



# Rochester Hills

## Minutes - Draft

### City Council Regular Meeting

1000 Rochester Hills Dr.  
Rochester Hills, MI 48309  
(248) 656-4600  
Home Page:  
[www.rochesterhills.org](http://www.rochesterhills.org)

*Erik Ambrozaitis, J. Martin Brennan, Greg Hooper, Vern Pixley, James Rosen,  
Michael Webber and Ravi Yalamanchi*

*Vision Statement: The Community of Choice for Families and Business*

*Mission Statement: "Our mission is to sustain the City of Rochester Hills as the premier  
community of choice to live, work and raise a family by enhancing our vibrant residential  
character complemented by an attractive business community."*

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Monday, September 28, 2009

7:00 PM

1000 Rochester Hills Drive

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## CALL TO ORDER

*President Hooper called the Regular Rochester Hills City Council Meeting to order  
at 7:00 p.m. Michigan Time.*

## ROLL CALL

**Present** 6 - Erik Ambrozaitis, J. Martin Brennan, Greg Hooper, Vern Pixley, James Rosen  
and Michael Webber

**Absent** 1 - Ravi Yalamanchi

## Others Present:

*Michelle Akers-Berg, Museum Interpretive Specialist  
Bryan Barnett, Mayor  
Tara Beatty, Chief Assistant  
Scott Cope, Director of Building/Ordinance Compliance  
Paul Davis, City Engineer  
Kurt Dawson, Director of Assessing/Treasury  
Derek Delacourt, Deputy Director of Planning  
Lance DeVoe, Park Ranger II  
Bob Grace, Director of MIS  
Lieutenant Steve Jacobs,  
Pamela M. Lee, Director of Human Resources  
Jane Leslie, City Clerk  
David Levett, Financial Analyst  
Pat McKay, Supervisor of Interpretive Services  
Roger Rousse, Director of DPS/Engineering  
Keith Sawdon, Director of Finance  
Joe Snyder, Senior Financial Analyst  
Rachel Schlagel, Representative, Rochester Hills Government Youth Council  
John Staran, City Attorney*

## PLEDGE OF ALLEGIANCE

## APPROVAL OF AGENDA

**A motion was made by Pixley, seconded by Webber, that the Agenda be Approved as Presented. The motion CARRIED by the following vote:**

**Aye** 6 - Ambrozaitis, Brennan, Hooper, Pixley, Rosen and Webber

**Absent** 1 - Yalamanchi

## PUBLIC COMMENT

**David Pagnucco**, 3069 Quail Ridge Circle, submitted a letter from the Quail Ridge Homeowner's Association Board of Directors expressing his subdivision's interest in trying to do what they can to help repair their roads. He suggested that areas could be selectively repaired and stated that the roads are a hazard for children.

**Melinda Hill**, 1481 Mill Race, thanked the Mayor and staff members Mike Hartner, Director of Parks and Forestry, and Paul Davis, City Engineer, for their assistance in providing a safe temporary trail crossing of the Hamlin Road construction area during the Friends of the Clinton River Trail's Fall Classic. She commented that this event provides additional funds to assist in Trail development.

**Deanna Hilbert**, 3234 Quail Ridge, requested that a link be placed on the City's website home page for election information. She announced that the League of Women Voters' Meet the Candidates Night will be at City Hall on Wednesday, October 7, 2009 at 7:30 p.m. and a Meet the Candidates event is set for Tuesday, October 6, 2009 at the Older Persons' Center from 11:30 a.m. to 1:00 p.m.

**(Mr. Yalamanchi entered at 7:05 p.m.)**

**Present** 7 - Erik Ambrozaitis, J. Martin Brennan, Greg Hooper, Vern Pixley, James Rosen, Michael Webber and Ravi Yalamanchi

## LEGISLATIVE & ADMINISTRATIVE COMMENTS

**Mr. Webber** announced that the Brooksie Way Half-Marathon will be held this coming Sunday, October 4, 2009, beginning at 8:00 a.m. at Oakland University. He noted that there is still time to register online for the Half-Marathon, 5k or 1k races.

**Rachel Schlagel**, Rochester Hills Government Youth Council (RHGYC) Representative, reported that the RHGYC had their first meeting of the new year on September 21, 2009 and elected officers. She reported that she was elected as Chair, Sara Etienne as Vice-Chair and Kaitlyn Forbes as Secretary; and stated that the group is in the process of selecting their projects for the year.

**Mayor Barnett** made the following announcements:

- Registrations for the Brooksie Way Half-Marathon are running ahead of last year, with between 4,500 to 5,000 runners expected. He stated that residents should check the City's website for road closure information and commented that informational lawn signs were posted at various locations and over 8,000 flyers delivered to homes in areas affected by race traffic and road closures. He commented that the event will bring 10,000 visitors to the community.
- Fire Safety Week is October 4th through 10th. Events include open houses at many of the Fire Stations on Sunday, October 11, 2009 from 12:00 p.m. to 4:00 p.m. and an apparatus display on Friday, October 9, 2009 from 7:00 p.m. to 9:00 p.m. at the Lowe's parking lot on Rochester Road.
- Yesterday's Detroit News contained an article that the City received mention in "The Needle", a column which recognized that the City is "doing great" in many areas, citing in particular the City's new Recycle Bank program. He thanked Council for their leadership in bringing this program forward.

## ATTORNEY MATTERS

*City Attorney John Staran had nothing to report.*

## RECOGNITIONS

**2009-0372** Proclamation recognizing October 2009 as American Archives Month in the City of Rochester Hills

**Attachments:** [Agenda Summary.pdf](#)  
[Proclamation.pdf](#)  
[Resolution.pdf](#)

**Mayor Barnett** read the Proclamation, and recognized Michelle Akers-Berg, Museum Interpretive Specialist, as Archivist at the Rochester Hills Museum at Van Hoosen Farm. He noted that her efforts have resulted in many grants for the Museum's archival programs.

**Pat McKay**, Supervisor of Interpretive Services, stated that efforts at the Museum focus on three priorities: buildings and grounds, archives and collections, and programs. He explained that the Museum's collections consist of three-dimensional objects, while archives are paper products. He commented that 23 years ago, the Museum's archives contained only 50 photographs from a family photo album of Sarah Van Hoosen Jones, and pointed out that the Museum now has over 4,500 photographs. He stated that the Museum has been both the recipient of the generosity of the community, and staff has expended diligent efforts in adding to the collection. He noted that much of the archival collection has been microfilmed, and extra copies are stored at the Rochester Hills Public Library, as part of the Museum's disaster plan to protect these documents. He noted that many of the archives are available for view on the Museum's website.

**Michelle Akers-Berg**, Museum Interpretive Specialist, stated that Archivists bring the past to the present; they are record collectors and protectors, and keepers of memory. They organize unique historical materials, making them available for current and future research. She commented that the Museum staff are the

*protectors of many different kinds of archives; hundreds of issues of the newspapers, family Bibles, historic plat maps of the community, thousands of photographs, business ledgers from the 1800s and 1900s, school records back to great-grandparents' time, records on historic homes in the neighborhoods, scrapbooks and much more. She thanked the Mayor and Council for the proclamation, stating that it acknowledges the importance that the Museum staff feel about the many historical documents that the community possesses.*

**Presented.**

**Whereas**, American Archives Month is a collaborative effort by professional organizations and repositories around the nation to highlight the importance of maintaining records of enduring value; and

**Whereas**, In the course of daily life, individuals, organizations, and governments create and keep information about their activities. Archivists are professionals who assess, collect, organize, preserve, maintain control of, and provide access to the portions of this information that have lasting value; and

**Whereas**, At the Rochester Hills Museum, the archive focuses on the history of our local area of Rochester Hills (Avon Township) and Rochester. It includes 4,500 archival photographs, 100 years of local newspapers, and over 56 linear feet of archival documents. The archive has maps of the area, historic records of our local schools, information about historic houses, papers from the collections of Dr. Bertha Van Hoosen and Dr. Sarah Van Hoosen Jones, holdings of many families throughout the communities, and much more; and

**Whereas**, American Archives Month is a time to focus on the importance of records of enduring value and to enhance public recognition for the people and programs that are responsible for maintaining our communities' vital historical records.

**Now, Therefore, Be It Resolved**, that the Mayor and City Council of Rochester Hills hereby recognize October 2009 as American Archives Month in the City of Rochester Hills.

## CONSENT AGENDA

All matters under Consent Agenda are considered to be routine and will be enacted by one motion, without discussion. If any Council Member or Citizen requests discussion of an item, it will be removed from Consent Agenda for separate discussion.

**2009-0356** Approval of Minutes - City Council Regular Meeting - August 10, 2009

**Attachments:** [CC Min 081009.pdf](#)  
[Resolution.pdf](#)

**This Matter was Adopted by Resolution on the Consent Agenda.**

Enactment No: RES0260-2009

**Resolved**, that the Minutes of a Rochester Hills City Council Regular Meeting held on August 10, 2009 be approved as presented.

2009-0384 2010 Annual Permit for Work on State Highways

**Attachments:** [Agenda Summary.pdf](#)  
[Annual Permit Appl.pdf](#)  
[MDOT Annual Permit Ltr.pdf](#)  
[Resolution for Governmental Agencies.pdf](#)  
[Resolution.pdf](#)

**This Matter was Adopted by Resolution on the Consent Agenda.**

Enactment No: RES0261-2009

**Resolved,** Whereas, the City of Rochester Hills hereinafter referred to as the "GOVERNMENTAL BODY" periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT" for permits, hereinafter referred to as "PERMIT," to construct, operate, use and /or maintain utility or other facilities, or to conduct other activities, on, over, and under State trunkline right of way at various locations within and adjacent to its corporate limits;

Now therefore, in consideration of the DEPARTMENT granting such PERMIT the GOVERNMENTAL BODY agrees that:

It will fulfill all permit requirements and will indemnify, save harmless, represent and defend the State of Michigan, Michigan Transportation Commission, and the DEPARTMENT and all officers, agents, employees and those contracting governmental bodies performing permit activities for the DEPARTMENT according to a maintenance contract:

from any and all claims and losses occurring or resulting to any and all persons, firms, or corporations furnishing or supplying work, services, materials, or supplies to the GOVERNMENTAL BODY as the result of the GOVERNMENTAL BODY's installation, construction, operation, or maintenance activities which are being performed under the terms of the PERMIT on, over, and/or under the State trunkline right of way; and

from any and all claims of every kind of injuries to, or death of, any and all persons, and for loss of or damage to property, and environmental damage or degradation, and from attorney's fees and related costs arising out of, under, or by reason of the GOVERNMENTAL BODY's installation, construction, operation or maintenance activities which are being performed under the terms of the PERMIT on, over, and/or under the state trunkline right of way, except claims resulting from the direct negligence or willful acts of omissions of said DEPARTMENT performing permit activities.

from any and all claims made by any and all persons, firms, or corporations furnishing or supplying materials, supplies, work, or services on, over, and/or under the State trunkline right of way pursuant to an agreement with the State of Michigan, the DEPARTMENT and/or the Michigan Transportation Commission, as a result of the GOVERNMENTAL BODY's failure to move or otherwise relocate its facilities in a timely manner after being requested to do so by the DEPARTMENT.

