



Rochester Hills

Minutes

City Council Special Meeting

1000 Rochester Hills Dr
Rochester Hills, MI 48309
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Home Page:
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*Kevin S. Brown, Greg Hooper, Adam Kochenderfer, Stephanie Morita, Mark A. Tisdell,
Michael Webber and Thomas W. Wiggins*

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."*

Tuesday, August 26, 2014

5:30 PM

1000 Rochester Hills Drive

In accordance with the provisions of Act 267 of the Public Acts of 1976, as amended, the Open Meetings Act, notice was given that a Special Rochester Hills City Council Meeting would commence at 5:30 p.m. on Tuesday, August 26, 2014, to consider for adoption an Oil and Gas Well Drilling Moratorium Resolution.

CALL TO ORDER

President Hooper called the Regular Rochester Hills City Council Meeting to order at 5:30 p.m. Michigan Time.

ROLL CALL

Present 4 - Greg Hooper, Adam Kochenderfer, Mark A. Tisdell and Michael Webber

Absent 3 - Kevin S. Brown, Stephanie Morita and Thomas W. Wiggins

Others Present:

Ed Anzek, Director of Planning and Economic Development

Bryan Barnett, Mayor

Tina Barton, City Clerk

Leanne Scott, Deputy Clerk

John Staran, City Attorney

Mr. Brown, Ms. Morita and Mr. Wiggins provided prior notice that they would not be in attendance.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

A motion was made by Webber, seconded by Kochenderfer, to Approve the Agenda as Amended to move Attorney Matters ahead of Public Comments.

Aye 4 - Hooper, Kochenderfer, Tisdell and Webber

Absent 3 - Brown, Morita and Wiggins

ATTORNEY MATTERS

2014-0368 Request to Consider for Adoption a proposed Oil and Gas Well Drilling Moratorium Resolution

Attachments: [Agenda Summary.pdf](#)
[082614 Agenda Summary.pdf](#)
[082614 Resolution.pdf](#)

President Hooper noted that City Attorney John Staran would review the proposed moratorium on oil and gas drilling for their consideration this evening.

John Staran, City Attorney, stated that oil and gas drilling has been a major topic of discussion and debate in the city for many months. He explained that there have been some very interesting and significant developments over the past two weeks and over the past two days that in his opinion make it imperative that City Council hold both this meeting and consider taking some action and provide some further direction; and, to some extent, a change in the course or direction from the course that the City Council has been on. He noted that an actual live well has gone in just beyond the City's borders in Shelby Township, near a populated residential neighborhood, which while may be not unprecedented, has not been the norm in this state. He commented that the well has brought to bear many of the concerns that have been discussed, as noise, odors, lights, and other associated nuisances have come from being in proximity to the neighborhoods which have created very serious questions about the compatibility or the ability of these types of operations to be in harmony with adjacent residential neighborhoods. He noted that this has brought to bear the ability of the Michigan Department of Environmental Quality's (MDEQ) ability to adequately and properly oversee and supervise these operations.

He stated that a few days ago State Senate Bill 1026 was introduced by Senators Brandenburg and Rocca which would, if adopted, make a major change to the law of the State. He noted that gas and oil exploration is currently occupied largely by the State, granting the ability to regulate, oversee, and permit oil and gas well siting and drilling operations. The proposed Senate Bill would affect communities like Rochester Hills and Shelby Township with populations over 70,000, and would provide that the MDEQ Supervisor of Wells Office would not ordinarily be authorized to permit oil well siting or drilling within communities with a population similar to Rochester Hills.

He noted an unexpected announcement that West Bay Exploration is suspending activities indefinitely in their oil well drilling operation in Shelby Township; and he explained that there were reports that the MDEQ is taking this opportunity to revisit its regulations both in terms of how it notifies the communities and the public of permit applications and permitting activities, as well as reviewing some of their

more substantive regulations such as setbacks, which in this community would currently be 450 feet, as to whether these setbacks are suitable for oil drilling operations located near improved residential homes.

