



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, October 26, 2009

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

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

ROLL CALL

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

Others Present:

*Bryan Barnett, Mayor
Derek Delacourt, Deputy Director of Planning
Lance DeVoe, Park Ranger II
Mike Hartner, Director of Parks and Forestry
Marie Killen, Human Resources Benefits Analyst
Pamela M. Lee, Director of Human Resources
Jane Leslie, City Clerk
Sresht Rengesh, Rochester Hills Government Youth Council Representative
Roger Rouse, Director of DPS / Engineering
Sharon Salvador, Human Resources Secretary
Keith Sawdon, Director of Finance
John Staran, City Attorney
Helen Sultana-Kelly, Human Resources Analyst - Program Coordinator*

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

A motion was made by Webber, seconded by Pixley, that the Agenda be Approved as Amended to move Unfinished Business: Legislative File 2009-0474, Request for Approval of the Deer Management Implementation Plan for 2010 to immediately follow the Consent Agenda. The motion CARRIED by the following vote:

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

PUBLIC COMMENT

President Hooper stated that no political campaigning would be allowed during Public Comment and no candidate's name could be mentioned in a campaigning manner during the meeting.

Deanna Hilbert, 3234 Quail Ridge Circle, expressed concern that endorsement of any City Council candidate by the Director of the Older Person's Commission (OPC) could endanger the 501(c)(3) non-profit status of the OPC. She stated that taxpayers of Rochester, Rochester Hills and Oakland Township should attend the next OPC Board Meeting on Thursday, November 5, 2009 at 7:30 a.m.

Martha Black, 2408 Jackson Drive, stated that a recent Oakland Press editorial piece was positive, uplifting and encouraging.

Melinda Hill, 1481 Mill Race, encouraged voters to participate in the election for City Council on Thursday, November 3, 2009, stating that Council members hold the purse strings for the City's tax dollars.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

Mr. Brennan reported that the 11th Annual Brookwood Make A Difference Day Flea Market was very successful. He stated that the annual event raised \$11,500 that will support the Baldwin Soup Kitchen, National Multiple Sclerosis Society, the Juvenile Diabetes Research Foundation and the Women's Fund for Greater Rochester. He stated that Cathy Bommarito, event Chair, conveyed that she was tremendously impressed by the participation of students from local high schools who volunteered to help.

Mr. Ambrozaitis stated that next weekend would be the adjustment for Daylight Savings Time and reminded residents to carry flashlights or wear reflectors when walking in the dark, particularly in subdivisions with no sidewalks.

Mr. Pixley noted that he wore a pink tie in recognition of Breast Cancer Awareness Month and stated that everyone should encourage those individuals that they care about to go for early cancer screening. He commented that everyone should get out and vote next week.

Mr. Rosen requested an update on the Tienken Road Widening Project.

Mr. Webber encouraged residents to vote in next Tuesday's election. He commented that everyone should have a safe and Happy Halloween.

Sresht Rengesh, Rochester Hills Government Youth Council Representative (RHGYC), announced that the RHGYC met to discuss and select projects for this upcoming year. He stated that the RHGYC voted to hold a 5k Run/Walk again this coming year and commented that a Youth Summit would not be held this year.

Mayor Barnett made the following announcements:

- Residents should use the change in Daylight Savings Time as a reminder to change smoke detector batteries. He noted that the City's Sound the Alarm campaign last year was very successful in ensuring that smoke detectors were installed in the mobile home communities in Rochester Hills and stated that a few smoke detectors remain and are available. Any resident needing a new smoke detector should call the Mayor's office. He pointed out that a significant fire last night in Cider Mill Village Apartments could have been much worse had it not been for the alert of a smoke detector and the complex's sprinkling system.
- The City's Halloween Trick-or-Treat hours are from 6:00 p.m. to 8:00 p.m. this coming Saturday, October 31, 2009.
- The Hills Herald will be issued on Thursday as an online version. Individuals who requested printed copies will have them delivered. Residents who wish to receive a printed copy can still request one.
- The City of Rochester Hills' Economic Development Department was named an eCities 2009 Top Performing Entrepreneurial City by the University of Michigan-Dearborn College of Business. Rochester Hills is the only new city in 2009 from Oakland County to receive this award. He noted that a meeting of small businesses will be held this coming Wednesday which will pull community resources together to encourage small business development.

Mayor Barnett stated that he would contact Oakland County this coming week to request an update on the Tienken Road Widening Project and would report his findings to Council at the next meeting.

ATTORNEY MATTERS

City Attorney John Staran had nothing to report.

RECOGNITIONS

2009-0476 Proclamation in Recognition of the Rochester Hills Safety Committee

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

President Hooper requested Council recognize Helen Sultana-Kelly for her leadership efforts in the City's Safety Committee.

Mayor Barnett explained that the City's injury numbers were trending upward prior to the creation and development of a Safety Committee. He commented that contributions and efforts were made by many departments and stated that

Ms. Sultana-Kelly's previous experience allowed her to do a fantastic job in providing a leadership role in developing this Committee to improve the areas where the City was experiencing accidents. He pointed out that the City was recognized as having the biggest turnaround in the State of Michigan as monitored by the Michigan Municipal League Workers' Compensation Fund and noted that claims were lowered by 63 percent this year. He stated that this move has saved the City \$100,000 in Workers' Compensation premiums for next year.

Helen Sultana-Kelly, Human Resources Analyst - Program Coordinator, expressed her thanks on behalf of the Safety Committee and stated that the committee could not have been successful without the efforts of all of the City's employees.

