

Present: Council President Downey; President Pro-Tem Domzal; Members: Mooney, Pfeifer and Schmitt

Absent: Stearn and Woodrow

Also Present: Village Manager, Murphy
Assistant to the Manager, Pasieka
Village Clerk, Marshall
Village Attorney, Ryan
Director of Public Safety, Woodard

President Downey called the meeting to order at 7:30 p.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road.

ADDITIONS TO AGENDA/APPROVE AGENDA

The agenda was approved as published.

PUBLIC HEARING – COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM YEAR 2003

Before Council for consideration is a proposal for use of Community Development Block Grant (CDBG) funds for fiscal year 2003/2004. U.S. Department of Housing and Urban Development grant funds are allocated to municipalities each year and are administrated by the Oakland County Community Development Block Grant program office. Municipalities are allocated funds based on population with this year's allocation to Beverly Hills estimated at \$19,545.00.

The proposal is to allocate funds to the Birmingham Area Seniors Coordinating Council (BASCC) for home chore services and the senior center, to HAVEN (Help Against Violent Encounters Now), and to the Village for planning consultant services related to the Southfield Road Corridor Study.

President Downey declared the public hearing open at 7:35 p.m. on the use of CDBG funds for 2003.

Sha Buikema, Vice-President of operations and finance at HAVEN, thanked the Village for its past support and assured Council that the funds have been put to good and even life-saving use. HAVEN is the Oakland County Center for the prevention and treatment of domestic violence, sexual assault, and child abuse. The amount that the organization is requesting from Beverly Hills for fiscal year 2003/2004 year has been amended from the original \$1,100 to \$2,000 due to the increased need and demand for its services. HAVEN provides needed counseling services, emergency shelter, and advocacy for victims of domestic violence, sexual assault and child abuse. Buikema asked Council to partner with HAVEN as energetically as it can.

No one else wished to be heard; therefore, the public hearing was closed at 7:39 p.m.

PUBLIC COMMENTS

Milton and Sandra Landau of 20010 Carriage Lane were present requesting relief from what they believe to be an unwarranted water bill. They have lived in the home for 35 years and have

never received a water bill in the amount of \$1,255.44. Their water bill last year for the same period was \$356.43. Landau related factors to establish that their water use did not equal the charge indicated in the bill received. He noted that their underground sprinkling system was checked at the beginning of the summer and again about a week ago. Landau employed two plumbing companies to check every possible place for a leak inside the house. There are no factors that would cause anything more than a \$250-\$300 bill for summer water use.

Landau related that he met with the Village Manager and Finance Director and was told that they cannot adjust the water bill because the meter checks out properly. This is a situation where a meter indicates one thing and the water use indicates something else. Landau does not think he should have to pay this water bill considering the circumstances he related.

Downey responded that all water passing through the meter at the Landau residence serves only their home, and that meter has been certified to be in proper working order. He remarked that there have been instances where a leaking fixture resulted in the use of thousands of dollars worth of water.

Norman Rubin of 31020 Rivers Edge Court encouraged residents of Beverly Hills to vote tomorrow and to consider Village resident Jim O'Reilly, who is a candidate for Oakland County Circuit Court. Jim has been actively involved in the community and, if elected, will serve with dignity and respect and perform his duties with integrity.

Sharon Tischler of 21415 Virmar Court, Southfield Township Clerk, urged everyone to participate in the electoral process tomorrow. Polls open at 7 a.m. and close at 8 p.m. Anyone in line at 8 p.m. is eligible to vote.

Tischler expressed concern with the recent re-timing of traffic lights on 13 Mile Road by the Road Commission of Oakland County. The intent may have been to provide a smoother flow of traffic, but Tischler maintains that the timing resulted in increased speed on 13 Mile Road. Murphy will follow up on Tischler's inquiry.

In response to a question, Murphy indicated that the new bridge guard rail on Evergreen Road was required as a condition of receiving grant money for the Evergreen bridge repair. The cost of the guard rail is included in that project cost.

Tischler suggested that the agenda for Council meetings be worded to better describe the items. A question from Tischler on a bill before Council for approval was answered by Council.

