REGULAR MEETING
ROSEVILLE CITY COUNCIL

CIVIC CENTER COUNCIL CHAMBERS
29777 GRATIOT AVENUE
ROSEVILLE, MI 48066
(586) 445-5440

TUESDAY, OCTOBER 14, 2008
7 P.M.

ROLL CALL

PRESENT:

Mayor	Harold Haugh
Councilpersons	Salvatore Aiuto
	John Chirkun
	Colleen McCartney
	Bill Shoemaker
	Robert Taylor

ABSENT: Jan Haggerty (excused)

OTHERS PRESENT:

City Manager	Stephen Truman
City Clerk	Richard Steenland
City Attorney	Tim Tomlinson

Mayor Harold Haugh called the meeting to order at 7 p.m. with the Pledge of Allegiance led by Cub Scout Ken.

COUNCILMAN JOHN CHIRKUN moved, COUNCILWOMAN COLLEEN MCCARTNEY seconded to excuse absent Councilwoman Jan Haggerty.
MOTION CARRIED UNANIMOUSLY

PRESENTATIONS AND PROCLAMATIONS

a. Presentation of Proclamation proclaiming October 19 – 25, 2008 as Friends of the Library Week in Roseville.

Mayor Harold Haugh presented Pat Chownyk and Carol Huck with a proclamation in honor of Friends of the Library Week in Roseville from October 19-25, 2008. Mrs. Huck thanked the Mayor and Council and recognized Friends of the Library members Phyllis Reneau, Lenora Wille and Dorothy Zaporski who were present in the audience this evening.

b. Presentation of Certificates to businesses that have been located in Roseville for 50 or more years.

Mayor and Council presented the following business representatives with a Certificate in honor of operating their businesses in Roseville for 50+ years:

Bob Quaine, Bob's Barber Shop
Tim McGillen, Kaul Funeral Home
Ray DeSteiger, Ray Electric
Brent Patterson, Peninsular Cylinder Co.
Jerry Orlando, J&L Collision
Charmaine Schick, Charmaine Studio of Dance
Marcia Connelly, Cooks the Lamp Shaders
Fred Goldberg, Gratiot Center Associates
Attorney Kenneth Martin

I. ROUTINE MATTERS

1. Approval of minutes of the Regular Meeting held September 23, 2008.

COUNCILMAN JOHN CHIRKUN moved, COUNCILMAN SALVATORE AIUTO seconded to approve minutes of the Regular Meeting held September 23, 2008.
MOTION CARRIED UNANIMOUSLY

2. Approval of Disbursement List.

COUNCILMAN BILL SHOEMAKER moved, COUNCILMAN ROBERT TAYLOR seconded to approve Disbursement List #7 dated September 24, October 1 & 14.
MOTION CARRIED UNANIMOUSLY

II. CORRESPONDENCE

City Clerk Richard Steenland reminded voters about the Presidential Election on November 4, 2008 and announced that absentee ballots have been mailed out; if a voter requested a ballot and has not received it please contact the Clerk's Office.

Mr. Steenland stated that the State of Michigan is predicting a large voter turn out; Mr. Steenland encouraged anyone who is eligible to vote absentee to do so.

Mayor Harold Haugh congratulated City Clerk Steenland for implementing the new drop boxes outside of City Hall.

III. HEARING OF THE PUBLIC

No one from the public wished to be heard.

IV. NEW BUSINESS

1. Request adoption of Resolution and Abatement of Public Nuisance, parcel number 14-17-155-013, commonly known as 28068 Rosemont, Jerry Bolinger, owner of record.

   City Attorney Tim Tomlinson explained to Council that this house has been vacant for a long period of time and he is requesting that Council adopt the resolution as presented to start nuisance abatement proceedings in Circuit Court.

COUNCILMAN JOHN CHIRKUN moved, COUNCILMAN SALVATORE AIUTO seconded to adopt the Resolution and Abatement of Public Nuisance, parcel number 14-17-155-013, commonly known as 28068 Rosemont as follows:

WHEREAS, the Building Director for the City of Roseville, Mr. Glenn Sexton, has determined that the property at the following location:

Lot 528, Felician Manor Subdivision No. 1, according to the plat thereof as recorded in liber 7, page(s) 61 of Plats, Macomb County Records.