He commented that the resolution is proposed tonight as it is time to act and take advantage of these breaking developments. He stated that it could be viewed as both an opportunity, or a lost opportunity if Council does not move forward to take action, to get behind both the proposed legislation and see what it can do at the local level recognizing the current constraints it has.

He explained that the proposed moratorium resolution would accomplish three things, including expressing City Council's full and clear support regarding Senate Bill 1026, and also offering whatever assistance the City can provide behind it, both in spirit as well as whatever technical expertise or testimony, identifying residents perhaps who are particularly knowledgeable and interested in supporting that cause. The goal is to effect a possible change to State Law unlike the previous changes which have been more favorable to the oil and gas industry and have made regulation more flexible and conducive to enhance it. He commented that for the first time this is a potential piece of legislation which could help restore some control back to the local communities and their elected officials.

He stated that the proposed resolution would disallow any oil and gas well siting or drilling to take place in the City for a period of six months. He pointed out that there has been none proposed to date; and it had been represented to the City from the onset that any type of well siting would not likely take place in the city, but would rather take place in Auburn Hills or another surrounding community. He commented that as there is now a live well in Shelby Township which could be found to be productive, there could be a strong incentive on the part of the oil development company to seek and expand to add an additional well.

He explained that moratoriums are generally disfavored by the courts; however, it is his belief that this moratorium would be upheld as it seems to be the norm that they are upheld when they are for a temporary period of time, generally six months, and for a specific purpose. He noted that the proposed resolution for a moratorium spells out a specific purpose, to allow the State Legislative process to proceed; and allows the City to move forward with its Planning Commission's assistance to develop, to the extent that the Law will permit, some local regulations. He added that those kinds of discussions have been stifled for most of the summer due to the pending litigation and the decision not to be discussing these topics publicly while the litigation is pending; however, as the world is moving on there are things happening which go beyond the more limited narrow issues that are involved in the litigation. He commented that while he still feels that the City has acted lawfully and a court will ultimately confirm that as discussion and debate will take place in the courts, there are a number of other issues to discuss on how to best deal with this in the city, plan for the city, protect its residents and respond to the residents' call for assistance.

He stated that it is the appropriate time to give the Planning Commission direction and authorization to proceed and begin developing some of the regulations relating

to oil and gas well siting, related pipelines, production facilities, and other things ancillary to the oil production process. He cautioned that it is important that the City recognize that the legal constraints of State Law it must operate under have not changed. He noted that while other communities have taken action to pass ordinances and regulations, he would question that these measures are enforceable if challenged in court. He stated that the City needs to see what it can do at the local level to protect its interests.

He recapped the proposed resolution, noting the moratorium would suspend any oil and gas well siting or drilling in the city for a period of six months, would support fully and offer assistance for Senate Bill 1026, and would direct the Planning Commission to take up the Ordinances and make recommendations to City Council so Council can consider the adoption of appropriate regulations.

President Hooper requested City Clerk Barton share the notification procedures for the Special Meeting.

Tina Barton, City Clerk, explained that the Open Meetings Act requires that a notice of special meeting be issued 18 hours prior to the meeting. She stated that the notification requirement was met, not only by placing notice on the City's website at 2:58 p.m. in more than one location, but by posting at City Hall, broadcasting it on three different cable channels, and transmitting notice to the Public Library. She noted that given the sensitive nature of the topic and knowing the public interest, she and Deputy Clerk Leanne Scott pulled the entire file on gas and oil exploration and went through every single public comment that was made on the item. She stated that if an e-mail address was provided, the notice was sent; however, she commented that some e-mails were returned. She mentioned that she did additional research to review her own e-mails; if anyone had e-mailed her on the topic, she sent a notice to their e-mail as well. Additionally, a statement was included with the notice asking recipients to please forward the information to anyone who they felt may be interested in this. She commented that the 18-hour requirement was met.

