



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, June 9, 2008

7:30 PM

1000 Rochester Hills Drive

CALL TO ORDER

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

ROLL CALL

Present 6 - J. Martin Brennan, Greg Hooper, Vern Pixley, James Rosen, Michael Webber
and Ravi Yalamanchi
Absent 1 - Erik Ambrozaitis

Others Present:

*Ed Anzek, Director of Planning and Development
Bryan Barnett, Mayor
Dan Casey, Manager of Economic Development
Ron Crowell, Fire Chief/Emergency Management Director
Derek Delacourt, Deputy Director of Planning
Lance DeVoe, Park Ranger II
Mike Hartner, Director of Parks and Forestry
Julie Jenuwine, Director of Finance
Jane Leslie, City Clerk
Roger Rousse, Director of DPS/Engineering*

*Council Member Eric Ambrozaitis had given previous notice that he would be
unable to attend and asked to be excused.*

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

A motion was made by Webber, seconded by Brennan, to Approve the Agenda as Amended to move the Consent Agenda ahead of Presentations. The motion CARRIED by the following vote:

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

Absent 1 - Ambrozaitis

PUBLIC COMMENT

Carolyn Wills, 2019 Highsplint Drive, thanked Council for their interest and involvement in the Sunoco Oil easement clearing of properties in Cumberland Hills Subdivision and noted that eleven residents of the subdivision were in attendance. She expressed her appreciation for City Attorney John Staran's assistance at the County Courthouse on Wednesday. She reported that students at Hamlin School have become involved collecting signatures to keep the trees from being cut, and State Senator Mike Bishop has contacted Sunoco on their behalf and will be working with Congressman Joe Knollenberg to resolve this issue. She stated that residents of three Rochester Hills subdivisions impacted by this easement have been collecting signatures on petitions. She asked for Council's continued support.

Lee Zendel, 1575 Dutton Road, spoke against a single trash hauler. He stated he felt there are only one or two City subdivisions that have garbage trucks on the streets every weekday. He commented that residents may not be in favor of a single trash hauler if they knew it might result in increased taxes.

David Mammel, 2219 Highsplint Drive, thanked Council for their involvement in the projected Sunoco Oil easement clearing. He stated an Evidentiary Hearing is scheduled for July 14 at Oakland County Courthouse. He stated he believes that this could be resolved with Sunoco; and because time is of the essence, it is important for Council to make a determination on where the City stands on this issue. After much discussion, Sunoco identified issues of concern, including whether the company would walk or fly the easement to inspect it, and what safety issues are involved.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

President Hooper stated that the City has invested staff time in studying the Sunoco easement clearing, and City Staff and Council will continue to work with the residents. He also announced that the Festival of the Hills is scheduled for Tuesday, July 1, at Borden Park. He stated that no tax dollars are spent on the Festival; it is funded privately.

Mr. Brennan stated that City Staff and Council are working hard to monitor the Sunoco easement clearing. He is optimistic that a resolution could be worked out with Sunoco. He also congratulated Mayor Barnett and the Mayor's Business Council on the relocation of three new companies to Rochester Hills and stated that it is great news for the community.

Mr. Pixley stated he is anxious to support the residents and arrive at a positive resolution to the Sunoco easement clearing. He also gave his congratulations

to Mayor Barnett and the City's Planning and Development Department for their efforts in attracting new businesses to Rochester Hills. He recognized City resident Brad Keselowski for a great win at the Federated Auto Parts 300 Junior Motorsports Championship Race in Nashville. He announced the Fallen Heroes Benefit, a local benefit to build a memorial for fallen police and firefighters, scheduled for Wednesday, June 11 at the Townsend Hotel in Birmingham.

Michael Webber also echoed Council's comments on the Sunoco issue.

Mayor Barnett made the following announcements:

- Approximately 6,200 Rochester Hills residents are estimated to be without power as a result of yesterday's storm. He encouraged residents to report downed powerlines to DTE at 1-800-477-4747 and cautioned residents to stay away from downed lines. He stated the Auburn Road corridor was particularly hard hit and City employees have been working overtime to clear trees that have fallen across secondary roads. Residents should call the DPS Hotline if they see problems.
- The Festival of the Hills is set for Tuesday, July 1 at Borden Park. The event will feature a fireworks show, entertainment and music. He thanked the business sponsors who make it possible to hold this Festival each year without the use of any tax dollars.
- The community's Relay for Life is scheduled for June 21 and 22 at Hart Middle School. City employees have been involved in fundraising activities over the last six months. Over 4,000 to 5,000 people attend the twenty-four hour event. A survivor's walk is set for June 21 at 9 to 9:30 p.m. and Council Member Brennan will be spending time in the dunk tank.
- He thanked Council for their comments on new businesses slated to relocate to Rochester Hills. The companies include an Israeli company moving from Phoenix, Arizona bringing eight executive-level jobs; Moto-Man, a company involved in advanced robotics that used to be located in Rochester Hills and is returning to the City; and Raval Inc., a company here tonight, bringing the most new jobs to the City.
- Residents can now make internet payments for most City services via a direct deduction from a bank account. Services that can be paid online include dog licenses, parking tickets, taxes, water and sewer bills, building permit fees and park shelter rental fees. He stated that Rochester Hills is the first city in southeast Michigan to offer this service and thanked the Treasury Department for their efforts in coordinating this new system with vendors.

ATTORNEY MATTERS

City Attorney John Staran was absent.

CONSENT AGENDA

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

2008-0281 Approval of Minutes - City Council Special Meeting - January 28, 2008

Attachments: [CC Special Min 012808.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0138-2008

Resolved, that the Minutes of a Rochester Hills City Council Special Meeting held on January 28, 2008 be approved as presented.

2008-0282 Approval of Minutes - City Council Regular Meeting - January 28, 2008

Attachments: [CC Min 012808.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0139-2008

Resolved, that the Minutes of a Rochester Hills City Council Meeting held on January 28, 2008 be approved as presented.

2008-0178 Approval of Minutes - City Council Regular Meeting - February 4, 2008

Attachments: [CC Min 020408.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0140-2008

Resolved, that the Minutes of a Rochester Hills City Council Regular Meeting held on February 4, 2008 be approved as presented.

2008-0174 Approval of Minutes - City Council Regular Meeting - February 11, 2008

Attachments: [CC Min 021108.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0141-2008

Resolved, that the Minutes of a Rochester Hills City Council Regular Meeting held on February 11, 2008 be approved as presented.

2008-0175 Approval of Minutes - City Council Regular Meeting - February 25, 2008

Attachments: [CC Min 022508.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0142-2008

Resolved, that the Minutes of a Rochester Hills City Council Regular Meeting held on February 25, 2008 be approved as presented.

2008-0168 Approval of Minutes - City Council Regular Meeting - March 3, 2008

Attachments: [CC Min 030308.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0143-2008

Resolved, that the Minutes of a Rochester Hills City Council Regular Meeting held on March 3, 2008 be approved as presented.

2008-0172 Approval of Minutes - City Council Special Meeting - March 10, 2008

Attachments: [CC Min 031008.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0144-2008

Resolved, that the Minutes of a Rochester Hills City Council Special Meeting held on March 10, 2008 be approved as presented.

2008-0173 Approval of Minutes - City Council Regular Meeting - March 10, 2008

Attachments: [CC Min 031008.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0145-2008

Resolved, that the Minutes of a Rochester Hills City Council Regular Meeting held on March 10, 2008 be approved as presented.

2008-0176 Approval of Minutes - City Council Regular Meeting - March 17, 2008

Attachments: [CC Min 031708.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0146-2008

Resolved, that the Minutes of a Rochester Hills City Council Regular Meeting held on March 17, 2008 be approved as presented.

2008-0283 Approval of Minutes - City Council Regular Meeting - March 31, 2008

Attachments: [CC Min 033108.pdf](#)
[Resolution.pdf](#)

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0147-2008

Resolved, that the Minutes of a Rochester Hills City Council Regular Meeting held on March 31, 2008 be approved as presented.

2008-0259 Adoption of a resolution to place newly constructed Connors Drive & Hogan Circle (Country Club Village of Rochester Hills) within the City's Local Street System

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0148-2008

Whereas, it is necessary to furnish information to the State of Michigan to place said streets within the City Local Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended.

