



Rochester Hills Minutes City Council Regular Meeting

1000 Rochester Hills Drive
Rochester Hills, MI 48309
(248) 656-4660
Home Page:
www.rochesterhills.org

*Erik Ambrozaitis, Jim Duistermars, Barbara Holder, Greg Hooper,
Linda Raschke, James Rosen, Ravi Yalamanchi*

Wednesday, January 10, 2007

7:30 PM

1000 Rochester Hills Drive

CALL TO ORDER

President Rosen called the Regular Rochester Hills City Council Meeting to order at 7:37 p.m. Michigan Time.

ROLL CALL

Present: Erik Ambrozaitis, Jim Duistermars, Barbara Holder, Greg Hooper, Linda Raschke, James Rosen and Ravi Yalamanchi

Others Present:

*Ed Anzek, Director of Planning/Development
Bryan Barnett, Mayor
Dan Casey, Manager of Economic Development
Bob Grace, Director of MIS
Jane Leslie, City Clerk
Roger Rousse, Director of DPS/Engineering
Leanne Scott, City Council Coordinator
John Staran, City Attorney*

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Resolved that the Rochester Hills City Council approves the Agenda for the January 10, 2007 Regular Meeting with the following addition:

Add under NEW BUSINESS following Legislative File 2007-0031:

Legislative File 2007-0032 - Receive and File information regarding emergency purchase relative to watermain damage on Avon Road between Rochester Road and John R Road.

A motion was made by Yalamanchi, seconded by Raschke, to Approve Agenda as Amended.

The motion carried by the following vote:

Aye: Ambrozaitis, Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

PUBLIC COMMENT

None.

LEGISLATIVE & ADMINISTRATIVE COMMENTS

Mr. Ambrozaitis expressed his concern that the State's Governor would support the increase in speed limits on rural roads.

Mayor Barnett distributed a document to Council regarding a misunderstanding on the part of the Federal Emergency Management Agency (FEMA) that resulted in some residences receiving notices in error that their flood insurance had been cancelled. He noted that he wanted to keep Council informed in case they were contacted by concerned residents.

ATTORNEY MATTERS

City Attorney John Staran had nothing to report.

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.

- 2006-0944** Approval of Minutes - Regular City Council Meeting - August 16, 2006
Attachments: 081606 Reg Meeting MINUTES.pdf; 0944 Resolution.pdf
This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Minutes of a Regular Rochester Hills City Council Meeting held on August 16, 2006 be approved as presented.
Enactment No: RES0001-2007
- 2006-0945** Approval of Minutes - Special City Council Budget Work Session Meeting - August 22, 2006
Attachments: 082206 WS Budget MINUTES.pdf; 0945 Resolution.pdf
This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Minutes of a Special Rochester Hills City Council Budget Work Session Meeting held on August 22, 2006 be approved as presented.
Enactment No: RES0002-2007
- 2006-0950** Approval of Minutes - Special City Council Budget Work Session Meeting - August 23, 2006
Attachments: 082306 WS Budget MINUTES.pdf; 950 Resolution.pdf
This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Minutes of a Special Rochester Hills City Council Budget Work Session Meeting held on August 23, 2006 be approved as presented.
Enactment No: RES0003-2007
- 2006-0951** Approval of Minutes - Special City Council Meeting - August 24, 2006
Attachments: 082406 Spec Meeting MINUTES.pdf; 0951 Resolution.pdf
This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Minutes of a Special Rochester Hills City Council Meeting held on August 24, 2006 be approved as presented.

Enactment No: RES0004-2007

2006-0959

Approval of Minutes - Special City Council Budget Work Session Meeting - August 24, 2006

Attachments: 082406 Special WS Budget MINUTES.pdf; 0959 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Minutes of a Special Rochester Hills City Council Budget Work Session Meeting held on August 24, 2006 be approved as presented.