President Hooper reviewed major events which occurred in the last week-and-a-half, including the introduction of Senate Bill 1026 introduced by Senators Brandenburg and Rocca, which states that the Supervisor shall not issue a permit or authorize the drilling for oil and gas if either the well is located within 450 feet of a residential building or the well is located in a city or township with a population of 70,000 or more. He note that if the bill successfully proceeds through committee, is approved by both the Senate and the House and becomes law, this would remove Rochester Hills from oil and gas well siting. He commented that the introduction of the bill, known to the City on August 13th, along with the issues which have arisen in Shelby Township and the issues that some of the citizens have brought forward, allowed the City to look at what it could do. He read the proposed resolution.

He stated that as the next City Council Regular Meeting is not scheduled until September 8th, he felt there was a need to schedule a special meeting to act as soon as possible. He explained that a meeting time was sought to fit within Council's job schedules, vacations, and other previous commitments. He pointed out that with the availability of a quorum of four Council Members tonight, a

meeting was scheduled, and notice given to comply with the Open Meetings Act and ensure that everyone that has spoken in the past on this topic has been notified to the best of Council's and Staff's ability.

He commented that to him, this has always been a State issue. He noted that when Jordan Oil approached the City in 2012, it was clearly identified to the City that the MDEQ regulates the issue and there is no local control. Legislation needed to be introduced or changed at the State's level in order to give local communities the control it does not currently have. He noted that Senate Bill 1026 will do just that, and Council must act quickly to make its intent known to both the MDEQ and Jordan Oil, and to its residents. He stated that he fully supports the proposed resolution and intends to vote in the affirmative.

He explained that as Mr. Brown, Ms. Morita and Mr. Wiggins were unable to attend tonight, he spoke to each of them individually and would pass along their thoughts on the proposed resolution. He read statements from each absent Council Member, noting the following:

- Mr. Brown noted that he was out of town on a previously-planned trip. He supports the moratorium on drilling within City limits. He noted that he had expressed his recommendations at earlier Council meetings that drilling is regulated by the State and efforts to impact drilling should be focused at the State Legislature. He stated that he fully supports temporary restrictions to allow the State to work through its legislative process and enable the City to work through the pending legal matters prior to any further action by Jordan Oil within Rochester Hills.
- Ms. Morita stated that she was unable to attend to vote in favor of the moratorium on oil and gas well drilling in the city. She noted that as part of Council's discussion, she requests that Staff be directed to move forward as quickly as possible on the well site and pipelines ordinances, as well as Staff being directed to begin working on a groundwater protection ordinance. She commented that well or no well, the ordinances will provide long-overdue additional protections to the community.
- Mr. Wiggins passed along his comments as well, indicating that he fully supports the proposed resolution, and if he were in attendance, would support passage as well.

Council Discussion:

Mr. Kochenderfer expressed his thanks to those in attendance. He commented that he has felt many of the same frustrations as those who have contacted him, noting that State Law severely restricts what a local government can do. He pointed out that according to State Law, even if a City or property owner refuses to sign a lease, under some circumstances the exploration company can drill under someone's property as long as the order is given by the State. He noted that a negotiated lease can actually give an owner more control over their property as opposed to if they refused to sign a lease. He expressed concern as to what would occur if the oil company applies for a permit before the City can take action. He commented that when it was made known yesterday that the exploration company was pulling out of Shelby Township, concern was raised where they could be headed next.

He stated that Council is reviewing the three things it can do, including enacting an enforceable moratorium to stop all actions, to do everything possible to push the proposed legislation along, and to begin the Ordinance process for both drilling and pipeline activities. He commented that concerns about the safety of children have not fallen on deaf ears, as he and his wife have their first baby due in November. He expressed his wish that events had occurred sooner, noting that he knows that the Administration has met with the City's State Representative and Senator early on to encourage action. He supported the proposed resolution.

Mr. Webber expressed support for the proposed resolution for a six-month moratorium and efforts to lend the City's full support behind Senate Bill 1026. He noted that the Senate session ends December 31st, and the six-month moratorium would yield information whether the bill would be successful and become law. He added that the resolution gets the City back on track in terms of developing ordinances at the Planning Commission level. He pointed out that discussion has also been happening in other high-density population areas across the state and has now gotten the attention of the State Legislature and the Governor. He commented that there are not many locations in the city that are over 450 feet away from a residential building; however, the proposed legislation would eliminate the possibility of a drilling site within Rochester Hills. He mentioned that it is worth noting that the moratorium and the proposed legislation cannot take away individual property owners rights to lease mineral rights, and he noted that over 400 leases have been signed in the city.