Any work performed for the GOVERNMENTAL BODY by a contractor or subcontractor will be solely as a contractor for the GOVERNMENTAL BODY and not as a contractor or agent of the DEPARTMENT. Any claims by any contractor or subcontractor will be the sole

responsibility of the GOVERNMENTAL BODY. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL BODY, or their subcontractors or any other person not a party to the PERMIT without its specific prior written consent and notwithstanding the issuance of the PERMIT.

The GOVERNMENTAL BODY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.

It will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State trunkline right of way resulting from the installation, construction, operation and/or maintenance of the GOVERNMENTAL BODY's facilities according to a PERMIT issued by the DEPARTMENT.

With respect to any activities authorized by PERMIT, when the GOVERNMENTAL BODY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.

The incorporation by the DEPARTMENT of this indemnification resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.

This indemnification resolution shall continue in force from this date until cancelled by the GOVERNMENTAL BODY or the DEPARTMENT with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the GOVERNMENTAL BODY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

***Be It Further Resolved***, that the following position(s) are authorized to apply to the Michigan Department of Transportation for the necessary permit to work within State trunkline right of way on behalf of the GOVERNMENTAL BODY:

Paul G. Shumejko, P.E., PTOE - Transportation Engineer  
Paul M. Davis, P.E. - City Engineer  
Tracey A. Balint P.E. - Project Engineer

## **Passed the Consent Agenda**

**A motion was made by Webber, seconded by Pixley, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:**

**Aye** 7 - Ambrozaitis, Brennan, Hooper, Pixley, Rosen, Webber and Yalamanchi

## ORDINANCE FOR ADOPTION

**2009-0364** Acceptance for Second Reading - An Ordinance to add Section 94-144 to Article III, Division 3 of Chapter 94, Streets, Sidewalks and Certain Other Public Places, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to designate violations of Article III as municipal civil infractions, and to repeal conflicting Ordinances

**Attachments:** [Agenda Summary.pdf](#)  
[Ordinance.pdf](#)  
[092109 Agenda Summary.pdf](#)  
[092109 Resolution.pdf](#)  
[Resolution.pdf](#)

**A motion was made by Yalamanchi, seconded by Webber, that this matter be Accepted for Second Reading and Adoption by Resolution. The motion CARRIED by the following vote:**

**Aye** 7 - Ambrozaitis, Brennan, Hooper, Pixley, Rosen, Webber and Yalamanchi

Enactment No: RES0262-2009

**Resolved**, that an Ordinance to add Section 94-144 to Article III, Division 3 of Chapter 94, Streets, Sidewalks and Certain Other Public Places, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to designate violations of Article III as municipal civil infractions, and to repeal conflicting Ordinances is hereby accepted for Second Reading and Adoption, and shall become effective on Friday, October 9, 2009, the day following its publication in the Rochester Post on Thursday, October 8, 2009.

**2009-0365** Acceptance for Second Reading - an Ordinance to amend Section 84-17 of Article I, Chapter 84, Property Maintenance Code, and to repeal Article III, Weed Control, of Chapter 106, Vegetation, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to consolidate weed control regulation in Section 84-17, specify land owner responsibility for weed control to the street, repeal conflicting Ordinances and prescribe a penalty for violations

**Attachments:** [092809 Agenda Summary.pdf](#)  
[092809 Ordinance \(Revised\).pdf](#)  
[092109 Agenda Summary.pdf](#)  
[092109 Ordinance.pdf](#)  
[092109 Resolution.pdf](#)  
[092809 Resolution.pdf](#)

**A motion was made by Yalamanchi, seconded by Ambrozaitis, that this matter be Accepted for Second Reading and Adoption by Resolution. The motion CARRIED by the following vote:**

**Aye** 7 - Ambrozaitis, Brennan, Hooper, Pixley, Rosen, Webber and Yalamanchi

Enactment No: RES0339-2009

**Resolved**, that an Ordinance to amend Section 84-17 of Article I, Chapter 84, Property Maintenance Code, and to repeal Article III, Weed Control, of Chapter 106, Vegetation, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to consolidate weed control regulation in Section 84-17, specify land owner responsibility for weed control to the street, repeal conflicting Ordinances and prescribe a penalty for violations is hereby accepted for Second Reading and Adoption, and shall become effective on Friday, October 9, 2009, the day following its publication in the Rochester Post on Thursday, October 8, 2009.

## NOMINATIONS/APPOINTMENTS

**2009-0344** Nominations/Appointments of three (3) Citizen Representatives to the MR-42E Noise Barrier/Sound Wall Technical Review Committee each for a term expiring December 2009

**Attachments:** [Agenda Summary.pdf](#)  
[Appointment Form.pdf](#)  
[Lagerbohm CQ.pdf](#)  
[Lam CQ.pdf](#)  
[Masiak CQ.pdf](#)  
[McGlynn CQ.pdf](#)  
[L. Nitsche CQ.pdf](#)  
[O. Nitsche CQ.pdf](#)  
[Nori CQ.pdf](#)  
[O'Neill CQ.pdf](#)  
[091409 Agenda Summary.pdf](#)  
[Nomination Form.pdf](#)  
[Notice of Vacancy.pdf](#)  
[Aubuchon CQ.pdf](#)  
[Moher CQ.pdf](#)  
[Samano CQ.pdf](#)  
[Resolution.pdf](#)

**President Hooper** stated that nominations were taken at the City Council Regular Meeting of September 14, 2009 for Citizen Representatives to the MR-42E Noise Barrier/Sound Wall Technical Review Committee and indicated that Council would vote tonight for the three Citizen Representative positions.

**Public Comment:**

**John Gaber**, 1024 Adele, pointed out that two representatives from his subdivision, Covington Place #3, were nominated at the September 14, 2009 meeting. He stated that both nominees, Charlie Lam and John Nori, have been very active in subdivision business, and commented that either or both individuals would be good contributors to this Committee. He stated that it is important to have



representation on this Committee from residents from subdivisions other than Country Club Village Subdivision. He noted that the Michigan Department of Transportation (MDOT) Sound Analysis reports that his subdivision experiences an equivalent if not greater impact from noise from the M-59 freeway.

**Mike McGlynn**, 3741 Everett, stated that the Administration should solicit accurate estimates for building the sound walls. He commented that proper planning should be undertaken now for the funding necessary to construct these walls. He commented that he wished that the Committee had been established prior to approaching MDOT.

**Sue Lucas**, 3635 Winter Creek, stated that now that Fall is here, it is apparent how close a five-lane expressway will be to their property lines. She expressed concern for property values and for the safety of children, grandchildren and pets, noting that she has two grandchildren who are hearing impaired.

**Mary Blake**, 3665 Winter Creek, commented that now that the leaves are falling and the grassy median is gone, the construction noise is loud all hours of the day and night. She stated that it is noisy inside her house with all windows shut and commented that Council should include the sound wall in the Budget. She stated that not all sound walls are equivalent, noting the topography in their area and a wall to be constructed on the south side of the freeway.

**Bonnie Dumoulin**, 3693 Old Creek, stated that she works midnights and has had her sleep disrupted. She noted that while she moved into her home knowing that the freeway was there, she did not anticipate the additional lanes and a wall constructed across the freeway. She expressed concerns over safety.

#### **Council Discussion:**

**President Hooper** reviewed the Committee's purpose and charge, noting that it will be for ranking and prioritizing the sound walls, not for funding.

The nominees received the following votes:

**Jennifer Lagerbohm:** Mr. Brennan, President Hooper, Mr. Pixley, Mr. Rosen, Mr. Webber and Mr. Yalamanchi

**Charles Lam:** Mr. Brennan, President Hooper, Mr. Pixley and Mr. Webber

**Jim Masiak:** President Hooper, Mr. Rosen and Mr. Yalamanchi

**Michael McGlynn:** Mr. Ambrozaitis, Mr. Brennan, Mr. Pixley, Mr. Rosen, Mr. Webber and Mr. Yalamanchi

**Lynette Nitsche:** Mr. Ambrozaitis

**Noelle O'Neill:** Mr. Ambrozaitis

**President Hooper** announced that Jennifer Lagerbohm, Charles Lam and Michael McGlynn would be appointed.

**Mr. Yalamanchi** pointed out that Jim Masiak noted on his Candidate Questionnaire that if not appointed, he would be willing to provide his expertise as a technical advisor to the committee.

**A motion was made by Webber, seconded by Pixley, that this matter be Adopted by Resolution. The motion CARRIED by the following vote:**

**Aye** 7 - Ambrozaitis, Brennan, Hooper, Pixley, Rosen, Webber and Yalamanchi

Enactment No: RES0264-2009

**Resolved**, that the Rochester Hills City Council appoints Jennifer Lagerbohm, Charles Lam and Michael McGlynn to the MR-42E Noise Barrier/Sound Wall Technical Review Committee each for a term expiring December 2009.

## NEW BUSINESS

**2009-0386** Request for Purchase Authorization - DPS/ENG: Contract for the M59 Water Main Improvements Project in the amount of \$99,052.00 with a 10% contingency of \$9,905.20 for a total not-to-exceed amount of \$108,957.20; Dan's Excavating, Inc., Shelby Township, MI

**Attachments:** [Agenda Summary.pdf](#)  
[Quote - Dan's Excavating.pdf](#)  
[Quote - Di Ponio.pdf](#)  
[M59 Map.pdf](#)  
[Resolution.pdf](#)

**President Hooper** stated that although he works in the construction industry and knows the firm involved, he has no connection or financial interest in this project, bid or quote, and as such, he did not see a need to recuse himself from this item.

**Roger Rousse**, Director of DPS/Engineering, explained that this project will increase the capacity of the existing six-inch water main to 12 inches across M-59, including two small portions on either end of the freeway which are outside the scope of the M-59 Widening Project and are the City's responsibility. He commented that originally this water main was to be increased to eight-inches; however, it was determined that as this stretch of main will be underneath the freeway, it should be increased to the largest capacity to plan for future need.

**Mr. Webber** questioned why there appeared to be an increase in cost from the budgeted amount.

**Mr. Rousse** responded that quantities for gravel increased as this water main will be installed underneath a gravel road, requiring undercutting and gravel replacement.