Now Therefore Be It Resolved,

1. That the said streets described as: Connors Drive and Hogan Circle as depicted in phase 2B the condominium plan of "Country Club Village of Rochester Hills", as recorded in Liber 33863, Pages 779 through 804, Oakland County Condominium Subdivision Plan No. 1586, to the Master Deed of Country Club Village of Rochester Hills, Oakland County Records. Being located within Section 35, T.3. N., R.11 E. City of Rochester Hills, Oakland County, Michigan.
2. That said streets are located within City right-of-way and are under the control of the City of Rochester Hills, and
3. That said streets are certified as public streets and are for public street purposes, and

4. That said streets are accepted into the City Local Street System, and
5. That said streets are open for traffic on February 2, 2007 and have been constructed according to City standards.

2008-0260 Request for Adoption of a Resolution to place newly constructed Kings Cove Drive (The Summit Condominiums of Rochester Hills) within the City's Local Street System

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0149-2008

Whereas, it is necessary to furnish information to the State of Michigan to place said streets within the City Local Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended.

Now Therefore Be It Resolved,

1. That the said street described as: Kings Cove Drive as depicted in the condominium subdivision plan of "The Summit Condominiums of Rochester Hills", as recorded in Liber 38825, Pages 234 through 239, Oakland County Condominium Subdivision Plan No. 1946, to the Master Deed of The Summit Condominiums of Rochester Hills, Oakland County Records. Being located within Section 3, T.3. N., R.11 E. City of Rochester Hills, Oakland County, Michigan.
2. That said street is located within City right-of-way and are under the control of the City of Rochester Hills, and
3. That said street is certified as public streets and are for public street purposes, and
4. That said streets are accepted into the City Local Street System, and
5. That said streets are open for traffic on October 17, 2007 and have been constructed according to City standards.

2008-0261 Request for Adoption of a Resolution to place newly constructed Marketplace Circle within the City's Major Street System

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0150-2008

Whereas, it is necessary to furnish information to the State of Michigan to place said streets within the City Major Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended.

Now Therefore Be It Resolved,

1. That the said streets described as: Marketplace Circle; commencing at the East 1/4 corner of Section 30, T3N R11E, thence S 85-45-03 W 1831.36; thence S 04-14-57 E 507.98; thence S 63-06-19 W 52.54; thence N 25-37-45 W 75.02 feet to a point of beginning on the North ROW line of Adams Road (Variable Width); thence along the centerline of Marketplace Circle N 25-37-45 W 501.46 feet; thence 252.72 along the arc of a curve to the left, said curve having a radius 510.00 feet, central angle 28-23-30, a chord that bears N 39-49-30 W, and a chord distance of 250.14; thence N 54-01-15 W 214.73; thence 256.99 along the arc of a curve to the left, said curve having a radius 268.00 feet, central angle 54-56-33, a chord that bears N 81-29-32 W, and a chord distance of 247.26; thence S 71-01-47 W 401.11; thence 460.27 along the arc of a curve to the left, said curve having a radius 318.00 feet, central angle 82-55-48, a chord that bears S 29-33-56 W, and a chord distance of 421.14; thence S 11-53-38 E 81.82; thence 171.89 along the arc of a curve to the right, said curve having a radius 500.00 feet, central angle 19-41-51, a chord that bears S 02-02-42 E, and a chord distance of 71.05; thence S 07-47-53 W 121.81; thence 52.13 along the arc of a curve to the right, said curve having a radius 500.00 feet, central angle 5-58-23, a chord that bears S 10-47-05 W, and a chord distance of 52.10; thence S 13-46-16 W 199.00; thence 44.15 along the arc of a curve to the left, said curve having a radius 480.00 feet, central angle 5-16-14, a chord that bears S 11-08-10 W, and a chord distance of 44.14; thence S 08-30-03 W 113.08 to a Point of Ending on the north line of Adams Road ROW (120 feet wide); said point being N 08-30-03 W 60.00 from centerline of Adams Road for a total centerline distance of 3,006.16 feet as depicted and recorded in Liber 38785 pages 562 through 564, and Liber 39193, pages 229 through 231, Oakland County Records.
2. That said street is located within City right-of-way and are under the control of the City of Rochester Hills, and
3. That said street is certified as public streets and are for public street purposes, and
4. That said street is accepted in the City Major Street System, and
5. That said streets are open for traffic on November 20, 2007 and have been constructed according to City standards.

2008-0278 Request to Accept an Entertainment Permit Agreement between the City of Rochester Hills and Buffalo Wild Wings Grill and Bar located at 1234 Walton Blvd., Rochester Hills, MI

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0151-2008

Whereas, the Rochester Hills City Council accepts the Entertainment Permit Agreement between the City of Rochester Hills and Buffalo Wild Wings Grill and Bar located at 1234 Walton Blvd., Rochester Hills, MI

Further Be It Resolved, that the Mayor and the City Clerk are hereby authorized to

execute and deliver the agreement on behalf of the City.

- 2008-0280** Request to Transfer Ownership of 2007 Class C Licensed Business, Located in Escrow at 27905-911 Orchard Lake, Farmington Hills, MI 48334, Oakland County, From G & G Eatertainment, Inc. to Wings Sixteen, Inc. (Buffalo Wild Wings Grill and Bar) to be located at 1234 Walton Blvd., Rochester Hills, MI

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

This Matter was Adopted by Resolution on the Consent Agenda.

Enactment No: RES0152-2008

Resolved, that the request to transfer ownership of 2007 Class C licensed business, located in escrow at 27905-911 Orchard Lake, Farmington Hills, MI 48334, Oakland County, From G & G Eatertainment, Inc. to Wings Sixteen, Inc. (Buffalo Wild Wings Grill and Bar) to be located at 1234 Walton Blvd., Rochester Hills, MI, Oakland County; and Request a New Entertainment Permit.

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

Absent 1 - Ambrozaitis

The following Consent Agenda Item was discussed and adopted by separate Motion.

- 2008-0249** Request for Approval of Conditional Land Use - Buffalo Wild Wings Outdoor Seating, for the seasonal sale and service of food and beverages, located at the Boulevard Shoppes, on Walton east of Livernois, zoned B-2, General Business, A.F. Jonna Development & Mgmt. Co., applicant.

Attachments: [Agenda Summary.pdf](#)
[Map.pdf](#)
[Staff Report 052008.pdf](#)
[Memo Building Dept 040308.pdf](#)
[Site Plans.pdf](#)
[Review Comments.pdf](#)
[Resolution.pdf](#)

Mr. Yalamanchi requested Mr. Delacourt describe the location of the outdoor seating in more detail, and requested that a status report be brought back to Council after one year of operation.

Derek Delacourt, Deputy Director of Planning, stated that the proposed permanent outdoor seating would be a concrete patio surrounded by a landscaped area and

five-foot sidewalk, with a wrought iron or aluminum rail extending into the parking lot, removing the spaces abutting the sidewalk. The Fire Department and Engineering Department reviews indicate the plans meet proper turning radius and distances. He stated that a report will be given to Council after one year of operation.

Mr. Rosen expressed his concerns that outdoor seating protruding into a parking lot would not be desirable to customers.

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

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

Nay 1 - Rosen

Absent 1 - Ambrozaitis

Enactment No: RES0137-2008

Resolved, that the Rochester Hills City Council hereby approves a Conditional Land Use for Buffalo Wild Wings Outdoor Seating, for the seasonal sale and service of food and beverages, located at the Boulevard Shoppes on Walton Blvd., east of Livernois, for A. F. Jonna Development & Mgmt. Co., applicant.

PRESENTATIONS

2008-0267 Presentation on the Deer Population in Rochester Hills; Lance DeVoe and Representative from the DNR Wildlife Division and Law Enforcement, presenters

Attachments: [Agenda Summary.pdf](#)
[Presentation Outline.pdf](#)
[Additional Resources.pdf](#)

Mike Hartner, Director of Parks and Forestry, stated that the City's Environmental Education Center (EEC) receives many calls year-round from residents inquiring what can be done about the deer in Rochester Hills, including questions about vegetation destruction, disease and whether they are a danger to residents. He stated that the mission of the EEC is to explain to residents how to live with wildlife in Rochester Hills. He introduced Lance DeVoe, Park Ranger II and Naturalist with the EEC; Brandon Kieft, Conservation Officer, State of Michigan Department of Natural Resources (DNR), assigned to Oakland County; and Tim Payne, Management Unit Supervisor, Southeastern Management Unit, District Wildlife Biologist with the DNR.