Jim O'Reilly of 31191 Huntley Court congratulated Pat Greening along with all the supporters of the event for another fabulous Halloween Hoot. He encouraged everyone to vote in the November 5th election and not to forget the non-partisan portion of the ballot. O'Reilly is a candidate for Oakland County Circuit Court.

CONSENT AGENDA

Motion by Pfeifer, seconded by Schmitt, to approve the Consent Agenda as follows:

- a. Review and consider approval of minutes of a regular Council meeting held on October 21, 2002.
- b. Review and file bills recapped as of Monday, November 4, 2002.
- c. Review and consider annual request from the National Multiple Sclerosis Society for use of Village sidewalks and Beverly Park during the MS Walk on Sunday, May 4, 2003 and waive pavilion rental fee.

Motion passed (5 – 0).

BUSINESS AGENDA

REVIEW AND CONSIDER 2003 COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION

Domzal stated that the amount of Community Development Block Grant funds allocated to Beverly Hills this year is \$19,545.00. There are two proposals before Council for consideration. One proposal allocates \$14,545.00 to BASCC; the other allocates \$13,645.00 to BASCC and increases the amount allocated to HAVEN from \$1,100 to \$2,000.

Mooney commented that HAVEN is a worthwhile organization, and she supports increasing the allocation to \$2,000. She noted that the dollar amount provided to BASCC from Beverly Hills will increase this year due to the additional SMART (Suburban Mobility Authority for Regional Transportation) funds allocated to the organization.

Pfeifer informed Council that she will abstain from voting on the CDBG allocation because of her association with BASCC. Oakland County administers these federal funds, and their code of ethics prevents Pfeifer from voting while allowing her to enter into discussion on the issue. A question from Pfeifer about a recent invoice received from HAVEN was answered by Sha Buikema, who explained the nature of the contract for CDBG funding.

Downey quoted the section of the Village Charter that pertains to a Council member abstaining from a vote. The Charter states that no member of Council shall vote on any question in which the Council member has a financial interest other than the common public interest or on any question concerning the Council member's own conduct. Members must vote on all other questions unless excused by a unanimous consent of the remaining members present.

Motion by Domzal, seconded by Mooney, to excuse Pfeifer from voting on the allocation of Community Development Block Grant Funds based on her participation as a Board member of the Birmingham Area Seniors Coordinating Council.

Council members expressed the view that they do not consider Pfeifer's participation in a vote to allocate CDBG funds to BASCC to be a conflict of interest. Council will consider recusing Pfeifer from voting on this topic because it is her request based on the County's code.

In answer to an inquiry, Ryan opined that that Pfeifer should not speak on the issue if she recuses herself from voting on the allocation of CDBG funds.

Roll Call Vote:
Motion passed (4 – 0).

Domzal stated that there are three components for funding BASCC: CDBG funds, SMART funds, and budgeted funds from the Village. There are opportunities to make adjustments in terms of the amount of funds allocated by Council to BASCC.

Motion by Domzal, seconded by Mooney.
Resolved that the Village of Beverly Hills approve the application with the following proposed allocation of Community Development Block Grant funds for the 2003/2004 program years:

Birmingham Area Senior Coordinating Council and Center

Home Chore Services	7,000.00	
Senior Center	6,645.00	
Total		\$13,645.00

HAVEN

Shelter, Counseling, Advocacy, Intervention and Education Services		\$2,000.00
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Village of Beverly Hills

Planning Services:		\$3,900.00
Southfield Rd. Corridor Study		

TOTAL **\$19,545.00**

In answer to an inquiry, Village Clerk Ellen Marshall stated that BASCC will receive \$1,000 less this year from CDBG funds. However, the organization will not see a reduction in funding from Beverly Hills for the reason that the SMART allocation to BASCC increased substantially this year. There will be a net increase in funding to BASCC in the next fiscal year.

Frank Worrell of 32123 Bellvine Trail had a question on the disbursement of this year's allocation compared with last year's amount, which was addressed by Marshall.

Roll Call Vote:
Motion passed (4 – 0).