**Mr. Webber** questioned whether the increase can be offset in the Budget.

**Mr. Yalamanchi** recalled that a prior Council discussion item mentioned a figure of \$500,000 and questioned what portion of the M-59 Widening project that estimate encompassed.

**Paul Davis**, City Engineer, responded that the \$500,000 figure is not related to the water main replacement, but is the local share for the Michigan Department

of Transportation's (MDOT) noise barrier construction and design services for the Widening Project, which are not a part of Stimulus Funding. He noted that the water main replacement could be completed separate from the Widening Project; however, it was determined to be cost-effective to remove and improve the remaining piece of six-inch water main during freeway construction. He noted that MDOT will cover the portion of water main that it is responsible for as a part of its project, however, the remainder is the City's obligation. He commented that 6A stone is included in the project due to poor soil conditions encountered in this area.

**A motion was made by Webber, seconded by Yalamanchi, that this matter be Adopted by Resolution. The motion CARRIED by the following vote:**

**Aye** 7 - Ambrozaitis, Brennan, Hooper, Pixley, Rosen, Webber and Yalamanchi

Enactment No: RES0265-2009

**Whereas**, due to construction coordination with the Michigan Department of Transportation on the M-59 Water Main Improvement Project, and per Article VI, section 2-281 of the Rochester Hills City Ordinance, the Department of Public Service is requesting that City Council waive the Purchasing Ordinance Section 2-275-c-1, Form Competition Required.

**Resolved**, that the Rochester Hills City Council awards the contract for the M-59 Water Main Improvements to Dan's Excavating, Inc. of Shelby Township, Michigan in the amount of \$99,052.00 and authorizes the Mayor and Clerk to execute a contract on behalf of the City.

**Be It Further Resolved**, that City Council approves a 10% contingency for the project in the amount of \$9,905.20 for a total amount not to exceed \$108,957.20.

**2009-0387** Request to eliminate the locally designated historic district located at 1585 S. Rochester Road

**Attachments:** [Agenda Summary.pdf](#)  
[082809 WWRP Ltr.pdf](#)  
[TAB A - Exterior photos.pdf](#)  
[TAB B - Historic Survey.pdf](#)  
[TAB C - Historic Survey Map.pdf](#)  
[TAB D - Finnicum Brownlie Architects.pdf](#)  
[TAB E - Architect Letter 080609.pdf](#)  
[TAB F - Restoration Estimates.pdf](#)  
[TAB G - Restoration Scope of Work.pdf](#)  
[TAB H - Utility Bill.pdf](#)  
[TAB I - Interior Photos.pdf](#)  
[TAB J - HDSC Minutes Excerpt 110807.pdf](#)  
[TAB K - Incident Report.pdf](#)  
[TAB L - HDSC Report.pdf](#)  
[Resolution.pdf](#)

**John Gaber**, Attorney, Williams, Williams, Rattner & Plunkett, P.C. representing G&V Investments, stated that the subject property at 1585 S. Rochester Road has been owned by G&V Investments for a long time and noted that the developers have been contributing to the development of this community since the 1970s. He explained that the property, just north of Bordine's, encompasses 27 acres with a 3,500 square foot home and is subject to a Planned Unit Development (PUD)

*approved in 2004/2005, which proposed to relocate the house. He stated that since that time, prospects have changed for the property and the PUD is no longer considered marketable; therefore, the developers are now requesting the elimination of the historic district in order to remove the house. He noted that this plan is subject to modifications of the PUD.*

*He stated that the City deemed this property historic in the 1970s, however, the historic value of the house is minimal and marginal. He listed the reasons why the designation should be lifted and the house should be demolished:*

- The Neoclassical porch is listed on the survey sheet as a sole reason for its designation. The porch feature was actually a later addition.*
- A garage and second floor are later additions to the home.*

*Mr. Gaber noted that William Finnicum, Architect, renowned in his field and Chair of the Historic Districts Commission in Franklin, and an award-winning historical architect for over 35 years, reported that this property does not meet the criteria for historic designation. He explained that Mr. Finnicum prepared a scope of work required to restore the property; and Frank Rewold and Son, Inc., General Contractors, provided a cost estimate for this work. He noted that it is not feasible to consider restoring the house back to a single family home, as the contractor's estimate is in excess of \$950,000 and encompasses the repair of substantial damage, both interior and exterior. He commented that the character of development surrounding the property, along with its location on a five-lane road, is not conducive to recovering its cost as a single family home. He pointed out that Mr. Finnicum's estimate for restoration does not include addressing any ADA (Americans with Disabilities Act) requirements such as elevators, or restroom modifications; therefore, restoration for commercial purposes is more costly and less feasible. He noted that the home also has black mold, presumed to be due to vandalism which occurred in 2007 where water was turned on and allowed to flow throughout the house. He explained that the developers discovered the water damage upon receiving a \$5,000 water bill. He noted that the conditions in the home were so hazardous that it was difficult to obtain a safety inspection of the property by the City.*

*Mr. Gaber noted that although the Historic Districts Commission (HDC) inferred that the property experienced demolition by neglect of structure, the developer has performed repairs to address these concerns. He stated that the building can not obtain property insurance, and is an attractive nuisance for thieves and vandals. He commented that the layout of the home, with its many small rooms and circulation problems, renders it less than ideal for retail, restaurant or office use and its wood and plaster structure is not conducive to the installation of modern technology. He stated that for these reasons, adaptive reuse is out of the question.*

*Mr. Gaber stated that in 1996, the HDC approved the demolition of the Bordine House just to the south of this property, noting that their approval determined that the Bordine House was of similar age, had additions of no value and was too small to use as a business office. He drew parallels between the two buildings, noting that the Bordine House was allowed to be demolished.*

He noted that nothing in the PUD states that the PUD was developed for the purpose of preserving the house. He stated that the developer would request that the PUD be modified and the result would be less density. He stated that if Council deemed it appropriate to send this to the Historic Districts Study Committee (HDSC) for review and report, he would request that a shorter timeframe be established for completion of that phase. He also commented that a member of the HDSC might have a prior conflict with Mr. Gilbert and noted that the developer would suggest that this member recuse himself from participating in the review so that an unbiased report can be obtained. He questioned whether the City's consultant could be used to provide the preliminary report instead of the HDSC.

**Public Comment:**

**Melinda Hill**, 1481 Mill Race, stated that she was disheartened to see this item on the agenda and questioned whether the HDSC and HDC were notified of this request. She commented that this property has been determined a demolition by neglect concern by the HDC for over four years and stated that many minutes exist to confirm this concern. She commented that the owner has had many opportunities to rectify these conditions and pointed out that the owner has demolished barns and outbuildings, pointing out that this demolition is against the City Ordinance. She stated that many historic buildings in the area have gone through the rehabilitation process and questioned whether considering the delisting is against the PUD. She commented that if this request goes forward, the HDSC should be required to do a complete study, with a timeframe of one year to do so. She stated that it is unsatisfactory to accuse individuals of these boards of not being unbiased.

**President Hooper** requested that Mr. Delacourt confirm that Council had three options: To refer the request to the HDSC for a report; to refer the request to the City's Historical Consultant for a report; or to approve or deny the request outright. He questioned whether the HDC and HDSC were notified of this request and what the timeframe would be for referring to the HDSC.

**Derek Delacourt**, Deputy Director of Planning, responded that e-mails were sent to the HDSC and HDC, letting them know that this would be on the Agenda, and the item was mentioned at the HDSC's last meeting. He stated that the HDSC must bring the report forward within one year from the public hearing and noted that there is no timeframe for the preliminary report. He commented that Council could establish a time limit for a preliminary report.

**John Staran**, City Attorney, commented that there is some precedent for Council to set a time limit, noting that this was done for Rochester College; however, he stated that sufficient time should be allowed for the study, which must then be transmitted to the Planning Commission and the State. He noted that the State Local Historic Districts Act requires a 60-day minimum waiting period between the Preliminary Report before a Public Hearing can take place. He stated that after the Public Hearing, the HDSC will complete a final report including input from the public hearing, the State, the Planning Commission, the Historic Districts Commission and any other agency; and noted that in the past, at least 90 days is recommended.

**Mr. Gaber** commented that he represented Rochester College and stated that an abbreviated time period of four or five months was given to the HDSC to prepare a preliminary report, hold the Public Hearing and present the final report.

**President Hooper** asked Mr. Finnicum to elaborate on the scope of work.

**William Finnicum**, Architect, Finnicum Brownlie Architects, stated that the estimates are within the range he would expect for this type of work. He pointed out that the PUD actually calls for the building to be relocated, which would add an additional estimated \$274,000, bringing the cost of the restoration to approximately \$1,230,000. He explained that he has made a career of historic preservation and adaptive reuse and commented that this project is not economically feasible in the development arena. He noted that while this building could be saved, it needs public money, or a private owner wishing to expend a significant amount on it.

**President Hooper** requested that the owner address notices received in 2007 regarding demolition by neglect.

**Bill Gilbert**, G&V Investments, commented that during that period of time, the owner requested a total inspection of the building, including all mechanical, to obtain a better cost estimate. He noted that a mold inspector was also called in at that time and stated that he met with the Mayor and City staff and agreed to do some remedial repairs to secure the exterior of the building. He explained that prior to this time, someone broke in and took the kitchen cabinetry and fixtures and stated that the fire insurance cannot be obtained. He commented that tenants cannot occupy the building as maintenance and utility costs are too high.

**President Hooper** noted that on November 8, 2007, the Historic Districts Commission passed a resolution to compel the property owner to move forward to securing the property against damage by elements. He questioned whether the owner had made any response to that motion by the HDC.

**Mr. Gilbert** stated that after the meeting with City staff, and after work was done to secure the house, to his knowledge they had no further correspondence from anyone. He commented that it was his assumption then that they had complied with the requirements.

**Scott Cope**, Director of Building/Ordinance Compliance, stated that a Duty to Maintain letter was sent on August 27, 2007, and subsequently, a Code Compliance Request was sent from the Building Department. He noted that a meeting was held with the owner in December and at that time, the owner agreed to minimal work to secure the building and prevent weather from doing further damage. He stated that this was resolved on December 31, 2007.

**President Hooper** questioned whether the action taken was sufficient to comply with HDC.

**Mr. Cope** responded that it was.

**Council Discussion:**

**Mr. Yalamanchi** questioned why the PUD is no longer considered viable.

**Mr. Gaber** responded that Mr. Gilbert has appeared before the Planning Commission to discuss the changing market conditions since the PUD was approved. He explained how the property has been marketed since 2004, and stated that since the portion of the property containing Fifth Third Bank was developed and economic conditions have declined, no additional interested parties have come forward to pursue the property. He noted that the owner is requesting delisting now, and will request the Planning Commission consider a redesign, redesignation or redefining of the PUD to allow more flexibility in developing the site, and stated that the market will not support the current PUD design.

