



# Rochester Hills

## Minutes

### 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, November 17, 2008

7:30 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 7:32 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:

*Karan Ahluwalia, Rochester Hills Government Youth Council Representative  
Ed Anzek, Director of Planning and Development  
Bryan Barnett, Mayor  
Alan Buckenmeyer, Parks Operations Manager  
Dan Casey, Manager of Economic Development  
Scott Cope, Director of Building/Ordinance Compliance  
Lance DeVoe, Park Ranger II  
Mike Hartner, Director of Parks and Forestry  
Julie Jenuwine, Director of Finance  
Captain Michael Johnson, Oakland County Sheriff's Department  
Jane Leslie, City Clerk  
David Levett, Financial Analyst  
Roger Rousse, Director of DPS/Engineering  
John Staran, City Attorney*

## PLEDGE OF ALLEGIANCE

## APPROVAL OF AGENDA

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

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

## PUBLIC COMMENT

**Lee Zendel**, 1575 Dutton, commented on the single trash hauler issue, questioning the amount of revenue that the trash hauler and the City might receive from the Recycle Bank program. He questioned whether this recycling program would save homeowners money, and stated that the program should be designed so any rebate received by the City from recycling be returned to the homeowners.

## LEGISLATIVE & ADMINISTRATIVE COMMENTS

**Karan Ahluwalia**, Rochester Hills Government Youth Council (RHGYC) Representative, reported that the RHGYC has been planning the following projects:

- The RHGYC will be participating in the City's Holiday Family Fun Night.
- RHGYC will be walking in the Greater Rochester Christmas Parade.
- A 5K run is planned for next spring to support a charity of the group's choice.
- Activities with OPC would include caroling and possibly a dance event for seniors in January or February.

**Mayor Barnett** made the following announcements:

- City road projects for 2008 are almost complete. The remaining road rehabilitation on Mount Oak and Meadowfield Drive should be completed within the next week.
- A letter was received from the Oakland County Road Commission, stating that due to a funding shortfall, the Michigan Department of Transportation (MDOT) has mandated a lower level of winter maintenance for State trunk lines. Affected roads in Rochester Hills include Auburn and Rochester Roads. Overtime will no longer be used to clear these roads beyond two wheel tracks, and weekend storms may not be cleared by MDOT trucks until Monday.
- The lighting of the Holiday Tree at the Village of Rochester Hills will be this Friday.
- DTE will meet with North Fairview Farms residents on December 9, 2008 at 7 p.m. in the Council Conference Room.
- He invited residents to visit Mastodon Park to view the new signage and artifacts. A City employee has crafted a bench that resembles the bones found during the dig.

## ATTORNEY MATTERS

**City Attorney John Staran** had nothing to report.

## PUBLIC HEARINGS

**2008-0576** 2009 Plan Year / Annual Community Development Block Grant (CDBG) Program Application

**Attachments:** [Agenda Summary.pdf](#)  
[Minor Home Repair Program Guidelines.pdf](#)  
[Public Hearing Notice.pdf](#)  
[Resolution.pdf](#)

**Julie Jenuwine**, Director of Finance, stated that Community Development Block Grant (CDBG) consists of Federal Housing and Urban Development (HUD) monies used to assist low-income residents of Rochester Hills. She stated that the City will be given approximately \$143,000 to use for the next program year; the same amount as last year. The allocation is proposed to remain the same as well, with 55-percent of the funding allocated to the Minor Home Repair Program, to assist with health and safety-related repairs for low income residents, including furnace, roof repairs, water and sewer hookups and other miscellaneous jobs. The balance, 45-percent, would be allocated to services such as a Yard Waste Program for low-income residents and seniors to provide spring and fall cleanup and snow removal and lawn cutting services; a Youth Enrichment Program, including Avondale Youth Assistance and Rochester Area Youth Assistance; a Battered and Abuse Spouse program; and an emergency clothing program. Funding would be divided among these programs according to the following:

Minor Home Repair	\$78,491.00
Yard Services	\$34,020.00
Youth Services	\$16,777.00
Battered & Abused Spouses	\$10,066.00
Emergency Services	\$ 3,355.00

**President Hooper** Opened the Public Hearing at 7:47 p.m.

**President Hooper** asked if there were any members of the Public that wished to speak. Seeing none, **President Hooper** closed the Public Hearing at 7:48 p.m.

**Pam Strzalkowski**, Rochester Area Youth Assistance, introduced Brandy Boyd, Rochester Avon Recreation Authority, and stated that support from the CDBG monies provide nine weeks of summer camps for children in low-income areas. She thanked Council for its continued support of these programs.

**Mr. Ambrozaitis** stated that he had the honor of serving on the boards of both RARA and RAYA and that these camps do a great job.

**Gerry Sieh**, Avondale Youth Assistance (AYA), thanked Council for its past support. He stated that AYA uses its funding for skill-building programs, after-school tutorial programs and sponsorships in the Boys' and Girls' Clubs. He thanked Mr. Yalamanchi for his work on the AYA Board.

**Kim Spampinato**, Executive Director of the Rochester Area Neighborhood House (RANH), stated that monies received from the CDBG Grant are used for a partial salary for the manager who staffs the Clothes Closet. The Clothes Closet is a retail-like environment that provides clothes to the clients of RANH at no cost. She stated that the Clothes Closet is open on Wednesdays for people of the community to shop at low cost for used items. She stated that 2,600 volunteer hours were

*served this year, and donations were received from 1,300 people. Over 4,000 bags of clothing have been taken in to date this year. RANH has registered 145 new people this year, and visits for the year total 1,500.*

**Blair Grinn**, HAVEN, thanked Council for their help and support in the past. HAVEN is Oakland County's Domestic Violence and Sexual Assault Center, serving all residents of the County. She is involved in a Court Advocacy and Start program, accompanying victims of sexual assault and violence to court, and assisting victims in hospitals after assaults. HAVEN has offices in Pontiac, Bloomfield Hills, Farmington Hills and Royal Oak. Last year 204 individuals from Rochester Hills were assisted.