Enactment No: RES0005-2007

2006-0914

Adoption of the Michigan Department of Transportation (MDOT) Annual Permit Application entitled Performance and Indemnification for Governmental Bodies, to perform various maintenance activities within the roads under MDOT jurisdiction during the year of 2007

Attachments: Agenda Summary.pdf; MDOT Annual Permit Request Letter.pdf; MDOT Form 2205B - Annual Permit App.pdf; MDOT Form 2207B - Perf Res for Gov Body.pdf; 0914 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

PERFORMANCE RESOLUTION FOR GOVERNMENT BODIES

This Performance Resolution is required by the Michigan Department of Transportation for purposes of issuing to a municipal utility an "Individual Permit for Use of State Trunkline Right of Way" (form 2205), or an "Annual Application and Permit for Miscellaneous Operations Within State Trunkline Right of Way" (form 2205B).

RESOLVED WHEREAS, the City of Rochester Hills, hereinafter referred to as the "GOVERNMENTAL BODY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utility or other facilities, or to conduct other activities, on, over, and under state trunkline right of way at various locations within and adjacent to its corporate limits;

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the GOVERNMENTAL BODY agrees that:

Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law.

This Agreement is not intended to increase either party's liability for, or immunity from, tort claims.

This Agreement is not intended nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.

1. Any work performed for the GOVERNMENTAL BODY by a contractor or subcontractor will be solely as a contractor for the GOVERNMENTAL BODY and not as a contractor or agent of the DEPARTMENT. Any claims by any contractor or subcontractor will be the sole responsibility of the GOVERNMENTAL BODY. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL BODY, or their subcontractors or any other person not a party to the PERMIT without its specific prior written consent and notwithstanding the issuance of the PERMIT.
2. The GOVERNMENTAL BODY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.
3. It will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State trunkline right of way resulting from the installation construction, operation and/or maintenance of the GOVERNMENTAL BODY'S facilities according to a PERMIT issued by the DEPARTMENT.
4. With respect to any activities authorized by PERMIT, when the GOVERNMENTAL BODY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.
5. The incorporation by the DEPARTMENT of this resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.
6. This resolution shall continue in force from this date until cancelled by the GOVERNMENTAL BODY or the DEPARTMENT with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the GOVERNMENTAL BODY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED, that the following position(s) are authorized to apply to the Michigan Department of Transportation for the necessary permit to work within state trunkline right of way on behalf of the GOVERNMENTAL BODY.

Name And/or Title

Paul M. Davis, P.E., City Engineer

Tracey A. Balint, P.E., Project Engineer

Paul G. Shumejko, P.E., PTOE, Transportation Engineer

Enactment No: RES0006-2007

2006-0949

Approval of Agreements and Request for Authorization for the Mayor to execute the necessary agreements on behalf of the City to participate in Wireless Oakland for Wireless Internet access throughout Oakland County

Attachments: Agenda Summary.pdf; 010407 Memo Grace.pdf; Wireless Oakland Phase One Deployment Starts in 2007.pdf; Phase II Exh A.pdf; Phase II Exh B.pdf; Phase II Interlocal agreement.pdf; Executed Final Michtel Contract.pdf; 0949 Resolution.pdf

Mr. Yalamanchi thanked Mr. Bob Grace, Director of MIS, for providing answers to questions posed by Council at the previous Council meeting.

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council approves the agreements for the City's participation in Wireless Oakland, and authorizes the Mayor to execute the necessary agreements on behalf of the City and accepts and binds the City of Rochester Hills to the terms and conditions of the agreements.

Enactment No: RES0007-2007

2007-0011

Request for Purchase Authorization - CLERK: Blanket purchase order for presorted mail in the amount not-to-exceed \$32,000; Postmaster - Rochester, Rochester, MI

Attachments: Agenda Summary.pdf; 0011 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to Postmaster-Rochester, Rochester, Michigan, for the purchase of presorted mail in the amount not-to-exceed \$32,000 through December 31, 2007.

Enactment No: RES0008-2007

2007-0012

Request for Purchase Authorization - CLERK: Blanket purchase order for Postage by Phone in the amount not-to-exceed \$50,000; Pitney Bowes, Inc., Louisville, KY

Attachments: Agenda Summary.pdf; 0012 Resolution.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Resolved that the Rochester Hills City Council hereby authorizes a Blanket Purchase Order to Pitney Bowes, Inc. - Postage by Phone in the amount not-to-exceed \$50,000 through December 31, 2007.

