



Rochester Hills

Minutes

City Council Regular Meeting

1000 Rochester Hills Dr.
Rochester Hills, MI 48309
(248) 656-4600
Home Page:
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."*

Monday, September 15, 2008

7:30 PM

1000 Rochester Hills Drive

CALL TO ORDER

*President Hooper called the Regular Rochester Hills City Council Meeting to order
at 7:31 p.m. Michigan Time.*

ROLL CALL

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

Others Present:

*Ed Anzek, Director of Planning and Development
Captain Tim Atkins, Oakland County Sheriff's Department
Bryan Barnett, Mayor
Dan Casey, Manager of Economic Development
Ron Crowell, Fire Chief/Emergency Management Director
Kurt Dawson, Director of Assessing/Treasury
Lance DeVoe, Park Ranger II
Bob Grace, Director of MIS
Mike Hartner, Director of Parks and Forestry
Julie Jenuwine, Director of Finance
Captain Mike Johnson, Oakland County Sheriff's Department
Bud Leafdale, General Superintendent
Pamela Lee, Director of Human Resources
Jane Leslie, City Clerk
Roger Moore, Professional Surveyor
Roger Rouse, Director of DPS/Engineering
Paul Shumejko, Major Roads - Construction/Transportation Engineer
Kelly Winters, Deputy Director of Building/OC*

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

A motion was made by Ambrozaitis, seconded by Webber, that the Agenda be Approved as Amended to move LEGISLATIVE FILE NUMBER 2008-0470 - ORDINANCE FOR INTRODUCTION and LEGISLATIVE FILE NUMBER 2008-0267 from NEW BUSINESS ahead of PUBLIC HEARINGS. The motion CARRIED by the following vote:

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

PUBLIC COMMENT

Lee Zendel, 1575 Dutton, spoke against recycling in Rochester Hills. He stated that there is no cost savings in recycling and it is uneconomic.

Alice Benbow, 1582 Northumberland, informed Council and residents that she brought copies of the U.S. Constitution if anyone would like one and stated she felt the public should be given more than three minutes to speak during Council meetings. She then questioned whether the City has a procedure to fill a Council Member's position in the event a Council Member passes away unexpectedly.

Melinda Hill, 1481 Mill Race Road, announced the Friends of Clinton River Trail is holding its Fourth Annual Trail Ride this Saturday, September 20, 2008. Interested riders may register online at www.clintonrivertrail.org. She stated her concerns for the disrepairs and conditions on Tienken Road.

Dale Hetrick, 1586 Deerhurst, a past Member of the Police and Road Funding Technical Committee requested that Council reinstate the Committee to define a sustainable solution to critical public safety and road issues.

Pete Vannini, 250 Windsor, expressed concern regarding his sewer and water bill. He stated that while he is connected to the City for sewer, he is not connected to City water and requested an explanation as to the City uses to calculate his water and sewer bill.

Mayor Barnett directed Mr. Vannini to Mr. Rousse, Director of DPS/Engineering, immediately following his Public Comment.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

Mr. Ambrozaitis extended his condolences to former Council Member Linda Raschke on the loss of her husband. He then requested that Mayor Barnett put together a proclamation recognizing race car driver and Rochester Hills resident, Brad Keselowski.

Mr. Rosen concurred with Ms. Hill's earlier comments and stressed that something needed to be done about the condition of Tienken Road.

Mr. Webber echoed the comments made regarding Tienken Road and announced that the last day to register to vote for the November 2008 Election is Monday, October 6, 2008, either at the City Clerk's Office or at any Michigan

Secretary of State Office.

Mayor Barnett made the following announcements:

- He invited individuals to contact the Oakland County Road Commission at rcocweb.org to report Tienken Road safety concerns.
- He cautioned residents to be aware in and around the Clinton River due to the heavy rain conditions over the weekend.
- He spoke about the construction zones on Brewster and John R roads as well as various subdivisions and requested that motorists be cautious while driving through these areas.
- He extended his appreciation to the Rochester Hills Fire Department and Oakland County Sheriff's Department for their work on a very serious house fire that began at 10:00 p.m. the night before and resolved at 7:00 a.m. this morning.

ATTORNEY MATTERS

None.

PRESENTATIONS

2008-0456 Proclamation in Recognition of Ricky Milliron for his outstanding act of heroism and courage in saving the life of a family member

Attachments: [Agenda Summary.pdf](#)
[Ricky Milliron Proc.pdf](#)
[Resolution.pdf](#)

Mayor Barnett read a Proclamation in Recognition for outstanding acts of heroism by Ricky Milliron.

Presented.

On July 7, 2008, 15-year-old Ricky Milliron was vacationing with his family in Caseville, Michigan when Ricky Milliron, using excellent judgment and swimming skill, was able to save the life of a family member.