**Mr. Yalamanchi** questioned whether 180 days would be sufficient for the HDSC to complete the study process.

**Mr. Delacourt** responded that this would be enough time to prepare a preliminary report and hold a public hearing; however, he is uncertain that this would be enough time to generate the final report. He commented that he would be hesitant to guarantee 180 days for the entire process, noting that this timeframe will depend on the response of the State.

**Mr. Gaber** stated that the process was completed for Rochester College in that time period.

**Mr. Ambrozaitis** stated that he had deep concerns of modifying the PUD, noting that at one time there had been discussion with Robertson Brothers for a condominium development utilizing the house as a clubhouse. He stated that he would like to see this building maintained and preserved and noting that he would support referring this property to the HDSC for a 180-day study period.

**Mr. Gaber** asked that benchmarks be used to ensure timely completion of the requirements and expressed concern over potential conflicts with HDSC or HDC members.

**Mr. Ambrozaitis** commented that he would never support the removal of any member of any Board of the City. He questioned how timelines could be incorporated into the process.

**Mr. Staran** commented that he would not recommend including specific benchmarks in the timelines beyond the maximum 180-day study period, stating that it would depend on the consultant's work and data to be discovered. He commented that it is the HDSC's task to do this work and they should be able to complete it in a timely manner. He noted that the HDSC could request additional time if delays were encountered gathering data or with State review. He pointed out that the Rochester College study did not set benchmarks beyond an end date.

**Mr. Brennan** stated that from his perspective this structure does not meet the National Register Criteria for Designation. He commented that the cost of restoration is excessive and does not include relocation. He commented that there would be more replication involved than restoration and stated that it was time to allow this building to be removed.

**Mr. Pixley** questioned whether this could be referred to a consultant rather than sent to the HDSC.

**Mr. Staran** responded that the State Law is very clear, commenting that Council has the option of not referring this to the HDSC if it is the decision not to eliminate the district; however, if Council wishes to thoughtfully consider the request, the Law requires that it be referred to the HDSC.

**Mr. Rosen** commented that the PUD is a contractual agreement between the City and the developer, granting rights in exchange for doing things it would not otherwise be able to do. He stated that the house is part of this PUD and was intended to be moved and maintained. He cited the adaptive reuse of the building located at 71 North Livernois and stated that he is not certain that the PUD would have been granted originally without including the house in the plan. He commented that a review by HDSC is warranted, however, he stated that a review is necessary of all the contractual PUD arrangements, including minutes from the Planning Commission during the time the PUD was approved. He stated that 180 days is the earliest reasonable maximum timeline that should be specified to complete the study and noted that additional time could be requested if that timeline cannot be met. He noted that while he sympathizes with the developer, investing in real estate in this economy is not without risk.

**Mr. Ambrozaitis** concurred with Mr. Rosen's concerns of amending the PUD and stated that a review of this information would be warranted.

**Mr. Staran** noted that a review of the PUD agreement process could be done simultaneously with the HDSC's study.

**Mr. Delacourt** acknowledged that if Council moved to delist the property, the PUD would have to be amended.

**Mr. Brennan** requested that Mr. Staran clarify the State Law and questioned how it applied to the City's Ordinance about Historic Districts.

**Mr. Staran** responded that City Council may establish, modify or eliminate historic districts, however, State Law prescribes a procedure that must be followed. He stated that this portion of the City's Ordinance was amended in January of this year, and has been reviewed by the State Historic Preservation Office. He noted that prior to this Ordinance Amendment, the HDSC was able to initiate studies without Council direction. He pointed out the case of the Wayside Park property, where Council recognized that the HDSC had identified some good sound reasons to regulate the property for historic purposes, but other considerations led Council to determine that it was not the time to designate this property. He noted that while the Ordinance provides Council with discretion, it does not mean that Council can bypass the HDSC.



**A motion was made by Ambrozaitis, seconded by Yalamanchi, that this matter be Adopted by Resolution. The motion CARRIED by the following vote:**

**Aye** 7 - Ambrozaitis, Brennan, Hooper, Pixley, Rosen, Webber and Yalamanchi

Enactment No: RES0266-2009

**Resolved**, that the Rochester Hills City Council refers the request to eliminate the locally designated historic district located at 1585 S. Rochester Road, Rochester Hills to the Historic Districts Study Committee for review and to conduct a study, and to report back to Council with a complete report of their findings and recommendations within a maximum of 180 days; and concurrently request a thorough review of the Planned Unit Development (PUD), the contractual obligation, and the decision records leading up to the PUD, delivered at the same time.

**2009-0388** Deer Management Advisory Committee final report and recommendations to City Council

**Attachments:** [Agenda Summary.pdf](#)  
[DMAC Final Report.pdf](#)  
[Deer Mgmt Plan Presentation.pdf](#)  
[Resolution.pdf](#)

**Jim Kubicina**, Chairperson of the Deer Management Advisory Committee (DMAC) presented the Committee's report and recommendations for the 2010 Deer Management Program:

***DEER MANAGEMENT ADVISORY BOARD RECOMMENDATIONS FOR 2010:***

**Committee Members:**

- Citizen Members: Monique Balaban, William Carlson, Allen Decker, Jim Kubicina (Chairperson), Thomas McDonald, Joseph Podvin, Linda Raschke
- City Council Members: J. Martin Brennan, Michael Webber
- Youth Council Member: Rachel Schlagel
- Parks and Forestry Department/Staff Members: Michael Hartner, Lance DeVoe

**Feeding Ban Ordinance:**

- Continue the ban on feeding wildlife (with the exception of birds).
- Increase the number of public reminders to city residents to ensure awareness of the Ordinance.
- Strongly enforce this Ordinance to ensure compliance.

**Educational Component:**

- Target educational focus during months of September through December and during peak hours of dawn and dusk.
- Designate October as "Deer Awareness Month".
- Offer more homeowner tactics, seminars, and programs on dealing with the city's deer population.

- Have the Parks & Forestry Department report in June 2010 on the status of the educational components, aerial flyover results, and Southeast Michigan Council of Governments (SEMCOG) deer/vehicle crash data.
- Provide updated deer information on the City's website and cable station and add a link to SEMCOG's "Don't Veer for Deer" program.
- Keep logs of deer calls/complaints for inclusion in future projects.

Mr. Kubicina reported that the DMAC had Sandy Baker, an expert from New York, present a seminar for residents in "How to Deer-Proof Your Garden in Five Easy Steps". He stated that up to now, complaint calls have not been logged in. He stated that the committee suggests that a Citizens Task Force be formed to investigate these complaint calls and assist residents.

Improved Signage:

- Identify major road areas where high growth brush clearing would help increase deer visibility and notify property owners with recommendations.
- Identify major road areas where deer fencing could be an effective deterrent to deer/vehicle crashes and notify property owners.
- Identify and publicize high deer/vehicle crash areas.
- Use flashers, lights, or flags on deer signs during the peak months of September through December to make them more effective and increase awareness.
- Encourage Oakland University to consider additional fencing and/or brush removal along the high deer/vehicle crash areas adjacent to their property.

Mr. Kubicina listed several roads in the City that comprise approximately 70 percent of the car/deer collisions, including M-59, Hamlin, Avon, Walton, Tienken, Adams, Livernois and Rochester Road. He stated that drivers pay less attention to deer signs that are on roadways all year round and noted that making these signs more noticeable during the peak accident months would increase awareness. He stated that Shawn Riley, Ph.D., Professor from the Department of Fisheries and Wildlife at Michigan State University (MSU), spoke in favor of lighted signs.

Ban on Bow Hunting:

- Continue ban on recreational bow hunting in Rochester Hills.
- Do not permit qualified bow-hunting businesses to remove deer on private property in 2010 even with DNR restrictions and at homeowners' expense.

Mr. Kubicina stated that a recommendation for bow hunting failed by a vote of three to four in the DMAC. He commented that Professor Riley also stated that bow hunting does not thin the herd and noted that the DMAC discussed concerns of trespassing if a wounded deer traveled onto the property of someone who did not wish to allow bow hunting on their property. He pointed out that an estimate was provided that the cost of bow hunting was approximately \$400 per deer.

Aerial Deer Count Surveys:

- Continue annual aerial deer count surveys to track trends.
- Have the deer count surveys evaluated by an outside agent for consistency and statistical verification.

Rochester Hills Deer Density, Aerial Flyover Surveys 1999, 2005, 2008, 2009 - Observed in the following areas: Riverbend Park (115 acres); City Hall (138 acres); Bloomer Park (267 acres); Winkler Mill (109 acres); and Butler Road (330 acres):

- \* 1999 - 229 Total Deer
- \* 2005 - 220 Total Deer
- \* 2008 - 184 Total Deer
- \* 2009 - 80 Total Deer

He noted that flyovers are done in January with a minimum snow cover required. He stated that the decrease in population could be attributed to the Epizootic Hemorrhagic Disease (EHD) that was experienced in the herd last year and reported that the disease killed between 150 and 200 deer along Clinton River. The DMAC recommends continuing the flyovers in these same five areas to document the population trend. He noted that while this method does not provide a perfect census, it does show population trends; and stated that the deer herd is down substantially this year.

Sharpshooting:

- Sharpshooting and other lethal culling methods are not recommended for 2010 due to the apparent reduction in the deer herd as shown in the data of the January 2009 flyover.

He noted that this method is not advocated as the restricted areas mandated by the Department of Natural Resources (DNR) provide that only three locations could be set in Rochester Hills. While he complimented Council for taking action, as deer/car collision numbers were up to 219 in 2007, he stated that this recommendation failed by a vote of seven to zero in the DMAC.

- Lethal methods for deer culling and increased options for reducing the deer population should be reconsidered if the deer/vehicle accident rate reaches 200 annually and if the previous deer count survey trends up by 20 percent or more.

The culling option was also voted down by the DMAC members by a seven-zero vote for this coming year. He stated that the DMAC noted that these options should be looked at again after 2010 if two benchmarks are hit: If car/deer collisions rise to over 200, and if deer counts rise by over 20 percent.

Mr. Kubicina commented that communications with wildlife protection experts state that a contraception program is years away and noted that vaccines that have been studied have not yet been approved for use. He noted that Tim Payne, Supervisor of the Southeastern Management Unit of the Wildlife Division for the State of Michigan Department of Natural Resources (MDNR), stated that the MDNR would consider a request for implementation of a culling program in common areas, such as subdivisions, similar to how goose removal programs are undertaken, requiring the approval of 70 percent of the residents in a subdivision. He noted that this influenced the Committee's bow-hunting vote.