Parcel ID No. 14-17-155-013

more commonly known as 28068 Rosemont, Roseville, Michigan has become and does present an immediate and continuous danger and hazard to the health, safety and welfare of the residents of the City of Roseville, for the following described reasons: the house is vacant; the windows are broken; there is a junk vehicle in the driveway; and the property has been in a continuous state of disrepair for over seventeen years; and thus, presents a threat to the health, safety and welfare of the general public, and

WHEREAS, the Director of Building and Inspection has notified the owner, Jerry Bolinger, of the above described property of the condition of the property and has demanded that same be corrected; and

WHEREAS, the owner has failed, refused and neglected to correct said violations and comply with building and health ordinances of the City of Roseville; and

WHEREAS, the existence of the above described property in its present condition is a present, immediate and continuous danger and hazard to the health, safety and welfare of the residents of the City of Roseville, and must be abated and removed;

NOW, THEREFORE, IT IS HEREBY RESOLVED:

1. That the property at the afore described location for the afore described reasons is a present, immediate and continuous danger and hazard to the health, safety and welfare of the residents of the City of Roseville, and said violations and dangerous conditions must be abated and removed.

2. That the afore described property be and is hereby declared a public nuisance, and it is hereby ordered that all code violations and dangerous conditions existing on said property be abated and removed.

3. That the Attorney for the City of Roseville and the Director of Building and Inspection for the City of Roseville are hereby authorized to commence all necessary actions to clean up the property pursuant to Section 203-9 of the Code for the City of Roseville, and abate said public nuisances; that all costs incurred by the City of Roseville to abate said nuisances, plus interest at seven (7%) percent per annum, shall become a lien for the benefit of the City of Roseville on all or part of the real property where the violations are located, and such liens shall be of the same character and effect as created by the Roseville City Charter for taxes.

MOTION CARRIED UNANIMOUSLY

2. Request adoption of Resolution and Abatement of Public Nuisance, parcel number 14-17-155-029, commonly known as 28065 Waverly, Jerry Bolinger, owner of record.

   City Attorney Tim Tomlinson explained to Council that this house has been vacant for a long period of time and he is requesting that Council adopt the resolution as presented to start nuisance abatement proceedings in Circuit Court.

COUNCILWOMAN COLLEEN MCCARTNEY moved, COUNCILMAN JOHN CHIRKUN seconded to adopt the Resolution and Abatement of Public Nuisance, parcel number 14-17-155-029, commonly known as 28065 Waverly as follows:

WHEREAS, the Building Director for the City of Roseville, Mr. Glenn Sexton, has determined that the property at the following location:

Lot 481, Felician Manor Subdivision No. 1, according to the plat thereof as recorded in liber 7, page(s) 61 of Plats, Macomb County Records.

Parcel ID No. 14-17-155-029

more commonly known as 28065 Waverly, Roseville, Michigan has become and does present an immediate and continuous danger and hazard to the health, safety and welfare of the residents of the City of Roseville, for the following described reasons: the house is vacant; the windows are broken; the yard is not being maintained; the garage is dilapidated; and the property has been in a state of disrepair for over twenty years and, thus, presents a threat to the health, safety and welfare of the general public, and

WHEREAS, the Director of Building and Inspection has notified the owner, Jerry Bolinger, of the above described property of the condition of the property and has demanded that same be corrected; and

WHEREAS, the owner has failed, refused and neglected to correct said violations and comply with building and health ordinances of the City of Roseville; and

WHEREAS, the existence of the above described property in its present condition is a present, immediate and continuous danger and hazard to the health, safety and welfare of the residents of the City of Roseville, and must be abated and removed;

NOW, THEREFORE, IT IS HEREBY RESOLVED:

1. That the property at the afore described location for the afore described reasons is a present, immediate and continuous danger and hazard to the health, safety and welfare of the residents of the City of Roseville, and said violations and dangerous conditions must be abated and removed.

2. That the afore described property be and is hereby declared a public nuisance, and it is hereby ordered that all code violations and dangerous conditions existing on said property be abated and removed.