Enactment No: RES0009-2007

Passed The Consent Agenda

A motion was made by Yalamanchi, seconded by Hooper, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:

Aye: Ambrozaitis, Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

ORDINANCE FOR ADOPTION

2006-0722

Acceptance for Second Reading and Adoption - an Ordinance to repeal existing Section 138-47 and to add replacement Section 138-47 to Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to establish a temporary moratorium suspending the City's processing and acceptance of applications and plans for development or alteration of lands with steep slopes, to prescribe a penalty for violations, and to repeal inconsistent or conflicting ordinances

Attachments: Agenda Summary.pdf; 100406 Agenda Summary.pdf; 092706 Letter Staran.pdf; Ordinance Amendment.pdf; Mayor 09-27-06 Memorandum.pdf; 100406 Resolution.pdf; First Reading Agenda Summary.pdf; 112106 Memo Anzek.pdf; 112106 Planning Commission Minutes.pdf; First

City Attorney John Staran explained two changes to the language of the Steep Slope Moratorium Ordinance: 1) a specific expiration date of July 2nd had been added and 2) it now clarified that the ordinance pertains to the entire parcel of property and not just the steep slope.

PUBLIC COMMENT:

Mr. Dan Keifer, 719 South Fieldstone, representing the Clinton River Watershed Council (CRWC), reiterated his and the CRWC's support for the moratorium.

Mr. Sam LoChirco, 3151 Merrett Court, Shelby Township, expressed concern about the changes and how they will impact his ability to develop property he currently owns. He noted that homebuyers will pay a premium for homes facing steep slopes or with walkout basements as a result of steep slopes. He stressed that he would like to work together with the City and asked what is expected of him as a builder.

Mr. Robert Lindh of Urban Land Consultants, 8800 23 Mile Road, Shelby Township, representing Mr. LoChirco's project, questioned how this project will be impacted by the new ordinance.

Mr. Tom Stevenson, 708 River Bend Drive, noted that he lives adjacent to the property Mr. LoChirco wishes to develop and expressed concern with the issue of erosion should the project be built.

COUNCIL DISCUSSION:

Mr. Staran clarified that the moratorium represents only a temporary cessation of development of steep slope properties. He stressed that the intent was to allow time for the City to create a more comprehensive steep slope ordinance that would outline specific requirements having to do with such things as setbacks. He stressed that the ordinance was intended to be regulatory rather than prohibitive and that the final version of the ordinance will provide guidance for developers in preserving the stability of their steep slopes.

A motion was made by Ambrozaitis, seconded by Raschke, that this matter be Accepted for Second Reading and Adoption by Resolution.

Resolved that an Ordinance to repeal existing Section 138-47 and to add replacement Section 138-47 to Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to establish a temporary moratorium suspending the City's processing and acceptance of applications and plans for development or alteration of lands with steep slopes, to prescribe a penalty for violations, and to repeal inconsistent or conflicting ordinances has hereby been accepted for second reading and adoption and shall become effective on Friday, January 19, 2007 following its publication on Thursday,

January 18, 2007 in the Rochester Eccentric Newspaper.

The motion carried by the following vote:

Aye: Ambrozaitis, Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

Enactment No: RES0010-2007

2006-0788

Acceptance for Second Reading and Adoption - an Ordinance to amend Articles II through V of Chapter 82, Personnel, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to clarify Employee Appeal Procedure and Qualifications for the Employee Pension and Group Insurance Plans, repeal conflicting Ordinances, and prescribe a penalty for violations

Attachments: Agenda Summary.pdf; 12/13/06 Agenda Summary.pdf; Ordinance Amendment.pdf; First Reading Agenda Summary.pdf; First Reading Resolution.pdf; 111406 AIS Minutes.pdf; 12/13/06 Resolution.pdf; 0788 Resolution.pdf

Mr. Yalamanchi acknowledged that Ms. Pam Lee, Director of Human Resources, had clarified the issue he had raised during the previous Council meeting and that he had been mistaken in thinking there was a contradiction in the language of the ordinance.