Monitor Deer/Vehicle Collisions:

- Continue to monitor the deer/vehicle crash data as provided by SEMCOG and Oakland County.
- Encourage more timely reports even if the data is only preliminary.
- Include the final Michigan State Police audited numbers in the June 2010 report to City Council.

Considerations Not Recommended at this Time:

- Immuno-Contraceptives
  - \* Technology currently not available for effective use.
  - \* Method not permitted by the Michigan Department of Agriculture.
- Trap and Transfer
  - \* Not allowed in the state of Michigan because of the potential for spreading disease.
- Trap and Euthanize
  - \* Time-consuming, expensive and minimally effective (he noted this was considered a cruel method as well).
- Reflectors and Deer Whistles
  - \* Research and review indicate these are not effective deterrents to deer/vehicle crashes.

Other Suggestions:

- Continue the Deer Management Advisory Committee in 2010 as presently structured.
- Have the Mayor form a Citizens Resource Group of qualified volunteers to assist residents in implementing helpful practices for dealing with landscaping problems.
- Initiate and guide the formation of a standing Wildlife Management Committee from surrounding communities and other wildlife management agencies.

Mr. Kubicina stated that the DMAC members would like to continue on into 2010 as a committee. The committee recommends that a Mayor's resource group be formed, and has assembled a list of 20 volunteers who would be interested in responding to resident complaints and assist them with landscape concerns. He reported that DMAC member Monique Balaban set up three test gardens at the Environmental Education Center, including one garden of plants that deer typically eat, one garden of plants they typically do not eat, and one garden of plants treated with deterrents such as Liquid Fence. He commented that the DMAC has been contacted by individuals interested in contributing funds to discourage culling activities. He also stated that MSU's Professor Riley suggested that a committee could be formed with surrounding communities, noting that if Rochester Hills is the only area implementing a management plan, the deer will come in from surrounding areas and "backfill" the population. He thanked Council for creating the DMAC and stated that the public contributed to committee efforts.

**Public Comment:**

**Carol McClure**, 810 Peach Tree, stated that the deer problem has become much worse over the past few years. She noted that a deer hit the wall near her plate glass living room window with enough force to leave a broken antler behind. She stated that the deer are not afraid of people and walk down the street in the middle of the day. She commented that she will see 20 to 25 deer go across her meadow and stated that last week a six-point buck with a broken leg was on her patio. She commented that while she does not believe in culling, she feels that something must be done as the population has gotten out of hand.

**Joseph Podvin**, 825 Dunedin, thanked Council for forming the DMAC, and stated that he was proud of the empowering citizenry that came out of those meetings. He commented that Rochester Hills is far ahead of the deer committee he serves on in Lansing and stated that this city can become a model for a deer management program for the State.

**Siegrid Stern**, 1185 Concord, stated that the deer counts cannot possibly be correct as she sees as many deer in her own yard as are reported in the flyover at Riverbend Park. She noted that the deer were most likely sleeping under the conifers, thereby unseen during the flyover as the snow cover was very deep. She commented that she would be in favor of allowing bow and arrow hunting on private property to control the concentrations of deer, such as in Christian Hills.

**Ben Denno**, 2463 Ashford, stated that the number one issue at hand is safety. He questioned whether 200 car/deer collisions could ever be considered an acceptable number and noted that this number represents one of the highest in the state. He noted that he provided Council with information on a bow and arrow culling program undertaken in Cedar Rapids, Iowa, stating that the program is in its fifth consecutive year without incident and the herd there has been reduced by 50 percent. He commented that his recommendation would be to speak with a few cities that have gone full-cycle with a culling program.

**Diane Pawlowicz**, 1590 Streamwood, commented that deer culling does not work and no program is acceptable that kills a deer by violence. She stated that accidents are down and the deer count is down. She commented that her property value was higher because of its natural features and stated that with the current recession, the City should spend its money elsewhere.

**Council Discussion:**

**Mr. Pixley** thanked the DMAC for its hard work and efforts and commended the Committee for the quality of the report. He questioned whether the same conditions existed for the flyovers from year to year, noting that this year's count was significantly lower. He inquired what number of car/deer collisions occurred in the City in 2008, stating that this has always been an issue of safety for him.

**Mr. Kubicina** noted that 168 car/deer collisions occurred in 2008, commenting that this represents a reduction of 23 percent from the 2007 number of collisions (219).

**Lance DeVoe**, Park Ranger II, stated that it was extremely cold when the flyover was done and noted that it was difficult to find deer that were not bedded down and hiding. He pointed out that Oakland County performs the flyover according to specific criteria, noting that there must be four inches of snow cover and no leaves on the trees. He stated that as soon as these conditions are met, the flyover is performed. He commented, however, that he does believe that the deer population is down, as the population is reflected in the deer/car accident numbers.

**Mr. Pixley** stated that he was pleased to see the reduction in crash numbers. He expressed his thanks to Rachel Schlagel, Rochester Hills Government Youth Council Member, and noted that she took a very active role on the DMAC.

**Mr. Yalamanchi** commented that deer management is a contentious issue and thanked the committee for its work to develop a comprehensive management plan. He questioned why the benchmark for deer/vehicle crashes was set at 200 and what is the most effective means for lowering these crash numbers.

**Mr. Kubicina** noted that the DMAC reached a consensus on all of its recommendations with the exception of professional bow hunting, where the vote was three in favor and four opposed. He explained that the benchmark of 200 crashes is an arbitrary number set by looking at the history of crash trends. He commented that the level of 219 crashes experienced in 2007 was the trigger for Council to decide to undertake some sort of control program, and noted that crash data, in conjunction with flyover counts, could be a signal to act. He stated that Council could opt for a different benchmark, higher or lower.

**Mr. DeVoe** noted that this number was chosen after reviewing the average of the last four years' of crash data.

**Mr. Yalamanchi** questioned whether concerns of Lyme Disease were investigated.

**Mr. Kubicina** stated that the Center for Disease Control (CDC) reports that Oakland County does not have a Lyme Disease problem and noted that Lyme Disease is carried by ticks and not deer. He stated that the CDC believes that individuals in Oakland County who have contracted Lyme Disease did not contract it within the County.

**Mr. DeVoe** stated that no tick tested in Oakland County was positive for Lyme Disease.

**Mr. Yalamanchi** questioned what will be done to address residents' concerns regarding deer droppings and plant damage.

**Mr. Kubicina** responded that the DMAC hopes that there will be enough money included in the 2010 Budget for deer issues and commented that it was his hope that this funding could be spent on educating the public. He suggested that

*funding could bring in speakers several times per year and help train citizens to learn different approaches to controlling deer damage.*

**Mr. Yalamanchi** stated that Council should take action on that recommendation and questioned what signage could be improved.

**Mr. Kubicina** stated that Rochester Hills will always have a deer problem, noting that Oakland University property adjacent to the city includes much vacant land, ponds and cover.

**Mr. DeVoe** responded that the Road Commission for Oakland County (RCOC) has limitations to the modifications that can be made to road signage.

**Mr. Yalamanchi** questioned whether the private funding Ms. Balaban discussed during prior Council meetings would still be available for the City to access if Council accepted the report and the DMAC recommendations.

**Monique Balaban**, DMAC member, commented that an anonymous donor offered funding that would be readily available, with the stipulation that the City could not proceed with lethal means. She noted that this funding could be used to install flashing road signage and commented that it is her hope that this could be implemented this year.

**Mr. Yalamanchi** concurred with the suggestion that the committee stay in place.

**Mr. Ambrozaitis** stated that Council should move to implement all of the DMAC's suggestions immediately and should keep the DMAC in place as a committee for 2010.

**Mr. Pixley** commented that Council needed time to study the report and the recommendations before moving forward to implement all suggestions.

**Mr. Webber** commented that while the community remains divided on the issue, he supports many of the recommendations in the report and would support keeping the DMAC together for 2010. He stated that he would like an update provided to Council in June of 2010 with crash numbers and flyover counts; and noted that the committee could then meet beginning in the summer of 2010 to review these updated statistics. He stated before all the recommendations could be implemented, many details need to be worked out first, noting that some of the report's recommendations actually contradict others.

**Mayor Barnett** expressed his thanks to each member of the DMAC for their hard work. He advised against immediate implementation of all the recommendations, noting that funding should be worked out first. He requested that Council give the Administration time to develop an action plan and noted that accepting the report will give direction. He stated that education efforts have already begun, and noted that three things have been accomplished at no cost to the City and its residents:

- 20,000 pieces of literature were obtained from SEMCOG promoting the "Don't

*Veer for Deer" campaign and were delivered free to residents in water bills.*

- RCOC will be replacing all deer signs in high-target areas with high-reflectivity signs in a pilot program to ascertain whether improved signage reduces crashes.*
- In a partnership with Oakland University, the City met with Chief Lucido of Oakland University's (OU) Public Safety Office along with their Facilities Team and noted that OU has begun clearing back brush adjacent to roadways, which will make a significant difference in the sight lines for drivers in the area.*

**Mr. Brennan** thanked everyone for their hard work and stated that the DMAC came through unified. He stated that the DMAC should remain in place as solutions take time. He noted that deer overpopulation is a national problem and commented that research in controlling car/deer crashes in urban/suburban areas is still in its infancy. He stated that residents should be responsible for providing assistance, noting that government cannot solve all problems.

**Mr. Rosen** commented that by accepting the report, Council is explicitly charging the Mayor and staff to come back within a reasonable timeframe with a plan for implementation of the recommendations. He commented that it is important to continue the flyover work and counting in order to track correlations, if any, between population, car/deer accidents and control measures such as brush clearing. He noted that accidents should be tracked in the areas near the brush clearing to determine if the counts are lowered by these activities. He suggested that a regional committee be formed between neighboring communities. He questioned how the number of 200 car/deer accidents was decided upon and whether the whole group agreed upon that number. He commented that the divisiveness of this issue has hurt the community and stated that the sharpshooting decision was a negative decision. He commented that if the efforts expended do not reduce the level of car/deer accidents to a figure that the community can live with, other methods should be explored.

**Mr. Kubicina** responded that the recommendation of 200 car/deer accidents as a trigger for action was arrived at by a subcommittee of DMAC members including Joe Podvin, Tom McDonald and Bill Carlson. He noted that this number was not voted upon by the entire committee.

**Tom McDonald**, DMAC member, stated that there was a consensus on part of the committee for the entire report. He stated that the DMAC can only recommend, it is now up to Council and the City to implement the recommendations. He noted that the suggestion of a 20 percent increase in population spurring action suggests that if this time next year there is a significant increase in both major factors, then the recommendation of this committee is that the City should seriously consider the use of lethal methods. He noted that the Committee worked very hard to come up with other suggestions that will influence these numbers.