REVIEW AND CONSIDER RESOLUTION REGARDING BALLOT LANGUAGE FOR MARCH 2003 ELECTION

At its last meeting Council approved ballot language by a 5-2 vote for a proposal to be submitted to the voters that would authorize the Village to levy .37 mill for five years to finance construction of sidewalks on major roads. Before Council for consideration this evening is approval of the formal language to be placed on the ballot for the March 2003 Election. Domzal asked Ryan to discuss the Charter requirements for approval of ballot language.

Ryan stated that State Law requires a two-thirds vote of the legislative body of the Village to approve ballot language. There are five members present tonight, which is a duly constituted quorum of the Village of Beverly Hills Council. It will be necessary for four members to vote in favor of the proposed ballot language this evening to constitute a super majority.

Ryan outlined the process for placing a proposal on the ballot. If ballot language is approved by four Council members this evening, that language will be published and it will sit on the table for a 30 day period. It will come back to Council to be voted on again at a regularly scheduled Council meeting. If two-thirds of the Council members vote to place this on the ballot, it will go to the Governor for approval. The language has already been reviewed by the Attorney General's office. If approved by the Governor, the proposal will be placed on the March 2003 ballot.

Motion by Domzal, seconded by Schmitt.

Resolved that the following Charter Amendment be voted upon by the qualified electors of the Village of Beverly Hills at the regular Village election to be held on Monday, March 10, 2003, to wit:

1. Shall Section 9.1 of the Charter of the Village of Beverly Hills be amended to read as follows:

POWER TO TAX:

Section 9.1(B) The Village of Beverly Hills is authorized to levy an additional 0.37 mills (37 cents for each \$1,000 of taxable value) for a period of five (5) years, the years 2003 to 2007 inclusive. Such millage shall be used exclusively to finance new sidewalks and pathways on major thoroughfares within the Village of Beverly Hills.

2. That this Resolution be published in full in the Eccentric Newspaper.
3. That this Resolution be laid upon the table for thirty (30) days in accordance with the statute in such case made and provided.

Pfeifer summarized her position on the proposed ballot question. She believes that there has been general agreement during the formation and discussion of the Pathways Plan that the Village does need pathways on major roads. One obstacle in the process has been opposition by members of the public to constructing a pathway along Evergreen Road. Pfeifer thinks that there should be an opportunity for the public to decide whether it wants to finance a pathway along Evergreen Road.

Pfeifer had suggested two ballot questions. One proposal would be to fund all sidewalk construction in the Pathways Plan except for Evergreen Road within a three year period. A separate ballot initiative would be dedicated to construction of pathways on Evergreen Road in the fourth and fifth year. She thinks that there is enough opposition to the Evergreen Road pathway to defeat the entire ballot proposition. Pfeifer will not support the ballot language for this reason.

Milton Landau of 20010 Carriage Lane had a question about the location of the proposed pathway along Evergreen Road based on his concern with the proximity of a pathway to the road. Domzal offered to show Landau a copy of engineering plans for the construction of a pathway along Evergreen.

In answer to a question from Frank Worrell of 32123 Bellvine Trail, Domzal stated that the ballot question calls for a Charter Amendment, which will permit the Village to levy a dedicated millage.

Roll Call Vote:

Mooney	- yes
Pfeifer	- no
Schmitt	- yes
Domzal	- yes
Downey	- yes

Motion passed (4 – 1).

REVIEW AND CONSIDER RECOMMENDATIONS REGARDING SIDEWALK REPAIRS

Domzal stated that a sidewalk repair policy for the Village has been a topic of discussion for the past several months. One option is to continue the current policy, which places the responsibility for sidewalk maintenance and repair on the residents. If residents do not make the necessary repairs, the ordinance provides that the Village can mandate those repairs.

Changes in the laws of the State of Michigan as well as the courts' interpretation of the law hold that the Village is basically responsible for liability arising in the event of a "trip and fall" situation on sidewalks in the public right-of-way. Given the Village's increased potential liability, the question becomes whether the Village should take on the responsibility of maintaining sidewalks. Domzal clarified that snow removal is not being addressed tonight.

Domzal remarked that this is a difficult decision because it would become a policy of the Village that would be reflected in an amendment to the current Sidewalk Ordinance. Maintenance of sidewalks will entail spending money in years to come.