Whereas, Ricky Milliron was swimming in Saginaw Bay with his Mother's cousin Barb; and

Whereas, Saginaw Bay is shallow and the bottom is unpredictable and Ricky and Barb waded out a considerable distance; and

Whereas, Ricky and Barb came upon a sudden drop-off and could not touch bottom; and

Whereas, Barb began to panic and Ricky yelled for help, but they were out too far to be heard; and

Whereas, when Barb began to falter and could not stay above water, Ricky was frightened, but kept pulling Barb in until he could touch the bottom. Once he could touch bottom, Ricky was able to bring both Barb and himself to safety.

Now, Therefore, Be It Known, that the Mayor and City Council of Rochester Hills hereby recognize Ricky Milliron for his outstanding act of heroism and courage in saving the life of a family member.

2007-0762 Brooksie Way Half-Marathon Update

Attachments: [Agenda Summary.pdf](#)
[Cost Projection.pdf](#)
[111407 Agenda Summary.pdf](#)
[Race Announcement.pdf](#)
[UofM Flint Study.pdf](#)
[Proposed Route.pdf](#)
[Draft Website.pdf](#)
[Suppl Info.pdf](#)

Captain Johnson gave the following report on the status of the Brooksie Way Half Marathon scheduled for October 5, 2008:

- The Brooksie Half-way Marathon will be is a 13.1 mile long race that winds from Oakland University through the cities of Rochester Hills and Rochester.
- It is estimated that there will be 4,000 runners for this event, currently there are more than 3,000 runners already registered.
- There will be an additional 8,000 friends and family members present supporting the runners.
- Manpower will consist of approximately: 30 full time deputies and command staff, 50 additional reserve deputies, 90 civil air patrol cadets, 21 City of Rochester Police Officers, 10 Citizen Emergency Response Team Members, and 25 amateur radio operators.
- There will be 96 intersections shut down; of those 16 are major road intersections.

He stated that he had attended a couple of the Brooksie Way Meetings and feels confident that with the cooperation of the Crim Foundation, the City's Traffic Department and the patience of the residents of the City of Rochester Hills, it will be a very safe and successful event.

Roger Rouse, Director of DPS/Engineering, commented that the City has worked well with the Crim Foundation in the planning of this event. He stated that the City's Traffic Division will be paying primary attention to City Roads, such as Old Perch, Brewster and the Trailways, in addition to assisting in development of the traffic control plans at a number of other locations.

Captain Johnson visually guided Council through the race route, identifying that the runners will begin at Adams and Walton, heading east on Walton, proceeding south on Old Perch to Avon Road. They will take Avon Road east picking up the trailway and existing on Tienken. The route will then proceed west on Tienken to Brewster heading north to Dutton. They will take Dutton to Adams Road south finishing at Oakland University.

Presented.

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.

2008-0454 Request for Approval to Add Delinquent Charges to 2008 Winter Tax Roll

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0294-2008

Resolved, that the Rochester Hills City Council approves the following delinquent charges, as certified by the City of Rochester Hills Treasurer, to be made a part of the 2008 winter tax roll; and

Further Resolved, the City Assessor be and is hereby authorized to spread said amount on the 2008 winter tax roll

Roll/Fund	Total	Ordinance
Delinquent W/S Charges Water/Sewer Fund	\$881,383.76	Ch. 102-92.(b)
Delinquent Weed Control General Fund	\$21,096.34	Ch. 106-125.(e)
Delinquent SAD Local Road Fund	\$17,509.08	Ch. 90-114.(b)
Delinquent Costs Incurred Temporary Safeguards General Fund	\$849.60	Ch. 90-30.(d)
Delinquent Costs Incurred Blight Prevention General Fund	\$289.75	Ch. 90-30.(d)
Delinquent False Alarms Special Police Fund	\$16,242.50	Ch. 42-65.(f)(2)

2008-0455 Request for Approval of FY 2009 Suburban Mobility Authority for Regional Transportation (SMART) Municipal Credit Contract Application between SMART and the City of Rochester Hills in the amount of \$64,681.00

Attachments: [Agenda Summary.pdf](#)
[Smart Application forms.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0295-2008

Resolved, that the Rochester Hills City Council hereby approves the transfer application for the Suburban Mobility Authority for Regional Transportation (SMART) for Fiscal Year 2009 Municipal Credits to the OPC as presented.

Further Resolved, that the Mayor is authorized to execute and deliver the transfer agreement on behalf of the City.

- 2008-0465** Request for Acceptance of an off-site watermain easement granted by Steve Stolaruk, for Crittenton Cancer Center

Attachments: [Agenda Summary.pdf](#)
[Watermain Easement.pdf](#)
[Map.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0296-2008

Resolved, that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts an off-site watermain easement granted by Steve Stolaruk, Trustee of the Steve Stolaruk Living Trust, 1928 Star-Batt Drive, Rochester Hills, MI 48309, for the construction, operation, maintenance, repair and/or replacement of a watermain easement over, on, under, through and across land more particularly described as Parcel No. #15-28-151-007.

Further Resolved, that the City Clerk is directed to record the easement with the Oakland County Register of Deeds.