Mayor Barnett commented that the success of the Safety Committee is in creating a safer workplace for employees and residents.

Presented.

Whereas, the Michigan Municipal League Workers' Compensation Fund has named the City of Rochester Hills as one of two organizations to receive the "Most Improved" Award during the annual Loss Control Achievement Awards; and

Whereas, in the past several years, Workers' Compensation insurance claims have trended upwards, creating a situation that demanded action; and

Whereas, under the direction of the Human Resources Department, a Safety Committee was established and challenged with the task of identifying concerns and potential solutions to create a safer work environment; and

Whereas, the Safety Committee has been an overwhelming success as claims in 2009 have dropped over 63% and as a result have reduced our Workers' Compensation Premiums by more than \$100,000.

Now, Therefore, Be It Resolved, that the Mayor and City Council of Rochester Hills hereby congratulate Committee Chair Helen Sultana-Kelly, and all the members of the Safety Committee for their hard work and success in emphasizing the practice of good safety principles on the job and in our homes.

CONSENT AGENDA

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

- 2009-0347** Request for Approval of Traffic Control Orders YS-104 and WT-38 Streets within Supervisor's Plat No. 9 - Section #29: YS-104.1 Austin Avenue YIELD for Devondale Road, and WT-38 Devondale Road from Auburn to Austin Avenue

Attachments: [Agenda Summary.pdf](#)
[Traffic Study 082509.pdf](#)
[Existing and Proposed Signage.pdf](#)
[AT&S Draft Minutes 090809.pdf](#)
[TCO YS-104.pdf](#)
[TCO WT-038.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0281-2009

Whereas, Traffic Control Orders No. YS-104.1 and WT-38.1 have been issued by the Transportation Engineer under the provisions of the Rochester Hills Code of Ordinances, Chapter 98, Michigan Vehicle Code, MCL 257.1 et seq.; and

Whereas, said Traffic Control Orders cover:

YS-104.1 Austin Avenue YIELD for Devondale Road, and Controlling Truck Weight Limits on City Streets Order No. WT-38.1 Devondale Road from Auburn to Austin Avenue

Whereas, said Traffic Control Orders shall not be effective after the expiration of ninety (90) days from the date of issuance, except upon approval by this Council; and

Whereas, the Advisory Traffic and Safety Board has considered the issues pertaining to the Traffic Control Orders YS-104 and WT-38 to be in effect until rescinded or superseded by subsequent order; and

Now, Therefore, Be It Resolved, that a certified copy of this Resolution be filed together with the Traffic Control Orders, with the City Clerk of Rochester Hills, Oakland County, Michigan.

2009-0352 Request for Approval of Traffic Control Order SS-143, Streets within Easthampton Subdivision - Section #26: Norcross Drive STOP for Hillsborough Drive

Attachments: [Agenda Summary.pdf](#)
[Easthampton Traffic Info Survey 061009.pdf](#)
[HillsboroughCrashInfo2006-2008.pdf](#)
[Norcross & Hillsborough TCO Map.pdf](#)
[Norcross Hillsborough Intersection Map.pdf](#)
[NorcrossCrashInfo2006-2008.pdf](#)
[WentworthCrashInfo2006-2008.pdf](#)
[WentworthCrashReport2006-2008.pdf](#)
[Easthampton Study.pdf](#)
[AT&S Draft Minutes 090809.pdf](#)
[TCO SS-143.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0282-2009

Whereas, Traffic Control Order No. SS-143 has been issued by the Transportation Engineer under the provisions of the Rochester Hills Code of Ordinances, Chapter 98, Michigan Vehicle Code MCL 257.1 et seq.; and

Whereas said Traffic Control Order covers:

SS-143.1 Norcross Drive STOP for Hillsborough Drive

Whereas, said Traffic Control Order shall not be effective after the expiration of ninety (90) days from the date of issuance, except upon approval by this Council; and

Whereas, the Advisory Traffic and Safety Board has considered the issues pertaining to the Traffic Control Order and recommends that the Order be approved;

Resolved, that the Rochester Hills City Council approves the issuance of Traffic Control Order SS-143 to be in effect until rescinded or superseded by subsequent order; and

Now, Therefore, Be It Resolved, that a certified copy of this Resolution be filed together with the Traffic Control Order, with the City Clerk of Rochester Hills, Oakland County, Michigan.

2009-0475 Request for Adoption of Resolution authorizing the Mayor or his agents to make application to the Road Commission for Oakland County (RCOC) for the necessary permits for posting road closures and detours for the 2009 Christmas Parade to be held on Sunday, December 6, 2009

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0283-2009

Whereas, the Cities of Rochester Hills and Rochester jointly host an annual Christmas season parade conducted under the auspices of the Rochester Regional Chamber of Commerce; and

Whereas, the parade route begins on Rochester, south of Tienken Road in the City of Rochester Hills, and proceeds south along Rochester Road to Third Street in downtown Rochester; and

Whereas, staging this event requires closing certain State and County routes and using others for posted detour routes; and

Whereas, the two cities coordinate parade planning by dividing responsibility for obtaining necessary permits, with the City of Rochester Hills applying to the Road Commission for Oakland County for the detour and the closure of Walton at Livernois, and the City of Rochester applying to the Michigan Department of Transportation for the closure of Rochester Road from E Second Street to Tienken Road.