A motion was made by Yalamanchi, seconded by Holder, that this matter be Accepted for Second Reading and Adoption by Resolution.

Resolved that an Ordinance to amend Articles II through V of Chapter 82, Personnel, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to clarify Employee Appeal Procedure and Qualifications for the Employee Pension and Group Insurance Plans, repeal conflicting Ordinances, and prescribe a penalty for violations, is hereby accepted for Second Reading and Adoption and shall become effective on Friday, January 19, 2007 the date following its publication in the Eccentric Newspaper on Thursday, January 18, 2007.

The motion carried by the following vote:

Aye: Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

Nay: Ambrozaitis

Enactment No: RES0011-2007

UNFINISHED BUSINESS

2006-0858

Request to establish an Industrial Development District at 2965 Technology Drive, Rochester Hills, MI 48309

Attachments: Agenda Summary.pdf; 121306 Agenda Summary.pdf; Public Hearing Notice.pdf; Letter Requesting IDD.pdf; Establish Public Hearing Resolution.pdf; 0858 Resolution.pdf

Mr. Ambrozaitis questioned whether the recent requests for tax abatements was due to the previous Council's adoption of a Tax Abatement Policy.

Mr. Dan Casey, Manager of Economic Development, noted that, due to the current economic climate, cities, counties and states are becoming more aggressive in retaining businesses; however, he stressed that there has not actually been an increase in requests for tax abatements from the previous year. He did note that, although he felt the policy was very effective, if Council considered the policy "too open" and not restrictive enough,

it could be amended at any time. Mr. Casey was unable to predict whether there would be an increase in requests for tax abatements in 2007.

A motion was made by Yalamanchi, seconded by Raschke, that this matter be Adopted by Resolution.

Whereas, American Axle and Manufacturing, Inc., as owner of certain industrial property in the City of Rochester Hills, Oakland County, Michigan, has filed a request with the City of Rochester Hills City Council for the establishment of an Industrial Development District (IDD) under the "Plant Rehabilitation and Industrial Development Districts Act of 1974," as amended; and

Whereas, the request to establish the Industrial Development District was received by the City on November 11, 2005; and

Whereas, the proposed industrial development district is that property located at 2965 Technology Drive, Rochester Hills, Michigan, more particularly described as:

**E, SEC 29 & 30 ROCHESTER HILLS EXECUTIVE PARK S 207 FT OF LOT 35,
ALSO ALL OF LOT 36 6/9/03 FR 009 & 010.**

Whereas, the Rochester Hills City Council held a public hearing regarding this request at the Work Session Meeting of January 3, 2007 at 7:30 p.m. in the Council Chambers, at 1000 Rochester Hills Drive, Rochester Hills, Michigan, during which the owner of the property and all interested parties were given the opportunity to be heard; and

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

Now, Therefore, Be It 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 as an Industrial Development District.

The motion carried by the following vote:

Aye: Ambrozaitis, Duisternars, Holder, Hooper, Raschke, Rosen and Yalamanchi

Enactment No: RES0012-2007

2006-0857

Request for an Industrial Facilities Exemption Certificate (IFT) for personal property at 2965 Technology Drive, Rochester Hills, MI 48309

Attachments: Agenda Summary.pdf; Company Overview.pdf; 121306 Agenda Summary.pdf; Public Hearing Notice.pdf; Application.pdf; Financial Analysis-Personal.pdf; Set Public Hearing Resolution.pdf; 0857 Resolution.pdf

President Rosen noted that Council needed to determine the length of this tax abatement.

Mr. Yalamanchi moved the motion for an eight-year tax abatement.

A motion was made by Yalamanchi, seconded by Hooper, that this matter be Adopted by Resolution.