Mr. Hartner indicated that several handouts regarding this issue are available for residents attending this meeting. This is a common problem throughout the United States. He stated that Lance DeVoe has done a tremendous amount of work assembling data for tonight's presentation, using Southeast Michigan Council of Government (SEMCOG) deer/car crash information and traffic safety numbers.

Lance DeVoe, Park Ranger II, stated that managing a free-ranging wildlife population in a highly human-populated area is a difficult task. Extensive research has been done on whitetail deer, and the City's data presented tonight has been collected over a five-year period. He displayed an aerial photo and chart that showed areas studied for deer concentrations. These areas follow the Clinton River corridor:

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

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

He stated changes in the number of deer viewed in the Butler Road area indicate the level of development that has occurred causing the deer to disperse into other areas. Deer are one of the most adaptable animals in North America. They eat an average of seven pounds of green leafy vegetation a day and are browsers, moving from place to place and becoming habituated quickly to people, dogs barking, fences and repellants. It takes a concerted effort to stop deer from eating plants for their survival. He stated that the Winkler Mill drop-off in numbers is a result of the culling efforts occurring every year in nearby Stony Creek Park.

Using a habitat aerial photograph of the City's 32 square miles, they identified areas similar to the habitat viewed in the flyover, and estimated approximately 3,500 acres of additional habitat, targeting wooded wetlands and field edges. A rough estimate of 1,000 deer was calculated. He stated that deer seen within subdivisions are traveling to and from the habitat areas and grazing along the way.

Mr. DeVoe stated that he has received hundreds of calls addressing car/deer accidents, landscape issues, and disease concerns. He related the following statistics on car/deer crashes, compiled from 2004 to 2006:

Road Hot Spots - 2006 and 2007
Over 70% of Rochester Hills deer accidents happen on these seven (7) roads

Avon	59
M-59	48
Adams	48
Walton	45
Hamlin	37
Tienken	36
Rochester	30

He stated that the largest number of accidents occur anywhere near good habitat, along the river and along large contiguous areas of undeveloped land. He also related the following statistics on crashes per month:

Number of Car/Deer Crashes by Month
Rochester Hills 2003-2007

January	77
February	55
March	72
April	50
May	52
June	49
July	35
August	36
September	87
October	133
November	188
December	102

Deer are in their breeding period in the fall, covering more area, and those months have the largest number of car/deer crashes. He announced that a press conference will be held with SEMCOG in September to inform the public. He gave the following statistics on car/deer crashes by time of day:

Number of Car/Deer Crashes by Time of Day
Rochester Hills 2003-2007

12:00 a.m.-4:00 a.m.	95
4:00 a.m.-8:00 a.m.	235
8:00 a.m.-12:00 p.m.	74
12:00 p.m.-4:00 p.m.	55
4:00 p.m.-8:00 p.m.	220
8:00 p.m.-12:00 a.m.	244

Mr. DeVoe stated that the biggest complaint received by the EEC is deer destroying landscape. He stated that fencing can be a deterrent, but many subdivisions in Rochester Hills have deed restrictions and bylaws against fencing. The greatest number of complaints are received from residents of Christian Hills Subdivision, along with other subdivisions that include large lots, older subdivisions with open spaces and the Clinton River in proximity. He stated that chemical deterrents have some success, but as the deer population rises, these deterrents become less effective. He stressed that residents should never feed or interact with deer, as this can abnormally keep the deer population high. He suggested that Council consider taking action to prevent deer feeding in Rochester Hills.

He addressed concerns of disease, and stated that the tick that causes Lyme Disease has never been found in Oakland County, nor have deer been found in the county with Tuberculosis.

Tim Payne, Management Unit Supervisor, Southeastern Management Unit, District Wildlife Biologist with the State of Michigan Department of Natural Resources stated the following:

- Typically, aerial survey counts underestimate the number of deer in a particular area. Based on the car/deer crash numbers, he estimates that the deer population in the city is higher than 1,000. He stated that counts could range as high as 140 deer per square mile in the focused areas with the most favorable habitat. This density is higher than counts that the Huron-Clinton Metropolitan Authority had, with the exception of Stony Creek Metropark.
- With these densities, these parks should have a goal of having good, sound ecological systems with plant and animal diversity.
- As an Agency, the DNR strongly discourages feeding. Feeding has not been banned on a state-wide basis, but is banned in areas where Tuberculosis is present in the deer population.
- The deer taken out of Stony Creek were examined for disease-bearing ticks, and at that time none were found. He stated that Eastern Equine Encephalitis has been found on southwest side of state as well as evidence of Lyme Disease.
- He stated that the DNR is willing to assist the City in implementing a plan for deer population control and reduction. The DNR prefers hunting as a more economical approach to population control, but this is not a safe method in urban/suburban areas.
- The DNR would work with the City to provide permits for certain control methods.

Brandon Kieft, Conservation Officer, State of Michigan Department of Natural Resources, pointed out that hunting is the easiest way to control the deer population. He stated that Rochester Hills' firearm, bow hunting and trapping controls were enacted as early as 1963. Violations are treated as civil infractions by the Oakland County Sheriff's Department. State regulations mandate a 450-foot safety zone around any occupied dwelling, which can be enforced by the DNR. As a City, Rochester Hills could choose to change its local Ordinance. Changes by cities to hunting ordinances have stood up in court.

Public Comments:

Gerald Evans, 1645 Park Creek Court, stated he has resided in Quail Ridge Subdivision for the past 28 years and the deer have become a major problem. The deer are eating his landscape, even though he has tried many repellants and uses between 3,000 to 4,000 feet of netting along with burlap covering in the wintertime. He estimates he loses approximately \$1,000 in landscaping each year, and estimated his total landscape loss at approximately \$35,000 dollars. He requests Council's assistance in developing some controls.

Sara Dees, 1665 Park Creek, related the following facts she has assembled:

- A doe matures at two or three years then typically gives birth to twins each year for ten or more years.
- A deer herd not hunted by humans or other predators will double inside of three years.

- The deer population exceeds thirty million nation-wide.

She stated that the only two viable options for slowing the growth of the local deer population are to slow the birth rate or increase the death rate. She cautioned pet owners that deer droppings can cause illness. She requested Council take action toward a solution to the deer overpopulation.

Siegrid Stern, Representative of the Oakland County Master Gardener Society, stated that she supports the efforts of the DNR to reduce the deer population in southeast Michigan. She stated that several Society members have contracted Lyme disease, and others have had one-on-one encounters with bucks. She stated that car/deer crashes cause economic loss and human injuries. She urged the DNR to explore options to find a solution to thin the deer herd in southeast Michigan. She mentioned that she has a Certified Backyard Wildlife Habitat and a conifer aboretum, and in the past year her understory has disappeared due to the constant browsing of two dozen deer. She expressed concern for her safety during rutting season. She stated traffic accidents are a particular concern, and she has hit three deer so far. She stressed the danger of contact with deer droppings. She stated that the only options for control were a controlled hunt, relocation, or natural predators such as coyotes.

Lee Zendel, 1575 Dutton, stressed that car/deer accidents can result in loss of human life. He requested Council to consider repealing the bowhunting ordinance.

Jane Giblin, 1651 North Bretton Drive, stated she has lived in the eastern portion of Christian Hills Subdivision since 1976, and is an ecological gardener who does not use pesticides. She promotes stewardship for a clean environment, and gives talks at garden clubs on how to take care of ornamentals. She stated that she has been able to grow many of the plants that are listed as "frequently severely damaged" by deer. She related how Liquid Fence has worked for her for more than twelve years. She stated she would offer her help to anyone to solve their deer browsing problem.