3. That the Attorney for the City of Roseville and the Director of Building and Inspection for the City of Roseville are hereby authorized to commence all necessary actions to clean up the property pursuant to Section 203-9 of the Code for the City of Roseville, and abate said public nuisances; that all costs incurred by the City of Roseville to abate said nuisances, plus interest at seven (7%) percent per annum, shall become a lien for the benefit of the City of Roseville on all or part of the real property where the violations are located, and such liens shall be of the same character and effect as created by the Roseville City Charter for taxes.

   MOTION CARRIED UNANIMOUSLY

3. Request adoption of Ordinance to amend the City of Roseville Code of Ordinances repealing and amending Chapter 340, Article VII, to provide for Winter Parking restrictions title, purpose, definitions,

declaration of Snow Emergency, duration of parking prohibition, impounding of vehicles and presumption of ownership thereof, prohibited conduct regarding Winter Parking within the City, to provide for repealer, severability, and effective date.

City Manager Stephen Truman explained the revisions in this ordinance to Council. This item was reviewed with Council, the Citizens Advisory Committee, The Department of Public Works, the Police Department and the City Attorney. The primary goals of the revised ordinance are to recognize the fact that winter parking restrictions need to be in place because snow may occur before December 1 and after February 28. If snow or ice is on the ground, parking will be restricted between the hours of 9 a.m. and 4 p.m., Monday through Friday to allow the streets to be plowed during regular business hours to reduce overtime costs. A provision is now in the ordinance for a snow emergency so that the streets may be plowed as soon as possible. Mr. Truman stated that this ordinance will allow the City to keep the streets clean at a reduced cost and the ability during a snow emergency to get the streets cleared as soon as possible.

The signs will be changed at the City entrances and communication pieces will be published in the local newspapers to notify the public.

City Attorney Tim Tomlinson explained that in researching this topic it was found that there is a broad range of how restrictions in other communities are handled. His office researched other community ordinances and drafted the ordinance to meet the City's needs. This ordinance includes provisions for snow emergencies and lists fines that may be issued for violation of this ordinance.

Mr. Tomlinson requests that Council adopt the Ordinance as presented.

COUNCILMAN JOHN CHIRKUN moved, COUNCILMAN ROBERT TAYLOR seconded to adopt ordinance No. 1216 to amend the City of Roseville Code of Ordinances repealing and amending Chapter 340, Article VII, to provide for winter Parking restrictions title, purpose, definitions, declaration of Snow emergency, duration of parking prohibition, impounding of vehicles and presumption of ownership thereof, prohibited conducted regarding Winter Parking within the City, to provide for repealer severability and effective date as follows:

CITY OF ROSEVILLE
MACOMB COUNTY, MICHIGAN
ORDINANCE NO. 1216

THE CITY OF ROSEVILLE ORDAINS:

AN ORDINANCE OF THE CITY OF ROSEVILLE REPEALING AND AMENDING CHAPTER 340, ARTCILE VII, TO PROVIDE FOR WINTER PARKING RESTRICTIONS TITLE, PURPOSE, DEFINITIONS, DECLARATION OF SNOW EMERGENCY, DURATION OF PARKING PROHIBITION, IMPOUNDING OF VEHICLES AND PRESUMPTION OF OWNERSHIP THEREOF, PROHIBITED CONDUCT REGARDING WINTER PARKING WITHIN THE CITY, TO PROVIDE FOR REPEALER, SEVERABILITY, AND EFFECTIVE DATE.

Section 1. Chapter 340, Article VII, Sec. 340-19 through 340-24 are hereby repealed.

Section 2. Chapter 340, Article VII, shall be amended to provide as follows:

Sec. 340-19. Short Title.

This article shall be known and cited as the "City of Roseville Winter Parking Ordinance."

Sec. 340-20. Purpose.

The purpose of this article is to protect the health, safety and general welfare of the residents and property owners in the City from hazards caused by the leaving of unattended vehicles parked on a public street or private road during the winter, including snow emergencies; such vehicles impede the safe travel upon the streets of the City, as a result of the accumulation of ice and snow which occurs

during the winter. This article is in accordance with Act No. 246 of the Public Acts of Michigan of 1945, as amended, and pursuant to the general powers of the Home Rule City Act, as amended, and the Michigan Constitution.