Resolved, that the Rochester Hills City Council authorizes the Mayor or his agents to make application to the Road Commission for Oakland County for the necessary permits for posting road closures and detours; and

Be It Further Resolved, that the parade detour routes be scheduled for Sunday, December 6, 2009, between the hours of 12:30 p.m. and 4:00 p.m. on Livernois, Avon, Rochester, and Tienken Roads; and

Now, Therefore, Be It Resolved, that the City of Rochester Hills will faithfully fulfill all permit requirements, and shall save harmless, indemnify, defend, and represent the Board

of County Road Commissioners against any and all claims for bodily injury or property damage, or any other claim arising out of or related to operations authorized by such permit(s) as issued; and

Be It Further Resolved, that a certified copy of this Resolution be filed with the City Clerk of Rochester Hills, Oakland County, Michigan and with the Road Commission for Oakland County, Waterford, Oakland County, Michigan.

Passed the Consent Agenda

A motion was made by Pixley, seconded by Webber, 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

UNFINISHED BUSINESS

2009-0474 Request for Approval of the Deer Management Implementation Plan for 2010

Attachments: [Agenda Summary.pdf](#)
[Hooper Memo.pdf](#)
[2010 Deer Mgmt Implementation Plan \(Draft\).pdf](#)
[CC Meeting Minutes Excerpt 092208.pdf](#)
[CC Meeting Minutes Excerpt 111708.pdf](#)
[CC Meeting Minutes Excerpt 020909.pdf](#)
[CC Meeting Minutes Excerpt \(DRAFT\) 092809.pdf](#)
[Resolution.pdf](#)

Mr. Webber summarized the Deer Management Advisory Committee's (DMAC) work in developing the recommendations for this Deer Management Implementation Plan.

Mayor Barnett stated that he hoped Council would allow the Administration to move forward with the 2010 Plan.

Public Comment:

Jim Kubicina, 2423 Chalet Drive, Chairman of the DMAC, commented that he is troubled by what he heard at the October 19, 2009 Council meeting, stating that views expressed at that meeting by a DMAC member were not consistent with the Committee's recommendations presented to Council on September 28, 2009. He pointed out that the Committee's recommendations are that there not be a cull in 2010 as deer herd and collision numbers are down; however, this recommendation does not go beyond 2010. He commented that the supposed donor is attempting to push a goalpost to July 31, 2011 and stated that the DMAC recommends reviewing deer count and crash numbers in June of 2010. He pointed out that a donor could step forward and install flashing signs now in the interest in saving lives and lowering collision numbers as the season for high deer movement is beginning. He noted that the \$25,000 approved for implementation of the DMAC recommendations is not available until the 2010 Budget. He stated that the DMAC battled for over 360 hours of meetings and offered a compromise with the idea of public safety; however all options were kept open.

Mayor Barnett commented that he wished to clarify that Council is considering the acceptance of the Deer Management Implementation Plan tonight.

Thomas McDonald, 3630 Walnut Brook Drive, stated that the DMAC agreed unanimously without a dissenting vote that no cull be undertaken in 2010. He pointed out that a DMAC member wrote a guest opinion column for the Oakland Press that implied that the DMAC made certain conclusions that are not true and stated that he wished to correct the record. He noted that Southeast Michigan Council of Government (SEMCOG) data maintains that the City of Rochester Hills has the highest deer-car accident rate in Oakland County. He stated that according to SEMCOG, the deer herd in Oakland County is ten times larger today than it was in 1970, as opposed to a four-fold increase in the deer population state-wide in that same time period. He urged Council to vote to endorse the recommendations of the DMAC.

Tomasso Anselmino, 3553 Sherborn, Rochester Hills, expressed support for a controlled bow harvest of deer in Rochester Hills, stating that the deer herd is currently unstable for its habitat and noting that starvation will push deer to become more aggressive and damaging to property. He commented that many more deer-vehicle crashes occur than are reported. He stated that while the DMAC recommendations bring awareness to the situation, none of the recommendations actually get to the root of the population problem.

Bill Studebaker, 136 E. Maryknoll Road, commented that he attended three of the DMAC meetings and noted that Mr. Kubicina did a great job as chair of these sometimes contentious meetings. He stated that 200 car-deer crashes is an excessive number and suggested that the number should be 96. He pointed out that deer ticks are not spread by nose-to-nose contact and are transferred to shrubbery, creating a potential health hazard. He stated that deer are wild and are protective of their young and could be a danger to young children. He commented that Council should take action to thin the herd if it continues to be a threat.

Jon Block, 273 Vreeland Drive, commented that he is appalled with the idea of killing in the City's neighborhoods and stated that he hoped the recommendations will put this issue to bed and allow Council to work on more serious issues. He commented that the DMAC's recommendations, along with the City's Green Space Acquisition Program, provide a terrific way to increase the beauty of this residential community. He complimented Mayor Barnett in his efforts in working with Oakland University to clear land at Avon and Adams Roads, noting that this clearing will lead to an improvement in safety in this area.

Dianne Pawlowicz, 1519 Streamwood Court, stated that culling did not work and noted that the DMAC worked hard to arrive at its recommendations. She commented that the deer counts are down along with accident numbers. She stated that the City should find ways to use the culling money to improve the life of neighbors going through distressed times.

Martha Black, 2408 Jackson, stated that no community has the answer to the

deer issue and commented that it became a political issue the moment it was brought to a vote. She questioned whether the timeline recommended has political connotations due to 2011 City Elections.

Bill Carlson, 849 Fieldstone Court, displayed a photo of a deer hit by a car which died in his backyard and stated that he joined the DMAC for the purpose of trying to find the facts behind the increasing deer population and accident numbers. He commented that after going through the DMAC's process, he felt that the Committee needed to have minutes, official or unofficial, to keep records of its progress and what background information was utilized. He stated that Shawn Riley, Professor at Michigan State University, provided information to the DMAC that the deer population could increase to as many as 350 deer per square mile, ten times larger than it is now.