Mr. Tisdell requested Mr. Anzek display a map which depicted every structure in the city and showed a 450 foot radius around each structure.

Ed Anzek, Director of Planning and Economic Development, explained that the map was prepared several months ago in anticipation of an ordinance being sent to the Planning Commission. He noted that working with the City's MIS Department, every structure was noted that could be occupied for four hours a day or more, including houses, churches and schools, along with a 450 foot radius around each of these structures. He mentioned that industrial zones were excluded, as in the original draft of an ordinance, these areas would be available for processing per the current Zoning Ordinance.

He pointed out lands encompassing Oakland University and other golf course properties within the city. He mentioned that GIS information was not available for the City of Rochester. He noted that there are a few spots within the primary target area of the Tienken corridor, including Nowicki Park where the lease prohibits activities, the school grounds at Rochester Adams, and the well fields for the City of Rochester where he would not think that sinking a well would be permitted. He mentioned that there are some areas in the very northeast corner of the city that are undeveloped tracts of land, and he stated that there are nine capped wells in that area that were drilled many years ago. He commented that the map shows that there are very few areas possible where drilling could take place in the city; and he noted that if there are new standards being pursued that might extend that distance, there could be a possibility that these areas could be eliminated entirely.

Mr. Tisdell noted that Senate Bill 1026 could eliminate every area with the exception of Oakland University, and this is State land that the City would have no control over.

Mr. Anzek added that the City is approaching a population of 75,000, well meeting the proposed bill's threshold.

Mr. Tisdell pointed out that the proposed resolution includes Council's full endorsement and offer of assistance in support of Senate Bill 1026. He stated that while it has always been an extremely low probability that someone could find a spot to drill, this proposed legislation takes that possibility completely away. He pointed out that the resolution affirms that this is a State regulation issue, and is one that the City is fully behind.

Mayor Barnett expressed his thanks to those in attendance, and mentioned other significant issues capturing the community's interest including the single trash hauler, deer management, and SmartMeters. He noted that with SmartMeters, the regulating authority is a State-appointed board; and as more and more people grew active, legislators themselves grew active to represent the needs of the people and passed legislation that provided an opt-out possibility. He mentioned the fireworks regulations passed a couple of years ago, and noted that Senator Glen Anderson of Westland has introduced legislation to change those regulations. He stated that this issue has gotten the attention of the Governor.

He commented that he has always noted that a statewide solution is needed. He stated that ordinances are still fraught with danger, and some have been challenged and have lost in court. He pointed out that Senate Bill 1026 is presented by the people who created the legislation under which the whole process is governed and offers a solution. He commented that while it does not help places like Auburn Hills and other communities in areas outstate, it will help Rochester Hills.

He stated that he has been in contact with Rick Stathakis, Shelby Township Supervisor, and noted that their situation is much different as they currently have a well. He pointed out that no leases in Rochester Hills contain surface rights. He explained that it is the general opinion that this proposed legislation will change as it moves through the process. He mentioned that several bills have been introduced by Democratic legislators over the years; however, those bills have not moved. He stated that as this issue is now impacting Republican areas of the community, Republican legislators and the Governor's office are now being brought to the table.

He noted that he has spoken with Senator Brandenburg's office and offered that the City could find speakers in the community that could provide testimony about the City's interests in seeing the bill pass. He commented that the bill takes a State-created situation and a State-created problem and yields a State-provided solution. He mentioned that he has been invited later this week to sit with the Governor's environmental team to discuss the impact this has had in the community and how as a Council and an Administration, the City has

felt hamstrung. He noted that the City has generally followed the good legal counsel it has, and pointed out that two Council Members are also attorneys. He commented that the City's legal challenges will be determined in the courts in October; however, in the meantime he is pleased that Council is unanimously supportive of the moratorium.