**Mr. Yalamanchi** thanked all of the agencies for the various types of service they provide for the residents of Rochester Hills.

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

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

**Abstain** 2 - Ambrozaitis and Yalamanchi

Enactment No: RES0360-2008

**WHEREAS**, Oakland County is preparing an Annual Action Plan to meet application requirements for the Community Development Block Grant (CDBG) program, and other Community Planning and Development (CPD) programs, and

**WHEREAS**, Oakland County has requested CDBG-eligible projects from participating communities for the Action Plan, and

**WHEREAS**, the City of Rochester Hills has duly advertised and conducted a public hearing on November 17, 2008 for the purpose of receiving public comments regarding the proposed use of Program Year 2009 Community Development Block Grant funds (CDBG) in the approximate amount of \$142,709.00, and;

**WHEREAS**, the City of Rochester Hills found that the following projects meet the federal objectives of the CDBG program and are prioritized by the community as high priority need.

Account Number	Project Name	Amount
731227	Minor Home Repair	\$78,491.00
732170	Yard Services	\$34,020.00
732185	Youth Services	\$16,777.00
730571	Battered & Abused Spouses	\$10,066.00
730571	Emergency Services	\$ 3,355.00

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Rochester Hills CDBG application as outlined is hereby authorized to be submitted to Oakland County for inclusion in Oakland County's Annual Action Plan to the U.S. Department of Housing and Urban Development, and that the Mayor is hereby authorized to execute all documents, agreements, or contracts which result from this application to Oakland County.

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## ORDINANCE FOR ADOPTION

**2008-0568** Acceptance for Second Reading and Adoption - an Ordinance to repeal existing Articles II and III of Chapter 86, Solid Waste, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, and adopt new Articles II and III to regulate the generation, storage, collection, removal, disposal and composting of solid waste in the City; define terms; regulate and license waste haulers; establish a single-hauler waste collection and disposal program; repeal conflicting Ordinances and prescribe a penalty for violations

**Attachments:** [Agenda Summary.pdf](#)  
[Ordinance \(Revised\).pdf](#)  
[Resolution.pdf](#)  
[111008 Agenda Summary.pdf](#)  
[Ordinance.pdf](#)  
[111008 Resolution.pdf](#)

**Mr. Ambrozaitis** asked for clarification on the amount of recycling revenue and how it would be handled.

**President Hooper** stated that the contract sets an upper limit on the recycling revenue that the hauler can receive. Once that limit is reached, any revenue above that limit would be refunded to the City. He stated that recycling revenues were not projected to reach that upper limit in the foreseeable future.

**Mr. Rosen** stated that he would like to see a resolution come before Council in the future to designate any funds received by the City to a use that would reduce residents' expenditures in some way.

**A motion was made by Ambrozaitis, seconded by Pixley, 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: RES0361-2008

**Resolved,** that an Ordinance to repeal existing Articles II and III of Chapter 86, Solid Waste, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, and adopt new Articles II and III to regulate the generation, storage, collection, removal, disposal and composting of solid waste in the City; define terms; regulate and license waste haulers; establish a single-hauler waste collection and disposal program; repeal conflicting Ordinances and prescribe a penalty for violations is hereby accepted for Second Reading and Adoption, and shall become effective on Monday, November 24, 2008, the day following its publication in the Rochester Eccentric on Sunday, November 23, 2008.

## NEW BUSINESS

**2005-0500** Request for Extension of Tax Exemption by Avon Broach

**Attachments:** [Agenda Summary.pdf](#)  
[Letter Buhaj 111008.pdf](#)  
[Tax Exemption Analysis.pdf](#)  
[Fund Board 122006 Attachment.pdf](#)  
[FAQ re Phase Out.pdf](#)  
[Avon Broach Attachment 1.pdf](#)  
[Resolution.pdf](#)  
[080405 Agenda Summary V2.pdf](#)  
[080305 Agenda Summary V1.pdf](#)  
[Memo Casey 062705.pdf](#)  
[Avon Sales Data.pdf](#)  
[Overview of PA 376.pdf](#)  
[Presentation.pdf](#)  
[080305 Resolution.pdf](#)

**Dan Casey**, Manager of Economic Development, stated that Avon Broach was requesting an extension of their Tool & Die Recovery Zone Exemption. Giving an overview of the original exemption, he stated that Avon Broach has been located in Rochester Hills for fifty years, and came before City Council in 2005 under Public Act 376, the Renaissance Zone Act, requesting an exemption of its Real and Personal Property Taxes for a minimum of five years. City Council approved the minimum five-year exemption in 2005. He stated that January 1, 2009 would mark the end of the two-year full exemption of the program and the phase-out period would begin. He stated that this will be the first time an extension request has come before a city state-wide, as this is a new program. City Council needed to consider this extension at this time in order for it to be considered at the Michigan Strategic Fund Board meeting in December. In clarification of previous information received from the State, he reported that the company could request an extension at any time during the phaseout period as well.