Pat Szura, 2339 Kingswood, stated that her neighbors have seen fifty deer at one time outside their doorwall. She stated that she has neighbors who feed them, and stated that other neighbors have found crossbows in their backyard. She requests that Council take action toward thinning the deer herd.

President Hooper asked Mr. Payne to respond to resident's questions and concerns and asked what a sound ecological limit of deer would be for Rochester Hills.

Mr. Payne responded with the following:

- A goal for Oakland County would be fifteen to twenty deer per square mile and the county is currently far above that goal. The deer population in Rochester Hills is approximately five to seven times that goal. He related that Oakland County, in general, has liberal regulations regarding hunting.

- Repellants work, but when the population reaches a starvation density, deer will

*move toward undesired plants and plants that have been treated with repellants.
- Coyotes will take fawns and injured deer, but are not successful as predators for healthy deer.*

Mr. DeVoe stated that he receives many calls from residents concerned with coyotes.

Mr. Kieft stated that DNR regulations allow that coyotes can be taken at anytime on private land if they are a threat, but hunting regulations in Rochester Hills prevent this.

President Hooper asked Mr. Payne to address the possibilities of limited hunting.

Mr. Kieft stated that statistics indicate the potential for injury is greater from car/deer accidents than from hunting injuries.

Mr. Payne stated that Michigan communities that have used hunting as a control measure include Barton Hills near Ann Arbor and Kingston in the western Upper Peninsula. He indicated that Stony Creek used both bow hunting and firearms for control. He stated that the DNR does not allow relocation of deer due to disease risk.

Mr. DeVoe indicated that a benefit to hunting activities would be deer becoming less habituated to humans and recognizing them as predators.

President Hooper indicated he does not see bowhunting ever being allowed on public lands.

Council Discussion:

Mr. Yalamanchi expressed his appreciation to Mr. DeVoe and the EEC for their efforts. He stated his concerns are for health and safety, and the economic impact from car/deer accidents. He stated Council should continue a dialogue on this overpopulation problem and work toward a solution. He asked Mr. DeVoe to address the concentration of deer in the city, particularly the park areas.

Mr. DeVoe stated that the deer overpopulation numbers of ten times the goal exists in the target areas, and are not seen everywhere in the City. He stated that if the hunting ordinance were reopened for revision, it should be subject to State regulations and safety distances, and on private property. He stated a drawback to bow hunting would be deer moving after being hit, and not dying where they are shot.

Mr. Brennan stated that the City may have to consider drastic measures for control before a serious accident happens. He questioned whether there was any possibility of tranquilizing and relocating them, because of some residents concerns that they do not wish to see them killed.

Mr. Payne stated relocation is not an option. He stated that DNR's preferred

solution is sharpshooting for reduction. This has been successful in Barton Hills.

Mr. Rosen asked if the deer population in an area such as Rochester Hills could double in two to three years.

Mr. Payne responded that it could.

Mr. DeVoe said there is the potential for doubling at that rate, but there are elimination factors including illness, car/deer accidents and poaching.

Mr. Rosen questioned how effective coyotes could be in reducing the deer population, however he noted his concern for coyotes interacting with pets. He questioned whether any form of birth control could be implemented, as he was concerned that hunting in the City would not be feasible.

Mr. Payne stated rough estimates indicate that six deer per square mile are taken by car/deer accidents. The raw data shows that the deer numbers could be as high as sixty deer per square mile. He responded that contraceptive tools do not work well with free ranging deer.

Mr. Webber expressed his appreciation for the presentation. He stated he sees the deer overpopulation as a safety issue and believes the City should review its hunting ordinance. He stated he would like a historical perspective on how the City's Hunting Ordinance came to be. He questioned if a deer were to die on private property, who would be responsible to remove it. He inquired if changes made to the ordinance could be evaluated after a period of time to see if they were successful.

Mr. DeVoe stated that permission would have to be obtained from the owner of private property to remove dead deer. If no permission is obtained, it would be the property owner's responsibility for removal. He stated that restrictive fencing has shown to be effective and could be placed along roads where most car/deer crashes occur. He stated that in Livingston County, SEMCOG has tested reflectors and prisms that shoot across the road and discourage deer from crossing at those points. He stated these control measures address the accident factors but not the overpopulation. Measures considered and implemented to control the overpopulation could be evaluated after a trial period.

Mr. Pixley commended Mr. DeVoe and the EEC for their work. He stated that any solution that Council would work toward would have plusses and minuses. He stated deer avoidance could lead to a serious traffic accident. He agreed that any solution should be reviewed after a trial period. He assured residents that this is an issue that Council understands and stressed that any manner of control should be undertaken in a humane fashion.

Mr. DeVoe stated that the City should take advantage of the DNR's offer of assistance in developing a control strategy. He stated that if sharpshooting were used as a control method, it would have to be done every year to be effective.

Mayor Barnett thanked Mr. DeVoe and the EEC for their efforts and response to resident's concerns. He stated that the City should consider any solution deemed safe for residents. He pointed out that Oakland University has a very high deer population, and the University has been contacted to find out their level of interest in participating in control efforts. The University's initial response is that they are not inclined to allow any action on their property. The Mayor stated that he would like to take suggestions discussed tonight, develop a list of the pros, cons and financial impact for each suggestion, and return at a later date for a discussion with Council.

President Hooper stated he would like Council to review more details on DNR options for assistance; and if bowhunting is an option, what property size would be required, what timeframe limits imposed, and how would it be regulated.

This matter was Presented.

(Recess at 9:37 p.m. to 9:49 p.m.)

PUBLIC HEARINGS

2008-0222 Request to establish an Industrial Development District at 1939 Northfield Drive, Rochester Hills, MI 48309

Attachments: [Agenda Summary.pdf](#)
[Letter Requesting IDD.pdf](#)
[Resolution.pdf](#)
[051908 Agenda Summary.pdf](#)
[051908 Resolution.pdf](#)
051208 Agenda Summary.pdf
051208 Resolution.pdf

Dan Casey, Manager of Economic Development, gave an overview of the project, and introduced Dennis Rainwater, Raval USA General Manager, and Lynda Earhart, Senior Business Development Representative for Oakland County. He stated that economic development works best when a company moves into an area creating new jobs that do not exist anywhere else in Rochester Hills or surrounding communities. He gave the following background information:

- Raval USA came to the United States six years ago and opened a one-person sales office in Southfield. The company has been working to expand its United States market and this will be the first manufacturing operation in the United States. The company was originally formed in a Kibbutz in Israel.
- Originally, they focused their metropolitan Detroit search to lease a building in Auburn Hills. In the midst of lease negotiations, company ownership visited Michigan to tour the proposed facility and found that due to the value of the dollar versus the Euro, it was a good time to invest in property in the United States.
- Originally pursuing a building on Rochester Industrial Drive, the company shifted its focus to the property at 1939 Northfield Drive. He stated that this location on Northfield has been vacant for three years.

- The building is 33,000 square feet and Raval proposes to occupy the location with sales and manufacturing.
- The proposed tax abatement is for an investment of \$5.75 million in personal property. This figure does not include the cost to purchase the building, nor any future costs for building improvements.
- The project is proposed to create 26 jobs immediately. Over a five year period, it is estimated that 65 jobs will be created.
- An estimated 169 additional spinoff jobs will be created throughout the area in support, professional services, and retail as a result of the company's location in Rochester Hills.
- The company has requested a twelve-year tax abatement of personal property.
- City Council policy limits the period of eligibility for personal property tax abatement to eight years.
- This is a Michigan Economic Growth Authority (MEGA) project. The MEGA Board has approved the company's application for tax credits, subject to local approvals.

Dennis Rainwater, Raval USA, Inc. General Manager, stated it has been a good experience to date working with Oakland County, Mr. Casey and the other City Departments, including Scott Cope, Director of Building and Ordinance, and the City's Building Inspectors, who have helped in the company's efforts in securing demolition permits so work could begin on the building interiors. He stated that the company will be moving equipment into the building very shortly. Additional improvements will include a number of enhancements to the interior of the building, along with new exterior paint and parking lot improvements. He explained that Raval makes products that are used inside fuel tanks. He stated the company makes primarily "green" products, controlling the fill quality and valves venting hydrocarbons to the charcoal canister. He stated the company has plants in Israel, China and Luxumbourg, has had \$45 million in sales and is continuing to grow very quickly. Raval is turning to other local companies to do business with, and plans to work with Maple Mold Technologies, another Rochester Hills firm. The company has also been negotiating with the Red Roof Inn to house traveling personnel, and is instructing their staff to stay local for procuring office and other supplies. The average wage for employees will be \$23 per hour; and they are looking to attract people to train and keep, with a goal of low employee turnover.