He mentioned that he has tried calling Jordan Oil over the last couple of days; however, they have not returned his calls. He commented that he believes that they feel that they have bitten off more than they could chew, and noted that those affected are reaching out to the appropriate people who can effect change.

He added that it is his belief that there will be opportunities for public comment as the legislation proceeds. He mentioned that the City's government affairs representatives are working to allow the City a seat at the table to discuss the legislation. He noted that the City has never been supportive of wells, and said specifically that the properties it controls would not contain wells. He mentioned other bills presented in the past attempted to increase the distance to structures to at least 1,000 feet or limit wells to specific zoning areas. He stated that it is his belief that Senate Bill 1026 will benefit Rochester Hills as this legislation would take this community completely off the map. He noted that as he said during a newspaper interview, the best thing that could happen is that the companies pick up and leave the city.

Public Comment:

Mike Powers, 3632 Aynsley Drive, stated that the City has let an oil company come in and divide everyone unnecessarily. He commented that while it was advised for the residents to fight in Lansing, it is his opinion that the elected officials should fight for them. He expressed his opinion that politics is the problem here.

Gary Ruby, 604 Middlebury, questioned why Council sent a message that it would sit on its hands rather than take the residents' interests and pass them up the line. He commented that the moratorium could have been passed a year ago. He questioned whether the City could rescind the lease agreement and noted that the fact is that a tower now exists.

Joseph Doyle, 1446 Burhaven Drive, stated that Council's decision-making process was flawed and commented that it should have revisited its decision. He noted that residents have not been given proper input or opportunities to rebut Council comments, being allowed only three minutes to speak.

Denise Doyle, 1446 Burhaven Drive, stated that not everyone could be notified of this meeting in such a short period of time. She questioned why after stating that no comments could be made due to pending litigation, Council felt that it could now speak on the topic, why a moratorium is considered now when it was impossible before, why the lease could not be rescinded, and why this meeting was scheduled for 5:30 p.m.

Gail Hammill, 1434 Burhaven Drive, questioned why it was felt by Council that the State had to act first and a the moratorium could not have previously been

considered. She stated that residents should have been given a vote on the leasing of park property and this is why Don't Drill the Hills is fighting the City in court. She commented that Council should start supporting its residents, noting that it is an election year.

Phil Barker, 1434 Burhaven Drive, commented that the opportunity to put forth a moratorium also presents an opportunity to rescind the lease. He questioned why the City Attorney supports a process of not letting the citizens vote. He stated that by signing a lease for parkland, the City has created alarm in thousands of homes and families.

Tim Maurer, 854 Ravine Terrace, stated that leadership should be proactive not reactive. He commented that a moratorium does nothing as drilling continues in Scio Township despite their moratorium. He stated that the moratorium is being proposed because it is election season.

Bruce Fealk, 1471 Oakstone Drive, stated that over 700 people showed up to a meeting in Shelby Township and commented that this is why Council has opted to act. He commented that the residents must stand up for themselves and keep fighting.

Jeannie Morris, 1398 Burhaven Drive, commented that since January 10th, the City has said there is nothing it can do; and now it calls an 18-hour meeting and states that it must protect its residents. She commented that the City's is only acting after the political train has left the station.

Clark Barrett, 1376 Kingspath Drive, stated that he has been to Council many times to speak about zoning, ordinances, dangerous wells, inadequate setbacks, heavy truck traffic, declining property values, the inherent risks of drilling and the need for better State regulations. He commented that most of what he spoke about has happened in Shelby Township, as an oil rig rose with twenty-four/seven noise, lights, smells, strange men, lots of trucks and plummeting home values. He commented that Shelby officials knew about the permits since May and acted too late. He stated that the City had opportunity, and its actions now are driven by fear. He commented that to rebuild trust, the City should pass the moratorium, rescind the lease, and develop ordinances to regulate trucks, pipelines, require bonds, and baseline water and air testing.