Joseph Podvin, 825 Dunedin, stated that he is a member of the DMAC and also is on the State's Deer Committee in Lansing and was proud of the job the Committee did. He refuted Mr. Carlson's report of Mr. Riley's statement about the potential for the deer population increase and stated that he felt the recommendations made by the DMAC are fair. He stated that the deer population is down and the City should reassess the numbers at the end of 2011.

I. M. Newbauer II, 85 Bellarmine Drive, stated that the DMAC did an outstanding job and congratulated Mr. Kubicina for his leadership. He stated that the DMAC's report represents a good compromise in calling for non-lethal methods through 2010.

Ben Denno, 2463 Ashford, stated that DMAC Recommendations 1 through 6, except Recommendation 4, do nothing to reduce or control the deer population and commented that these recommendations are purely conditional items for the populous of the city. He pointed out that 168 car-deer accidents in one year does constitute a safety issue and provided a letter from the Insurance Institute of Michigan which noted that car-deer accidents cause more than \$130 million in damage per year and increase insurance premiums in the city. He stated that he had invited Linda Rowe, President of the Lyme Disease Association, to speak tonight to present that Rochester Hills has a case of Lyme Disease in Rochester Hills off of Brewster Road, however, she was unable to attend.

Scot Beaton, 655 Bolinger, stated that he strongly recommends Council vote to accept the recommendations of DMAC and stated that killing wildlife should be a last resort for this community.

Don Booth, 481 Maryknoll, commented that he was appalled by the City's use of a sign on Avon Road stating that deer and car safety begins with drivers, stating that this type of sign puts the ownership of car-deer accidents on the shoulder of the driver and does not acknowledge deer overpopulation as the problem.

Margaret Larson, 833 North Fieldstone Drive, displayed pictures of numerous deer in her yard and one hit by a car and stated that her house backs up to Brookwood Golf Course and Sargent's Creek. She commented that the deer population

has increased every year, noting that 15 deer were in her yard the other night. She pointed out that a car was badly damaged last night in a collision with a deer; however, the driver did not stop to report the accident as he did not wish to report it to his insurance company. She expressed her fear that the city will someday witness a human fatality.

Susan Rome, 828 North Fieldstone Drive, stated that she would like to see Council act to fix the deer overpopulation problem, noting concerns of Lyme Disease and dangers to young children, and commenting that by not doing anything, the City would open itself up to potential litigation.

Carl Griffin, 2491 Ashford, stated that he has a degree in Biology from Oakland University and commented that the City needs to deal with overpopulation of deer. He pointed out that the deer population is currently being controlled by auto-deer collisions and noted that by reducing collisions, the population will continue to grow. He commented that the only way to control the population is by limited and controlled hunting.

Greg Domka, 891 River Bend, expressed thanks to Council for halting the cull and establishing the DMAC and commented that he hoped Council would continue to support the work of the Committee by voting in favor of the recommendations.

Linda Raschke, 1599 Dutton, thanked Mr. Brennan, Mr. Webber, Mike Hartner, Director of Parks and Forestry, and Lance DeVoe, Park Ranger II, for their work on the DMAC along with Mr. Kubicina for his efforts as Chairperson. She commented that the DMAC came to an agreement and submitted a report to Council, but was concerned that there are no minutes to show how the Committee arrived at its recommendations.

Joyce Janicki, 22493 Milner, Saint Clair Shores, stated that she is on the Metro-Parks Deer Preservation Council, made up of 82 supporters of non-lethal deer control methods to be used in the Metro Parks. She commended Council for putting together a balanced committee. She urged Council to accept the recommendations and noted that reports from the Huron-Clinton Metro Parks still have an overpopulation of deer even with a culling program.

Sarah Dees, 1665 Park Creek Court, questioned whether a collision between a school bus and a deer where twenty children are hurt would only be considered as one accident and commented that the benchmark of 200 accidents is too high. She commented that there are laws against drunk driving, and leash laws, but no laws controlling deer. She commented that this would be an ideal time to implement control methods to keep the population numbers low.

John Scollin, 1437 Olympia, voiced his concerns that there are way too many deer in the city and noted that deer have migrated as a result of development in Auburn Hills. He commented that he and his son both had car-deer collisions that were not reported as damage to his car was minor and his son, while the front end of his car was demolished, did not wish to report his accident as he does not have collision coverage. He stated that Council should not wait for 200 accidents to occur before taking action.

Deanna Hilbert, 3234 Quail Ridge Circle, commented that the DMAC should keep minutes. She pointed out that the deer population is way down and expressed concerns of liability if a deer injured by sharpshooters runs into traffic. She questioned whether a cull could be reinstated without Council approval and additional citizen input.

Shawn Rasanen, 1220 Christian Hills Drive, questioned whether it would take a fatality before anything would be done to control the deer population. She cited the accident which occurred at Old Perch and Walton years ago where a long-standing member of the community was killed which led to the installation of a traffic light at that corner.

Don Hughes, 3744 Bald Mountain Road, Auburn Hills, stated that he attended and participated in all of the DMAC meetings and although skeptical at first, he was pleasantly surprised that this divisive issue was tackled. He commented that facts show that the deer population and accident counts are down and stated that now is the time for the City to implement long-term non-lethal measures and become leaders in urban deer management.

David Christie, 889 Fieldstone Court, reported that he was hit by a deer during rush hour one evening on Tienken. He commented that the deer herds are running through his neighborhood and are no longer afraid of human contact. He stated that the need for the installation of flashing signs is an acknowledgement that there is an overpopulation problem.