Whereas, American Axle and Manufacturing, Inc., as owners of certain industrial property in the City of Rochester Hills, Oakland County, Michigan, is 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 2965 Technology Drive, Rochester Hills, Michigan, more particularly described as follows:

**E, SEC 29 & 30 ROCHESTER HILLS EXECUTIVE PARK S 207 FT OF LOT 35,
ALSO ALL OF LOT 36 6/9/03 FR 009 & 010.**

Whereas, American Axle and Manufacturing, Inc., 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 to consider this request was held on January 3, 2007 at 7:30 p.m. in the Council Chambers, located at 1000 Rochester Hills Drive, in Rochester Hills, Michigan, during which the owner of the property and all interested parties were given the 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 retain and 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.

Now, Therefore, Be It 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 American Axle and Manufacturing, Inc. for an Industrial Facilities Exemption Certificate for a period of eight (8) years for personal property only; and

Be It Further Resolved that the accompanying Development Agreement between American Axle and Manufacturing, Inc. and the City of Rochester Hills is hereby approved after review by the City Attorney as to form, and is to be sent to the Department of Treasury and the State Tax Commission along with this resolution.

The motion carried by the following vote:

Aye: Ambrozaitis, Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

Enactment No: RES0013-2007

NEW BUSINESS

2006-0961

Request to schedule a Public Hearing to establish an Industrial Development District at 1840 Enterprise and 2560 Commerce, Rochester Hills, MI 48309 on January 24, 2007

Attachments: Agenda Summary IDD.pdf; 011007 Agenda Summary.pdf; Application.pdf; Tesla Lease.pdf; Set Public Hearing Resolution.pdf; Public Hearing Notice.pdf; Resolution.pdf

President Rosen noted that, due to the timing of this request, the City was not able to schedule the Public Hearing for a Work Session prior to making the final decision at a Regular Council meeting immediately following the public hearing.

Mr. Dan Casey, Manager of Economic Development, explained that this particular tax abatement request was deemed a Michigan Economic Growth Authority (MEGA) project by the State of Michigan, which would impact some of the rules by which approval would be made. He explained that typically the State's MEGA Board would require the City's approval prior to their consideration; however, due to the timing of this project and the need to publish notices of the Public Hearing, Council approval would have to follow the MEGA Board decision. He assured Council that the MEGA Board was aware of, and comfortable with, this circumstance.

A motion was made by Yalamanchi, seconded by Hooper, that this matter be Adopted by Resolution.

Whereas, First Industrial Realty Trust has filed a request for the establishment of an Industrial Development District for property it owns, identified as 1840 Enterprise and 2650 Commerce, also known as Parcel number 15-28-301-036; and

Whereas, Public Act 198, of 1974, as amended, requires that City Council hold a public hearing before considering the request.

Resolved to schedule the Pubic Hearing for City Council's Regular Meeting on January 24, 2007; and

Be it Further Resolved to send a certified copy of this Resolution to First Industrial Realty Trust, attention Larry Emmons, 2000 Town Center, Suite 2330, Southfield, Michigan 48075.

The motion carried by the following vote:

Aye: Ambrozaitis, Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

2006-0960

Request to schedule a Public Hearing regarding the request for an Industrial Facilities Exemption Certificate (IFT) at 1840 Enterprise, Rochester Hills, MI 48309 on January 24, 2007

Attachments: Agenda Summary IFT.pdf; Development Agreement.pdf; AA Financial Analysis-Personal.pdf; District Map.pdf; 011007 Agenda Summary.pdf; Legal Description.pdf; Set Public Hearing Resolution.pdf; Public Hearing Notice.pdf; Resolution.pdf

A motion was made by Ambrozaitis, seconded by Hooper, that this matter be Adopted by Resolution.

Whereas, Tesla Motors has filed a request for the establishment of an Industrial Development District for property it plans to acquire, to be located at 1840 Enterprise, also known as Parcel number 15-28-301-036; and

Whereas, Tesla Motors filed an application for an Industrial Facilities Exemption Certificate on January 3, 2007; and

Whereas, Public Act 198, of 1974, as amended, requires that City Council hold a public hearing before considering the request and must render a decision within 60 days of receipt of the application.