- 2008-0466** Request for Acceptance of a watermain easement granted by Crittenton Hospital Medical Center, a Michigan Corporation for Crittenton Cancer Center

Attachments: [Agenda Summary.pdf](#)
[Watermain Easement.pdf](#)
[Map.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0297-2008

Resolved, that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts a watermain easement granted by Crittenton Hospital Medical Center, 1101 W. University Dr., Rochester Hills, MI 48307, for the construction, operation, maintenance, repair and/or replacement of a watermain easement over, on, under, through and across land more particularly described as Parcel No. #15-28-151-006.

Further Resolved, that the City Clerk is directed to record the easement with the Oakland County Register of Deeds.

- 2008-0467** Request for Acceptance of an Easement for Ingress and Egress for Public and

Emergency Vehicles, granted by Crittenton Hospital Medical Center, for the Crittenton Cancer Center, for Parcel No. 15-28-151-006

Attachments: [Agenda Summary.pdf](#)
[Easement for Ingress Egress.pdf](#)
[Map.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0298-2008

Resolved, that the Rochester Hills City Council, on behalf of the City of Rochester Hills, hereby accepts an easement for Ingress and Egress for Public and Emergency Vehicles and for the performance of public and emergency services over the internal, undedicated roads and/or driveways being used in common for vehicular travel, granted by Crittenton Hospital Medical Center, a Michigan Corporation, 1101 W. University, Rochester Hills, MI 48307, over, on, under, through and across land more particularly described as Parcel No. 15-28-151-006.

2008-0468 Request for Purchase Authorization - DPS/ENG: Proposal for preliminary engineering services for the Rainier Storm Drain Project in the amount not-to-exceed \$25,764.00; Hubbell, Roth & Clark, Inc., Pontiac, MI

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0299-2008

Resolved, that the Rochester Hills City Council hereby authorizes award of a proposal for preliminary engineering services for the Rainier Storm Drain Project to Hubbell, Roth & Clark, Inc., Pontiac, Michigan in the amount not-to-exceed \$25,764.00 and authorizes the Mayor to execute the proposal on behalf of the City.

Passed the Consent Agenda

A motion was made by Ambrozaitis, 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 INTRODUCTION

2008-0470 Acceptance for First Reading an Ordinance to add Article III, Deer Management, to Chapter 14, Animals, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to prohibit deer feeding; repeal conflicting Ordinances, and prescribe a penalty for violations

Attachments: [Agenda Summary.pdf](#)
[Ordinance.pdf](#)
[091508 Agenda Summary.pdf](#)
[091508 Resolution.pdf](#)
[Resolution.pdf](#)

President Hooper explained that this Ordinance was written as a result of the administration's list of different possible solutions to address the deer situation.

Public Comment:

Lee Zendel, 1575 Dutton, expressed his opinion that this ordinance is both unenforceable and a waste of time. He commented that if the City moves ahead with the deer culling program, the deer feeding ban would be unnecessary.

A motion was made by Ambrozaitis, seconded by Brennan, that this matter be Accepted for First Reading by Resolution. The motion CARRIED by the following vote:

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

2008-0267 Discussion regarding the Administration's Proposed Deer Management Implementation Plan

Attachments: [Preliminary Deer Implementation Costs.pdf](#)
[091508 Agenda Summary.pdf](#)
[Proposed Deer Mgmt Implementation Plan.pdf](#)
[Deer Mgmt Proposal.pdf](#)
[072108 Agenda Summary.pdf](#)
[072108 Resolution.pdf](#)
[Deer Mgmt Report 071408.pdf](#)
[060908 Agenda Summary.pdf](#)
[Presentation Outline.pdf](#)
[Additional Resources.pdf](#)
[Deer Charts.pdf](#)
[Dan Kiefer Letter.pdf](#)

President Hooper stated that the Administration is coming before Council to continue the discussion on potential solutions for the deer population in the City. He stressed that no decisions would be made tonight.

Mike Hartner, Director of Parks and Forestry along with **Lance DeVoe**, Park Ranger II, referred to the presentation made at the July 21, 2008 meeting and stated that they have provided Council with an implementation plan and would be happy to answer any questions.

President Hooper opened Public Comment on this matter and reminded all speakers of the three minute time limit.

Public Comment:

Siegrid Stern, Garden Splendor LLC, expressed concern over the possibility of the recent deer virus spreading to humans. She stated she is in favor of the proposed hunt.

Jim Williams, 2945 Hillendale, spoke about the City being large enough for both deer and the residents. He encouraged research into the technology which he understands warns motorists by lights that deer are about to cross.

Deborah Barno, 660 Bolinger Street, spoke against the culling of the deer herd and stressed that deer education would be the answer.

Alana Hart, 76 Roanoke Lane, spoke about the many residents that chose to live in the City because of the environmental characteristics. She stated she is against sharpshooting of the deer and suggested that lower speed limits would be beneficial.

Melinda Hill, 1481 Mill Race Road, stated that this issue has been pending for many years. She pointed out that the size of the herd of deer is actually damaging the City's natural habitat. While extremely opposed to bow hunting, she recommended that the sharpshooting proposed by the Oakland County Sheriff's Department would be a safe and humane way of handling the deer herd management issue.