Siegfried Stern, 1185 Concord, stated that safety should come first and commented that a fatality could expose the City to a million-dollar lawsuit to be borne by the taxpayers.

Al Decker, 2441 South Christian Hills, stated that he serves on the DMAC and stated that the Committee made great efforts to come to a consensus of recommendations. He commented that the \$20,000 donation offered is a carrot and stated that the DMAC's recommendation for not culling was for 2010 and not further. He stated that the Committee members voted for the recommendations based on facts and their experiences in the community. He noted that the deer were effectively culled last year by disease and stated that this was a factor in his vote not to recommend culling for 2010.

Council Discussion:

Mr. Pixley expressed his appreciation for the citizens' comments and stated that this has always been a safety issue for him. He commented that a result of the DMAC's efforts and Council discussion is a heightened awareness of this issue which will also serve to reduce deer-vehicle crashes in the community. He commented that the City should do whatever is necessary to reduce the deer overpopulation and prevent a tragedy and stated that he hoped Council would unanimously approve the Implementation Plan tonight.

President Hooper commented that the City has a long-standing Ordinance against bow and rifle hunting in the city and culling would not automatically be undertaken

if deer counts or crash numbers increased without deliberation and a vote by City Council.

Mr. Yalamanchi questioned whether the City would incur a charge by SEMCOG if asked to participate in the Plan implementation. He stated that the Plan provides a starting point for the community to work together and commented that the Plan should be given a chance to work.

Mayor Barnett responded that there would be no additional charges by SEMCOG.

Mr. Rosen commented that the proposed Plan is a good start and agreed that the Committee should be able to have minutes as a record of information for its activities. He stated that the State's Department of Natural Resources should be involved, along with the insurance companies and additional regional involvement to develop solutions. He commented that more signage should be used in known crossing areas and noted that deer traveling through the residential area off of Tienken are funneled through this area because Brookwood Golf Course has a long stockade fence along Tienken.

Mr. Brennan stated that while the DMAC had many contentious times, it came to a consensus. He agreed that minutes should be kept in the future for historical reference. He concurred that there would not be any culling undertaken without public notice, additional work by the DMAC, and an opportunity to give everyone a chance to speak. He commented that this is a regional problem that affects many states and noted that it will take technology and research by the nation's universities and insurance companies to control the deer population in urban areas. He commented that he hopes there are breakthroughs in immuno-contraceptives coming soon that can be utilized to control the deer population.

President Hooper stated that the goal was never to eliminate deer, noting that this is strictly a public safety issue. He commented that damage to landscape is a nuisance but does not rise to the level of governmental interference or action. He stated that he cannot accept the statements made that a reduction in the deer population would lead to a repopulation and stated that if this were true, then every Department of Natural Resources in every state would be wrong in limiting hunting permits. He commented he supports accepting the Implementation Plan.

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: RES0284-2009

Whereas, the Rochester Hills City Council established and charged the Deer Management Advisory Committee to review the 2009 Deer Management Implementation Plan and make recommendations for 2010; and

Whereas, the Deer Management Advisory Committee met regularly with the public, received input from wildlife specialists, and researched various options; and

Whereas, the Deer Management Advisory Committee compiled their findings and made a presentation of their recommendations at the September 28, 2009, City Council meeting; and

Whereas, these recommendations and modifications were reviewed by city staff and incorporated into the deer management plan for 2010;

Resolved, that the Rochester Hills City Council hereby accepts the "Deer Management Implementation Plan for 2010" as submitted.

PUBLIC HEARINGS

2009-0473 2009 3rd Quarter Budget Amendment / Appropriation

Attachments: [Agenda Summary.pdf](#)
[2009 3rd Qtr Budget Amendments Fund Total Level.pdf](#)
[Suppl 2009 3rd Qtr Bdgt Amend Line Item Detail.pdf](#)
[Public Hearing Notice.pdf](#)
[Resolution.pdf](#)

Keith Sawdon, Director of Finance, explained that adjustments are made in the 2009 Budget to 2008 charges for MIS, Fleet and Administration after the Audit to bring actual amounts in line with estimated. He noted that most Funds are getting a refund for 2008 charges. He stated that the Third Quarter Budget Amendment will reduce City-wide budgets by almost \$265,000. He highlighted several adjustments to the Budget, including the following:

- Major Roads:
 - * \$500,000 is added for the City's portion of the M-59 Expansion Project.
 - * Right-of-way costs for the Hamlin Road Widening Project were reduced by \$650,000.
- Local Roads:
 - * The 2008 Asphalt Paving Program came in under budget; therefore, a reduction of \$75,000 is noted.
- Fire Fund:
 - * \$20,000 is added for the cost of a consultant for Dispatch Services.
- Drain Debt Millage:
 - * Revenues are increased by \$686,000 to reflect funds coming back from the Drain Commission for construction proceeds not spent on construction. This will reduce debt funds in the future.

President Hooper Opened the Public Hearing at 8:51 p.m.

Melinda Hill, 1481 Mill Race, requested more detailed line items be included in the packet or be made available on the City's website. She questioned whether there were any Mayoral adjustments included in the Amendments that were not previously reported. She questioned adjustments to the Water and Sewer Capital line items resulting from a delay or cancellation of the Washington Road Paving Project and questioned the project's timeline.

President Hooper Closed the Public Hearing at 8:53 p.m.