**George Buhaj**, President of Avon Broach, stated that his company appreciated City Council's granting of the previous exemption, and requested an extension for an additional five years, allowing them eight years of exemption before the phaseout period begins. He stated the exemption has been valuable for Avon Broach, allowing them to work in a collaborative with fifteen other companies state-wide.

**Council Discussion:**

**President Hooper** questioned whether Avon Broach would still be in the collaborative if the extension was not granted.

**Mr. Buhaj** stated that they would.

**Mr. Yalamanchi** stated he was pleased to see that the process has been helpful to the company. He stated he had an opportunity to review the list of improvements the company has been able to make, and it was his opinion that this exemption is not a waste to the City. Mr. Yalamanchi reviewed some of the financial figures provided by Avon Broach, and questioned administrative expense figures. He also questioned how sales performance numbers were trending for the company.

**Mr. Buhaj** responded that a portion of the administrative expense figures included bad debt expenses, which were a significant write-off since 2004. He also stated that sales for 2008 were down roughly ten to fifteen percent from last year, but included a strong first quarter and several recent months showing figures going up and down due to the uncertainty of fuel prices.

**Mr. Yalamanchi** questioned the company's dividend distribution figures.

**Mr. Buhaj** stated that dividend distributions were made at the general recommendations of the company's accountants.

**Mr. Yalamanchi** stated that he was not in favor of extending the exemption at this time until 2008 figures were complete.

**Mr. Casey** stated that if Council did not approve the extension at this meeting, the phaseout period would begin, with 25 percent of exempted tax revenue collected in 2009. He stated that the company could return next year and request an extension.

**Mr. Rosen** questioned if the company were to request and receive an exemption next year after the phaseout begins, would the taxes exempted go back to a full exemption, or would the taxes remain at 25 percent.

**Mr. Casey** stated that the taxes due would go back to a full exemption.

**Mr. Rosen** questioned whether it would penalize the company for at least one year if the exemption extension is not granted.

**Mr. Casey** stated that it would.

**Mr. Webber** commented that until the Legislature reviews how this Act affects the taxing bodies involved, he was inclined to not be in favor of an extension at this time.

**Mr. Ambrozaitis** stated he wanted to do everything he could to support the company, and questioned whether a two-year extension could be granted as a bridge to get the company through next year, while at the same time working with City Council to grant further relief down the road.

**Mr. Yalamanchi** stated that his concern was not to be unsupportive of the company, but that he felt that the company has taken advantage of the tax abatement thus far and has done a good job. He stated he would like to hear from the company next year rather than grant the extension now.

**Mr. Hooper** commented that tax abatements bring benefit to the community, however tax exemptions only forgive taxes. He stated that the State Law is flawed by not being in the City's favor, as the City and the County are the two jurisdictions that do not receive a reimbursement of the lost revenue from the State. He stated that while he recognizes the plight the company is in, he would like to see what a five-year exemption does, and consider it again in the fourth year. He commented that his personal opinion was to limit tax exemptions to five years.

**Mr. Pixley** concurred, stating that though these are clearly challenging times, he would agree with not granting the extension at this time.

**A motion was made by Yalamanchi, 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: RES0367-2008

**Resolved**, that the City of Rochester Hills declines to extend the duration of the Recovery Zone for Avon Broach for real and personal property located at 1089 John R.

**2005-0500** Request for Extension of Tax Exemption by Avon Broach

**Attachments:** [Agenda Summary.pdf](#)  
[Letter Buhaj 111008.pdf](#)  
[Tax Exemption Analysis.pdf](#)  
[Fund Board 122006 Attachment.pdf](#)  
[FAQ re Phase Out.pdf](#)  
[Avon Broach Attachment 1.pdf](#)  
[Resolution.pdf](#)  
[080405 Agenda Summary V2.pdf](#)  
[080305 Agenda Summary V1.pdf](#)  
[Memo Casey 062705.pdf](#)  
[Avon Sales Data.pdf](#)  
[Overview of PA 376.pdf](#)  
[Presentation.pdf](#)  
[080305 Resolution.pdf](#)

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

**Aye** 2 - Ambrozaitis and Rosen

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

Enactment No: RES0368-2008

**Resolved**, that the City of Rochester Hills requests that the State of Michigan extend the duration of the Recovery Zone for Avon Broach, for real and personal property located at 1089 John R, for an additional two years.

**2007-0776** Request for Revised Conditional Land Use - Crittenton Hospital Medical Center Parking Structure, a new 476-space, two to four-story parking deck expansion proposed for the east side of the existing parking deck located south of the hospital near University and Livernois, zoned SP, Special Purpose, part of Parcel No. 15-15-101-003, Crittenton Hospital Medical Center, applicant

**Attachments:** [Agenda Summary.pdf](#)  
[Letter Whedon 071708.pdf](#)  
[Map.pdf](#)  
[Revised Site Plans.pdf](#)  
[Master Plan.pdf](#)  
[Staff Report 090208.pdf](#)  
[Backup.pdf](#)  
[Minutes Roch PC 100608.pdf](#)  
[Minutes PC 090208.pdf](#)  
[Minutes Roch 080607.pdf](#)  
[Minutes PC 072908.pdf](#)  
[Minutes Roch 070207.pdf](#)  
[Resolution.pdf](#)

**Ed Anzek**, Director of Planning and Development, indicated that this request was for approval of a revised conditional land use permit for a parking deck. He introduced Mr. Richard Whedon of Albert Kahn and Associates, Architects and Mr. Lyn Orfgen, President and Chief Executive Officer of Crittenton Hospital.