Mr. Casey stated this is a form of "Economic Gardening", where new companies are encouraged for growth in the area, and companies are attracted from overseas to provide the resources they need to successfully develop a facility in the United States.

Lynda Earhart, Senior Business Development Representative, Oakland County, stated that Oakland County started working with Raval six years ago. She was introduced to Mr. Rainwater within the last year, and since that time, the company's plans have been on the fast track. She stated that she has been impressed with the responsiveness of Mayor Barnett, Dan Casey and the City Administration, and the process has been very well coordinated.

Mr. Rainwater stated that he would like to formally request a twelve-year abatement period.

Mr. Casey stated the following:

- Raval has requested a twelve year abatement period in its application.
- The tax abatement analysis states that Raval's investment of \$5.7 million dollars will generate \$369,725 in taxes without an abatement (to all jurisdictions that the City collects taxes for), with the exclusion of those that will be exempt: School Operating and State Education Tax exempt under the new Michigan Business Tax.
- The City's portion of those taxes without the abatement is \$133,408.00.
- With the abatement, the levy the City collects will be reduced by fifty percent for all eligible local taxing authorities or jurisdictions.
- Over an eight-year period, it will generate \$184,862.00 for all of the eligible taxing jurisdictions, and the City portion of new taxes is \$66,704.00.
- The company still has the option of locating in Auburn Hills, as well as an option for locating in Clinton, Tennessee.
- The MEGA Board has already approved a tax credit for the company.
- This abatement hits Council's key goals and guidelines of the Tax Abatement Policy in the following ways:
 - * Encourages development that will increase the economic vitality of the industrial and high-technology districts.
 - * This company is proposing to locate in the LDFA District, although not within the capture area, so these taxes will go directly to the City, as well as the other taxing jurisdictions.
 - * It creates and retains employment that might otherwise not locate in the City. Twenty-six new jobs will be created immediately, with up to 65 jobs created over a five-year period and many spinoff jobs.
 - * Assists in the rehabilitation of older facilities and/or expansions of existing industrial or high-technology facilities. This project brings \$5.7 million dollars in new investment to the community. They are also a company investing in the community by virtue of its acquisition of a building that has been vacant for three years.

President Hooper Opened the Public Hearing for Item 2008-0222 at 10:08 p.m. Seeing no comments, **President Hooper** Closed the Public Hearing at 10:08 p.m.

Council Discussion:

Mr. Yalamanchi thanked Ms. Earhart, Mayor Barnett, Mr. Casey and Building Department Staff for their hard work and quick response in encouraging Raval's decision to locate in Rochester Hills. He stated that he was pleased to know that these were new jobs being created, and not jobs taken from other communities in the region. He welcomed Mr. Rainwater to the community, and questioned what Raval's timetable was for the 26 new jobs and whether the estimate of 65 jobs was predicated on business growth practices. He also inquired as to where Rochester Hills stood against the possible location in Tennessee.

Mr. Rainwater stated that Raval will be hiring various staff and technical

positions when equipment begins arriving in mid- to late-July. Production and technical workers will be hired after that. A second machine is scheduled to arrive a month later. If sales continue to climb, they plan to add more equipment next year. He stated he could not commit to 26 jobs within the next few months, but they are projected. The estimate of 65 jobs is based on growth projections. He stated that at this point Raval is fairly committed to locating in Rochester Hills.

Mr. Casey indicated that Raval has signed a commitment letter.

Mr. Yalamanchi stated he is supportive of an eight-year tax abatement.

Mr. Pixley welcomed Mr. Rainwater and Raval to Rochester Hills. He expressed his thanks to the County and to the Mayor's Business Council for their efforts. He questioned whether there was anything in the Tax Abatement Policy to preclude the company from returning with additional tax abatement requests at a later date.

Mr. Casey stated that the initial abatement would be prepared by the State specifying eight years. He stated that they could make additional investment at any time and ask for abatement on the additional investment.

Mr. Rosen stated that he supported an eight-year abatement as well.

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

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

Absent 1 - Ambrozaitis

Enactment No: RES0153-2008

Whereas, Diversified B & D, LLC has filed a request for the establishment of an Industrial Development District for property it owns, identified as 1939 Northfield Dr., Parcel Number 15-28-352-002, further identified as:

T3N, R11E, Sec 28 NORTHFIELD INDUSTRIAL PARK E 40 FT OF LOT 2 & ALL OF LOTS 3 & 4, and

Whereas, the Rochester Hills City Council held a public hearing regarding this request at the Regular Meeting of June 9, 2008 at 7:30 p.m. in the Council Chambers, at 1000 Rochester Hills Dr., Rochester Hills, Michigan, during which the owner of the property, taxing authorities, and all interested parties were given the opportunity to be heard, and

Whereas, the establishment of an Industrial Development District is consistent with the objectives of the City for industrial development and the creation of new employment opportunities.

Resolved, that the Rochester Hills City Council determines that the levies of ad valorem taxes are at a rate, when taken together with the rates of ad valorem taxes levied by any other taxing authority which levies taxes within the City of Rochester Hills, equals or exceeds \$30.00 for each \$1,000.00 of taxable value, and therefore is eligible for designation as an Industrial Development District pursuant to said Act, and

Be it Further Resolved, that the above listed legal description is hereby designated an Industrial Development District.

2008-0223 Request for an Industrial Facilities Exemption Certificate (IFT) for Raval USA, Inc., 1939 Northfield Drive, Rochester Hills, MI 48309

Attachments: [Agenda Summary.pdf](#)
[Application.pdf](#)
[Fiscal Statement.pdf](#)
[Raval Development Agreement Draft \[1\].pdf](#)
[Raval Financial Analysis.pdf](#)
[Resolution.pdf](#)
[051908 Agenda Summary.pdf](#)
[051908 Resolution.pdf](#)
051208 Agenda Summary.pdf
051208 Resolution.pdf
051208 Application.pdf
051208 Springfield Letter.pdf

See also Discussion under Item 2008-0222.

Mr. Webber stated that this was a compliment to other companies in our community and he applauds the way Administration has handled this situation. He questioned what the downside would be to approving a twelve-year abatement.

Mr. Casey stated that an eight-year abatement would only be a detriment if Council felt there was a risk that the company could relocate at the end of eight years. A twelve-year exemption would commit the company to twelve years in the same building. He stated that there was the possibility that the company could need a larger, or a smaller building in eight years.

Mr. Webber questioned why Raval was asking for twelve years.

Mr. Rainwater responded that the company is expecting to stay, and that the building's 33,000 square feet should serve the company well.

President Hooper Opened the Public Hearing at 10:18 p.m. Seeing no comments, President Hooper Closed the Public Hearing at 10:19 p.m.

Mayor Barnett stated he wanted to welcome Mr. Rainwater and Raval to the community and thanked Ms. Earhart for Oakland County's support. He also thanked the entire Planning and Development team, Ed Anzek, Derek Delacourt, Dan Casey and Clarinda Barnett-Harrison for their efforts.