Mr. Sawdon responded that the Clerk's Office had a detailed report available for public inspection. He noted that there were no Mayoral adjustments to the Budget in this Amendment and stated that Water and Sewer Capital adjustments are related to right-of-way acquisition for the installation of water and sewer lines. He explained that if a roadway is to be paved, the City does the infrastructure underneath before a paving project is done. He commented that the Washington Road paving project is delayed due to the elimination of Tri-Party Funding and 2009 numbers are being adjusted to reflect this delay.

Roger Rouse, Director of DPS/Engineering, commented that the message received from the Road Commission for Oakland County (RCOC) is that future funding for this paving project is uncertain and the project's earliest time frame for return is 2012.

Mr. Yalamanchi questioned the status of the Walton Boulevard rehabilitation work.

Mr. Rouse responded that Walton Boulevard is another project related to Tri-Party Funding that has been delayed. He commented that the Walton Road Corridor project, including the bridge over I-75 in Auburn Hills, has come in under budget and a request is being made to reallocate the leftover money toward the Walton project, but no response has been received to date as to whether this money can be used.

Mr. Yalamanchi stated that he wishes to see a line item breakdown for the Budget Amendment. He questioned whether the adjustments after the audit could also be reflected to reduce the 2010 Budget as well. He questioned whether cuts in Building Department positions noted for 2010 are included.

Mr. Sawdon indicated that the line item detail furnished to the Clerk's Office will be forwarded to Council and noted that it should have been in the packet. He explained that adjustments made after the audit to charges are made looking back rather than going forward to prevent the need for budget increases and commented that he did not see a reason to adjust the 2010 Budget at this time. He stated that cuts made in 2009 for the Building Department are being included.

Mr. Yalamanchi questioned whether the amount being refunded from the Drain Commission would reduce the allocation needed for the Drain Debt Fund. He questioned whether this might be an opportunity to support the General Fund.

Mr. Sawdon responded that the amount refunded is Chapter 20 funds, and includes leftover bond proceeds. He commented that a structured approach would be undertaken to determine the amount of millage needed related to Chapter 20 Drains, noting that a small reduction in this millage might be warranted. He commented that the General Fund Millage is approaching its maximum spread.

President Hooper questioned whether the Chapter 20 monies refunded could be used for the maintenance and operation costs of the City.

Mr. Sawdon responded that since the funds coming back to the City were the result of a debt offering, these funds must first be applied toward debt reduction.

John Staran, City Attorney, stated that he would review whether there might be a limitation on using that money for operations and maintenance.

Mr. Ambrozaitis stated that he wanted people to be aware that even though this Budget Amendment reduces expenditures, it is higher than the Adopted Budget, commenting that the City must stick to the adopted budgets.

President Hooper commented that the majority of the increase in current Budget figures over the Adopted Budget resulted from a deferment of Capital Projects from 2008 into 2009.

Mr. Sawdon pointed out that back in May he had presented Council with the options for funding the Other Post-Employment Benefits for retirees and noted that a portion of this obligation is being taken care of in the 2009 Budget. He commented that one of the adjustments made moves \$2 million out of Fund Balance to set aside in the Retiree Health Care Trust Fund.

Mayor Barnett stated that the Hamlin Road Roundabout will not be completed in 2009, leading to a reduction in the Fourth Quarter that will then move to the First Quarter of 2010. He commented that project delays happen consistently throughout the City.

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

Aye 6 - Brennan, Hooper, Pixley, Rosen, Webber and Yalamanchi

Nay 1 - Ambrozaitis

Enactment No: RES0285-2009

Whereas, in accordance with the provisions of Public Act 2 of 1968, the Uniform Budgeting and Accounting Act, and the Charter for the City of Rochester Hills, Chapter III Section 3.7, the City Council may amend the budget during the fiscal year, either on its own initiative or upon recommendation of the Mayor; and

Whereas, in accordance with Section 19 of Public Act 2 of 1968, the Uniform Budgeting and Accounting Act the City Council may permit the Mayor to execute *adjustments* to the budget within limits;

Whereas, the Public Hearing for the proposed 2009 3rd Quarter Budget Amendments was noticed on October 8, 2009; and

Whereas, the proposed 2009 3rd Quarter Budget Amendments were available for public viewing beginning on October 16, 2009; and

Whereas, at its October 26, 2009 meeting City Council held a Public Hearing on the proposed 3rd Quarter Budget Amendments.

Now, Therefore, Be It Resolved that the Rochester Hills City Council hereby approves the following 2009 fund totals as amended:

101 - General Fund	\$ 27,620,990
202 - Major Road Fund	\$ 9,890,180
203 - Local Street Fund	\$ 6,805,630
206 - Fire Department Fund	\$ 8,324,790
207 - Special Police Fund	\$ 8,871,210
214 - Pathway Maintenance	\$ 696,300
244 - Drain Maintenance Fund	\$ 2,072,370
331 - Drain Debt Millage Fund	\$ 2,794,860
402 - Fire Capital Fund	\$ 832,500
420 - Capital Improvement Fund	\$ 404,400
592 - W&S Operating Fund	\$ 30,880,940
593 - W&S Capital Fund	\$ 5,385,230
631 - Facilities Fund	\$ 5,415,610
636 - MIS Fund	\$ 2,360,230
661 - Fleet Equipment Fund	\$ 3,493,080
736 - Retiree Health Care Trust	\$ 74,000

and, Therefore, Be It Resolved, the Mayor is authorized to administratively adjust the operating budget line-items up to \$25,000 per event, but in no case may total expenditures of a particular fund exceed that which is appropriated by the City Council without a budget amendment.

NOTE: Some fund totals include contributions to fund balance.