**Mr. Richard Whedon**, Albert Kahn and Associates, introduced the proposal to extend the existing parking structure to approximately double the size. He explained that the expansion does border and go over the boundary between the City of Rochester and Rochester Hills. He stated that after working with the City of Rochester for some time on the design and site plan approvals, including a redesign, the City of Rochester has approved the site plan, subject to the approval of Rochester Hills as well.

He stated that five conditions for the special land use were addressed by the design:

1. *Intent and Purpose:*

The purpose of the Parking Structure expansion is to provide additional parking spaces and additional covered parking facilities for staff, visitors, inpatients and outpatients. This additional parking will also serve the hospital and Medical Office Building parking needs as the services at the facilities continue to expand. As part of the Master Plan, the expansion will create a primary connection to the anticipated facility expansion. He stated that the design and construction will match the existing deck in design and character, and be four levels high.

2. *Design, Construction, Continuity and Community:*

The design of the proposed parking structure expansion is to match the current parking structure. The structure will mirror the existing parking structure with brick panels, precast concrete bands and metal panel stair enclosures. To provide added shielding for neighbors, in addition to the existing dense line of evergreens along the existing east property line, the east facade of the structure will be void of openings. The structure will have no adverse impact on the community. In addition, to avoid disruption from vehicles, the primary "loop road" will pass through the proposed expansion instead of around the east side. A roadway is proposed around the addition to ensure adequate access for emergency vehicles.

3. *Will be served adequately by public facilities and services:*

The expansion is served by public facilities and services utilizing the existing ingress and egress already established on site. Albert Kahn Associates has

worked closely with the City's Fire Department to ensure their needs for access have been met.

**4. Impact to the existing or future neighboring land uses:**

The project should not compromise current and/or future neighboring uses, persons, property or public welfare. As stated, the proposed design is the same as the existing parking structure.

**5. Impact on public facilities and services:**

The proposed expansion will not create any additional public requirements. There will be no additional demands on the public infrastructure. The existing area is of an impervious surface so there will be no increase in the storm water run-off. Access to the facility in the case of emergency has been addressed to the Fire Department's satisfaction.

He stated that over \$100,000 in redesign had been done to address residents' concerns, including the top two levels of the east side of the structure. Lighting redesign had been done as well to prevent light from affecting neighboring residences.

**Public Comment:**

**Ann Peterson**, 233 North Alice, Rochester, stated that she was opposed to the proposed parking structure and commented that the City of Rochester's approval was not made by a unanimous vote of their City Council. She stated that a lawsuit has been filed regarding Rochester's approval, and there were many people in the neighborhood against the structure. She expressed concern of top deck glare. She stated that she has been in real estate for 18 years, and that it was her opinion that this project would be of detriment to adjacent homes' property values.

**Council Discussion:**

**President Hooper** asked if the design met all technical requirements of Rochester Hills' ordinance. He questioned how much of the deck would be in each community.

**Mr. Anzek** replied that it met all the technical requirements of Rochester Hills' ordinance. He stated that most of the parking deck would lie in Rochester Hills, with a portion in Rochester.

**Mr. Ambrozaitis** stated that Crittenton is an important part of the community.

**Mr. Rosen** questioned whether the road on the east side of the deck would be a through-road. He also questioned the lighting and its effect on nearby residences.

**Mr. Anzek** responded that it would be a fire lane only, with pylons at the ends to prohibit traffic. He also stated that the eastern portion of the design included the top two floors being pulled back and a barrier on the second level increased by seven feet to prohibit any lights from reflecting upward. The roof fixtures were lowered to 15 feet as well, and lighting would project downward. He stated that Rochester Hills' Administration has had meetings with both the City of

*Rochester, their building inspector and consultant engineer about the conditions of their permit, to ensure coordination between the two municipalities.*

**Mr. Whedon** stated that all access would be through the existing deck ramps to keep noise away from the neighboring properties.

**Mr. Yalamanchi** questioned whether Mr. Whedon had talked to the residents regarding their concerns.

**Mr. Whedon** stated no.

**President Hooper** stated that a town hall meeting was held, which triggered the redesign of the first two floors.

**Mr. Whedon** said that the redesign was the result of concerns expressed and included increased landscaping as well as facade redesign.

**Mr. Yalamanchi** questioned whether the hospital considered moving the structure toward the back of the property.

**Mr. Whedon**, stated that discussions were held on taking the level back another thirty feet, but that the cost per car to do this was astronomical, making it as much as \$20,000 per car space.

**Mr. Anzek** stated that pulling the wall back an additional amount would result in surface parking, creating more of a nuisance to residents than having the wall there.

**Mr. Yalamanchi** questioned whether there was any lighting on the east side.

**Mr. Anzek** stated none whatsoever.

**Mr. Pixley** questioned whether the top deck surface would reflect light.

**Mr. Anzek** stated that a non-reflective surface would be put down to prevent lights from reflecting upward.

**Mr. Pixley** stated that Crittenton is a 24/7 operation. He stated he wanted to be sensitive to residents' concerns, and complimented Mr. Whedon and the hospital for a good plan.

**A motion was made by Ambrozaitis, 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: RES0362-2008

**Resolved**, that the Rochester Hills City Council hereby approves a Revised Conditional Land Use to allow an expansion to the Crittenton Hospital Medical Center parking deck, to be located east of the existing parking deck behind the hospital near University and Livernois, zoned SP, Special Purpose, Crittenton Hospital Medical Center, applicant.