Erin Howlett, 3597 Aynsley, stated that she is unhappy with the process, and commented that the City is the last to jump on the bandwagon. She noted that a moratorium is ineffective in Scio Township and the City should have ordinances ready for its September 8th meeting to require a 1,500 foot setback from any residence or school. She stated that the citizens must be involved in the process.

Emily Jernberg, 3542 Charwood, stated that Council has not been listening to the people. She allowed her son, Nathaniel to speak, who stated that he is frustrated and that the City should fight against the oil people.

Chris Morris, 1398 Burhaven, noted that a moratorium is just a start; and the City should not have leased its parkland. He stated that the City could continue

to work on ordinances and should approach Jordan Oil to negotiate to rescind the lease.

Jen Salvaggio, 2983 Powderhorn Ridge, commented that she wants to raise her family here and does not want to do it with an oil well in her backyard. She stated that the lease should be rescinded.

Carrie Schuchet, 3101 Salem Drive, questioned why the leases were signed. She stated that she is disappointed in the decisions made and commented that she has small children. She noted that the residents will not go away and will be upset if what happened in Shelby happens here.

Brahm Windeler, 861 Leinster Road, expressed concern that the moratorium is not enough and questioned why it is proposed for only six months.

Francois El-Hayek, 704 Sunlight Drive, questioned whether there is anything that would prevent the oil company from going to Auburn Hills and drilling sidewise under Rochester Hills properties. He commented that the Council Members here today voted for the original lease, and stated that they should prove to the residents that they are against it by rescinding it.

Denise Demak, 56163 Ashbrooke Drive, Shelby Township, stated that she lives in the subdivision adjacent to the oil well. She commented that what happened in Shelby is unprecedented as there is no other place in Michigan where directional drilling enhanced with chemicals is occurring in a highly densely populated area zoned residential. She noted that a group formed in Shelby will be marching on the Capitol on September 9th.

Jennifer Hillebrand, 673 Romeo Road, expressed concern that a home she is considering buying would lose value because of oil drills near her backyard. She stated that Council should look out for the interests of the community.

Joanna VanRaaphorst, Oakland Township, stated that the time to act was eight months ago, and noted that the public forum held was not a serious event where people could truly learn how the potential for oil and gas exploration could impact their home values and lifestyles. She commented that the residents have been the ones to save the day with their involvement.

Andreas Mai, 1978 Watson Circle, stated that it was about time that Council made a 180-degree turn, and commented that more is needed beyond a moratorium. He noted that the leases should be voided and everything done that is possible to keep the oil industry out of the community. He questioned what the next plan of action would be.

Council Discussion:

President Hooper responded to public comment, noting that the specifics of the lawsuit could not be discussed. He pointed out that private leases signed are matters that the City is not involved in. He commented that Senate Bill 1026 is a game-changer and the City must get behind the State to change the regulations and give support back to the local communities. He explained that a successful

adoption of the proposed resolution would send the ordinances to the Planning Commission, and those who have commented over time will receive notice when the Commission will take up the issue. He requested Mr. Staran comment on any legal issues.

City Attorney Staran responded to questions regarding the length of the proposed moratorium, noting that he believes a six month moratorium will be enforceable. He noted that if the well-siting permit was already in process in Scio Township, the timing could have affected the moratorium process and why the oil company proceeded despite its passage. He stated that it is his opinion that the moratorium meets the criteria under case law that would allow it to be enforceable, as the courts have generally upheld them in limited circumstances when they are for a short temporary period of time for a specific purpose to allow something legitimate and specific to happen. He added that within six months the City should have a very good idea of what the ultimate outcome of Senate Bill 1026 will be; and should provide the Planning Commission with adequate time to undertake and complete the ordinance process for submission to City Council. He pointed out that the moratorium could be considered for an extension. He commented that there is no question that a moratorium of a ten-year length, for instance, would be thrown out by the courts. He mentioned that if adopted tonight, it would be effective immediately, as there are no pending permit applications. He noted that while there are very few locations under State Law where a siting could take place in the city, the moratorium would prevent any well siting for the next six months.