Sec. 340-21. Definitions.

As used in this article:

"Authorized Emergency Vehicle" shall mean a vehicle of the fire department; a police vehicle; an ambulance; a privately owned motor vehicle of a volunteer or paid firefighter; or a privately owned motor vehicle of a volunteer ambulance driver; or a licensed ambulance driver or attendant as is authorized by the department of state police.

"Commercial Motor Vehicle" shall mean a bus; a school bus; a school transportation vehicle; a motor vehicle, except a motor home having a gross vehicle weight rating of twenty-six thousand one pounds (26,001 lbs) or more pounds; a motor vehicle towing a vehicle with a gross vehicle weight rating of more than ten thousand pounds (10,000 lbs); or a motor vehicle carrying hazardous material and on which is required to be posted a placard as defined and required under 49 CFR Parts 100 to 199. A "commercial motor vehicle" does not include a vehicle used exclusively to transport personal possessions or family members for non-business purposes.

"Commercial Vehicle" shall mean every motor vehicle which is used for the transportation of passengers for hire or which is constructed or used for transportation of goods, wares or merchandise; and/or all motor vehicles designed and used for drawing other vehicles and which is not so constructed to carry any load thereof either independently or as any part of the weight of the vehicle or load so drawn.

"Motor Vehicle" shall mean every vehicle which is self propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but which is not operated upon rails.

"Police Officer" shall mean every sheriff or sheriff's deputy; officer or the police department of any city, village or township; any officer of the state police; or any peace officer who is trained and certified pursuant to Act No. 203 of the Public Acts of Michigan of 1965 (MCL 28.601 et seq., MSA 4.450(1) et seq.), as amended.

"Private Road" shall mean a privately owned and maintained road which allows access to more than one (1) residence or place of business, which is normally open to the public, and on which persons other than the owners may travel.

"Street or Highway" shall mean the entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

"Vehicle" shall mean every device in, upon, or by which any person or property is or may be transported or drawn on a highway, except devices which are moved exclusively by human power or which are used exclusively on stationary rails or tracks and except for a mobile home as defined in section 2 of Act no. 419 of the Public Acts of Michigan of 1976 (MCL 125.1102, MSA 19.855(2)), as amended.

Sec. 340-22. Winter Parking.

No person shall park any motor vehicle on any residential street within the City of Roseville between the hours of 9:00 a.m. and 4:00 p.m. between Monday and Friday if there is snow or ice on the ground. This parking prohibition on residential streets for motor vehicles shall not apply to the Christmas holiday season from 12:01 a.m. December 24 through 12:01 a.m. January 2.

Sec. 340-23. Declaration of Snow Emergency.

The City Manager, or his designated agent, may declare a snow emergency when, in his judgment, the snow or ice has accumulated or is significantly likely to accumulate to such an extent as to impede safe travel upon the streets of the City. A declaration of snow emergency shall be made in writing and filed with the City Clerk. The City Clerk shall time stamp the declaration of snow emergency. During the regular business hours of the City offices, the snow emergency shall take effect one (1) hour after such time stamping and filing with the City Clerk. At all other times, the declaration shall be filed at the beginning of the next business day at the City offices, but the snow emergency shall take effect one (1) hour after its publication to City residents. Upon declaration of a snow emergency, the City Manager or his designated agent, shall immediately publicize the snow emergency and the parking prohibition in a manner reasonably calculated to inform City residents of their responsibilities.

Sec. 340-24. Duration of Parking Prohibition - Snow Emergency.

The snow emergency parking prohibition shall begin when the snow emergency takes effect, one (1) hour after the City Manager or his designated agent has declared a snow emergency. The prohibition shall end when both the following conditions have been satisfied:

(a) The snow, sleet, or ice has stopped; and

(b) An individual street has been completely snow plowed by the City from curb-to-curb.

The parking prohibition shall expire thirty-six (36) hours after the weather conditions creating the emergency have stopped, unless the snow emergency is extended by action of the City Manager or his designated agent. Such an extension shall require that the procedures outlined in Section 340-23 of this article be repeated.