Jennifer Lagerbohm, 603 Timberline, expressed her reservations about the effectiveness of culling in reducing a herd size. She questioned the validity, accuracy and effectiveness of the aerial flyover surveys that have been conducted to track the size of the deer herd.

Italia Millan, 3744 Bald Mountain Road, spoke about the packet of information that she had delivered to all members of City Council and the Mayor, regarding non-lethal alternatives to the deer herd management problem, such as a feeding ban, improvements to high accident areas and an aggressive educational program.

Don Hughes, 3744 Bald Mountain Road, Auburn Hills, stated that hunting of any kind in the City is dangerous and would be ineffective.

Brian Granader, 3320 South Rochester Road, stated he is a local business owner and suggested deer and motorist education would be a better solution.

Matthew Oberdier, 1530 Streamwood Court, spoke in terms of public safety and that educating people to drive carefully would be the answer.

Agnes Domanska, 1530 Streamwood Court, stated that eliminating the deer is not the answer and that addressing road safety should be the focus. She proposed creating a committee dedicated to finding money for road improvement projects related to the deer issue.

Charles Creelman, Vice President of Ted Nugent's Camp for Kids, advised Council of the City's stewardship role for proper resource management of its natural resources, specifically the deer herd. He stated that in caring for the deer herd's well-being, maintaining the size of the herd is beneficial to the health of the deer and the environment. He shared his experience participating in the Metroparks Stony Creek deer culling project a couple of years before and stating that the venison was donated to Hunters for the Hungry. He noted that the Capuchin Soup Kitchen and other organizations rely on this valuable food source to feed the hungry.

Fred Beckwell, 569 Great Oaks, represented several pastors in the area and stated he provides wild game dinners for churches to educate children and families on the proper management of wildlife. He stated that a common misconception is that hunters are not appreciative and respectful of animal life.

Robert McCall, 2763 Hillendale, spoke in favor of culling the deer herd because he has tried every non-lethal solution without success.

Bruce Fealk, 1474 Oakstone, expressed his opposition to sharpshooters reducing the deer herd.

Tom Zelinski, 1127 Kingsview, stated his concern was for the health and safety of the public. He explained that the emergence of subdivisions created the situation and just as society would clean an oil spill or waste dump, it is the City's responsibility to safely and effectively manage the problem. He supports a combination of culling and education.

Kathleen Plutchak, 1730 Northumberland, stated that motorists should drive slower. She is not in favor of culling the deer.

Penny Burke, 159 Nesbit, advised that she is strongly opposed to the deer culling.

Sara Dees, 1665 Park Creek Court, gave the scenario of a full school bus/deer collision and the lawsuits that would follow. She stated that this is the fourth administration she has appeared before requesting help. She expressed her support for culling the deer herd.

Susan deCaussin, 456 Wimpole, stated that thinning the herds is taking a comprehensive approach to manage the deer infestation at a more tolerable, safe level. She counseled Council that they are charged with making a decision that is best for the whole City to ensure public safety and health.

Mr. Webber referenced an e-mail received from Dan Kiefer stating his support for culling the deer as he was not able to appear before Council tonight.

President Hooper asked Captain Tim Atkins and Captain Mike Johnson to come forward and give an overview of their proposal.

Captain Atkins outlined Sheriff Bouchard's sharpshooting proposal as follows:

Planning and meeting would be done with representatives from the Department of Natural Resources and the City's Administration to determine a safe and controlled hunt based on:

Site selection; for proper elevation and backstops to prevent ammunition from going elsewhere

Type of ammunition used - specifically one that is designed for limited penetration

Utilization of night vision and night scopes

Captain Atkins explained further that often times when officers are called to a deer/vehicle accident, they have to put an injured deer down. He stated that he has been commander of the Oakland County Sheriff's Special Response Team - Sniper Unit (SRT) for seventeen years and has learned that detail planning in any scenario aids in the success of a project. He described that the SRT trains shooting out of helicopters and therefore, accuracy is imperative. He stated that safety is always a priority.

Captain Atkins confirmed Mayor Barnett's statement that special officers from the Sniper Unit will be coming in during their regular work shift, no officers will be taken from patrolling the City's streets.

Council Discussion:

President Hooper questioned if the Oakland County Sheriffs Department (OCSD) has ever participated in this type of project with another community.

Captain Atkins responded that there have been controlled hunts in some of Oakland County's parks but the OCSD has never been involved.

Mr. Ambrozaitis requested that City Attorney Staran be involved in this implementation plan to prevent any liability to the City.

Mr. Yalamanchi asked Captain Atkins if this was the first community the OCSD has ever been involved in implementing this type of project.

Captain Atkins confirmed his statement.

Mr. Pixley reiterated that the sharpshooters would be on duty and that there would be no incremental cost to the City to implement this deer culling plan.

Captain Atkins confirmed his statement.