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

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

Absent 1 - Ambrozaitis

Enactment No: RES0154-2008

Whereas, Raval USA, as owners of certain industrial property in the City of Rochester Hills, Oakland County, Michigan, are located within an Industrial Development District under the "Plant Rehabilitation and Industrial Development Districts Act of 1974," as amended, and

Whereas, the Industrial Development District is that property located at 1939 Northfield Dr., also known as Parcel Number 15-28-352-002, Rochester Hills, Michigan, more particularly described as follows:

T3N, R11E, SEC 28 NORTHFIELD INDUSTRIAL PARK E 40 FT OF LOT 2 & ALL OF LOTS 3 & 4, and

Whereas, Raval USA has made application to the Rochester Hills City Council for an Industrial Facilities Exemption Certificate under the above noted legislation, and

Whereas, a Public Hearing regarding this request was held at City Council's Regular Meeting of June 9, 2008 in which taxing authorities, applicant and public were given an opportunity to be heard, and

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

- a. The granting of the Industrial Facilities Exemption Certificate, considered together with the aggregate amount of Industrial Facilities Exemption Certificates previously granted and currently in force, does not have the effect of substantially impeding the operation of the City of Rochester Hills or impairing the financial soundness of a taxing unit which levies an ad valorem property tax in the City of Rochester Hills in which the facility is located.
- b. Completion of the facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood to create employment.
- c. Completion of the facility does not constitute merely the addition of machinery and equipment for the purpose of increasing productive capacity, but rather is primarily for the purpose and will primarily have the effect of providing a new facility on industrial property.
- d. The construction of the industrial facility meets the objectives of job creation within the established industrial corridor of the City of Rochester Hills.

Resolved, that pursuant to Section 9, (1) and (2) of Act 198 of Public Acts of 1974, as amended, the City Council of the City of Rochester Hills hereby approves the request of Raval USA for an Industrial Facilities Exemption Certificate for a period of eight (8) years for personal property only, subject to the following condition:

1. That the proposed facility is acquired by Raval USA, its agents or corporate designees no later than October 31, 2008; or, lease of said building occurs no later than same date for a minimum period of eight (8) years,

Be It Further Resolved, that the accompanying agreement between Raval USA and the City of Rochester Hills is hereby approved and is to be sent to the Department of Treasury and the State Tax Commission along with this resolution, and

Be It Finally Resolved, that the Mayor is authorized to sign the agreement after review by the City Attorney's office as to form.

NOMINATIONS/APPOINTMENTS

President Hooper moved Item 2008-0263 ahead of Public Hearing Item 2008-0264.

2008-0263 Nomination/Appointment of one (1) Citizen Representative to the Rochester Avon Recreation Authority for a three-year term to expire May 31, 2011

Attachments: [Agenda Summary](#)
[Timothy Brown CQ](#)
[Nomination Form](#)
[Vacancy Notice](#)
[Resolution.pdf](#)

Mr. Yalamanchi nominated Timothy Brown for re-appointment to the Rochester-Avon Recreation Authority (RARA).

Mayor Barnett stated that Mr. Brown is a ten-year veteran of the RARA Board and thanked him for his service to the City.

A motion was made by Pixley, seconded by Webber, that Timothy R. Brown be Re-Appointed. The motion CARRIED by the following vote:

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

Absent 1 - Ambrozaitis

Enactment No: RES0155-2008

Resolved, that the Rochester Hills City Council appoints Timothy R. Brown to serve as a Rochester Avon Recreation Authority Representative for a three-year term expiring May 31, 2011.

PUBLIC HEARING

2008-0264 2008 2nd Quarter Budget Amendment

Attachments: [Agenda Summary.pdf](#)
[2008 - Budget Adjustments.pdf](#)
[2008 - Budget Amendments.pdf](#)
[Public Hearing Notice.pdf](#)
[Resolution.pdf](#)

A motion was made by Pixley, 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 1 - Rosen

Absent 1 - Ambrozaitis

Enactment No: RES0162-2008

Resolved, that the Rochester Hills City Council hereby removes the increase in Line Item 21 - Planning - Consultant Fees - Wetlands in the amount of \$64,000 from the 2008 2nd Quarter Budget Amendment to be brought back at a later date.

2008-0264 2008 2nd Quarter Budget Amendment

Attachments: [Agenda Summary.pdf](#)
[2008 - Budget Adjustments.pdf](#)
[2008 - Budget Amendments.pdf](#)
[Public Hearing Notice.pdf](#)
[Resolution.pdf](#)

Julie Jenuwine, Director of Finance, gave a brief summary of the overall results of the first five months of Fiscal Year 2008 and the Second Quarter Budget Amendment for tonight's consideration:

- Revenues are estimated to decrease approximately \$843,000 across funds mostly due to lower interest earnings, lower receipts from City fees due to the economic climate, and a decline in Act 51 receipts.
- Operating expenditures are proposed to increase approximately \$1,053,000 mostly due to the settlement of the Firefighter's labor contract, increased vehicle fuel/maintenance costs, electrical and gas utility increases, drain maintenance, police overtime, and environmental oversight costs. Drain maintenance invoices have increased due to a billing from the Oakland County Drain Commission for the Hampton Drain that was received after a lengthy delay. Police overtime increases were a result of additional detective work and investigations, including the recent rash of bank shootings.
- Capital expenditures are proposed to decrease \$2.2 million, due to changes in project timelines and updated project estimates and changes in project scope.
- This amendment also includes language to allow the Mayor to do budget adjustments within funds from this point on, with a limit of \$25,000.00.
- Various expenditures were reclassified into different account numbers due to coding changes.

President Hooper Opened the Public Hearing at 10:29 p.m. Seeing no public comment, President Hooper Closed the Public Hearing at 10:30 p.m.

Council Discussion:

Mr. Yalamanchi asked for clarification on several construction projects including the Michelson, and Hamlin/Crooks/Livernois.

Ms. Jenuwine indicated that several projects were substantially complete and expensed in 2007 and now can be removed from the 2008 budget, including the projects for Crooks Road, the Tienken Bridge, and an LDFA project.

Roger Rousse, Director of DPS/Engineering, stated that portions of the John R Road project have decreased, but the Michelson Pump Station portion has increased. He stated there were adjustments within the project to line items dependent on the technical expertise of the contractor and subcontractors involved.

Mayor Barnett stated that the project as a whole is still on budget, but some of the line items within the project have gone up and other line items have gone down.

Mr. Rousse stated that staff is being directed out of meter reading into an asset management project, performing some work that was previously contracted to in-house.

Mr. Yalamanchi questioned if a cost analysis was done to determine whether the City is saving dollars by doing this.

Mr. Rousse stated that he will provide a cost-saving analysis after a portion of this project is complete.

President Hooper noted that this Budget Amendment adjusts for Council's decision not to do the Spencer Park portion of the John R/Michelson Pump Station project. It also includes Capital Improvement Projects that are being moved into this Budget for Drexelgate and Meadowfield Drive, roads viewed by Council during their road tour.

Mr. Rousse indicated that bids are due tomorrow for the Heritage Oaks road rehabilitation.

President Hooper questioned the increase in General Fund tax dollars for the Adams/Hamlin Brownfield Remediation. He noted that an additional \$64,000 is being requested, and stated that he personally does not support this increase.

Mr. Rosen stated that this is a part of the Consent Judgment.

President Hooper questioned whether the Michigan Department of Environmental Quality (DEQ) would be the Agency of review.

Mr. Rosen stated that the DEQ will provide no field inspection; that function will fall to the City.

Derek Delacourt, Deputy Director of Planning, stated the developer will give the City a three-day notice before beginning remediation work on the site. He stated that the City may provide oversight. The Consent Judgment indicates that prior to site plan approval, the City shall sign off on the remediation work.

Mr. Rosen stated if the City does not do the monitoring, it will be difficult to fulfill the review of the work. The Consent Judgment states the City "may" do on-site monitoring, but it also states the City "must" sign off on the work.

Mr. Delacourt read an excerpt from the Consent Judgment, which stated that "An Environmental Consultant selected by the City may be on site at all times during the performance of remediation activities. Additionally, at reasonable intervals, the City and the Plaintiff shall meet with the City and the Consultant and any other regulatory agency as needed to review the progress, routine status to allow the City to monitor. When the Plaintiffs notify the City that the remediation efforts are

complete, the City's Environmental Consultant will review all documentation, reports and data prepared by Plaintiff to date and conduct a site walk-over to confirm that the proposed remedial tasks were completed according to the specifications that were approved by the governing regulatory bodies. When the City's Environmental Consultant confirms that the remediation efforts are complete, site development and improvements may commence consistent with the terms of the Consent Judgment." Mr. Delacourt stated that the number used in the Budget Amendment was for the same level of oversight used during the first phase of investigation. He said this was Staff's attempt to be proactive and the level of oversight deemed proper and would be dependent on Council's decision.