Sec. 340-25. Abandoned and Disabled Vehicle.

Whenever a vehicle becomes disabled for any reason on any street during a parking prohibition or snow emergency, the owner or person operating the vehicle shall take immediate action to have the vehicle towed or pushed off the street. No person shall abandon or leave the vehicle on the street, except for the purpose of securing immediate assistance; in such cases the person securing assistance shall leave the vehicle only for the time absolutely necessary to make contact for assistance and shall return to the vehicle immediately thereafter without delay.

Sec. 340-26. Impounding Vehicles.

A police officer is hereby authorized to remove a vehicle if parked on any street during a declared snow emergency and to transport the vehicle to an impound facility utilized by the police department, Macomb County Sheriff's Department and/or state police. Towing and impound fees shall be charged to the owner of the vehicle impounded.

Sec. 340-27. Presumption of Ownership.

Proof that the particular vehicle described in the complaint in violation of this article, together with proof that the defendant named in the complaint, was, at the time of such parking, the registered owner of such vehicle, shall constitute a presumption that the registered owner of such vehicle was the person who parked or placed such vehicle in violation of this article. The failure of a defendant to receive notice of a snow emergency shall not be a defense.

Sec. 340-28. Prohibited Conduct.

It shall be unlawful for any person in the City to park a commercial vehicle, commercial motor vehicle, motor vehicle, or vehicle upon a public street or private roadway in the City during a declared snow emergency, except as otherwise provided in this article. Such prohibition is not applicable to authorized emergency vehicles.

Sec. 340-29. Penalty.

Any person who shall violate the provisions of Section 340-28 shall be responsible for a civil infraction and subject to a penalty not to exceed Fifty and 00/100 Dollars ($50.00). A person who shall violate the provisions of Section 340-22 shall be responsible for a civil infraction and subject to a penalty not to exceed Twenty and 00/100 Dollars ($20.00).

Section 3. Repealer. Any section herein that is in conflict is hereby repealed.

Section 4. Severability. If any word, clause, sentence, paragraph or provision of this ordinance is deemed to be invalid by a court of competent jurisdiction, such word, clause, sentence, paragraph or provision so designated shall be deemed severable and the remaining provisions of the ordinance shall be deemed fully enforceable.

Section 5. Effective Date. The terms and provisions of this ordinance are deemed to be an emergency ordinance which shall become effective upon publication and adoption.
MOTION CARRIED UNANIMOUSLY

4. Request awarding of bid for 2008 Emergency Full CIPP Program.

City Manager Stephen Truman explained the need for this program to Council. The acronym CIPP stands for Cured in Place Pipe. While the City videoed the sanitary storm sewer system, areas were found that need immediate repair so bid invitations were issued. The low bid meeting specifications was received from Insituform Techonologies USA, Inc in the amount of $263,491.

A new line will be placed on Academy Street to accommodate the new Steenland Elementary School so the Roseville Community Schools will reimburse the City in the amount of $30,185 plus administrative fees for this portion of the job.

Mr. Truman recommends that the bid be awarded to Insituform Technologies USA, Inc. in the amount of $263,491 which will be paid for out of the Water and Sewer line replacement account.

COUNCILMAN SALVATORE AIUTO moved, COUNCILMAN ROBERT TAYLOR seconded to award the bid for the 2008 CIPP Program to Insituform Technologies USA, Inc. in the amount of $263,491.
MOTION CARRIED UNANIMOUSLY

5. Appointments.

Mayor Harold Haugh reappointed Robert Neibel, Nancy Sunderman-Elert and Geraldine White to the Planning Commission for a three-year term.

COUNCILMAN JOHN CHIRKUN moved, COUNCILMAN ROBERT TAYLOR seconded to reappointed Robert Neibel, Nancy Sunderman-Elert and Geraldine White to the Planning Commission for a three-year term.
MOTION CARRIED UNANIMOUSLY

6. Reports of City Manager.

City Manager Stephen Truman had the following to report:

a. P.A.I.R. will host a 50's Sock Hop on Saturday, October 18.
b. Parks and Recreation will host the annual Monster Mash on Friday, October 24.
c. The City invites all residents to e-mail pictures of homes decorated for Halloween to the City to be placed on the City website and cable channel.
d. Parks and Recreation will host the fall Mom-to-Mom sale on Saturday, October 25 from 10 a.m. to 1 p.m.

e. The City's 50th Anniversary Dinner Dance will be held at Athena Hall on Tuesday, December 30 from 6:30 p.m. to 12:30 a.m.