Mr. Rosen expressed concern about the possible violation of the City's

Ordinances regarding the discharge of any weapons or firearms and mentioned that the OCSD's public peacekeeping role may have to be redefined if this plan were implemented.

Captain Johnson responded pointing out that the OCSD would be consulting closely with City Attorney Staran to make sure they are on good legal footing.

Mr. Brennan inquired as to the time frame of implementing this deer culling plan.

Captain Atkins stated if approved by Council, he would like to begin meeting with the DNR and the City Administration this fall.

Lance DeVoe explained that with respect to sharpshooting, the DNR issues these type of permits off season; archery season begins October 1, firearm season begins November 15 and ends November 30. He indicated that it would most likely take place in January or February.

Captain Johnson added that the foliage is clear then which would ensure safety for clear shots.

President Hooper thanked Captain Tim Atkins and Captain Mike Johnson for discussing the proposed plan. He requested that Mr. Hartner and Mr. DeVoe return for the rest of the discussion. He requested Mr. DeVoe respond to the questions brought up under Public Comments regarding the validity and accuracy of the aerial flyover surveys.

Mr. DeVoe stated he was not sure what exactly they were questioning and referring to the report below:

Rochester Hills Deer Density
Aerial Flyover Surveys 1999, 2005 and 2008

Location:	Riverbend Park (115 Acres)	City Hall (138 Acres)	Bloomer Park (267 Acres)	Winkler Mill (109 Acres)	Butler Road (330 Acres)
1999 = 229 Total Deer	56	28	40	43	65
2005 = 220 Total Deer	58	35	20	45	64
2008 = 184 Total Deer	48	47	24	30	36

Mr. DeVoe explained the decline in Winkler Mill's numbers being in direct correlation to the aggressive deer reduction program that Stony Creek had implemented. He stated that they kept the same flyover routes so that the same pieces of property are being compared. He stated that one of the ways the State looks at population is by the number of car/deer accidents which has increased every year; 219 in 2007, and 196 in 2006 which is supported by the aerial flyover data obtained.

President Hooper referred to the fact that the Michigan DNR has indicated that the City has a deer population seven times what the City's habitat can support.

Mr. DeVoe explained that the DNR ideally would like to see 25 deer per square mile and because of the drastic difference in our City's make up between subdivision, developed areas, and the open spaces of Clinton River, Bloomer Park and Oakland University, it can be difficult to determine the exact formula.

Mr. Ambrozaitis asked about the progress of the research regarding the reflector lights and possible funding of such.

Mr. Hartner responded that he is unaware of any kind of funding for this type of program. He indicated that their research found that while the reflectors worked well in rural areas, they were not as effective in well-lit, developed areas like subdivisions and shopping areas.

Mr. Ambrozaitis stated that while culling the herd is part of the solution, he is against bow hunting and would like to see other steps taken in conjunction with the culling such as reducing speed limits and installing fencing in the City.

Mr. DeVoe indicated that they had researched various types of fencing and while fencing could be an option, it would be a high cost option due to the cost of the fencing, the cost per mile and the maintenance of keeping the fencing in place and in repair when deer run through them or trees fall on them.

Mr. Hartner clarified that there were a number of alternatives brought before Council, none of which by themselves would be totally effective and are looking to implement a package plan. He indicated that a major problem with installing fencing in effective areas would be the need to obtain agreements and cooperation of the various landowners that would be impacted by installing the fencing not to mention the difficulty of locating a funding source.

President Hooper stated if the cost of the fencing is \$6-\$8 per foot, that would cost approximately \$40,000.00 for a mile of fencing.

Mr. DeVoe confirmed his statement.

Mr. Pixley thanked the OCSD and the City Administration for their reports. He also thanked the residents who spoke during Public Comment both for and against culling of the deer herd and stated that it is clearly a passionate issue. He stated that his main focus is community safety. He explained that at first he had been interested in the implementation of bow hunting to thin the deer herd but after hearing the OCSD's no cost sharpshooting proposal and the reduction in the risk that a bow hunt would entail, the sharpshooting appears to be a much safer and humane method. He also concurred with his colleagues that deer education is a necessary part of the deer management plan.

Mr. Rosen stated that the concern should concentrate on car/deer collisions and therefore, extensive education of drivers about appropriate defensive driving and collision management. He indicated that some insurance companies might be interested in funding this type of educational program. He stated his agreement

with improving the number of deer warning signs for motorists. He stressed that he does not believe in any hunting within the City's limits.

Mr. Yalamanchi explained that he would like to live in harmony with the deer but that safety is the greater issue. He indicated his concern that in enacting the culling plan with OCSD, this is a plan that would have to be conducted annually to sustain a successful thinning of the herd.

Mr. DeVoe confirmed his statement stating that most management plans include some type of reduction every year.

Mr. Hartner reiterated that while there is much discussion of deer culling, it is very important to make motorists aware and this could be achieved through environmental education and signage. He announced that the Southeast Michigan Council of Governments (SEMCOG) would be conducting an educational presentation 'Don't Veer For Deer' to educate all of southeast Michigan. He stated that the recent virus has eliminated a number of deer which may help reduce the number of car/deer collisions. He further stated that the additional reduction of the deer herd in January or February would make a definite impact.