Mr. Yalamanchi asked whether this consultant fee could be collected under administrative costs.

President Hooper stated that even if these costs could be reimbursed, General Fund tax dollars are being expended. He stated that these expenditures take away from other General Fund expenditures such as Police and Local Roads.

Mr. Yalamanchi reiterated that he wants to see the oversight on this project and believes this is an investment that will help the community in the long term.

Mr. Brennan stated he agreed with President Hooper on this issue. He also questioned the increase in Planning Professional Services.

Ms. Jenuwine stated that the increase in Planning Professional Services was due to the Zoning Ordinance Rewrite Update that was not completed in 2007. She stated that these funds were not used in 2007, and are being used this year.

Mr. Brennan asked whether the Environmental Consultant Fees had already been spent.

Mr. Delacourt stated that the plan is currently being reviewed by DEQ, and once approved the applicant only needs to give the City a three-day notice. By not including it in the budget, the City could fall out of cycle.

Mr. Brennan asked if approving the expenditure could be delayed.

Mr. Delacourt stated a contract for services could not be issued without a budget line item.

Mayor Barnett stated that the Consent Judgment provides Council the opportunity to have a representative on site, but this does not indicate a contractual obligation to have one.

Mr. Pixley stated that this oversight is built into the 381 Plan.

President Hooper stated this was correct, but the City would be responsible for the cost.

Mr. Delacourt stated that the DEQ and Environmental Protection Agency (EPA) will review the Plan, but will not put someone on the ground to oversee work.

Mr. Pixley questioned if the only way for this oversight to be accomplished was to have a consultant on-site.

Mr. Delacourt indicated that there were no Staff members qualified to do this oversight.

Mr. Webber asked if no one provided full-time oversight, would a final report be obtained for Mr. Anderson, the City's Environmental Consultant to review.

Mr. Delacourt indicated that this figure was an estimate based on the first phase of oversight. He stated that Council could determine the level of oversight they wished to have.

Mr. Webber asked if the same level of oversight was required as in the first phase.

Mr. Delacourt stated that this project is outside of a normal Brownfield process. He stated at this point he could not determine the exact level needed.

Mr. Webber stated he was not in agreement to zero out that line, but would consider a reduction.

Mr. Delacourt suggested that he could return at a later date with a range of options.

Mr. Rosen stated that he would not have voted to accept the Consent Judgment without the prospect of having oversight of this site. He stated this is one of the most unusual sites in Michigan, requiring a degree of care exceeding the norm. He stated he felt this was a minor amount budgeted compared to monies budgeted for Phase One.

Mr. Delacourt stated that \$50,000 was budgeted for Phase One and \$35,000 was actually spent.

Ed Anzek, Director of Planning and Development, stated that when the budget was being developed, the City had no idea what the budget for this item would be, and no monies were included. He stated that this number can be estimated now, based on the same level of service done during the investigation phase.

Mayor Barnett stated that Administration requests direction from Council on the level of oversight it wishes to see.

Mr. Yalamanchi stated that he would like the City to develop a Brownfield Policy. He stated that the City's level of oversight needs to be defined.

President Hooper stated that the City is putting tax dollars into privately-owned property.

Mr. Rosen stated this is a complicated project and public responsibility is Council's concern.

Mr. Webber asked if \$35,000 was spent on the first phase, should the proposed budget amount be reduced to \$50,000.

Mr. Anzek stated that \$50,000 was all for Brownfield work. He indicated that this amount is in addition to the \$50,000 budgeted.

Mr. Pixley stated he wanted to add the proper level of oversight. He asked about including an intermediary amount for oversight at a lesser scale.

Mr. Delacourt stated that this Amendment included oversight for every hour the developer is working on site. He suggested that a target-based level of oversight could be developed.

President Hooper suggested that the entire increase be removed and the Administration could come back with a recommendation.

Mr. Pixley agreed that the amount should be removed from the Budget Amendment for now.

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

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

Absent 1 - Ambrozaitis

Enactment No: RES0162-2008

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 2008 2nd Quarter Budget Amendments was noticed on May 22, 2008; and

Whereas, the proposed 2008 2nd Quarter Budget Amendments were available for public viewing starting on May 30, 2008; and

Whereas, at its June 9, 2008 meeting City Council held a Public Hearing on the proposed 2nd Quarter Budget Amendments.

Now, Therefore, Be It Resolved, that the Rochester Hills City Council hereby approves the following 2008 fund totals as amended:

101 - General Fund	\$27,330,160
202 - Major Road Fund	\$11,513,660
203 - Local Street Fund	\$ 6,657,070
206 - Fire Operating Fund	\$ 8,272,080
207 - Special Police Fund	\$ 8,678,620
211 - Perpetual Care Fund	\$ 99,000 *
214 - Pathway Maintenance Fund	\$ 699,910
244 - Drain Maintenance Fund	\$ 2,714,570
313 - 2001 Local Street Debt Fund	\$ 230,470 *
314 - 2001 Local Street SAD Debt Fund	\$ 228,800 *
325 - 2002 Local Street Debt Fund	\$ 403,360 *
337 - 1994 Local Street SAD Debt Fund	\$ 187,280 *
338 - 1995 Local Street SAD Debt Fund	\$ 182,990 *
391 - 1998 Refunding Debt Fund	\$ 444,500 *
392 - 2002 Refunding Debt Fund	\$ 1,121,140 *
402 - Fire Capital Fund	\$ 1,550,210
403 - Pathway Construction Fund	\$ 1,638,610
420 - Capital Improvement Fund	\$ 597,310 *
592 - W&S Operating Fund	\$28,937,890
593 - W&S Capital Fund	\$ 9,616,540
631 - Facilities Fund	\$ 5,156,720
636 - MIS Fund	\$ 2,457,300**
661 - Fleet Equipment Fund	\$ 3,914,060
848 - LDFA Fund	\$ 1,059,770

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.

NEW BUSINESS

- 2007-0221** Request for Extension of the Tentative Preliminary Plat until April 20, 2009 - Grace Parc, a 16-lot subdivision located north of South Boulevard between Livernois and Rochester Roads, zoned R-4, Grace Street Development, applicant.

Attachments: [Agenda Summary.pdf](#)
[Map.pdf](#)
[Letter Mancini 032808.pdf](#)
[Site Plans TPP.pdf](#)
[Resolution.pdf](#)
[PC Minutes 040307.pdf](#)
[PC Minutes 071806.pdf](#)
[PC Minutes 031505.pdf](#)
[PC Minutes 021505.pdf](#)
[PC Minutes 020105.pdf](#)
[042507 Agenda Summary.pdf](#)
[Letter Mancini 031207.pdf](#)
[042507 Resolution.pdf](#)

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

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

Absent 1 - Ambrozaitis

Enactment No: RES0156-2008

Resolved, that the Rochester Hills City Council hereby approves an Extension of the Tentative Preliminary Plat until April 20, 2009 for Grace Parc, City File No. 04-011, a 16-lot subdivision located north of South Boulevard, east of Livernois, connecting to McComb, zoned R-4, Parcel Nos. 15-34-402-035 and -057 for Grace Street Development, applicant.

2007-0391 Request to Delist the locally Designated, non-contiguous Historic District known as 56187 Dequindre Road

Attachments: [Agenda Summary.pdf](#)
[Survey Sheet.pdf](#)
[SHPO Staff Comments.pdf](#)
[091707 Public Hearing Minutes.pdf](#)
[020508 PC Minutes.pdf](#)
[Final HDSC Report.pdf](#)
[Resolution.pdf](#)
Delist and Retain Language.pdf
SHPO 09-20-07 Letter.pdf
06-08-06 HDSC Minutes.pdf
56187 Dequindre Preliminary Report 07/07.pdf
56187 DEQUINDRE PRELIMINARY REPORT JUNE 2007.pdf
Renovation List and Minutes.pdf

Mr. Rosen asked for an explanation as to why this property is being recommended for delisting.

Mr. Delacourt indicated that there were three reasons for the recommendations: 1) There have been inappropriate additions over the years; 2) The house was originally relocated from another site; and 3) The original designation dates back to 1978.

Mr. Pixley asked whether there were disadvantages to it being delisted.