7. Reports of City Attorney.

City Attorney Tim Tomlinson had nothing to report.

V. HEARING OF THE PUBLIC

James Goldwater, 19346 Brandt, discussed the P.A.I.R. statue at Parks and Recreation and discussed an item that was previously before the Zoning Board of Appeals.

Mayor Harold Haugh advised Mr. Goldwater to refrain from personal attacks while at the podium.

City Manager Stephen Truman discussed the ZBA item mentioned by Mr. Goldwater.

Ed Stross, 28305 Gratiot, discussed the lettering on the side of his building.

Charles Frontera, 26240 Blumfield, discussed the Visioning Session held on September 29 and commented on behavior at the podium during the public hearing.

Mr. Stross made an outburst at this point and Mayor Haugh ordered Mr. Stross removed from the building.

Terry Mergenthaler, 25801 Wiseman, reminded everyone about the City's 50th Anniversary Dinner Dance, discussed closed-door meetings and commented on labor contract negotiations.

Beverley Mason, 28925 Pinehurst, announced that the American Legion will host a Veterans Day Dinner Dance on November 8 at 6 p.m.

Mike Clover, 16279 12 Mile, discussed the new winter parking ordinance and commented on the railroad crossing at 12 Mile Road and Groesbeck.

Mayor Harold Haugh commented on the enforcement of the Winter Parking Ordinance.

Sue Carazales, Tax Associate with H&R Block in Macomb Mall, announced that there is a drop box in City Hall, the Senior Center and the Parks and Recreation building to collect items for the troops overseas until October 30. Ms. Carazales listed a number of items that are needed by the troops.

Erica Kazmierczak, 16201 Betty Ct., stated that she has been doing student teaching in other school districts and she is proud of Roseville Schools.

Timothy Hoste, 15435 Chestnut, discussed a web article pertaining to a Roseville business owner.

VI. ITEMS FOR DISCUSSION BY CITY COUNCIL

Councilman Robert Taylor reminded everyone about the Roseville High School Homecoming this weekend, the Big Bird Run on November 9, announced a fundraiser for the Benjamin Steinhauser family at St. Donald's Church on November 8 and commented on a variance granted by the Zoning Board of Appeals recently.

Councilman Salvatore Aiuto commented on the amended snow ordinance and thanked City Manager Stephen Truman and City Attorney Tim Tomlinson for their work on this ordinance.

Councilman Bill Shoemaker congratulated the businesses recognized this evening and all of the 50+ year Roseville businesses.

Councilwoman Colleen McCartney thanked the businesses for making Roseville their home for 50+ years, the Planning Commission members on their reappointment, wished City Manager Stephen Truman Happy Birthday, announced a fundraiser in the month of October at the Baskin Robbins on 10 Mile Road to benefit the 4th and 5th graders at Kaiser Elementary School and thanked H&R Block for their contribution to helping the troops.

Councilman John Chirkun thanked the 50+ year businesses, wished a speedy recovery to Councilman Robert Taylor's father, commented on the winter parking ordinance and addressed comments made at the podium during the public hearing.

Mayor Harold Haugh thanked all of the businesses in Roseville, discussed the winter parking ban, thanked City Manager Stephen Truman, City Attorney Tim Tomlinson and the CAC for their work on the revised ordinance. Mayor Haugh commented on an upcoming football game between East Detroit and Roseville and thanked all of the residents who attended the Visioning Session held September 29.

VII. ADJOURNMENT

COUNCILMAN JOHN CHIRKUN moved, COUNCILWOMAN COLLEEN MCCARTNEY seconded that the agenda having been acted upon; the meeting is hereby adjourned at 8:09 p.m.
MOTION CARRIED UNANIMOUSLY

Respectfully submitted,
RICHARD M. STEENLAND, City Clerk

Please note: A cassette tape of this meeting is on file with the City Clerk's Office for further information