ORDINANCE FOR INTRODUCTION

2009-0471 Acceptance for First Reading - An Ordinance to amend various sections of Chapter 102, Utilities, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify and add definitions; modify tenant responsibility provisions; add remedies for violations; delete high-strength surcharge exemption for restaurants; require owner approval for water service connections by tenants; authorize disconnection of prohibited connections; authorize cost recovery for violations; adopt grease interceptor requirements; repeal conflicting ordinances, and prescribe a penalty for violations

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

***Roger Rousse**, Director of DPS/Engineering, explained that Public Act 222 has placed the responsibility for sewer backups on the local municipality and noted that this Ordinance Amendment will shift the responsibility to take enforcement action from the Detroit Water and Sewer Department to the City of Rochester Hills. He stated that grease is the largest contributor to backups and this Ordinance Amendment will give the City authority to be proactive to prevent blockages.*

A motion was made by Ambrozaitis, seconded by Pixley, 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

Resolved, that an Ordinance to amend various sections of Chapter 102, Utilities, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to modify

and add definitions; modify tenant responsibility provisions; add remedies for violations; delete high-strength surcharge exemption for restaurants; require owner approval for water service connections by tenants; authorize disconnection of prohibited connections; authorize cost recovery for violations; adopt grease interceptor requirements; repeal conflicting ordinances, and prescribe a penalty for violations is hereby accepted for First Reading.

NEW BUSINESS

2009-0437 Request to eliminate the locally designated historic district located at 2371 S. Livernois

Attachments: [Request to Delist 101309.pdf](#)
[City Visions Report 100509.pdf](#)
[Title Insurance 092809.pdf](#)
[Museum Documentation.pdf](#)
[1978 Survey Sheets.pdf](#)
[2002 Survey Sheets.pdf](#)
[10-26-09 CC Agenda Summary.pdf](#)
[10-26-09 CC Resolution.pdf](#)

President Hooper asked the applicant to introduce himself and share any statements he would like to make.

Mukesh Mangla, the owner of 2371 South Livernois, stated that he was requesting the delisting, commenting that he has documentation to confirm that the property lacks the criteria used in creating the District in 1978. He pointed out that the property has many similarities to a property recently delisted on Dequindre Road, noting the following:

- The house was moved to its current location
- The house does not meet the criteria for the National Register.
- The actual affidavit for the Historic Designation filed with the County is for an address and parcel number for 2409 South Livernois, a home that was condemned by the City in 2001 and approved for demolition and removed. The address and parcel number for 2409 South Livernois no longer exists.
- Title work for 2371 South Livernois does not show an encumbrance. City records show that 2409 South Livernois included a designation for only 100 feet of property around the house and this was subsequently changed to include the entire ten-acre parcel. He stated that there was no record of that change at the County.
- The survey sheets from 1978 only show the address and the name of the property owner at that time. The address shown on the survey sheets is 2409 South Livernois, while the picture is of 2371 South Livernois. The Historical and Architectural Significance sections of the survey sheets are blank.
- The State does not have any record of any historical significance filed on 2371 South Livernois. Their record is for 2409 South Livernois, and there is no paperwork or inventory form to accompany that information.
- It has been stated that a Single Resource Historic District should be of high significance, such as an Ernest Hemingway home or a Frank Lloyd Wright design. This home has no significance and is a replica.
- Times have changed and builders and developers now see Historic Designation as a negative encumbrance.

- The house was only 30 years old when it was listed and the survey sheet did not show a build date until 2002, when it was listed as 1945.
- The home is not a Greek Revival, as described, but more of a Colonial Revival, which is a common architectural feature.
- Fifty-percent of the house was added after it was moved from the Pat Moran dealership property. Building permits show that the home was under construction for six years from 1970 to 1976.
- A Letter of Intent is currently in place from a purchaser, and this designation is standing in the way of completing the sale.
- All the documentation already assembled could be used to provide the Historic Districts Study Committee (HDSC) with most of the information it might require to complete a study, therefore, a shorter time period for study would be warranted.

Public Comment:

Melinda Hill, 1481 Mill Race, questioned information submitted by the applicant from Robert Morris, a consultant and former Chair of the Lansing Historic District, and stated that as a preservationist, she would be looking at ways to protect property rather than delist. She stated that the City's Historic Districts Commission (HDC) has Certified Local Government (CLG) status and the City's Ordinance mirrors the State Act. She commented that while she acknowledges that times are different than they were in 1978, that still does not make the designation an error. She noted that this delisting request must be referred to the HDSC should Council allow the process to continue. She commented that earlier presentations in 2004 and 2005 by Mr. Mangla before the HDC and the City's Planning Commission did not dispute that this was a legally-designated district. She requested Council deny this request and commented that if Council opted to refer this request to the HDSC, the time period should not be shortened.

Council Discussion:

Mr. Pixley requested Mr. Staran review the timeframe required for referring this to the HDSC.

John Staran, City Attorney, stated that if it is the Council's inclination to refer this request to the HDSC, the process would involve the HDSC preparing a preliminary report for submission to various agencies including the Planning Commission, holding a Public Hearing at least 60 days after the preparation and submission of a preliminary report, with completion of a final report within one year of the Public Hearing date. He recalled that Council has shortened the timeframe for the preliminary study in one instance, however, the outer parameter of one year is dictated by State Law. He commented that the soonest a preliminary report could be expected from the HDSC would be four months and most likely closer to five or six months.

Derek Delacourt, Deputy Director of Planning, noted that the one-year time frame begins at the Public Hearing date and commented that there is no timeframe by which the Public Hearing must be scheduled, unless limited by Council.