The issue before Council tonight is whether to request Village administration to draft ordinance language that would establish a policy by which the Village would undertake the responsibility for the maintenance of sidewalks. Murphy outlined the sidewalk repair policy recommendations prepared by staff.

Motion by Domzal, seconded by Mooney.

Resolved that Village Administration be requested to provide draft ordinance language that would amend Section 5.05 of the Village Ordinance to reflect a sidewalk repair policy as set forth in the proposal from the Village Manager dated October 21, 2002.

Schmitt questioned the source of funding for sidewalk repairs.

Murphy stated that the scarifier purchased earlier this year has been used on “step toes”, which account for approximately 40% of required sidewalk repairs. The effort proved worthwhile by demonstrating that “step toes” could be effectively addressed by grinding the area for one-half the cost of traditional remove/replace methods. It is expected to spend about \$10,000-\$15,000 in this fiscal year from the Routine Maintenance category of the Local Streets Fund, which will require a budget amendment. Because Coryell Estates and Hummel Court will be paved in the current fiscal year, the amount of money budgeted for gravel and grading should adequately cover the cost of repairing “step toes”.

Administration estimates the cost of sidewalk repairs at about \$35,000 per year. A line item would be created in the Local Streets Fund. A cursory look suggests that this repair work might be accomplished without having to increase the revenues to the Local Streets Fund as the schedule for asphalt resurfacing approved by Council actually decreases in the next years to between \$11,000 and \$31,000.

There was a general consensus of Council to consider a sidewalk policy whereby the Village would assume the responsibility for sidewalk repairs in light of the potential liability the Village now faces due to changes in State Law. It was mentioned that the proposed policy would not require homeowners adjacent to new sidewalks to bear the cost of repair if the voters decide in March to fund the construction of sidewalks on major roads. Council members agreed that sidewalk repair should be an ongoing program. Sidewalks are part of our transportation system and should be maintained appropriately for everyone’s safety.

Bob Walsh of 20655 Smallwood Court commented that Council is considering a long-term policy change that will affect the Village’s General Fund budget. The responsibility of repairing 44-48 miles of sidewalk could be a long term drain on the General Fund balance unless there is another source of income or revenue. He does not see that forthcoming or proposed.

Sharon Tischler of 21415 Virmar Court questioned whether the Village would be taking the total burden of liability off the homeowner for anyone who slips and falls on their property. That person has the ability to sue a homeowner and the Village.

Tischler asked whether a proposed ordinance will address who is responsible for repair or replacement of sidewalk that is damaged during a homeowner’s renovation project. Murphy responded that, if the need for sidewalk repair is caused by a contractor, that contractor is responsible for sidewalk repair or replacement.

Roll Call Vote:

Motion passed (5 – 0).

SECOND READING AND CONSIDERATION OF ORDINANCE #310 AMENDING CHAPTER 43 REGULATION OF ALARM SYSTEMS OF THE MUNICIPAL CODE

Mooney conducted the second reading of Ordinance 310, an Ordinance to Amend Chapter 43 of the Village of Beverly Hills Municipal Code Relating to Regulation of Alarm Systems. The purpose of this Ordinance is to establish the registration of alarm systems within the Village; to encourage alarm users to properly use and maintain the operational effectiveness of an alarm

system; to provide for the identification and repair of defective alarm systems; to establish a fee schedule in order to defray the costs of responding to false alarms; to provide for a penalty for the violation of this Ordinance; and to thereby reduce or eliminate false alarms, which might otherwise divert Public Safety Officers from attending to other responsibilities.

Ordinance sections include definitions, registration, prohibition of automatic voice dialer alarms, duties of an alarm user, duties of the Public Safety Department, false alarms, shutoff of local alarms, penalty for violation, severability and repealer clauses, and effective date. This ordinance has been reviewed by Director of Public Safety Woodard. It will upgrade the Village's existing ordinance to meet the current demands of the Public Safety Department.

Comments and questions regarding the proposed ordinance were addressed by Ryan and Director Woodard. A fee schedule for false alarms will be prepared by administration and proposed for Council consideration.