**2008-0577** Request for Purchase Authorization - DPS/FAC: Blanket Purchase Order for electric energy for various City owned buildings through December 31, 2009 in the amount not-to-exceed \$500,000.00; DTE Energy, Detroit, MI and Michigan Municipal Risk Management Authority, Livonia, MI

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

**Roger Rousse**, Director of DPS/engineering stated this item is the result of a cooperative purchase plan through the Michigan Municipal Risk Management Authority (MMRMA), allowing substantial discounts in purchasing from DTE.

**Mr. Webber** questioned whether there were other cooperatives such as this that the City could take advantage of.

**Mr. Rousse** stated that MMRMA shops around for a supplier, in this case Kimball Power, and compares figures with DTE's quote. This item provides electric power for City Hall, the Police Substation and the DPS Garage only. There was no cost savings for the smaller-usage facilities within the City.

**A motion was made by Ambrozaitis, 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: RES0363-2008

**Resolved**, that the Rochester Hills City Council authorizes a Blanket Purchase Order for electric energy for various City owned buildings to DTE Energy, Detroit, Michigan and Michigan Municipal Risk Management Authority, Livonia, Michigan in the amount not-to-exceed \$500,000.00 through December 31, 2009.

**2008-0578** Request for Purchase Authorization - DPS/FAC: Blanket Purchase Order for natural gas for various City owned buildings through December 31, 2009 in the amount not-to-exceed \$200,000.00; Consumers Energy, Lansing, MI

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

**Roger Rousse**, Director of DPS/Engineering stated that in this case, it was not financially advantageous to go with a supplier other than Consumers Energy for natural gas.

**Mr. Rosen** questioned whether the old DPS building was still occupied.

**Mr. Rousse** responded that it is used only for equipment storage. There is a small rooftop unit supplying heat to the room where the SCADA system is located and once that equipment is relocated, the only utilities serving this building would be for overhead lighting and overhead doors in the garage.

**A motion was made by Ambrozaitis, 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: RES0364-2008

**Resolved**, that the Rochester Hills City Council authorizes a Blanket Purchase Order for

natural gas for various City owned buildings to Consumers Energy, Lansing, Michigan in the amount not-to-exceed \$200,000.00 through December 31, 2009.

- 2008-0579** Request for Purchase Authorization - DPS/ENG: Approval of rights-of-way for the Austin Avenue Extension and authorization for payments to landowners in the amount of \$210,000.00

**Attachments:** [Agenda Summary.pdf](#)  
[Highway Easement.pdf](#)  
[Offer to Purchase.pdf](#)  
[Resolution.pdf](#)

**Roger Rousse**, Director of DPS/Engineering, stated that this is result of a contract between City and a property owner for the installation of the road. He explained that this project has been on fast-track and it was hoped to have everything up and running by spring of next year.

**President Hooper** explained that this item included two parcels; the major one being Rayconnect for right-of-way for Austin Drive, and one small parcel owned by Paul Colwell.

**A motion was made by Ambrozaitis, 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: RES0365-2008

**Resolved**, that the Rochester Hills City Council approves the rights-of-way for the Austin Avenue Extension and authorizes payments to the landowners in the amount of \$210,000.00.

- 2008-0267** Update on the Community-Wide Deer Situation

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

**Mike Hartner**, Director of Parks and Forestry stated that the Administration was looking forward to a decision by Council on how to proceed.

**Lance DeVoe**, Park Ranger II, stated that the deer feeding ban was adopted by Council on September 22, 2008 and was in effect as of September 29, 2009 city-wide. The State feeding ban in response to Chronic Wasting Disease in

*Kent County has now been upgraded to a permanent ban in the Lower Peninsula. In response to deer within the neighborhoods, sites where deer had been fed in the past were inspected to ascertain compliance with the new Ordinance and these sites are now in compliance. He stated that the ban has been somewhat effective.*

*Regarding the City's education component, he stated that a program was held at the Environmental Education Center (EEC) to educate residents about deer in the City and to suggest things residents can do to live more harmoniously with deer. He stated that this program will continue. The City also hosted a press conference with SEMCOG on car/deer accidents. Pamphlets were mailed out in the water bills. The City has also been in contact with television reporters and news media, publicizing hot spots in the City with the highest car/deer accidents; and general contact with residents has greatly increased. Jamie Smith, City Media Specialist, has begun work on a video to give residents specific hints on what they can do in their own yards.*

*The City has also been working with Oakland County to make signage and roadside improvements, replacing deer signs with high-visibility signs, and evaluating their placement on City roads. Administration representatives also attended a meeting at the Rochester Hills Public Library on the use of reflectors, held with a representative from Calhoun County. Possible locations were evaluated where reflectors could be used. Hamlin Road is a City-owned road where permission from the County would not be needed to install reflectors. He stated that locations of installation in Calhoun County were not the same as the roads in Rochester Hills. Calhoun County roads were straighter and flatter; while the roads in Rochester Hills vary in width, have deceleration and turn lanes, and elevation changes where reflectors would not be effective. He stated that reflectors could be effective on a half-mile stretch near Adams and Avon, as well as Tienken Road.*

*Regarding the possibility of fencing, he stated that deer-proof chain link fencing could run as much as \$132,000 per mile for an eight-foot fence with a one-foot high-tension wire at the top. Fencing could be effective in a couple of locations, citing Adams Road as a possibility.*

*He stated that there were a few stretches of roadway where roadside brush comes close to the road right-of-way; and permission would have to be obtained from Oakland University to clear brush back farther from the road.*

*He noted that the bow-hunting component was removed from consideration by Council at a prior meeting.*

*The Administration does plan to continue the aerial survey of the deer population, and it was hoped that the City could again join with Oakland County to keep this more cost-effective. The estimated cost of this survey is between \$1,000 to \$1,500. The survey is done in the winter as soon as there is a minimum of four inches of snow cover.*

*The Administration will continue car-deer crash monitoring, with data supplied by SEMCOG.*

A meeting was held at City Hall with representatives from the Michigan Department of Natural Resources regarding the sharpshooting component of the plan to obtain preliminary information on how this component could be put into place. The Administration has also met with the Safari Club International and Michigan Sportsmen Against Hunger to see if harvested deer meat could be distributed to the needy. At the same time, the Administration has met with the Oakland County Sheriff's representatives. He stated that if this option is selected, he is confident that this could be done in a positive and safe manner.