Mr. Yalamanchi inquired about the deer migration pattern and habits in relation to Oakland Township not participating in a culling of their deer herd.

Mr. DeVoe responded that typical deer migration is about a square mile and generally, no further than 640 acres.

Mr. Yalamanchi asked if the acceptable level of deer population is 25 per square mile.

Mr. DeVoe responded that the DNR uses that formula to manage the issuance of doe permits and licenses to practice responsible deer herd management. The DNR has stricter control guidelines to prevent crop damage and agricultural concerns.

Mr. Yalamanchi inquired about reducing the speed limit on Avon, Hamlin, Adams, Walton and Tienken roads and increase the signage numbers in the high accident areas.

Mayor Barnett responded that the City does not set the speed limits on any of the aforementioned roads, with the exception of parts of Hamlin. He stated that after some initial discussions with the Oakland County Road Commission that the City would be able to get a number of deer signage. However, it was his opinion that it would be an involved process to lower speed limits on the County roads.

Mr. Brennan reiterated Council's main objective is for the health, safety and welfare of the community. He agreed with the City Administration that motorist education and signage must be done in conjunction with the deer culling to be the most effective. He stated that he was in favor of the no cost, professional

proposal by the OCSD to safely, swiftly and significantly reduce the herd. He shared his opinion that most motorists will ignore any reduction in the speed limit.

Mr. Webber inquired about Oakland Township's limited bow hunt program.

Mr. Hartner responded that the Oakland County Parks and Huron Clinton Metro Parks have engaged in annual deer culling for the last six years.

Mr. Webber indicated that he is in support of the OCSD sharpshooting deer proposal but only along with education of motorists and the placement of additional signage. He expressed an interest in finding out more about Oakland Township's program. He stated that the State of Indiana Highway System effectively uses the deer sensors and would like the City Administration to look at that as well as any possible funding from the federal highway administration for fencing.

President Hooper stated his opinion that this is strictly a public safety issue, and that he values human life over a deer's life. He stated that he is in favor of any proactive, low cost form of deer culling whether it be bow hunting or sharpshooting; and concurred that the OCSD sharpshooting appears to be a better alternative. He stated his support of the educational component in conjunction with expanding it to include the City's school districts. He said parents become informed when their children bring the information and discussions home from school. He is very much in agreement with the continuation of the aerial flyover surveys to track deer activity, maintain a status report on the size of the deer herd, and finally to determine the plan's success rate, if any.

Discussed.

(Recess from 10:10 p.m. - 10:28 p.m.)

PUBLIC HEARINGS

2008-0458 Public Hearing for the City of Rochester Hills Fiscal Year 2009 Budget

Attachments: [Agenda Summary.pdf](#)
[Public Hearing Notice.pdf](#)

Mayor Barnett stated that the concerns Council has previously expressed have been taken into consideration and the net results is a \$1,000,000.00 reduction in spending due to significant work in travel and seminars, some reductions in the Mayor's Department, and the deletion of the water reservoir engineering project. The Rewold Drain Project has been added and that will be presented by Roger Rousse, Director of DPS/Engineering.

President Hooper opened the Public hearing at 10:31 p.m.

Public Comment:

Melinda Hill, 1481 Mill Race Road, stressed her concern for the sustainability of the City and how the taxpayer's dollars are spent.

Tom Zelinski, 1127 Kingsview, stated that with the economic downturn, the City should be aggressively cutting costs and more mindful of future planning.

President Hooper closed the Public hearing at 10:42 p.m.

Council Discussion:

Mr. Rosen expressed his concern that the economical climate may reduce the City's revenues much more than anticipated and stated that the City should cut back its expenses in anticipation of a future weak budget.

Mr. Rouse stated that by advancing this project and moving it up one year in order to coordinate two construction projects into one; the Rewold Drain Project and work needing to be done on Avon Road, the City will experience a cost savings of \$30,000.00 to \$50,000.00.

President Hooper inquired if the funding for this project would come from the Fund Balance, specifically, the Drain Funds.

Mr. Rouse confirmed his statement.

President Hooper questioned the removal of the water reservoir project from the budget.

Mayor Barnett responded that the water reservoir project has not been abandoned entirely but rather it has been delayed until the Administration can provide more specific information regarding the impact on water rates and the payback period.

Mr. Webber requested that Ms. Jenuwine compare the current amended 2008 budget to the proposed 2009 budget in terms of reduction or gain.

Ms. Jenuwine stated that the proposed 2009 Budget is an approximate 8.5% decrease compared to the 2008 Budget due to incompleting 2007 capital projects that carried over to 2008.

Mr. Pixley and Mr. Yalamanchi requested the following information:

- 2008 Budget; actuals to date for both Operating and Capital.
- What percent of the proposed 2009 Budget figure of \$118,500,000.00 is operating.
- A comparison of the Actual/Amended Operating Budgets for 2007 and 2008.

Mayor Barnett stated that while we are at the crossroads of uncertain times, thanks to the work of past Councils and administrations, the City is positioned to weather this economy better than many of our neighbors. He assured Council that under his administration, they will continue to be very conservative and as vigilant as always.

Discussed.

2008-0469 Public Hearing for the 2008 Millage Rates (for FY2009)

Attachments: [Agenda Summary.pdf](#)
[Public Hearing Notice.pdf](#)

President Hooper opened the Public hearing at 10:52 p.m. for Item 2008-0469. Seeing no public input, President Hooper closed the Public Hearing at 10:53 p.m.

Discussed.

NEW BUSINESS

2008-0464 Request for Revocation of Industrial Facilities Exemption Certificate #2006-428 for Personal Property only

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

Dan Casey, Manager of Economic Development noted the following regarding the request before Council:

- *Two years ago Council approved the tax abatement for real and personal property for Energy Conversion Devices (ECD) to move their machine division to a building that had been vacant for several years.*
- *The abatement included \$500,000 for the Company to perform an office build-out over a two-year period and \$500,000 for the equipment.*
- *ECD changed direction after completion of the build-out from doing research and development to a profit base and vacated the building approximately at the end of 2007 into early 2008. ECD then put the building on the market for subleasing.*

Mr. Casey explained that Council needs to determine what they would like to do with the existing tax abatement by the end of this October. They have two options: to revoke the entire abatement, or revoke a portion of the abatement. He noted that the equipment went back onto the ad valorem tax roll, which means that the abatement went away. However, the abatement is still active on the real property which is the office component of the building; the majority of the current tax on the building is not covered by the abatement.

Mr. Casey stated that ThyssenKrupp Materials, N.A., has relocated from Detroit and subleased the facility from ECD hoping to have the tax abatement transferred to them. He explained that ThyssenKrupp Materials, N.A. has applied for the transfer of the Industrial Facilities Exemption Certificate (IFT). As such, the State Tax Commission has requested that City Council revoke the abatement; thereby City Council would then be able to transfer the IFT to ThyssenKrupp Materials, N.A. Should Council decide to approve the transfer, **Mr. Casey** highlighted the following:

- ThyssenKrupp Materials, NA. will be investing \$200,000.00 in new equipment not covered by the tax abatement request and transferring the existing equipment from their Detroit facility.
- ThyssenKrupp Materials, NA pledged in their application to move approximately 20 jobs to the City and indicated publicly that the number of jobs could increase to 35.
- The City's tax liability is \$937.00 and would continue for six more years, if the abatement is not revoked.

President Hooper commented \$937.00 for 20 jobs seems pretty clear cut.

A motion was made by Yalamanchi, 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: RES0300-2008

Whereas, the personal property approved under Industrial Facilities Exemption Certificate #2006-428 has been removed from the Industrial Development District on or before December 31, 2007, and

Whereas, the Industrial Development District is that property located at 2923 Technology Dr., Rochester Hills, Michigan, and

Whereas, the real property improvements under the same certificate have been completed, and

Whereas, the company for which the certificate was approved has moved its operation out of the Industrial Development District and building and has sub-leased the space to another company.

Resolved, that pursuant to Section 15, (2) of Act 198 of Public Acts of 1974, as amended, the City Council of the City of Rochester Hills hereby revokes Industrial Facilities Exemption Certificate #2006-428 for personal property only, and

Be it Further Resolved, that the Industrial Facilities Exemption Certificate #2006-428 remains in good standing for real property only, and

Be it Finally Resolved, that the City Clerk's office is hereby authorized to submit this Resolution to the State Tax Commission no later than October 31, 2008.

2008-0463 Request for Transfer of Industrial Facilities Exemption Certificate #2006-428

Attachments: [Agenda Summary.pdf](#)
[Application.pdf](#)
[Development Agreement.pdf](#)
[Resolution.pdf](#)

See Legislative File Number 2008-0464.

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: RES0301-2008

Whereas, Joel Nosanchuk, as owner of certain industrial property in the City of Rochester Hills, Oakland County, Michigan, whose facility is located within an Industrial Development District under the "Plant Rehabilitation and Industrial Development Districts Act of 1974," as amended, which was established by the Rochester Hills City Council on September 6, 2006, and

Whereas, the Industrial Development District is that property located at 2923 Technology Dr., Rochester Hills, Michigan, more particularly described as follows:

THE SOUTH 133 FEET OF LOT 33 AND THE NORTH 142 FEET OF LOT 34, "ROCHESTER HILLS EXECUTIVE PARK" AS RECORDED IN LIBER 199, PAGES 26-30, OAKLAND COUNTY PUBLIC RECORDS. LYING IN THE SOUTHWEST 1/4 OF SECTION 29, AND THE SOUTHEAST 1/4 OF SECTION 30, TOWN 3 NORTH, RANGE 11, EAST, CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, CONTAINING 132,000 SQUARE FEET OR 3.03 ACRES.

Whereas, Industrial Facilities Exemption Certificate #2006-428 for Energy Conversion Devices, Inc. was originally approved by the Rochester Hills City Council on September 6, 2006 and went in to effect on December 31, 2006; and

Whereas, ThyssenKrupp Materials, NA has sub-leased the facility at 2923 Technology Dr. from Energy Conversion Devices and applied to the City of Rochester Hills for a transfer of Certificate #2006-428 on August 1, 2008; and

Whereas, the Rochester Hills City Council has reviewed the application and made the following findings:

- a. The granting of the Industrial Facilities Exemption Certificate, considered together with the aggregate amount of Industrial Facilities Exemption Certificates previously granted and currently in force, does not have the effect of substantially impeding the operation of the City of Rochester Hills or impairing the financial soundness of a taxing unit which levies an ad valorem property tax in the City of Rochester Hills in which the facility is located.
- b. The project is the transfer of existing Industrial Facilities Exemption Certificate #2006-428, which went into effect on December 31, 2006.
- c. Energy Conversion Devices, Inc. completed improvements to the facility under the IFT in 2007.
- d. Completion of the facility does not constitute merely the addition of machinery and equipment for the purpose of increasing productive capacity, but rather is primarily for the purpose and will primarily have the effect of providing a new speculative facility on industrial property.

e. The construction of the industrial facility meets the objectives of job creation within the established industrial corridor of the City of Rochester Hills.

Resolved, that pursuant to Section 21, (1) of Act 198 of Public Acts of 1974, as amended, the City Council of the City of Rochester Hills hereby approves the transfer of Industrial Facilities exemption Certificate #2006-428 for the remaining period of six (6) years for real property only; and

Be it Further Resolved, that the attached Development Agreement also is approved, subject to the review and approval of the City Attorney as to form; and

Be it Finally Resolved, that the City Clerk's office is hereby authorized to submit this Resolution along with the application for transfer of the IFT to the State Tax Commission no later than October 31, 2008.

2008-0421 Request for Purchase Authorization - DPS/ENG: Blanket Purchase Order for catch basin cleaning in the amount not-to-exceed \$160,000.00 through December 31, 2009; National Industrial Maintenance, Inc., Dearborn, MI

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

President Hooper stated he is familiar with the National Industrial Maintenance, Inc., of Dearborn, Michigan, however, he was not involved with this particular project and the bid process. As such, he saw no reason to recuse himself from voting on this matter.

Roger Rousse, Director of DPS/Engineering, stated that the catch basin cleaning proposal is needed to meet the MS-4 Requirements. He pointed out that the MS-4 Requirements mandate that the City keeps suspended solids in the discharge to the river below 100 milligrams per litre. He stated that the proposal is a two step proposal: (1) clean the catch basins; and (2) City staff will accompany the vendor to inventory the condition of these structures. To meet this requirement the City will be required to: (1) street sweep - prevention of debris going into the catch basin; (2) clean the catch basins - prevention of debris going into the river; (3) prevention of underground collapse and repair to prevent the debris from entering the catch basin. The new MS-4 requirement is that debris cleaned from the catch basins has to be treated as industrial waste. The vendor will provide the City with a drop off box at the DPS Garage, deposit the debris and pick up for transport to the landfill.

Council Discussion:

Mr. Rosen asked how often would the catch basin cleaning need to be redone.

Mr. Rousse stated that at this time the Department has determined that every two years would be a good management practice but could be adjusted to ensure compliance with the MS-4 Requirement regarding the discharge into the Clinton River.

A motion was made by Pixley, seconded by Brennan, 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: RES0302-2008

Resolved, that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order for catch basin cleaning to National Industrial Maintenance, Inc., Dearborn, Michigan in the amount not-to-exceed \$160,000.00 through December 31, 2009.

COUNCIL COMMITTEE REPORTS

Mr. Yalamanchi announced the Older Persons' Commission will be holding a Strategic Planning Session on Thursday, September 25, 2008, from 5:00 to 9:00 PM.

ANY OTHER BUSINESS

Mr. Ambrozaitis requested the City's Administration coordinate with the Oakland County Road Commission to address the deteriorating condition of Tienken Road east of the new bridge. He referred to a resident living in a condominium who received a water bill for the entire building rather than just her own unit and questioned if there was something that could be done about this.

Mayor Barnett responded that City Attorney Staran is currently working on this matter. He stated that there are several similar situations in condominium associations where the water for outdoor usage is connected to the meter of a particular resident's condominium unit.

NEXT MEETING DATE

Regular Meeting - Monday, September 22, 2008 - 7:30 PM

ADJOURNMENT

There being no further business before Council, President Hooper adjourned the meeting at 11:23 p.m.

GREG HOOPER, President
Rochester Hills City Council

JANE LESLIE, Clerk
City of Rochester Hills

CHRISTINE A. WISSBRUN
Administrative Secretary
City Clerk's Office

Approved as presented at the February 9, 2009 Regular City Council Meeting.