Motion by Mooney, seconded by Pfeifer.

Resolved to adopt Ordinance No. 310, An Ordinance to Amend Chapter 43 of the Village of Beverly Hills Municipal Code Relating to Regulation of Alarm Systems.

Roll Call Vote:

Motion passed (5 – 0).

SECOND READING AND CONSIDERATION OF ORDINANCE #311 AMENDING CHAPTER 1 SECTION 1.06 PENALTIES OF THE MUNICIPAL CODE

Before Council for consideration is Ordinance No. 311, an Ordinance to amend the Village of Beverly Hills Municipal Code, Chapter 1 Section 1.06 Penalties, by adding Section 1.06.1, Definitions and Enforcement Procedures for Municipal Civil Infractions. Mooney outlined the ordinance sections, which include General Administration Section 1, Commencement of Municipal Civil Infraction Action, Section 2 Ordinance Enforcement Officer, Definitions, Penalties, and the Severability and Effective Date clauses.

Motion by Mooney, seconded by Pfeifer.

Resolved that the Village of Beverly Hills Council adopts Ordinance No. 311, An Ordinance to Amend the Village of Beverly Hills Municipal Code, Chapter 1 Section 1.06 Penalties by Adding Section 1.06.1, Definitions and Enforcement Procedures for Municipal Civil Infractions.

Schmitt expressed the opinion that this ordinance is long overdue for municipal violations. A "municipal civil infraction" means a violation of a provision of a Village ordinance for which the remedy and/or penalty is prescribed to be a civil fine, or other sanction other than a criminal penalty.

Domzal concurred that most municipalities our size or larger have gone to this system long ago. He commented that the civil enforcement mechanism is an efficient and effective way to proceed with code enforcement. There will be future ordinances whereby a failure to comply will be designated as being a civil infraction.

Roll Call Vote:

Motion passed (5 – 0).

REVIEW AND CONSIDER FINANCIAL POLICIES

Before Council for consideration is a comprehensive financial management policy that has been prepared by Village Administration. Domzal applauds the Village staff on producing this document. It deals with the fundamentals of how the financial operations of the Village are to be handled on a day-to-day basis. It includes how the Village invests funds, the type of funds that can be considered for investment, under what circumstances the Village can borrow funds, how a budget process works on an annual basis, how the Village pays operating expenses in terms of managing funds, and capitalization of certain types of expenditures.

The policies in this document are governed by State Law and government financial accounting standards that dictate how financial management takes place. Village Auditing firm Plante & Moran has worked with administration on developing this policy.

Murphy stated this is the first time that staff has put together a comprehensive listing of all Village financial policies, although Council previously adopted an investment policy as required by State Law. This financial policy outlines what the Village is required to do under State Law, its regular practices in the organization, and what is expected with regard to governmental financial accounting standards. The document includes information on how the budget is adopted, how funds are invested, capital assets policy, debt management, expenses, operating position, and the Village's revenue policy.

Murphy thanked Finance Director Wiszowaty and Village Clerk Marshall for their work on this document as well as Plante & Moran for its technical guidance. Council can expect to receive a financial management policy each year at this time for its review along with an annual investment report.

Motion by Domzal, seconded by Mooney.

Resolved that the Village Council adopt the document entitled Village of Beverly Hills Comprehensive Financial Policies dated November 1, 2002 as the policies of the Village.

Questions and comments from Pfeifer were addressed by Murphy.

Roll Call Vote:

Motion passed (5 – 0).

RECEIVE AND FILE ANNUAL INVESTMENT REPORT

Council is in receipt of an investment report providing detail on investment of Village funds and how they performed over the previous fiscal year. No action is required on this report.

Domzal commented that this is a report on Village investments from July 1, 2001 to June 30, 2002. The report indicates balances on various accounts at the end of the year rather than performance. Domzal noted that Plante & Moran has suggested that the Village take a look at

whether or not it can refinance its higher interest obligations. He requested Murphy to follow up on this with a written memo to Council.

Murphy remarked that there is a statement in the report under summary of interest earned that indicates that the Village earned \$204,046.95 on interest over last year. He will follow up on the possibility of refinancing drain bonds.