Resolved to schedule the Pubic Hearing for City Council's Regular Meeting of January 24, 2007; and

Be It Further Resolved to authorize the City Clerk's office to publish notice of the public hearing in the Rochester Eccentric on Thursday, January 18, 2007; and

Be It Further Resolved to send a certified copy of the notice to John Thomas, Tesla Motors, 1814 Chase Drive, Rochester, Michigan 48307, no later than Monday, January 15, 2007; and

Be It Finally Resolved to send a certified copy of the notice to all taxing jurisdictions and the City's Assessor no later than Monday, January 15, 2007.

The motion carried by the following vote:

Aye: Ambrozaitis, Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

2007-0032

Receive and File information regarding emergency purchase relative to watermain damage on Avon Road between Rochester Road and John R Road

Attachments: 0032 Agenda Summary.pdf; 010807 Memo from J Farris.pdf; 010807 Report from R Rouse.pdf; 0032 Resolution.pdf

Mr. Roger Rouse, Director of DPS/Engineering, explained that a private contractor damaged a large transmission water main on Avon Road. He indicated that it was necessary for the City to implement emergency repairs in the interest of restoring residential water service and fire service as soon as possible. He noted that the City would seek total reimbursement through the private contractor that was bonded and insured for just such a circumstance.

President Rosen explained that under such emergency circumstances the Mayor has the authority to approve such an expense, at which point City Council is simply required to "receive and file" the pertinent information related to the expense.

A motion was made by Raschke, seconded by Yalamanchi, that this matter be Received and Filed by Resolution.

Resolved that the Rochester Hills City Council Receives and Files the memorandum dated January 8, 2007 from Jean Farris, Supervisor of Procurement, regarding Watermain Damage and the report dated January 8, 2007 from Roger Rouse, Director of DPS/Engineering, regarding Watermain Damage on Avon Road between Rochester Road and John R Road.

The motion carried by the following vote:

The motion carried by the following vote:

Aye: Ambrozaitis, Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

Enactment No: RES0016-2007

COUNCIL COMMITTEE REPORTS

Ms. Holder and Mayor Barnett reported on the progress of the Rochester Hills Government Youth Council (RHGYC) noting that their projects this year focus on poverty and that the Youth Council will be attending the upcoming Michigan Municipal League Legislative Conference in Lansing. Mayor Barnett stressed the RHGYC is becoming the "premier" Youth Council in Michigan.

President Rosen noted that he is working towards establishing a Strategic Planning Committee by the end of the month.

ANY OTHER BUSINESS

PUBLIC COMMENT:

Mr. Lee Zendel, 1575 Dutton Road, noting that Council would soon be prioritizing their efforts to address problems in the City, urged Council to disregard the plan to examine the possibility of contracting all emergency dispatch services through the Oakland County Sheriff's Department.

COUNCIL DISCUSSION:

President Rosen urged Council members to determine their priorities for addressing various issues in the City, including the expiring police millage and local roads, and forward those lists to the Clerk's Department by Monday, January 15th for discussion during an upcoming Council meeting.

Council members expressed their concern that very few issues could be addressed other than the police millage and local roads issues.

Mr. Yalamanchi, referring to the Mayor's request to perform a survey of residents, requested a more comprehensive approach to strategic planning for the City.

Mayor Barnett stressed that the City survey he had proposed was never intended to be a comprehensive strategic plan, but rather an inexpensive tool to gather some information quickly.

Mr. Ambrozaitis expressed his opposition to the expenditure of \$5,000 for this survey.

NEXT MEETING DATE

Joint Work Session Meeting with Planning Commission - Wednesday, January 17, 2007 at 7:30 p.m.

ADJOURNMENT

There being no further business before Council, President Rosen adjourned the meeting at 8:46 p.m.

*JAMES ROSEN, President
Rochester Hills City Council*

*JANE LESLIE, Clerk
City of Rochester Hills*

*MARGARET A. CASEY
Administrative Secretary
City Clerk's Office*

Approved as presented at the March 28, 2007 Regular City Council Meeting.