**Mr. Kubicina** stated that once the bow-hunting option failed, it was suggested that a baseline needed to be developed before taking action. He expressed his thanks to Fire Chief Ron Crowell for making Fire Station No. 1 available for meetings and thanked Mike Hartner, Director of Parks and Forestry, and Lance DeVoe for their efforts.



A motion was made by Pixley, seconded by Webber, that this matter be Adopted by Resolution to acknowledge the hard work of the Deer Management Advisory Committee in compiling their recommendations and to review each of these modifications for possible inclusion in the Deer Management Plan for 2010. Council did not vote on this motion until after the following item.

**2009-0388** Deer Management Advisory Committee final report and recommendations to City Council

**Attachments:** [Agenda Summary.pdf](#)  
[DMAC Final Report.pdf](#)  
[Deer Mgmt Plan Presentation.pdf](#)  
[Resolution.pdf](#)

A motion was made by Ambrozaitis, seconded by Yalamanchi, that this matter be Adopted by Resolution. The motion FAILED by the following vote:

**Aye** 2 - Ambrozaitis and Yalamanchi

**Nay** 5 - Brennan, Hooper, Pixley, Rosen and Webber

Enactment No: RES0267-2009

**Resolved**, that the Rochester Hills City Council directs that all recommendations of the Deer Management Advisory Committee be implemented and take immediate effect; and that the Deer Management Advisory Committee be kept in place as a committee for 2010.

**2009-0388** Deer Management Advisory Committee final report and recommendations to City Council

**Attachments:** [Agenda Summary.pdf](#)  
[DMAC Final Report.pdf](#)  
[Deer Mgmt Plan Presentation.pdf](#)  
[Resolution.pdf](#)

A motion was made by Pixley, seconded by Webber, that this matter be Adopted by Resolution. The motion CARRIED by the following vote:

**Aye** 7 - Ambrozaitis, Brennan, Hooper, Pixley, Rosen, Webber and Yalamanchi

Enactment No: RES0268-2009

**Whereas**, the Deer Management Advisory Committee (DMAC) has met biweekly from April through September of 2009 to review the 2008-2009 Deer Management Implementation Plan; and

**Whereas**, the DMAC has received input from various wildlife specialists and the general public; and

**Whereas**, the DMAC has researched various options for controlling the deer population in Rochester Hills and to reduce the number of deer/vehicle accidents in our community; and

**Whereas**, the DMAC has submitted their report entitled "Deer Management Advisory Committee Report - September 28, 2009" and made a presentation of their recommendations for modifications to the City of Rochester Hills Deer Management Policy enacted on September 29, 2008.

**Resolved**, that the Rochester Hills City Council acknowledges the hard work of the Deer Management Advisory Committee in compiling these recommendations and will review each of these modifications for possible inclusion in the Deer Management Plan for 2010.

**(RECESS: 10:11 p.m. to 10:23 p.m.)**

**2009-0341** Council discussion relative to the City of Rochester Hills Fiscal Year 2010 Budget

**Attachments:** [Agenda Summary.pdf](#)  
[Yalamanchi 2010 Budget Proposed Motions.pdf](#)  
[Administration Response - NET Forfeiture Options.pdf](#)  
[Administration Response - Facilities Fund.pdf](#)  
[Administration Response - CIF Fund.pdf](#)  
[092109 Agenda Summary.pdf](#)  
[091409 Agenda Summary.pdf](#)  
[Public Hearing Notice.pdf](#)  
[Ambrozaitis Budget Ideas 2010.pdf](#)  
[Rosen Budget Comments 2010.pdf](#)  
[Webber Budget Questions 2010.pdf](#)  
[Yalamanchi Budget Questions 2010.pdf](#)  
[Yalamanchi Budget Addl Questions 2010.pdf](#)  
[Yalamanchi Proposed Motions.pdf](#)  
[Yalamanchi Questions 091409.pdf](#)  
[Yalamanchi Dispatch Presentation.pdf](#)  
[Yalamanchi Questions 092109.pdf](#)  
[Proposed Budget Straw Poll.pdf](#)  
[Straw Survey Results.pdf](#)  
[Straw Survey Results \(Revised\).pdf](#)

**President Hooper** summarized that the Budget was presented to Council on August 3, Budget discussions were held on August 17 and August 24, the Public Hearing was held on September 14, and review continued on September 21 and tonight, noting that Council and members of the public had many opportunities to comment. He stated that based on Council comments and deliberations, additions and subtractions were made to the proposed Budget numbers; however, he noted that Mr. Yalamanchi had several unresolved items to bring forward for additional discussion.

**Public Comment:**

**Melinda Hill**, 1481 Mill Race, requested additional information on the budget figures for the SmartZone and the Local Development Finance Authority (LDFA). She commented that the City could not afford to continue moving additional funds into Local Roads and suggested that some Capital Improvement Plan (CIP) monies along with delayed or cancelled projects be used toward the construction of sound walls. She stated that the City should not consider joining the Narcotics Enforcement Team (NET) Forfeiture Program, commenting that these monies should be directed toward policing issues generated by foreclosed homes. She

*stated that PEG monies should not have gone into the CIP, but should have remained in the General Fund. She questioned what an appropriate Facilities Fund balance should be noting that these funds should be used to pay debt service. She commented that with flat revenues and flat property values, the City would experience major difficulties by 2015 or 2016.*

**Keith Sawdon**, Director of Finance, explained that the SmartZone captures monies from school districts and provides those dollars to Oakland University for an INCubator with the intent that this will provide a method for businesses to get up and running and become viable. He noted that while he believes in the INCubator process, there is a philosophical discussion that could be held whether Council believes in the theory behind INCubators and stated that it needs to be up and running long enough to provide noticeable results. He commented that the LDFA is designed to accomplish its mission to keep industrial areas viable and to provide an area to attract businesses that will hire people. He stated that the LDFA is in the process of rewriting its plan in 2010 and it will be presented to Council for discussion once completed.

**John Staran**, City Attorney, stated that the LDFA would have a specific process to follow for dissolution.

**See Also Legislative Files 2009-0399 and 2009-0400.**

**Discussed.**

**2009-0399** Request to Join the NET Forfeiture Program by retaining one patrol investigator at \$120,000.00 per year, to be offset with revenue from the program at \$55,000.00 to \$60,000.00; and the remaining cost offset by a reduction in the amount of Budgeted Overtime for Contractual Police Services for Fiscal Year 2010 to \$540,000.00

**Mr. Webber** commented that the Administration was asked to review the Narcotics Enforcement Team (NET) Forfeiture Program and offer some options for funding the City's participation. He noted that several options were offered, including a reduction in police overtime budgeted from \$600,000 to \$540,000. He noted that he would not support taking this cost out of the Local Roads or Local Streets Funds. He commented that while he appreciated Mr. Yalamanchi's suggestion to obtain funding for this program by closing the Environmental Education Center, he noted that the Administration will be reviewing the options for this Center for 2011. He stated that he would be in support of proposing to fund the City's participation in the NET Forfeiture Program by reducing police overtime in the Budget, commenting that his discussions with Captain Johnson and Major Smith of the Oakland County Sheriff's Office indicate that the City will not be spending money in the current fiscal year on this overtime. He pointed out that the NET Forfeiture Program is an innovative way to retain the existing number of officers in the budget for the coming fiscal year, at half the normal cost.

**Mr. Yalamanchi** expressed support for this proposal and questioned whether a report on how overtime is running and how the revenue stream is offsetting the costs could be provided to Council during the year.

**Keith Sawdon**, Director of Finance, explained that the program year begins in October and the first collection cycle for revenues would occur in December of 2010. He noted that if the City joins effective January 1, it will only have nine months of being a participant and will be off-cycle in supporting the position in whole until the distributions begin. He pointed out that the officer involved in this program will be spending all of his time on drugs, firearms and gangs.

**Mayor Barnett** commented that he receives bi-weekly overtime reports and noted that overtime figures are incident-driven and difficult to trend.

**Mr. Sawdon** stated that if a variance begins to appear, the Administration could advise Council in advance of any necessary Budget Amendment.

**Mr. Ambrozaitis** commented that he would like to see the officer be assigned to a patrol and not limited to narcotics activities. He commented that the General Fund is subsidizing approximately \$4 million for Police Services and noted that an officer was removed from the Police School Liaison Program. He stated that it was difficult for him to justify spending \$120,000 per year for a top-heavy investigator position and noted that a patrolman would require a lesser pay scale. He commented that he did not believe that there is as much need for a narcotics-focused officer than there is for an officer out patrolling the street.

**Mr. Pixley** questioned what level of patrol investigator is prescribed by the program and questioned whether there could be a way to do this less expensively.

**Mr. Sawdon** responded that a Deputy Patrol Officer plus a small amount of overtime is budgeted and commented that this position is under the level of an Investigator Patrol Officer.

**Mr. Pixley** questioned whether the City would have the ability to leave the program.

**Mr. Sawdon** stated that the City could leave at any point after the contractual period.

**Mr. Rosen** stated that he is not convinced that there is enough of a problem to warrant this activity and commented that he was uncomfortable funding an officer with revenues from what the officer might confiscate. He noted that overtime is event-driven and may be uncontrollable.

**See also Legislative File 2009-0341.**

**A motion was made by Webber, seconded by Brennan, that this matter be Adopted by Resolution. The motion CARRIED by the following vote:**

**Aye** 5 - Brennan, Hooper, Pixley, Webber and Yalamanchi

**Nay** 2 - Ambrozaitis and Rosen

Enactment No: RES0269-2009

**Resolved**, that the Rochester Hills City Council agrees to participate in the NET Forfeiture program by retaining one patrol investigator at \$120,000.00 per year, to be offset with revenue from the program at \$55,000.00 to \$60,000.00; and the remaining cost offset by a reduction in the amount of Budgeted Overtime for Contractual Police Services for Fiscal Year 2010 to \$540,000.00.

**President Hooper** noted that the first proposal that Mr. Yalamanchi had submitted for discussion regarding moving the expenditures slated for Major Road Projects MR-31C and MR-31D to the Local Roads Fund had been addressed by the Administration and incorporated into revised Budget figures. He requested that Council discuss Mr. Yalamanchi's next suggestion of limiting the Interfund Charge transfer from the General Fund.

**Mr. Yalamanchi** noted that the Spectrum Facilities Master Plan reported that approximately \$2.5 million in improvements to the City's facilities were needed, and questioned what this figure entailed.

**Keith Sawdon**, Director of Finance, stated that approximately \$2.1 million is needed for items that had been deferred for maintenance for so long that they are approaching a critical need for repairs. He noted that much work is required at Fire Stations, particularly to heating and air conditioning systems and roofs.

**Mayor Barnett** pointed out that this figure shows an immediate need and explained that there will be major draws from the Fund that will eventually occur moving forward to service every building.

**Mr. Yalamanchi** questioned whether \$2.1 million will be expended in 2010 and 2011.

**Mayor Barnett** noted that the City received a \$642,700 Energy Efficiency and Conservation Block Grant (EECBG) to be utilized for energy efficiency throughout City facilities. He explained that some of the projects on the list will be accomplished in the next twelve months through the EECBG funding, and noted that much of the grant revenues will go toward specific projects.

**Mr. Yalamanchi** commented that he has given serious thought to the projections and stated that there is no contingency plan to address Local Roads funding for 2011. He commented that if a ballot proposal were requested and failed, the City needed something to lean on for Local Roads funding. His suggestion is to limit the Interfund Charges transfer from the General Fund to the Facilities Fund to 60 percent and transfer the remaining amount of 40 percent to the Local Road Fund from the General Fund, along with a transfer of approximately \$1 million from the Capital Fund, as a measure to address this shortfall. He pointed out that many subdivisions in the city have deteriorating roads.

**Mr. Sawdon** pointed out that the Administration is recommending what he deems the best practice for that fund balance. He stated that retained earnings for the Facilities Fund should equal accumulated depreciation and commented that if a fund is subsidized to the point where it pays no rent, then in effect, retained earnings will be used for operations. He commented that at some point in time when a building needs to be replaced, the money will not be available and the City will have to ask for a voter-approved bond issue, which includes debt. He expressed caution about subsidizing a fund without accumulating replacement. He commented that this topic could be revisited in 2010 for implementation in 2011. He stated that by making this change, the shortfall would shift to Facilities from Local Roads and noted that the General Fund is currently not being charged for depreciation.

**Mr. Yalamanchi** commented that he proposed this as a short-term measure.

**Mr. Sawdon** responded that if this proposal would move forward, he would most likely be coming forward to ask for funding Facilities instead of Roads. He commented that there is already a \$5 million shortfall, which would then grow to \$6 or \$7 million and accumulate, much like what is currently happening in Roads. He noted that the deferred maintenance could become unmanageable.

**President Hooper** noted that he was in support of the stopping of the transfers for depreciation last year, however, he could not support this proposal this year.

**Mr. Rosen** concurred, commenting that he was not thrilled with last year's decision regarding depreciation. He stated that Council should look back at the decision to use depreciation to fund operations for 2011.

**Mr. Webber** stated that while he shares concerns in funding Local Roads, he suggested that the options for deferring more projects should be reviewed.

**President Hooper** questioned whether Mr. Yalamanchi wanted to proceed further with his proposal to limit the Interfund Charges transfer from the General Fund to the Facilities Fund and transfer the remaining 40 percent to the Local Roads Fund for 2010 and 2011.

**Mr. Yalamanchi** stated that he did not wish to move forward with the proposal for limiting Interfund Charges at this time. He requested that the Administration clarify the response regarding his proposal to move \$1 million from the Capital Improvement Fund to the Local Road Fund Balance to be used in 2011 for the Asphalt Rehabilitation Program and the Local Street Concrete Slab Program of Local Roads.

**Mr. Sawdon** explained why the Administration did not recommend this proposal, stating that if the intent is to move \$1 million from the Capital Improvement Fund to Local Roads, this transfer should be made in the year that the construction will be done. He commented that this funding mechanism could continue for 2012 and 2013, if desired. He summarized past and projected expenditures for Local Street Construction:

Actual FY 2007:	\$3,011,938
Actual FY 2008:	\$2,632,664
Budget FY 2009:	\$2,613,320
Revised FY 2010:	\$1,775,000
Projected FY 2011:	\$1,000,000
Projected FY 2012:	\$1,000,000
Projected FY 2013:	\$1,000,000

**Mr. Yalamanchi** stated that he appreciated the Administration's response and commented that he wanted to make sure that these expenditures will be planned for. He commented that the construction of noise barrier walls will present another challenge for funding.

**Mr. Sawdon** responded that noise barrier construction will be brought back for 2011.

**2009-0400** Request to Designate \$1,000,000.00 in the Capital Improvement Fund Fund Balance and/or Major Road Fund Fund Balance for the purpose of constructing Noise Barrier Walls in 2010; the methodology for use of the fund to be determined after ranking of the Noise Barrier Projects

**Mr. Ambrozaitis** stated that he could not express enough the need for moving ahead with sound wall construction, commenting that the walls have a direct effect on property values and cited areas in District 4 that will be affected. He suggested that several upcoming projects could be considered for elimination and that money could be channeled to sound walls. He noted that while everyone in the city knew that M-59 would be widened, they did not know that the Michigan Department of Transportation (MDOT) would propose a southern wall to echo noise back to the people on the north side. He pointed out that the dynamics of the housing market have changed, affecting all property values. He commented that by designating \$1 million in the Capital Improvement Fund and/or the Major Road Fund Balance for sound walls and by reviewing and removing certain projects, roughly \$1.5 million could be found for these walls. He stated that \$1.5 million would be a fair estimate to use prior to getting a formal bid.

**Mr. Yalamanchi** stated that while he agrees with the proposal, he questioned whether this could be considered for the 2011 Budget rather than 2010.

**Mr. Ambrozaitis** responded that it is his opinion that Council should not wait to designate this money and should set funds aside in 2010 to do the work as quickly as possible. He commented that the noise is deafening and will be even worse after the construction of the wall on the south side of M-59.

**Mr. Yalamanchi** questioned when the M-59 Widening Project would be completed.

**President Hooper** responded that the project is scheduled for completion in 2011.

**Mayor Barnett** stated that the sound barrier walls that will be constructed by MDOT will have engineering work done in 2010 and will be constructed in 2011.

**Mr. Yalamanchi** stated that he would support including this if slated for 2011.

**Mr. Ambrozaitis** stated that he wished to have this funding allocated to show the builder and the affected residents that they will have an answer to their declining property values.

**Mr. Webber** noted that MDOT will not be constructing sound walls until 2011 and stated that it is premature to include funding at this time. He commented that Council unanimously agreed to form a committee to rank the sound walls. He noted that the CIP process has been in place for a long time and noted that sound walls rank very low in the CIP process, while Local Streets rank very high. He commented that every member of Council wants to find a solution to the problem and suggested that these proposals be reviewed as Council begins the 2011 Budget process. He pointed out that everything Council does in approving a budget that provides Police, Fire and other services affects property values. He stated that Council is charged with collecting the limited resources provided by property taxes to provide proper City functions and essential City services. He commented that while sound walls should be a part of the discussions, they should be reviewed for 2011.

**Mr. Rosen** commented that this should be a part of the 2011 Budget process.

**President Hooper** stated that as the money would not be spent in 2010, it would be meaningless to move it now. He commented that there are hundreds of millions of dollars needed for Capital Projects and there should be a fair and balanced process to evaluate projects and eliminate politics.

**See also Legislative File 2009-0341.**

**A motion was made by Ambrozaitis, seconded by Yalamanchi, that this matter be Adopted by Resolution. The motion FAILED by the following vote:**

**Aye** 2 - Ambrozaitis and Yalamanchi

**Nay** 5 - Brennan, Hooper, Pixley, Rosen and Webber

Enactment No: RES0270-2009



**Resolved**, that the Rochester Hills City Council designates \$1,000,000.00 in the Capital Improvement Fund Fund Balance and/or Major Road Fund Fund Balance for the purpose of constructing Noise Barrier Walls in 2010; the methodology for use of the fund to be determined after ranking of the Noise Barrier Projects.

**(Mr. Rosen exited at 11:05 p.m. and re-entered at 11:08 p.m.)**

2009-0307 Adoption of the Fiscal Year 2010 Budget

**Attachments:** [Agenda Summary.pdf](#)  
[Summary of Revised Budget Changes.pdf](#)  
[080309 Agenda Summary.pdf](#)  
[2010 Proposed Budget Message.pdf](#)  
[2010 Budget Presentation.pdf](#)  
[080309 Resolution.pdf](#)  
[Resolution.pdf](#)

**President Hooper** questioned what changes were to be incorporated to the Proposed Budget figures after tonight's discussions.

**Keith Sawdon**, Director of Finance, responded that the final figure for Fund 207, Special Police Fund, will increase by \$60,000 to \$9,019,000. He noted that the change approved tonight to incorporate the City's participation in the NET Forfeiture Program is the only figure not already included in the Budget numbers.

**Mr. Pixley** expressed his thanks to all of Council, the Administration and the public for the spirited discussions held over the past several weeks and noted that the City is dealing with challenging times. He complimented Mayor Barnett for presenting a fiscally-conservative budget in these tough times and stated that he recognized all the sacrifice that went into producing a truly well-thought-out product.

**Mr. Ambrozaitis** commented that he cannot agree that the Administration has been fiscally conservative, and discussed how the budget has grown since 2006. He read excerpts from several newspaper articles from last year which noted that financial forecasts were stated at that time to be bleak. He commented that revenue will be falling and that Proposition A will prevent revenues from rising more than five percent per year. He made the following observations:

- The Mayor should not have an Assistant.
- Personal Property Tax revenues will drop \$200,000.
- Ann Arbor is outpacing Rochester Hills in job creation.
- The Mayor's Business Council is funded with public money; and as such, all Council members should be invited to attend these meetings.
- The Parks Budget is being reduced by \$300,000 for next year, while park usage is up. He noted that this reduction should have happened in the past three years.
- While the reductions in expenditures are a step in the right direction, they do not go far enough; and set the City up for being out of money in 2014 in Major Roads and Local Roads, with continued shortages in the Police Fund.
- Rochester Hills is not the only City experiencing these shortfalls; Troy is short

by approximately \$10.5 million.

- The City is short approximately 4 mills in tax revenues; the cutbacks are nowhere near enough.
- He plans to vote no to the Budget, as spending did not decrease.

**Mr. Yalamanchi** expressed his thanks to Mr. Sawdon and all of the department heads; however, he stated that until the City presented a strong contingency plan, he could not support the Budget.

**Mr. Rosen** commented that he had given this much thought and expressed his concerns over the decline in property tax collections and other revenue sources. He stated that the 2010 Proposed Budget and 2011 Projected Budget do not make enough progress. He commented that he suggested three policy changes to slow expenditures from the General Fund that were not given much discussion during the Budget process. He noted that Council voted last week to cut a Major Road project; however, instead of saving those funds, voted to spend that money on Local Roads. He stated that he cannot support the 2010 Budget.

**Mayor Barnett** stated that the Administration worked hard all year to develop a Budget that results in expenditures of \$115 to \$120 million. He commented that while he respects differences in opinion, it is hard to respect dishonesty, and noted that he has seen contradictory discussions of votes on several proposed items including comments to cut spending, while voting to add an officer and fund sound walls. He commented that Mr. Sawdon has been completely proactive and moved forward with a two-year budgeting process. He stated that the Administration recognized at the onset of the Budget process that major changes had to be made. He commented that he did not agree with all the changes that Council made to the proposed Budget; however, he acknowledged that the Administration knew that some changes would be made. He noted that Fund Balance in the General Fund is not being touched. He pointed out that the leadership of each Department recognized that significant changes had to be made, noting the efforts of the Building Department in moving from a construction mode to a maintenance mode. He commented that he would not apologize for the City's Planning Department which moved its focus more toward economic development, stating that it is seen as a shining star in Oakland County, and noting that an eight percent vacancy rate is 40 percent lower than all other communities. He commented that he is proud of his team and noted that they are the reason why the City has not had to raise taxes. He pointed out the following in the Proposed FY 2010 Budget:

- The Tree Fund is now supporting Forestry activities.
- Changes in the Pathway Fund support pathway inspection services.
- The Single Waste Hauler Contract, receiving acclaim across the nation, now supports the City's participation in Hazardous Waste Collection days.
- Expenditures are reduced 11 percent, while revenues are down 6.5 percent.
- The Proposed Budget uses no Fund Balances to fund Operating Expenses. He noted that Fund Balance is designed to be built up over time to fund specific projects.
- The City is still levying below the maximum allowed millage amount.
- The City uses no tricks or other revenue methods that other municipalities

use such as charging administrative fees for tax collection. He stated that Rochester Hills is the lowest taxed city with a population over 5,000 in Oakland County, and noted that this is one of the reasons that residents and businesses move here.

- The Budget includes a reduction of ten positions, bringing the City below 1999 staffing levels. While these ten positions were eliminated, service level impacts have been minimized.
- Two-year budgeting has been accomplished for the first time in the City's history, along with five-year forecasting.
- The City has the lowest volatility ranking of any municipality in the state of Michigan.
- The City has the best bond ratings of municipalities.
- Joe Heffernan, of Plante and Moran, the City's Auditors, reported in May that Rochester Hills is in a good position to make strategic managed changes moving forward.
- Should Council pass this Budget, Fund Balance on December 31, 2010 will greatly exceed all the City's policies and will not have been tapped for General Fund operating expenses since the start of this recession. He commented that neither the school district, nor most surrounding municipalities can say that.
- The City has made significant changes to its energy policy, minimizing its carbon footprint.
- Not one department in the City operates the way it did two years ago. The need for change has been recognized and changes have been made.
- He pointed out that the Mayor's Business Council's expenditures are less than \$1,000, while it raised almost \$30,000 from the private sector. He commented that this program is one of the reasons why the City is doing so well promoting economic development.
- The Proposed Budget prioritizes public safety and infrastructure.

Mayor Barnett stated that every member of the Administration understands that the City must operate differently, and commented that while not perfect, it is a good Budget. He commented that a yes vote on the Budget confirms that Rochester Hills will remain the community of choice and the preeminent place to live, work and raise a family; and noted that 95 percent of residents polled last month in the Oakland University survey are either "very satisfied" or "satisfied" with Rochester Hills as a place to live. He stated that appropriate and strategic changes in the spending structure are proposed with this Budget and commented that the Proposed Budget balances the changing times with what residents have come to expect living in Rochester Hills. He expressed his hopes that Council would vote to pass the Budget this evening.

**Mr. Ambrozaitis** stated that L. Brooks Patterson, Oakland County Executive, was heard on the radio discussing the economic ramifications that could affect the County's bond rating. Mr. Ambrozaitis noted that ultimately this rating could affect Rochester Hills. He commented that while Fund Balances are not being used for Operating Expenses, they are being depleted for long-term Capital projects. He pointed out that the eight percent vacancy rate represents medical and industrial property, and does not include commercial vacancies. He stated that the Major Roads, Local Roads, and Police Services Funds contain major shortages. He noted that Rochester Hills will face shortages similar to what Troy is experiencing now. He commented that the City must work on dealing with the commercial vacancies and foreclosures.

**Discussed.**

Enactment No: RES0272-2009

**2009-0307** Call the Question to Close Debate on the Adoption of the Fiscal Year 2010 Budget

**Attachments:** [Agenda Summary.pdf](#)  
[Summary of Revised Budget Changes.pdf](#)  
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[080309 Resolution.pdf](#)  
[Resolution.pdf](#)

**Mr. Brennan** Called the Question on this Item.

**A motion was made by Brennan, seconded by Yalamanchi, that this matter be Adopted by Resolution. The motion CARRIED by the following vote:**

**Aye** 7 - Ambrozaitis, Brennan, Hooper, Pixley, Rosen, Webber and Yalamanchi

Enactment No: RES0272-2009

**Resolved**, that the Rochester Hills City Council hereby Call the Question to Close Debate on the Adoption of the Fiscal Year 2010 Budget.

**2009-0307** Adoption of the Fiscal Year 2010 Budget

**Attachments:** [Agenda Summary.pdf](#)  
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[Resolution.pdf](#)

**A motion was made by Pixley, seconded by Webber, that this matter be Adopted by Resolution. The motion CARRIED by the following vote:**

**Aye** 4 - Brennan, Hooper, Pixley and Webber

**Nay** 3 - Ambrozaitis, Rosen and Yalamanchi

Enactment No: RES0272-2009

**Whereas**, in accordance with the provisions of Public Act 2 of 1968, Public Act 621 of 1978, the Uniform Budgeting and Accounting Act for Local Government, the Special Appropriations Act pursuant to PA 493 of 2000, and Section III of the Charter for the City of Rochester Hills, the Mayor as the Chief Executive Officer prepared the proposed budget for the ensuing year and submitted it to the Council at its first meeting in August; and

**Whereas**, at its August 3, 2009 meeting City Council acknowledged receipt from the Mayor of the Proposed 2010 Budget Plan and set a Public Hearing to be held September 14, 2009 at 7:00 p.m. to solicit comments on the proposed budget plan from the public; and

**Whereas**, at its September 14, 2009 meeting City Council held said Public Hearing on the proposed millage rates to defray the fiscal year 2010 proposed budget expenditures; and

**Whereas**, subsequent to the City Councils review and comments the Mayor adjusted the original proposed budget; and

**Resolved**, the following sets forth the general appropriations for the City and adopts the following City Budgets for fiscal year 2010.

Fund 101 - General Fund	\$ 25,871,360
Fund 202 - Major Road Fund	\$ 4,946,460
Fund 203 - Local Street Fund	\$ 6,718,740
Fund 206 - Fire Fund	\$ 7,652,100
Fund 207 - Special Police Fund	\$ 9,019,000
Fund 211 - Stoney Creek Perpetual Care Fund	\$ 53,530
Fund 213 - RARA Millage Fund	\$ 690,180
Fund 214 - Pathway Millage Fund	\$ 666,480
Fund 232 - Tree Fund	\$ 49,000
Fund 244 - Drain Maintenance Fund	\$ 1,210,060
Fund 265 - OPC Millage Fund	\$ 1,165,860
Fund 299 - Green Space Millage Fund	\$ 1,113,890
Fund 313 - Street Improvement Bond - 2001 Series Fund	\$ 268,770
Fund 314 - SAD Street Improvement Bond - 2001 Series Fund	\$ 216,800
Fund 325 - Street Improvement Bond - 2002 Series Fund	\$ 433,740
Fund 331 - Drain Debt Fund	\$ 2,149,250
Fund 338 - SAD Street Improvement Bond - 1995 Series Fund	\$ 185,330
Fund 368 - Older Persons Building Bond Fund	\$ 779,350
Fund 370 - Municipal Building Debt Fund	\$ 726,460
Fund 391 - Refunding Bond - 1998 Series Fund	\$ 1,403,910
Fund 402 - Fire Capital Fund	\$ 182,000
Fund 403 - Pathway Construction Fund	\$ 722,750
Fund 420 - Capital Improvement Fund	\$ 151,810
Fund 510 - Sewer Operations	\$ 13,304,190
Fund 530 - Water Operations	\$ 17,218,050
Fund 593 - Water & Sewer Capital Fund	\$ 5,627,000
Fund 595 - Water & Sewer Debt Fund	\$ 285,040
Fund 631 - Facilities Fund	\$ 4,752,660
Fund 636 - MIS Fund	\$ 2,066,130
Fund 661 - Fleet Fund	\$ 3,432,030
Fund 677 - Insurance Fund	\$ 639,000
Fund 736 - Retiree Health Care Trust	\$ 195,220
Fund 808 - RARA Fund	\$ 2,075,200
Fund 820 - OPC Fund	\$ 4,208,606
Fund 843 - Brownfield Redevelopment Fund	\$ 40,920
Fund 848 - LDFA Fund	\$ 876,570
Fund 851 - SmartZone Fund	\$ 419,870
Fund 893 - EDC Fund	\$ 670

**Be it further resolved**, the Mayor is hereby authorized to administratively adjust the operating budget line items up to \$25,000 per event, but in no case may total expenditures of a particular fund exceed that which is appropriated by the City Council without a budget amendment. Adjustments from capital accounts and fund balances shall be made only by further action of the City Council.

## COUNCIL COMMITTEE REPORTS

None.

## ANY OTHER BUSINESS

**Mr. Ambrozaitis** questioned whether Mr. Rouse could look into the possibility of a right-turn lane being incorporated into the last 200 feet of Butler Road as it approaches Adams.

**Roger Rouse**, Director of DPS/Engineering, indicated that he would look into this and respond to Mr. Ambrozaitis.

**Mr. Ambrozaitis** questioned whether a Charter Amendment could be explored to move the Primary Election to an even-year.

**President Hooper** commented that Council explored the possibility of eliminating the Primary altogether last year, and decided not to pursue this option.

**Mr. Ambrozaitis** stated that he did not wish to eliminate the Primary; however, he wished to explore moving it to an even year to promote a higher turnout.

**President Hooper** announced that the October 5, 2009, Regular City Council Meeting would be cancelled.

## NEXT MEETING DATE

Regular Meeting - Monday, October 5, 2009 - CANCELLED; Regular Meeting - Monday, October 19, 2009 - 7:00 PM

## ADJOURNMENT

There being no further business before Council, President Hooper adjourned the meeting at 12:18 a.m.

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GREG HOOPER, President  
Rochester Hills City Council

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JANE LESLIE, Clerk  
City of Rochester Hills

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MARY JO WHITBEY  
Administrative Secretary  
City Clerk's Office

Approved as presented at the (insert date, or dates) Regular City Council Meeting.