President Hooper commented that the oil company must prove to the Supervisor of Wells that they have a significant portion of an area under lease that they intend to extract the oil and gas from it prior to the issuance of a permit. He noted that he would imagine that leases were obtained in Shelby Township or adjacent Rochester to allow for the permit issuance and installation of a well there. He pointed out that the company does not have to have 100 percent of the leases needed, as those not signing can be included in a compulsory pool. He stated that the moratorium would prohibit a vertical well location in Rochester Hills. He questioned whether any Council Member had any additional comments or would like to propose a motion.

A motion was made by Tisdel, seconded by Kochenderfer, that this matter be Adopted by Resolution. The motion carried by the following vote:

Aye 4 - Hooper, Kochenderfer, Tisdel and Webber

Absent 3 - Brown, Morita and Wiggins

Enactment No: RES0190-2014

WHEREAS, the City has and continues to receive an outpouring of input from residents and the general public expressing concern about possible adverse effects of oil and gas exploration and development in Rochester Hills relating to pollution of land, water and air; protection of natural resources and environment; odor; noise; truck traffic; property values; accidents and spills, zoning; incompatibility; quality of life; and public health, safety and general welfare; and

WHEREAS, circumstances surrounding oil and gas exploration and development in proximity to populated residential areas continue to change and develop with the recent

siting of an exploratory oil well in the northwest part of adjacent Shelby Township raising concern over noise, lights, odor, safety, compatibility and the Michigan Department of Environmental Quality's experience, resources and ability to properly oversee and regulate oil drilling and development in a populated suburban residential setting; and

WHEREAS, Senate Bill 1026 has been introduced in the State Legislature by Senators Brandenburg and Rocca and referred to the Committee on Natural Resources, Environment and Great Lakes. If enacted, Senate Bill 1026 will materially alter state law concerning oil and gas development by not authorizing the drilling of oil or gas wells in cities or townships with populations of 70,000 or more, which would effectively ban oil well siting in Rochester Hills; and

WHEREAS, more time is needed to allow the state legislative process to proceed regarding Senate Bill 1026; and also to further study, consider and adopt, within the confines of applicable state and federal law, appropriate local regulations of oil and gas well siting and drilling in the City.

THEREFORE, BE IT RESOLVED that effective immediately for a period of six (6) months, through February 26, 2015, a moratorium is hereby established on the consideration, review or action by any City boards, departments, officials, employees and/or agents on applications, proposals, requests, permits, approvals, zoning compliance or certificates regarding oil and gas well siting and drilling operations in the City, and that during the moratorium period, no oil and gas well siting or drilling shall be allowed to take place in the City.

BE IT FURTHER RESOLVED that the Rochester Hills City Council fully endorses and offers its assistance in support of Senate Bill 1026.

BE IT FURTHER RESOLVED that the Rochester Hills City Council directs the City Planning Commission to, with all due diligence, consider, develop and recommend to City Council local ordinances to regulate oil and gas well siting and drilling, pipelines and other aspects of oil and gas exploration, development, processing and transport as determined to be appropriate, necessary and lawful to protect and balance property rights; protect, preserve and conserve our environment, natural resources and community character and values, and to protect and promote the public health safety and general welfare of the City and its residents.

BE IT FURTHER RESOLVED that the City Clerk is requested to forthwith transmit a certified copy of this resolution to the Governor, Oakland County Executive, Oakland County Board of Commissioners, State Supervisor of Oil Wells, State Senators Brandenburg and Rocca, the State Senate Committee on Natural Resources, Environment and Great Lakes, the State House and Senate majority and minority leaders, State Senator Marleau, and State Representatives McMillin and Greimel.

PUBLIC COMMENT

None.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

None.

ANY OTHER BUSINESS

None.

NEXT MEETING DATE

Regular Meeting - Monday, September 8, 2014 - 7:00 p.m.

ADJOURNMENT

There being no further business before Council, President Hooper adjourned the meeting at 7:22 p.m.

*GREG HOOPER, President
Rochester Hills City Council*

*TINA BARTON, MMC, Clerk
City of Rochester Hills*

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

Approved as presented at the October 6, 2014 Regular City Council Meeting.