**Public Comment:**

**Agnes Domanska**, 1530 Streamwood, expressed support for the reflector system. She stated that unlike hunting, reflectors offer several incentives, and are proven effective long-term, affording a safe, humane solution. She stated that private funding of over \$20,000 has been obtained for reflectors. She expressed concern over the possibilities of stray bullets.

**Jean Teschendorf**, 1240 Greenleaf, stated she is a Valley Stream homeowner and is very concerned about Lyme Disease. She stated that deer pass through her yard three times a day, as many as 19 deer at a time. She commented that bucks appear poised to charge the large windows on the back of her home. She stated that she would welcome a bow-and-arrow method of removal.

**Robert Pearson**, 1247 Greenleaf, stated that he has lived in Valley Stream Subdivision for 25 years, and has tried all devices to repel the deer from his yard. He stated that the construction in his area has stabilized, but the deer herd passing through his yard increases every year. He stated he would like to see City Council act on this.

**Jim Williams**, 2945 Hillendale, stated that he lives in Spring Hill Subdivision and enjoys having deer through his backyard. He stated that other areas that have tried culling report an eventual increase in deer population and car-deer accidents. He stated that he protects his plants chemically. He commented that Rochester Hills is a nice rural community and the charm is its wildlife.

**Lee Zendel**, 1575 Dutton, stated that he supports the culling of the deer. He stated that the venison produced by the culling operation could be the difference for some Oakland County residents as to whether they have a meal that day or not. He commented that it was his opinion that there was not enough funding contributions to control the deer population any way other than sharpshooting.

**Giuliana Melcete**, 3190 Fallen Oaks Court, stated that she was opposed to culling deer. She commented that hunting season puts more deer on the run, and suggested an experimental birth control vaccine.

**Mary Anne Bernardi**, 384 Lawson Court, Troy, stated that Council should seek a non-controversial means of deer control. She stated she was against deer culling efforts, stating that killing deer increased their fertility.

**Don Hughes**, 3744 Bald Mountain, Auburn Hills, stated that he came at the

request of Monique Balaban, who could not be in attendance, and proposed the following program:

1. Funding of \$20,000 would be donated to install reflectors. Mr. Dennis Randolph would survey at no cost.
2. Reflectors would be tested for one-and-one-half years from the date of installation completion. If crashes were reduced by thirty percent, they would be extended. Residents for Safe Deer Management would help raise additional funds.
3. If City Council chooses to move forward with sharpshooting, it must be agreed that no more than 45 deer be culled in the next one-and-a-half years in order to avoid compromising the deer reflector data.
4. Deer crossing signs to be installed at the beginning and end of each stretch of reflectors. Funding could be obtained by firms "adopting a safe mile".
5. Foliage would be cut back along the road edges.
6. Speed limits would be lowered at the beginning and end of each stretch of reflectors during dusk and dawn times.

**Italia Milan**, 3744 Bald Mountain, Auburn Hills, stated that shooting firearms in the City presents a safety concern. She also stated that culling has been proven ineffective long-term as a method of deer population control, as a compensatory rebound effect occurs. She commented that culling can interfere with other deterrent methods, such as reflectors. She asked Council to allow implementation of the reflector system before deciding to go ahead with culling activities. She stated that the primary carrier of Lyme Disease is mice, and that the instances of Lyme Disease in Oakland County is low.

**(Council Recess from 9:49 p.m. to 10:01 p.m.)**

**Council Discussion:**

**President Hooper** questioned whether reflectors are effective. He also questioned the instances of Lyme Disease.

**Mr. DeVoe** responded that after investigation, the effectiveness of reflectors produces mixed results. He also responded that there has not been a tick found that tested positive for Lyme Disease in Oakland County.

**President Hooper** questioned whether trapping or sterilization could be an option.

**Mr. DeVoe** responded that deer sterilization is not legal; and that trapping and neutering could not be done as well.

**President Hooper** asked how fencing could be used for control.

**Mr. DeVoe** responded that an eight-foot fence would be a minimum requirement, and that some deer can jump an eight-foot fence as well. He stated that some areas would be more conducive to fencing than others.

**President Hooper** questioned whether a ballpark figure of the number of deer could be given.

**Mr. DeVoe** replied that a conservative number would be 1,000 deer. He stated that 25 deer per square mile is a target that the DNR would like to meet.

**Mr. Webber** questioned whether the County had been consulted on the possibilities of a reflector system.

**Mr. DeVoe** stated that he spoke with the City Traffic Engineer who had been in contact with the County as to how the County roads could be used for a reflector system.

**Mr. Webber** asked for an explanation in the discrepancy between the quotes for reflectors obtained by the Administration and by Ms. Balaban.

**Mr. Hartner** responded that there were installation costs for installing the posts with a sturdier base and breakaway features. The City has many difficult areas where snowplows would damage them or knock them out of alignment if installed with a lesser post structure. The City also has many areas where the installation would have to be engineered, with deeper ditches.