Mr. Delacourt stated that tax credits for renovation work would not be available. He stated that the homeowners are aware of the delisting and are not opposed.

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

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

Absent 1 - Ambrozaitis

Enactment No: RES0157-2008

WHEREAS, Division 4 of the City's Historical Preservation Ordinance (Chapter 118) establishes the procedure for the establishment, modification or elimination of Historic Districts; and

WHEREAS, Section 118-130 of the City's Historical Preservation Ordinance (Chapter 118) identifies the duties of the City's Historic Districts Study Committee and the process for

elimination of an existing historic district; and

WHEREAS, in 1978 Avon Township (now Rochester Hills) designated a local Historic District identified as:

56187 Dequindre Road, Parcel Identification Number 15-01-278-005; and

WHEREAS, in 2002 the City of Rochester Hills conducted an intensive level survey designed to augment and update information about the City's designated and potential local historic districts. The recommendation of the survey included the elimination of the above described Historic District; and

WHEREAS, in compliance with the requirements of the City's Historical Preservation Ordinance with respect to the elimination of a Historic District, the City's Historic Districts Study Committee conducted research on the above identified property; prepared a Preliminary Report; transmitted a copy of the Preliminary Report to the City's Planning Commission and to the State Historic Preservation Office; held the required and properly noticed Public Hearing on September 17, 2007, and submitted a Final Report to City Council, and

WHEREAS, based on the determination of the Study Committee that since it was originally designated, the house has lost the physical characteristics that attributed to its architectural style, and the resource does not have any association with a person or event significant to the history of the City of Rochester Hills.

NOW THEREFORE BE IT RESOLVED that the City of Rochester Hills City Council concurs with the recommendation of the City's Historic Districts Study Committee to delist the property identified above as a local Historic District within the City of Rochester Hills; requests that the City Attorney prepare the appropriate Ordinance Amendment to the City's Historical Preservation Ordinance (Chapter 118), and upon passage of the Ordinance Amendment, requests the Mayor to cause the appropriate documentation to be filed with the Oakland County Register of Deeds describing the land and indicating its removal as a locally designated Historic District.

2008-0089 Request for Adoption of City Council's FY2009 Financial Policies

Attachments: [Agenda Summary.pdf](#)
[Financial Policies 2009.pdf](#)
[Resolution.pdf](#)
[051908 Agenda Summary.pdf](#)
[Memo J. Jenuwine 031408.pdf](#)
[Financial Policies Feedback.pdf](#)
[031008 Agenda Summary.pdf](#)
[031008 Financial Forecast Presentation.pdf](#)
[031008 Financial Policies Review.pdf](#)

Ms. Jenuwine stated that Council's request for use of a fifteen percent increase estimate for health care expenditures for future years was not included in these Policy Changes. She stated this estimate is reflected in forecast numbers.

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

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

Absent 1 - Ambrozaitis

Enactment No: RES0158-2008

Whereas, the City's financial polices are established in an effort to guide the budget process, focus discussion and improve decision making by providing clear, agreed-upon parameters for the City administration and

Whereas, the City Council reviewed and modified the City's financial policies to ensure continued relevance.

Now, Therefore, Be It Resolved, that the Rochester Hills City Council hereby approves the (enclosed) FY2009 Financial Policies.

2008-0255 Request for Purchase Authorization - DPS/ENG: Contract for 2008 Major Road and Local Street Concrete Slab Replacement Programs in the amount of \$1,590,681.23 plus a 10% contingency of \$159,068.12; Six-S, Inc., Waterford, MI

Attachments: [Agenda Summary.pdf](#)
[Bid Tabs.pdf](#)
[Budget Costs.pdf](#)
[Resolution.pdf](#)

President Hooper disclosed that he works in the construction field, and knows the companies bidding, however he has no financial involvement with any of them and has no reason to recuse himself.

Mr. Rousse stated that the Department of Public Services recommends awarding this contract to Six-S. He stated that five sealed bids were evaluated, and that this company has a good history with the City, having recently completed the Shadowwoods Project. He stated they were the lowest bidder. He pointed out that this replacement project will address some of the worst areas of the City, including repairs in Cumberland and Heatherwood Subdivisions.

President Hooper requested Mr. Rousse provide unit costs on replacement.

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

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

Absent 1 - Ambrozaitis

Enactment No: RES0159-2008

Resolved, that the Rochester Hills City Council hereby authorizes a Contract to Six-S, Inc., Waterford, Michigan for the 2008 Major Road and Local Street Concrete Slab Replacement Programs in the amount of \$1,590,681.23 plus a 10% contingency in the amount of \$159,068.12 for a total not-to-exceed amount of \$1,749,749.35 and authorizes the Mayor and Clerk to execute a contract on behalf of the City.

2008-0262 Request for Purchase Authorization - FIRE: Contract for Fire Apparatus including two (2) Pumper Engines and one (1) Ladder Quint Truck in the amount

not-to-exceed \$1,172,854.00; Pierce Manufacturing, Inc, Appleton, WI/Halt Fire, Inc., Wixom, MI

Attachments: [Agenda Summary.pdf](#)
[Proposals Tabulation.pdf](#)
[Final Cost Tabs.pdf](#)
[RHFD pricing letter 052708.pdf](#)
[Resolution.pdf](#)

Ron Crowell, Fire Chief/Emergency Management Director, stated that Pierce Manufacturing has been in business for thirty-five years. He stated that these trucks are six-feet shorter. The pump is designed off of the Oshkosh and the mechanism is adapted from a cement truck and integrated into the fire trucks. This is a new design, and it has been tested for two years in their research and development. He stated the unit does not have a lot of extras. Although this was not the lowest bid, it was the second lowest and the City has had Pierce trucks before.

President Hooper asked how many different manufacturers were in the City's fleet.

Chief Crowell stated that the City currently has four different manufacturers in its fleet. He stated the City wanted to standardize the fleet a few years ago, but had continuous issues with the Francis warranty work. The company has since filed Chapter 11 and the Michigan dealer is now a motor home dealer in Grand Rapids. He explained that the City is only allowed to put a vehicle out of commission for four days without requesting permission from the State under its EMS license, and having work done in Grand Rapids made that difficult to meet. He stated that the lowest bidder is not recommended. Obtaining the units from Halt Fire in Wixom would allow the City to lessen the days out of commission.

Mr. Webber asked what the City will do with the two current pumpers.

Chief Crowell stated that these pumpers, at five years of age, have over 70,000-miles on them, and this is considered very high mileage. He stated that one manufacturer offered a \$60,000 trade-in value, but the City believes it can sell them on other sites and do better than that.

Mr. Rosen questioned what kind of warranty work would be available.

Chief Crowell stated that the engine warranty is through Cummins with service on Gratiot in Mount Clemens. Halt Fire Equipment has two to three road vans which would come to the City's location to work on the trucks, unless for some reason they had to transport the unit for work inside their garage. The pumps have ten-year warranties, and the tanks have lifetime warranties.

Mr. Rosen asked whether the Department could still move toward standardizing the fleet as a goal.

Chief Crowell stated that Pierce was a top-notch organization and he would like to make them the standard. The City currently does not have any Pierce trucks, but had them in the past. He stated that because the City is purchasing stock units, delivery would be slated for October or November.

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

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

Absent 1 - Ambrozaitis

Enactment No: RES0160-2008

Resolved, that the Rochester Hills City Council hereby authorizes the purchase of two (2) pumper engines and one (1) 75' heavy-duty aluminum ladder (HAL) quint truck from Pierce Manufacturing Inc., Appleton, Wisconsin/Halt Fire, Inc., Wixom, Michigan, in the amount not-to-exceed \$1,172,854.00 and further authorizes the Mayor to execute a contract on behalf of the City.

COUNCIL COMMITTEE REPORTS

None.

ANY OTHER BUSINESS

NEXT MEETING DATE

Special Meeting - Monday, June 16, 2008 - 6:00 p.m.; Regular Meeting - Monday, June 16, 2008 - 7:30 p.m.

ADJOURNMENT

There being no further business before Council, President Hooper adjourned the meeting at 11:36 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 July 21, 2008 Regular City Council Meeting.