Norman Rubin of 31020 Rivers Edge Court commented that a statement for one year does not reveal much about performance. He suggests that Council should be provided with figures for the prior year to allow comparison.

REVIEW AND CONSIDER PROPOSAL FOR SPECIAL ASSESSMENT LIMITED TAX BOND LEGAL COUNSEL

Domzal reviewed that Council determined the necessity of improvements and designated a special assessment district for road and drainage improvements for Hummel Court and Coryell Estates subdivision. The Village will be borrowing approximately \$750,000 from Midwest Guaranty Bank at a favorable interest rate to do the improvements. The loan is secured by revenue that will be received from the benefiting property owners in the Special Assessment Districts.

Council is being asked to consider approval of a contract for the law firm of Miller Canfield to serve as bond counsel to assist with the issuance of Village of Beverly Hills Special Assessment Limited Tax Bonds. The Village has received a written proposal from Miller Canfield indicating that the fee associated with the contract is expected to be \$9,000 plus out-of-pocket expenses. These charges will be included in the cost of the improvement to be borne by the special assessment district.

Motion by Domzal, seconded by Schmitt.

Resolved to authorize the Village Manager to execute an engagement letter with the law firm of Miller Canfield for the provision of legal services associated with the issuance of the Village of Beverly Hills Special Assessment Limited Tax Bonds on the basis of the proposal submitted to the Village dated October 25, 2002 at a cost not to exceed \$10,000 plus out-of-pocket expenses.

Ryan has reviewed the engagement letter. It was clarified that the letter from Miller Canfield indicates a charge of \$9,000 as a fee for their services. Domzal related that the motion gives administration some flexibility if there should be an overrun. It was noted that the out-of-pocket expenses are estimated to be \$200.

Roll Call Vote:

Motion passed (5 – 0).

DISCUSSION ITEM – CHARTER AMENDMENT

Ryan stated that Council can opt to proceed with a charter revision or a complete charter review, which would entail the creation of a charter commission to be funded by the Village. The recommendation of administration with Ryan's input is to select a couple of issues that

Council agrees are most appropriate and place a Charter amendment on the ballot each year. Council can appoint an ad hoc committee to go through the Village Charter and suggest areas that need revision.

Ryan remarked that areas of the Village Charter that have been superceded by State Law can be easily remedied with notations. He does not think the Village Charter is in a condition that it needs to be totally revamped. The Charter is somewhat outdated, and there are issues that can be addressed during a couple of election cycles.

Downey commented that Council has discussed Charter amendments, and there appears to be a consensus that the Charter as it exists today is out of date. It has been suggested that there are a number of items that need review and language that is considered cumbersome.

Ryan affirmed that a Charter Review Committee could be a subcommittee of Council. A full charter rewrite requires establishing and funding a Charter Revision Committee that is separate from Council. Charter commissioners are elected and must present a Charter to the Village in a specified amount of time.

Domzal stated that there is agreement that the Charter needs some revision, and it is important to understand the alternatives available to the Village. This could be the subject of a Council study session.

Pfeifer asked if there are updates that can be done immediately by way of footnoting.

Ryan responded that he can work with administration at Council's direction to go through the Charter and notate the sections that have been superceded by State Law. He added that Council has time to prepare three Charter amendments in proper form to be placed on the March 2003 ballot.

Motion by Pfeifer, seconded by Mooney, to direct the Village Attorney to work with administration on footnoting all items in the Charter that are superceded by State law with reference to the specific law.

Motion passed (5 – 0).

PUBLIC COMMENTS

Sandra Landau of 20010 Carriage Lane commented that the County plows snow on Evergreen Road, and the Village plows Carriage Lane. She asked that attention be directed to the pile of snow that accumulates on the corners of Carriage Lane and especially on 14 Mile Road creating a traffic hazard. Murphy will follow up the timing of the snow plowing on these streets.

REPORTS COUNCIL

Schmitt reported that the Planning Board continues to work on the 14 Mile Road Corridor Plan implementation with the study area being 14 Mile Road between Pierce and Greenfield. The Planning Board will hold a public discussion on Wednesday, November 13 at 7:30 p.m. in the

Village municipal building to hear citizen input on this topic. All interested people are invited to attend. Schmitt mentioned that this public meeting is not for the purpose of discussing the 14 Mile Road reconstruction. The Planning Board is also reviewing a work program and budget for the Master Plan revision and for the Southfield Road Corridor Study.