**Mr. Webber** suggested that a pilot program of reflectors be considered.

**Mr. Ambrozaitis** questioned whether the bow hunting moratorium could be lifted.

**Mr. Staran** responded that Council, by action, imposed the moratorium, and Council could also repeal it.

**Mr. Ambrozaitis** questioned whether culling deer could cause more breeding.

**Mr. DeVoe** stated that in available habitat, when animals are removed, that niche eventually fills back in. He stated that if a catastrophic event occurs, or a die-off, the rebound effect happens faster. Normal deer reproduction is as follows, regardless of the deer population:

- At 1.5 years of age, the white-tailed deer typically has a single fawn.
- The following year, the deer typically has twins (this is not unusual).
- White-tail deer occasionally have triplets, but it is rare.

**Mr. Ambrozaitis** questioned what budget line item could be used for fencing.

**President Hooper** stated that there was no budget funding for fencing.

**Mayor Barnett** stated that Council could appropriate money, if it desired, to incorporate that component.

**Mr. Ambrozaitis** stated that if only one measure was tried, it would not solve the problems. He questioned whether Ms. Balaban's proposal could be considered by Council and the Administration.

**Mayor Barnett** said that while Ms. Balaban's proposal has resulted in a compromise of their two beliefs, it is Council's policy decision on what measures

*should be considered.*

**Mr. Ambrozaitis** stated that he would like Ms. Balaban's suggestions be reviewed one more time.

**Mr. Brennan** stated that this is a difficult issue, however he feels that everyone in the City realizes what a danger the deer impose and what a nuisance they are. He questioned the possibility of relocation of deer.

**Mr. DeVoe** commented that removal is no longer done. He stated that when a deer is tranquilized and transported, the deer is under so much stress that it almost always dies within the first year after relocation.

**Mr. Brennan** stated that he supports a broad program including many of the items discussed.

**Mr. Pixley** thanked all the residents for their contributions to this discussion, stating that it was a passionate issue. He stated his primary concern is for the safety of the residents. He stated that if there are fewer deer, there will be fewer accidents. He commented that no one advocates the elimination of the deer population; however, the City needs a comprehensive plan. He stated that Ms. Balaban's plan is a comprehensive plan that includes all aspects of control, including education and control. Low-cost and no-cost has to be one of the factors driving Council's decision. When the Sheriff's Department came through with their proposal at no cost to the City, he felt that this was a viable and safe option, and more humane for the deer. He stated that this was not about creating sport in the community; it was for creating a safer environment for residents. He questioned whether Ms. Balaban's proposal of culling 45 deer was a high enough number to make a difference.

**Mr. DeVoe** agreed that with fewer deer, there will be fewer car/deer accidents. He stated that in springtime, 50 deer will become 125. He stated that in a program such as this, does will be targeted, particularly mature does that are more likely to bear twins.

**Mr. Rosen** stated that this is a difficult decision to make. He stated he was not opposed to hunting, and recognizes that there is a problem with car/deer accidents but that he does not recognize the nuisance. He stated his opinion that a 50 percent reduction in car/deer accidents could only be obtained by a 50 percent reduction in the deer population. He stated that he also recognized that professional deputy marksmen would be safer than amateur bow-hunters and there would be safety measures built in, but was concerned over 300 to 500 firearm discharges within the City. He stated that the City should look more into preventing accidents, primarily through education and other mechanical means that are more geared to cause-and-effect. He commented that the reflectors are worth trying. He stated that if this method could work in the most severe place, that a five or ten percent reduction could be seen in total accidents City-wide. He also stated that repairing the existing fences around Meadow Brook could be of help. He suggested a multi-pronged approach which also included speed limit reductions. He stated that he was in favor of sharpshooting only as proof of concept, but did not feel it would work for control.

**Mr. Yalamanchi** questioned whether reflectors would be used on both sides of the roadway, and were the cost proposals reflective of this.

**Mr. DeVoe** respond that they would be used on both sides, and his cost estimates include this option.

**Mr. Yalamanchi** questioned the feeding ban and its effect.

**Mr. DeVoe** stated that the supplemental feeding of deer in southern Michigan has virtually no effect in the population; however, feeding draws deer into the neighborhoods.

**Mr. Hartner** stated that if deer stay in their habitat, they might stay out of the road.

**Mr. Yalamanchi** questioned if the culling was done for one year, would it have to continue for a few years.

**Mr. DeVoe** responded that culling is most effective if done for multiple years. He stated that in subsequent years, the population could reach a level where the culling would not have to be done every year.

**Mr. Yalamanchi** questioned the deer's migration habits, and how if deer were culled in a park, how would Christian Hills be affected.

**Mr. DeVoe** responded that the home range of deer here in Rochester Hills is approximately a square mile, which is considerably less than in northern Michigan. He stated that culling in Bloomer would not affect Christian Hills. He stated that this is a limitation to the sharpshooting component as there are limited places that it can be done.

**Mr. Yalamanchi** commented that in some of the areas, the City's population is too dense to do culling.

**Mr. DeVoe** responded that there were places in the City where culling would make a difference. He stated that this is why a multi-faceted approach is necessary for control.

**Mr. Yalamanchi** stated that there is a safety issue in certain parts of the City, particularly Adams, Hamlin, Avon and Walton Roads. He asked how to reduce the impact in those areas. He suggested a three-year comprehensive plan, with the feeding ban, education, adding signage and reflectors in these areas.