Mr. Pixley commented that he was in agreement with referring this to the HDSC and would not include any time parameters beyond the Ordinance and State Law requirements.

Mr. Mangla commented that Mr. Bill Gilbert recently requested a delisting for property on Rochester Road and Council shortened this timeframe for the preliminary report on that property. He noted that Mr. Gilbert's project is a large Planned Unit Development (PUD) and commented that his parcel is nowhere near the scope of that project. He pointed out that his project is small and explained that he is in the middle of foreclosure on his own home and should not be put in the same league as larger developers. He commented that he is all for preservation, but this parcel does not meet that criteria.

President Hooper asked Mr. Delacourt to review what was approved for the Rochester Road delisting request.

Mr. Delacourt responded that Council required a report submitted to Council within 180 days and acknowledged that if the HDSC needed more time, it could come back to Council and request an extension.

Mr. Pixley agreed to adding a time period limitation of 180 days.

Mr. Rosen commented that this was not the first instance of a developer using an historic structure to gain approval of a project that includes some level of preservation of a building on that site, noting that the promise of preservation likely induced favorable consideration by either the Planning Commission or City Council that might not have otherwise been given. He stated that he has seen nothing that convinces him that there was an error in the original designation. He commented that unless he sees convincing evidence that there was a genuine error made in the designation, it should not be referred to the HDSC.

Mr. Webber commented that he saw enough in the documentation provided to suggest that the HDSC should review the request. He concurred with Mr. Pixley in adding a timeframe of 180 days to the study.

Mr. Yalamanchi concurred with adding a timeline to the HDSC's report.

President Hooper commented that he agreed with sending the request to the HDSC and concurred with limiting the preliminary report timeframe to 180 days.

A motion was made by Pixley, seconded by Webber, that this matter be Adopted by Resolution with a complete report to City Council by the Historic Districts Study Committee of their findings and recommendations within a maximum of 180 days. The motion CARRIED by the following vote:

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

Nay 2 - Ambrozaitis and Rosen

Enactment No: RES0288-2009

Resolved, that the Rochester Hills City Council refers the request to eliminate the locally Approved as presented at the January 11, 2010 Regular City Council Meeting.

designated historic district located at 2371 S. Livernois, Rochester Hills to the Historic Districts Study Committee for review and to conduct a study in conformance with the Ordinance, and to report back to Council with a complete report of their findings and recommendations within a maximum of 180 days.

- 2009-0434** Request for Purchase Authorization - DPS/ENG: Contract for the preparation of a traffic safety audit along Highway M-150 (Rochester Road) between South Boulevard and Avon Road in the amount of \$25,000.00; Michigan Department of Transportation, Lansing, MI

Attachments: [Agenda Summary.pdf](#)
[MDOT Study Contract.pdf](#)
[Top 25 Crash Freq 2006-08.pdf](#)
[Resolution.pdf](#)

Roger Rousse, Director of DPS/Engineering, commented that the Master Thoroughfare Plan specified conducting a Safety Audit and the information obtained from this Audit can be used to apply for grants and solicit State or Federal dollars to address safety issues identified. He noted that this area of Rochester Road between Auburn Road and Barclay is one of the ten highest crash areas in Oakland County. He pointed out that potential funding sources to offset a portion of this expense have been identified as some projects have come in below budgeted amounts and have funds remaining that can be reallocated to the cost of the Study. He explained that the remaining amounts needed to fund this study would be included in the Fourth Quarter Budget Amendment. He noted that \$10,000 is proposed to be transferred from the Pavement Striping Program to use toward this study.

Public Comment:

Scot Beaton, 655 Bolinger, commented that he agrees with this study being undertaken, with a fifty-fifty share with the State of Michigan, noting that this area is a regional destination for shopping on the weekend and traffic improvements are warranted. He stated that the City should review its Master Thoroughfare Plan.

President Hooper responded that the City completed its Master Thoroughfare Plan only one-and-one-half years ago and will follow those guidelines as funds become available. He noted that the widening of Rochester Road will not occur anytime soon, commenting that the Michigan Department of Transportation does not have funding to undertake that project.

Council Discussion:

Mr. Ambrozaitis questioned whether this study could provide data to make a case for lights on Rochester Road at the entrance to Eddington Subdivision.

Mr. Rousse responded that it would, and stated that it would provide data for access point management and future development.

Mayor Barnett noted that the Master Thoroughfare Plan was the product of one-and-one-half years of work and 18 meetings with residents.

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

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

Enactment No: RES0287-2009

Resolved, that the Rochester Hills City Council hereby authorizes a contract between the Michigan Department of Transportation and the City of Rochester Hills for the preparation of a traffic safety audit along Highway M-150 (Rochester Road) between South Boulevard and Avon Road in the amount of \$25,000.00.

COUNCIL COMMITTEE REPORTS

None.

ANY OTHER BUSINESS

Mr. Pixley acknowledged the efforts of Dan Casey, Manager of Economic Development, and Ed Anzek, Director of Planning and Development, for the City's recognition by the University of Michigan's Entrepreneurial Award.

NEXT MEETING DATE

Regular Meeting - Monday, November 9, 2009 - 7:00 PM

ADJOURNMENT

There being no further business before Council, President Hooper adjourned the meeting at 9:52 p.m.

*GREG HOOPER, President
Rochester Hills City Council*

*JANE LESLIE, Clerk
City of Rochester Hills*

*MARY JO WHITBEY
Administrative Secretary
City Clerk's Office*

Approved as presented at the January 11, 2010 Regular City Council Meeting.