Schmitt advised Council that, based on the representations of the planning consultant, the Planning Board has found that the Village of Beverly Hills is exempt from the requirements of the Michigan Open Space Preservation Act, 179 P.A. 2001.

Schmitt stated that the decorative iron arches at the park entranceway have been erected and look great. The arches were designed by David Jensen. Schmitt congratulated Pat Greening and her group on organizing a great Halloween Hoot. Schmitt endorsed James M. O'Reilly for Oakland County Circuit Court.

Pfeifer announced that Birmingham Area Seniors Coordinating Council will hold an Open House to celebrate its 25th anniversary on Wednesday, November 13 from 2:00-4:00 p.m. at the senior center at 2121 Midvale in Birmingham. The next regularly scheduled meeting of the BASCC Board will be held Tuesday, November 19 at 1:30 p.m.

The November Birmingham Area Cable Board meeting will be held at 7:30 p.m. in the evening on November 20 in an effort to encourage interested residents to attend. Pfeifer thanked an individual who sent her an e-mail relative to her Council report last month dealing with Comcast. She has forwarded copies of this message to Cable Board members.

Pfeifer suggested that voters spend some time preparing to vote before they go to the polls. She added that poll workers will be happy to assist people with questions about the process.

Mooney related that she visited the Baldwin Library site (www.baldwinlib.org) with her son and found the live homework help link to be a very useful educational tool. She urged everyone to vote in tomorrow's election and asked voters to remember judicial candidates Jim O'Reilly and Bryan Levy, both Village residents.

Domzal hopes that the public is not discouraged by the election process considering the mean-spirited campaign waged in the state-wide election. He hopes that there is more civility in the election process in the future. People should remember that voting is a privilege and a responsibility.

Downey mentioned that Boy Scout Paul Carlton from Troop 1001 was present this evening working on his communications badge. Downey thanked resident Frank Worrell for attending tonight's meeting and for sharing his thoughts. Downey will consider Sharon Tischler's suggestions about the wording of the agenda.

Council has received notice that the Village is co-hosting the South Oakland County Mayor's Association dinner on November 13. Downey encouraged members to attend.

Downey reminded people that this is the time of year to think about changing the batteries in their smoke detector and carbon monoxide detector. Downey referred to Section 7.5 of the Village Charter, which provides rules on when a Council vote requires a super majority.

MANAGER’S REPORT

Murphy reported that the under drain and asphalt are installed on Hummel Court. The contractor is making headway on Coryell Estates subdivision. The under drain system is currently under construction. Depending on the weather, the contractor expects to complete the installation of the under drain by year’s end. The road work will begin in the Spring.

The Village Council will host the Beautification Committee on Monday, November 18th as the committee awards area residents and businesses with the annual Beautification Awards.

Murphy commented that the Village’s web site has posted a helpful link to the Michigan Secretary of State’s website called the Voter Information Center.

Pfeifer questioned what recourse Mr. Landau has with respect to his water bill and what options are available to the Village.

Murphy responded that Mr. Landau can seek redress in the courts. That route has been taken in the past by residents on similar matters. It is Council’s prerogative to direct staff to work out details in this matter. He cannot recommend that Council take that approach because the empirical evidence shows that the water went through the meter and the meter tested properly. Murphy empathizes with the resident. It is a large water bill, and the consumption for this quarter is three times higher than the resident’s normal consumption for this period in the previous three years.

Domzal pointed out that, if Council was inclined to work out a settlement on this matter, the Village would have to pay for the water used.

Mooney questioned the status of the Village entryway signs, which was addressed by Murphy. Signs have been positioned at a few locations to receive feedback on the size and appearance of the proposed signs. This will be a Council agenda item as a final proposal soon.

Motion by Mooney, seconded by Schmitt, to adjourn the meeting at 10:17 p.m.

Motion passed (5 – 0).

Doyle Downey
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary