr., questioned the urgency of this matter when this issue has been around for six (6) years adding that it is nothing new. Moenck questioned whether it would be possible to make an appointment for an interim Council Member, effective until the next election, which, in this case, would be November 2012 instead of the entire term?
- Diane Lake, Crestwood, asked if the Council would consider taking a closer look at the statute to see if it can be interpreted a different way, such that, if this Resolution is passed that it speaks to it not being effective until the following year. But can it be interpreted to mean that we can continue to have the election the way we normally have it the current year? Is it possible that that's the way it's to be interpreted?
- Fred Gallasch, Rosemond Dr., suggests the Council do nothing with this and let the State of Michigan legislature force the election change like has been done in the past. Gallasch opined that if the decision were to be made by the Council, then the vote should be tonight.

There being no further comments, Kochensparger closed the Public Hearing.

VIII. NEW BUSINESS

A. Consider Acceptance of Trustee Gettel's Resignation

#2011-127 Motion by Seltzer supported by Eads to accept the resignation of Trustee Brian Gettel.

Kochensparger explained the circumstances under which Gettel has tendered his resignation stating that he felt that he was unable to continue due to business constraints.

Eads opined that Gettel has been a positive influence on Council, has contributed a lot, was very open-minded to all sides of issues. He will be missed and Eads wished him well in his other endeavors.

Sparks seconded those remarks.

Fred Gallasch, Rosemond Dr., stated that Gettel was a great contributor to Council and that they had served together for 1 ½ yrs. and he enjoyed working with Gettel on Council.

Ayes: Eads, Kochensparger, Seltzer, Sparks

Nays: None

Absent: Gettel, Morrow, Rosenthal

Motion carried.

B. Consider Appointment to Village Council

Motion by Eads supported by Seltzer to appoint Pam Hansen to fulfill the term vacancy on Council left by the resignation by Trustee Gettel.

Sparks questioned if the notification procedure to the Village residents had been followed since the Council just recently received Brian's letter of resignation. Kochensparger stated that since Council just found out about the resignation this week, no new letters had been received

Seltzer agreed that there was no mechanism to do that.

Discussion ensued. Kochensparger stated that they were working off the same list that the Council had received from the last Council vacancy and Hansen's name was on that list.

Kochensparger supported Hansen.

- Al Beke, Colony Hill, agrees that Hansen would be a good choice for Council. However, he strongly believes that a new application process should be available for Villagers to submit interest in being considered for the appointment of Council Trustee. He opined that from the statements that were just made tonight, it appeared that this was already a pre-ordained decision.
- Dean Moenck, Meadow Dr., stated that both he and Beke serve on the Planning Commission with Hansen. She would be a great candidate, but he fully agrees with Beke in that this is the second or third time this Council has accepted a resignation and immediately turned around and said, "Here's a replacement". Moenck opined that this does not give the Council time to do a due diligence to determine who the best applicant is. Are there new people who might be interested in the position? Because it is a very important position to our community, time should be taken before a decision is reached.
- Mira Stakhiv, Crestwood, agreed with Beke and Moenck in that due diligence needs to be considered. Why not ask for a legal opinion as to the procedure a business follows when it posts job openings within the business? She also commented on the lack of decorum the Council shows towards the public when (they) are addressing the Council. She referenced the "Rules of Conduct For The Council" which each member of Council is given. She stressed that the Council needs to follow those rules and any legal statutes.
- Nazed Saad, stated that it would help if there was a process for a recommendation for an appointment. If the Villagers had access to it they would better understand the procedure and would be inclusive to everyone in the Village. He asked whether there was a process and asked if it was available for people to look at.

Sparks asked if the vote on the appointment could be postponed until a later meeting.

Kochensparger gave a brief history of the events leading up to the present. He emphasized that from the original list of those interested in fulfilling the remainder of his own term there were two highly qualified candidates, one being the Village Treasurer, Tom Morrow, who was appointed to the position of Trustee, the other Pam Hansen. If the Village were to open up the process again to the public, they would probably be in the same situation as several months ago with the same person they originally liked on the list. This particular candidate stood out because of her involvement and knowledge of the Village, among other attributes. But he reassured the public that "...there is no back hand deal here..." He said he would be very comfortable on voting on that person tonight unless someone wants to withdraw the motion.

Eads withdrew his motion in light of the comments and concerns he heard from the Villagers. If they wait until the January 2012 meeting, Rosenthal and Morrow will be present and the announcement that there is an opening on Council due to Gettel's resignation can be posted on the Village website. All those interested can contact President Kochensparger or the rest of the

Council. If it is Hansen or someone else, he or she will be sworn in immediately and will be able to take part in the Council deliberations thereafter.

Motion by Eads supported by Seltzer to withdraw the previous motion and to postpone the issue until the January 2012 Village Council Meeting.

C. Consider Appointment to Zoning Board of Appeals

#2011-128 Motion by Eads supported by Seltzer to appoint Josef Roisman to fill the vacancy on the Zoning Board of Appeals.

Dean Moenck, Meadow Dr., stated he has worked with Roisman on the Planning Commission and he looked forward to working with him on the Zoning Board of Appeals.

Ayes: Eads, Kochensparger, Seltzer, Sparks

Nays: None

Absent: Gettel, Morrow, Rosenthal

Motion carried.

D. Consider Finance Committee Recommendation for Millage Ballot Proposal

Sullivan presented to the Council the draft language for the two (2) Ballot Proposals which has been reviewed by the Finance Committee and the Legal Committee; Proposal A is for Police Services and General Fund and Proposal B is for Fire Protection Services.

Kochensparger read Proposal A, Special Millage For Police Services and General Fund as follows:

PROPOSAL A

**Special Millage
For Police Services and General Fund**

Shall the Village of Franklin be permitted to increase its authorized millage rate for a term of 4 years, 2012 through 2015, by up to 0.4 mills (\$0.40 per \$1,000) on the taxable value of real and personal property in the Village to provide funding for police services and partially restore the Village's General Fund balance? Required millage rollbacks have reduced the Village's charter-authorized general tax rate, from which police services are funded, from 3.5 mills to 2.7248 mills. If voters approve this proposal and if the Village decides to levy the full amount of the additional millage, an estimated \$114,847 in additional revenue will be raised in the first year of levy, 2012.

Do you approve this Proposal?

Yes

No

#2011-129 Motion by Eads supported by Seltzer to approve the ballot language for Proposal A, Special Millage For Police Services and General Fund.

Sparks asked for some clarification. Kochensparger explained that there is some verbiage in the proposal that is a legal requirement thus some part of the proposed language is a little confusing.

He said it had been tweaked several times in order to make it clearer. Thus, it is slightly different than what the Council had seen previously.

Fred Gallasch, Rosemond Dr., opined that the language is extremely misleading. He pointed out that the Council is responsible for deciding how to spend the tax monies. This money is fungible, meaning it can be used for whatever the Council deems necessary, whether it be for the Broughton House fund, for the police, for Main Street, or for the Administrator's cell phone bill and can be transferred to any account. When the tax money comes to the Village, how it is spent is up to the Council but to say that this is specifically for the police is misleading to the public.

Kochensparger responded that the monies collected would be for the Police Services and rebuilding the General Fund. He agreed that it was fungible and added that the Council is committed to using them for those specific funds.

Gallasch asked whether more specific language (i.e. 2/3 would be for the Police) could be included in the wording of the proposal.

Eads disagreed. He explained that once the millage passes or fails the Council will begin a budget process in March or April, including meetings with the Village residents. Then a budget would be drawn up and the public would have the opportunity to comment on it.

The idea of inserting a specific amount earmarked for specific line items was discussed.

Judy Moenck, Meadow Dr., was not in favor of putting in a percentage number in the ballot proposal due to the uncertainty of future revenues.

Seltzer stated that there needs to be a certain amount of faith and confidence that the Council will do the right thing in supporting the Police and Fire Departments.

Mira Stakhiv, Crestwood, agreed with Eads.

Eads called the question.

Ayes: Eads, Kochensparger, Seltzer, Sparks

Nays: None

Absent: Gettel, Morrow, Rosenthal

Motion carried.

Kochensparger read Proposal B, Special Millage For Fire Protection Services as follows:

PROPOSAL B

**Special Millage For
Fire Protection Services**

To restore the charter-authorized tax rate, shall the Village of Franklin be permitted to levy up to 0.5414 additional mills (\$0.5414 per \$1,000) on the taxable value of real and personal property in the Village to provide funding for fire protection services? Required millage rollbacks have reduced the Village's charter-authorized tax rate for fire protection services from 1.5 mills to 0.9586 mill. If voters

approve this proposal and if the Village decides to levy the full amount of the additional millage, an estimated \$155,446 in additional revenue will be raised in the first year of levy, 2012.

Do you approve this Proposal?

___ Yes

___ No

#2011-130 Motion by Sparks supported by Seltzer to approve the ballot language for Proposal B, Special Millage For Fire Protection Services

Ayes: Eads, Kochensparger, Seltzer, Sparks

Nays: None

Absent: Gettel, Morrow, Rosenthal

Motion carried.

E. Consider Budget Amendments, FY 2011-2012, 2nd Quarter

#2011-131 Motion by Eads supported by Seltzer to adopt the Budget Amendments, FY 2011-2012, 2nd Quarter as follows:

FY 2011-2012

GENERAL FUND

WHEREAS: The Village must assure that expenditures in the each account do not exceed those budgeted. A review of the Village's 2011/2012 General Fund indicates several accounts where budget amendments are required. We resolve that the following budget amendments be made to the 2011-2012 General Fund Budget with funds coming from the appropriation of other funds.

Revenue:

000680 – Miscellaneous: Increase revenue account to a new total of \$40,000 (original \$1,000).

000999 – Appropriation of restricted prior year funds: Increase revenue account to a new total of \$20,800 (original \$0).

000999 – Appropriation of restricted prior year funds: Increase revenue account to a new total of \$27,080 (original \$20,800).

000999 – Appropriation of prior year funds: Decrease revenue account to a new total of \$83,512 (original \$86,164).

Expenditures:

101980 – Misc Council Expense: Increase expense account to a new total of \$7,250 (original \$250).

102702 – Longevity: Increase expense account to a new total of \$2,900 (original \$1,800).

102704 – Administrative Salaries: Decrease expense account to a new total of \$105,894 (original \$109,646).

305845 – Drug Forfeiture Expense: Increase expense account to a new total of \$25,800 (original \$5,000).

RUBBISH FUND

WHEREAS: The Village must assure that expenditures in the each account do not exceed those budgeted. A review of the Village's 2011/2012 Rubbish Fund indicates several accounts where budget amendments are required. We resolve that the following budget amendments be made to the 2011-2012 Rubbish Fund Budget with funds coming from the appropriation of other funds.

Expenditures:

528704 – Salaries: Increase expense account to a new total of \$3,752 (original \$0).

Ayes: Eads, Kochensparger, Seltzer, Sparks

Nays: None

Absent: Gettel, Morrow, Rosenthal

Motion carried.

F. Consider Bid for Purchase of Used Police Car

Chief Browne presented the item explaining the highest sealed bid for purchasing the vehicle was received by Asia Motors, Inc. for \$11,179.00. The monies will be returned to Bingham Farms as part of SAD, minus the cost for the repair work completed on the vehicle and the removal and addition of equipment to the new vehicle.

#2011-132 Motion by Seltzer supported by Eads to accept the bid from Asia Motors, Inc. for \$11,179.00 to purchase the 2008 Tahoe.

Ayes: Eads, Kochensparger, Seltzer, Sparks

Nays: None

Absent: Gettel, Morrow, Rosenthal

Motion carried.

G. Consider Banking Services RFPs.

Sullivan explained the reasoning behind the request to change banking institutions as outlined in the memo she had sent to Council. Based on several items, she is recommending that the Village transfer its banking needs to Level One Bank.

There was a discussion as to how much savings the Village would realize.

#2011-133 Motion by Seltzer supported by Eads to change the Village banking services to Level One Bank.

Eads questioned whether changing banks would be an issue with the Village auditors. Has this issue been addressed or is there any concern? Sullivan explained that she is working closely with the auditors and did not anticipate any.

Representatives from Level One Bank were present at the meeting. Greg Wernette, Vice President, answered Council questions concerning the possible savings realized by the Village. Angela Roche the bank Officer who had put the package together spoke to some of the details.

Marcia Gershenson, County Commissioner, agreed with the Village's decision regarding Level One Bank, as several other communities in her County District have switched to this banking institution because it is a Michigan company that puts money back into our local community. Although Comerica Bank is the neighborhood bank it did leave Michigan, moving their headquarters to Texas.

Ayes: Eads, Kochensparger, Seltzer, Sparks

Nays: None

Absent: Gettel, Morrow, Rosenthal

Motion carried.

H. Consider Traffic Control Order (Stop sign for Evelyn Court

Chief Browne explained the safety concern about the traffic on Evelyn Ct. which a Franklin resident had raised at the November Council Meeting.

#2011-134 Motion by Eads supported by Sparks to approve the traffic control order #2011-02 to place a stop sign on Evelyn Ct. where it intersects with Franklin Ct.

Ayes: Eads, Kochensparger, Seltzer, Sparks

Nays: None

Absent: Gettel, Morrow, Rosenthal

Motion carried.

I. Consider Traffic Control Order (Stop sign for Romany Way)

Chief Browne outlined the situation of the intersection of Romany Way and Bowden St. as being currently only a two (2) way stop intersection. For safety reasons he is recommending that a third (3rd) Stop Sign be installed for west bound Romany Way.

#2011-135 Motion by Sparks supported by Eads to approve the Traffic Control Order #2011-03 to place a stop sign on the northeast corner of Romany Way at Bowden St.

Ayes: Eads, Kochensparger, Seltzer, Sparks

Nays: None

Absent: Gettel, Morrow, Rosenthal

Motion carried.

J. Consider Scheduling Special Meeting on February 8, 2012 at 7:00PM

Sullivan explained that this would be an informational meeting to answer questions about the February 28, 2012 ballot proposals.

#2011-136 Motion by Eads supported by Seltzer to schedule a Special Meeting on February 8, 2012 for the purpose of meeting with the public to discuss the February 28, 2012 ballot proposals to be held at the Franklin Community Church at 7:00 PM.

Seltzer wanted a clarification whether or not this meeting would be a formal Council Meeting. Kochensparger said that all the Council members will be present to answer questions. Eads questioned if the meeting would be videotaped and minutes taken as was the case for the last special meeting about the proposals. The answer was in the affirmative.

Ayes: Eads, Kochensparger, Seltzer, Sparks

Nays: None

Absent: Gettel, Morrow, Rosenthal

Motion carried.

K. Consider Proposed Village Election Change to Even Year November General Elections

#2011-137 Motion by Sparks supported by Kochensparger to vote on changing the Village Election to Even Year November General Elections.

Sparks noted her objection to the postponing of this issue stating that it would mean these positions could not be contested until 2014. She asked Hafeli for a legal opinion on that point.

Hafeli stated that the statute says that if the change were approved, it would take effect the following year.

Al Beke, Colony Hill, asked if the Council doesn't take any vote at this time or during the next 7-8 months, whether or not those appointee terms run until the next scheduled election. Pulker confirmed that the next regular election would be September 2013, unless the resolution were to be approved, and/or the Michigan State Legislature would move forward on the election consolidation legislation that has been proposed prior to that time.

Ayes: Sparks
Nays: Eads, Kochensparger, Seltzer
Absent: Gettel, Morrow, Rosenthal
Motion defeated.

IX. ORDINANCES/RESOLUTIONS/PROCLAMATIONS

A. Consider an Ordinance to Amend Chapter 1480, International Property Maintenance Code, of Title Eighteen, of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Adopt the 2009 Edition of the Code and Amendments Thereto, to Repeal Conflicting Ordinances, and Prescribe a Penalty for Violations (Second Reading)

#2011-138 Motion by Eads supported by Kochensparger to amend Chapter 1480, International Property Maintenance Code, of Title Eighteen, of the Codified Ordinances of the Village of Franklin, Oakland County, Michigan, to Adopt the 2009 Edition of the Code and Amendments Thereto, to Repeal Conflicting Ordinances, and Prescribe a Penalty for Violations, in its second reading.

Ayes: Eads, Kochensparger, Seltzer, Sparks
Nays; None
Absent: Gettel, Morrow, Rosenthal
Motion carried.

B. Consider Resolution to Re-Affirm Thomas Morrow as Village Treasurer
#2011-139 Motion by Eads supported by Seltzer to approve the Resolution to re-affirm Thomas Morrow as Village Treasurer as submitted.

Sullivan explained the reasoning behind the Resolution. The Village Attorney has recommended that the Village Council formally approve Trustee Morrow as the Village Treasurer.

Kochensparger mentioned that Bill Lamott had recently sent an email volunteering for the position. He thanked Mr. Lamott but noted that "... we've already called the question..." and he, personally, is in favor of our current Treasurer.

Fred Gallasch, Rosemond Dr., understood the legality of allowing him serve two roles, but it seemed to him that one of the advantages of having an independent citizen-Treasurer is that that person can act as a "sounding board" and give advice to Council from a different perspective when making budget decisions. He urged the Council to consider this alternative since the Village has many residents qualified in financial matters.

Kochensparger stated that they have asked for other candidates and will continue to ask.

Judy Moenck, Meadow Dr., stated her support of Morrow as Treasurer.

Sparks reminded the Council that Morrow became Treasurer because the previous one had been elected to Council. It was the former Treasurer's opinion that holding both positions would be a conflict and had recommended Morrow for the Treasurer position. Philosophically, she is not in favor of having the same person serving as Council Trustee and Village Treasurer. She believes the Council could use an additional pair of eyes on the Budget and a different perspective.

Eads felt that Morrow is the most qualified for a position which will be facing lots of challenges in this economic climate.

Ayes: Eads, Kochensparger, Seltzer

Nays: Sparks

Absent: Gettel, Morrow, Rosenthal

Motion passed.

Not valid as a minimum of 4 votes are required.

C. Consider Michigan Community Resolution of Intent for Participating in the National Flood Insurance Program

Sullivan explained that the Village is attempting to be reinstated in the FEMA flood insurance program. This approval by Council would be the last step in accomplishing this. At no cost to the Village, the Resolution would allow residents to obtain flood insurance.

#2011-140 Motion by Eads supported by Seltzer to adopt the Michigan Community Resolution of Intent for Participating in the National Flood Insurance Program, as follows:

**MICHIGAN COMMUNITY RESOLUTION OF INTENT
FOR
PARTICIPATING IN THE NATIONAL FLOOD INSURANCE PROGRAM**

WHEREAS, certain land and water areas within the governmental boundaries of the Village of Franklin in Oakland County are subject to periodic flooding, mudslides (i.e., mudflows), or flood related erosion, causing serious damages to properties within these areas; and

WHEREAS, relief is available in the form of federally subsidized flood insurance, as authorized by the National Flood Insurance Act of 1968; and

WHEREAS, this community desires to participate in the Federal Emergency Management Agency's (FEMA) National Flood Insurance Program (NFIP); and

WHEREAS, this community has the legal authority to administer or has an agreement with another entity to administer the state construction code comprised of the Michigan Residential Code and the Michigan Building Code and its Appendices, specifically Appendix G, adopted pursuant to the Stille-Derossett-Hale Single State Construction Code Act, 1972 PA 230, as amended, MCL 125.1501, et. seq. (construction code act), and further has authority to adopt land use and control measures to reduce future flood losses pursuant to: (check applicable authority)

- 1. 2008 PA 33, Michigan Planning Enabling Act, MCL 125.3801-125.3883
- 2. 2006 PA 110, Michigan Zoning Enabling Act, MCL 125.3101-125.3702, as amended by 2008 PA 12

and

WHEREAS, the official administration and enforcement of the construction code act and the state construction code within this community's political boundaries, MCL 125.1508b by the Building Official as this community's enforcing agency, will provide the means to implement and enforce an effective and competent floodplain management program, and

WHEREAS, this community or its enforcing agency is responsible for the submittal on the first anniversary date of the community's initial eligibility, a report to the Federal Insurance Administrator (Administrator) on the progress the community has made during its first year of participation, in the development and implementation of floodplain management measures, and thereafter, submit biennial reports as requested by the Administrator; and

WHEREAS, this community intends to recognize and duly evaluate flood, mudslide (i.e., mudflow) and flood related erosion hazards in all official actions relating to land use in areas having these hazards within its jurisdiction; and

NOW, THEREFORE, BE IT RESOLVED, that this community's governing body hereby:

1. Assures the FEMA that the construction code act and the state construction code is administered and enforced within its boundaries; it intends to identify and duly evaluate and enact as necessary, and maintain in force in those areas having flood, mudslide (i.e., mudflow), or flood related erosion hazards, adequate land use and control measures with effective enforcement provisions consistent with the criteria set forth in Title 44 of the Code of Federal Regulations (44 CFR), Section 60.3, of the NFIP Regulations; and
2. Commits to vest with the community's floodplain management enforcing agency the responsibility to maintain for public inspection and to furnish, upon request, for the determination of applicable flood insurance risk premium rates within all areas having special flood hazards identified on a Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM), any certificates of floodproofing, and information on the elevation (in relation to mean sea level) of the level of the lowest floor (including basement) of all new or substantially improved structures, and include whether or not such structures contain a basement, and if the structure has been floodproofed, the elevation (in relation to mean sea level) to which the structure was floodproofed; and
3. Commits to take such other official action as may be reasonably necessary to carry out the objectives of the NFIP program; and
4. Commits, in its interactions with the Administrator, to:
 - a. Assist the Administrator at his/her request, in his/her delineation of the limits of the area having special flood, mudslide (i.e., mudflow), or flood related erosion hazards.
 - b. Provide such information as the Administrator may request concerning present uses and occupancy of the floodplain, mudslide (i.e., mudflow), or flood related erosion areas.
 - c. Cooperate with federal, state, and local agencies and private firms which undertake to study, survey, map, and identify floodplain, mudslide (i.e., mudflow), or flood related erosion areas, and cooperate with neighboring communities with respect to management of adjoining floodplain, mudslide (i.e., mudflow), and/or flood related erosion areas in order to prevent aggravation of existing hazards.
 - d. Upon occurrence, notify, the Administrator in writing whenever the boundaries of the community have been modified by annexation, or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that all FHBMs and FIRMs accurately represent the community's boundaries, include within such modification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.

Ayes: Eads, Kochensparger, Seltzer, Sparks

Nays: None

Absent: Gettel, Morrow, Rosenthal

Motion carried.

Mira Stakhiv, Crestwood, being a member of Mobile Watch proposed that at its January meeting, she would make a suggestion that the group help with the Village-wide distribution of the pamphlet that Chief Browne spoke about.

Seltzer offered to integrate it into the FCA Villager or if there was an issue about printing it he volunteered through his company to cover the costs of the printing.

X. ADJOURNMENT

Motion by Eads supported by Seltzer to adjourn the meeting.

Ayes: Eads, Kochensparger, Seltzer, Sparks

Nays: None

Absent: Gettel, Morrow, Rosenthal

Motion carried.

There being no further business, the meeting was adjourned at 9:45 P.M.

Respectfully Submitted,

Gail Beke, Recording Secretary

Eileen H. Pulker, Clerk

James Kochensparger, President