**Mr. DeVoe** commented that there are undeveloped areas within fairly close proximity to these high traffic accident areas that the activities could effectively make a difference. He stated that there are deer spending the majority of their time in substandard habitats, such as older subdivisions with larger lots, and he would like to expand the deer count to include these areas.

**Mr. Yalamanchi** stated he was in favor of expanding the deer count to establish a baseline.

**Mr. DeVoe** stated that if the City does not use lethal methods, there would be no decrease in the population. He stated that the control method now is hitting them on the road.

**Mr. Yalamanchi** stated he favored the three-year process, and would add reflectors as a component if done at no cost to the City. He stated he was not comfortable with sharpshooting at this time. He commented that if culling is done in Bloomer and nothing changes in the other end of the City, there would be no benefit.

**Mr. Hartner** stated that culling would provide a reduction to the overall population.

**Mr. Yalamanchi** questioned what solution could be used in high-density human population areas.

**Mr. Hartner** replied a combination of all methods. He stated that a comprehensive program needs to be started immediately in the locations suited for each method of control.

**Mayor Barnett** stated that the Administration is stressing a comprehensive program. He also stated that he is a fan of the reflectors, however cautioned that installing reflectors on Adams Road would have no impact on car-deer accidents anywhere else in the City. He stated that if a comprehensive result is desired, then a comprehensive approach needs to be undertaken.

**Mr. Yalamanchi** stated his desire to move toward a solution, but with caution.

**President Hooper** stated that this is strictly a public safety issue. He expressed that he was not concerned of deer eating landscape as it was a nuisance. He commented that fencing was too costly, and that reflectors would not work unless the roads were lined with them. He stated he was not opposed to installing them on a portion of roadway to try them, but did not feel they would treat the root cause of the problem.

**Mr. Ambrozaitis** stated that it was his opinion that a combination of approaches was needed to be comprehensive. He stated that the City should look toward the future for funding Oakland County Sheriff's Department culling activities, even though this first year would be at no cost.

**Mr. Rosen** questioned what the goal of a culling activity would be, and questioned whether it would be 200 deer.

**Mr. Brennan** suggested that the number of permits would not exceed 200. The quantity culled would be whatever the Sheriff's Department could shoot.

**Mr. Yalamanchi** asked whether a new baseline should be established before proceeding with culling.

**Mr. Hartner** stated that three surveys have been done in the last ten years, with the last one being this past winter.

**Mr. DeVoe** stated the next survey will be done in January and February.

**President Hooper** stated that delaying this until an additional survey would mean the culling proposal for this year could not proceed.

**Mr. DeVoe** stated that the DNR sets out-of-season permits, and these are given for January and February as this is the most effective time to cull deer.

**Mr. Brennan** stated that these numbers could be reviewed in June for effectiveness.

**Mayor Barnett** stated that the numbers estimated for the City are actual counts in Bloomer and other areas and that the number is extrapolated over the City to get the 1,000 deer count. The goal of the culling activity would be to have measurable results.

**Mr. Ambrozaitis** stated that the car safety issue is important, but there are still City budget issues to consider.

**Mayor Barnett** clarified that there might be some ancillary charges, such as Park Ranger's time to oversee activities, but there would be no direct charges to the City for culling.

**Mr. DeVoe** clarified that no private residential or commercial property would be used for culling activities.

**Mr. Rosen** requested that the vote on the motion be done by roll call. He stated that he favored the motion made with the exception of culling 200 or more deer.

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

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

**Nay** 2 - Rosen and Yalamanchi

Enactment No: RES0366-2008

**Resolved**, that the Rochester Hills City Council hereby directs that:

1. The Administration continue with the educational component for Deer Management.
2. The Administration pursue grants for improved signage, reflectors and fencing as roadside deterrents for known deer crossings.
3. The Administration continue to perform annual Deer Count surveys.

**Be It Further Resolved**, that the Rochester Hills City Council hereby directs that a controlled culling operation be conducted with the Oakland County Sheriff's Special Response Team for the 2008-2009 season, subject to the following conditions:

1. Safety will be the number one priority in all respects.
2. No private residential or commercial property will be utilized.
3. Number of permits will not exceed 200 for this operation.
4. The harvested deer meat be donated and delivered to local food banks.
5. The scope, timing and locations to be developed and coordinated jointly with the Michigan Department of Natural Resources, Oakland County Sheriff and Rochester Hills Parks and Forestry personnel.
6. The Sheriff's operation will be conducted at no cost to Rochester Hills.
7. The results to be reviewed in June 2009 along with Vehicle/Deer Crash statistics and the Annual Deer Count Surveys to determine effectiveness for continuation of this option.

## COUNCIL COMMITTEE REPORTS

### Sister City Committee - Rochester:

*Mr. Webber reported that as part of the Sister City Committee - Rochester, that preliminary plans were underway to set a date for a joint dinner similar to the one recently held with Auburn Hills City Council.*

## ANY OTHER BUSINESS

*Mr. Ambrozaitis asked the Administration to look into a house on John R across from the Arcadia Park Subdivision entrance that is in a state of disrepair. He also questioned whether Council would be interested in a basketball game against the City of Rochester.*

## NEXT MEETING DATE

*Special Meeting - Monday, November 24, 2008 - 7:30 PM; Regular Meeting - Monday, December 1, 2008 - Cancelled; Regular Meeting - Monday, December 8, 2008 - 7:30 PM*

## ADJOURNMENT

*There being no further business before Council, President Hooper adjourned the meeting at 11:27 p.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 March 2, 2009 Regular City Council Meeting.*