REGULAR MEETING
ROSEVILLE CITY COUNCIL

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

TUESDAY, MARCH 24, 2009
7 P.M.

ROLL CALL:	Mayor	John Chirkun
	Mayor Pro Tem	Robert Taylor
	Councilpersons:	Salvatore Aiuto
		Jan Haggerty
		Frank Maisano
		Colleen McCartney
		Bill Shoemaker
ABSENT:		None

OTHERS PRESENT:

City Controller/Assistant City Manager	Peter Provenzano
City Clerk	Richard Steenland
City Attorney	Tim Tomlinson

Mayor John Chirkun called the meeting to order at 7 p.m. with the Pledge of Allegiance.

Mayor and Council observed a moment of silence in honor of the four teens who died in an automobile accident in Roseville last week.

PRESENTATIONS AND PROCLAMATIONS

a. Presentation of Proclamation to Michael Booza in honor of achieving the rank of Eagle Scout.

Mayor John Chirkun presented Michael Booza with a Proclamation in honor of achieving the rank of Eagle Scout.

I. ROUTINE MATTERS

1. Approval of minutes of Regular Meeting held March 10, 2009.

City Clerk Richard Steenland commented that Council received a corrected copy of the minutes this evening for approval; the correction is on page four under Hearing of the Public. City Manager Stephen Truman addressed a comment made during the Public Hearing in reference to Frazho Road and not Martin Road.

COUNCILWOMAN JAN HAGGERTY moved, MAYOR PRO TEM ROBERT TAYLOR seconded to approve minutes of the Regular Meeting held March 10, 2009 as corrected.
MOTION CARRIED UNANIMOUSLY

2. Approval of minutes of Special Meeting held March 17, 2009.

COUNCILMAN SALVATORE AIUTO moved, COUNCILMAN FRANK MAISANO seconded to approve minutes of the Special Meeting held March 17, 2009.
MOTION CARRIED UNANIMOUSLY

3. Approval of Disbursement List.

COUNCILMAN BILL SHOEMAKER moved, COUNCILMAN FRANK MAISANO seconded to approve Disbursement List # 18 dated March 6, 2009 through March 10, 2009.
MOTION CARRIED UNANIMOUSLY

II. CORRESPONDENCE

City Clerk Richard Steenland reminded the registered voters in precinct 17, Eastland Elementary School, that their precinct is temporarily relocated to Roseville City Hall for the May 5 School Board Election and announced the deadline to register for the May 5, 2009 Roseville School Board Election is Monday, April 6 at 4:30 p.m.

III. HEARING OF THE PUBLIC

Ed Wojciechowski, 26080 Linwood, discussed agenda item #9.

Rita Valade, Library Director, 29777 Gratiot, spoke in favor of agenda item #9.

Michael Keith, Library Board Chairperson, 29630 Ruthdale, spoke in favor of agenda item #9.

IV. NEW BUSINESS

1. Request from Father Solanus Casey Knights of Columbus to conduct their annual Tootsie Roll Drive on the city streets April 3 - 5, Mr. Michael Corcoran, petitioner.

Mike & Michael Corcoran appeared on behalf of this request.

COUNCILMAN FRANK MAISANO moved, COUNCILMAN SALVATORE AIUTO seconded to approve the request from Father Solanus Casey Knights of Columbus to conduct their annual Tootsie Roll Drive on the City streets April 3-5.

MOTION CARRIED UNANIMOUSLY

2. Request approval, per Section 14.4c of the City Charter, to publish notice regarding placing delinquent water bills on the tax rolls for collection.

   City Controller/Assistant City Manager Peter Provenzano explained to Council that the City Charter mandates that any outstanding water bills that are delinquent for at least 90 days as of May 1 of each year are placed on the tax rolls for collection. A notice must be published to notify residents of this issue. The bills that are outstanding for 90 or more days total $143,870; this amount should diminish once the notice is published. Mr. Provenzano recommended approval of the publication by Council.

MAYOR PRO TEM ROBERT TAYLOR moved, COUNCILWOMAN JAN HAGGERTY seconded to approve the publication of notice regarding placing delinquent water bills on the tax rolls for collection, per Section 14.4c of the City Charter.

MOTION CARRIED UNANIMOUSLY

3. Request adoption of Ordinance to provide a new chapter to establish charges for City of Roseville Emergency Services responding to an incident involving hazardous materials and/or substances under Public Act 102 of 1990 (MCLA 41.806a) to provide definition, impoundment of vehicle, responsibility for abatement, control and costs, liability for expenses of an emergency response, billing procedures, repealer, severability and effective date.

   City Attorney Tim Tomlinson explained that the Fire Department presented this ordinance to his Office. The new ordinance is more comprehensive and will allow the Fire Department to recover costs. Mr. Tomlinson recommended that Council adopt the ordinance as presented.

COUNCILWOMAN COLLEEN MCCARTNEY moved, COUNCILMAN SALVATORE AIUTO seconded to adopt Ordinance #1218 to provide a new chapter to establish charges for City of Roseville Emergency Services responding to an incident involving hazardous materials and/or substances under Public Act 102 of 1990 (MCLA 41.806a) to provide definition, impoundment of vehicle, responsibility for abatement, control and costs, liability for expenses of an emergency response, billing procedures, repealer, severability and effective date as follows:

TO ADOPT AN ORDINANCE TO PROVIDE FOR A NEW CHAPTER TO ESTABLISH CHARGES FOR CITY OF ROSEVILLE EMERGENCY SERVICES RESPONDING TO AN INCIDENT INVOLVING HAZARDOUS MATERIALS AND/OR SUBSTANCES UNDER PUBLIC ACT 102 OF 1990 (MCLA 41.806a) TO PROVIDE DEFINITIONS, IMPOUNDMENT OF VEHICLE, RESPONSIBILITY FOR ABATEMENT, CONTROL AND COSTS, LIABILITY FOR EXPENSES OF AN EMERGENCY RESPONSE, BILLING PROCEDURES, REPEALER, SEVERABILITY AND EFFECTIVE DATE.

CITY OF ROSEVILLE
MACOMB COUNTY, MICHIGAN

ORDINANCE NO. 1218

AN ORDINANCE TO PROVIDE FOR A NEW CHAPTER TO ESTABLISH CHARGES FOR CITY OF ROSEVILLE EMERGENCY SERVICES RESPONDING TO AN INCIDENT INVOLVING HAZARDOUS MATERIALS AND/OR SUBSTANCES UNDER PUBLIC ACT 102 OF 1990 (MCLA 41.806a) TO PROVIDE DEFINITIONS, IMPOUNDMENT OF VEHICLE, RESPONSIBILITY FOR ABATEMENT, CONTROL AND COSTS, LIABILITY FOR EXPENSES OF AN EMERGENCY RESPONSE, BILLING PROCEDURES, REPEALER, SEVERABILITY AND EFFECTIVE DATE.

THE CITY OF ROSEVILLE ORDAINS:

Section 1. **Preamble.** The City of Roseville Fire Department, Fire Marshal Division finds

that due to the number of major roadways and Interstate Highways that dissect the City of Roseville and the number of high-risk major businesses found within our City boundaries, the potential exists for response to incidents involving the release or threatened release of hazardous materials and/or substances. Such incidents create a likelihood of personal injury and/or property damage. The control and abatement of such incidents places a significant financial and operational burden upon the City's firefighting, rescue and emergency medical services and other departments within the City (Police, DPW, Water, etc.). It is necessary to adopt an ordinance to establish the liability for such incidents and to establish a policy and methods which will allow the City to seek recovery of all City of Roseville costs associated with emergency responses to hazardous materials and/or substance incidents from the responsible parties.

The purpose is to protect the City of Roseville from extraordinary expenses resulting from the utilization of City resources in response to an incident involving the spill, release or discharge of hazardous materials and/or substances, or the threatened release of hazardous materials and/or substances, or the improper handling or storage of hazardous materials and/or substances by authorizing the imposition of charges to recover actual costs incurred by the City in responding to such incidents.

Section 2. This ordinance shall be known and referred to as:

"Hazardous Materials and/or Substances Incident Cost Recovery Ordinance".

Section 3. Definitions.

ABATEMENT – To put an end to; to reduce in degree, intensity, volume or amount.

CITY – Shall mean the City of Roseville and all departments and units of said City.

EMERGENCY RESPONSE – Shall mean the providing, sending and/or utilizing of firefighting, police, emergency medical and rescue services and/or other City departments or by a private industrial entity, corporation or other assisting government agency operating at the request or direction of the City of Roseville for an incident resulting in a hazardous materials and/or substances release or threatened release or the clean-up or abatement of same.

COST RECOVERY/EXPENSES OF AN EMERGENCY RESPONSE – Shall mean any and all costs incurred by the City of Roseville, or by a private person, corporation or other assisting government agency, whether direct or indirect, and shall include, but not be limited to expenses attributable to the response.

Costs and expenses shall also mean costs and expenses involving entities operating at the request or direction of the City of Roseville, when making an emergency response to the hazardous materials and/or substances incident, including the costs of providing firefighting, police, rescue services, emergency medical services, containment storage, clean-up and abatement of all hazardous conditions at the scene of the incident.

The costs further include all salaries and wages of City of Roseville personnel responding to the incident, salaries and wages of City of Roseville personnel engaged in the investigation, supervision and report preparation regarding said incident, all salaries and wages of personnel of assisting government agencies operating at the request or direction of the City of Roseville, and all costs connected with the administration of the incident relating to any prosecution of the person(s) responsible, including those relating to the production and appearance of witnesses at any court proceedings in relation thereto.

Costs shall include all City vehicles responding to the incident (charges for vehicles set by the Macomb County Fire Chiefs Association). Costs shall also include such items as disposable materials and supplies used during the response to said incident, the rental or leasing of equipment used for the specific response, vehicle and/or equipment repair, replacement of equipment which is contaminated or damaged beyond reuse or repair during the response to said incident, medical

expenses and hospitalization costs for exposures, injuries or illnesses resulting from the incident, costs of all meals for all personnel involved in the incident, extinguishing agents, water purchased from municipal water systems, costs incurred by area fire and police departments requested through mutual aid agreements with the City of Roseville or its agents, special technical services and laboratory cost and services and supplies purchased for any specific evacuation relating to said incident. Costs shall also include all expenditures for storm sewer cleaning, maintenance, repair or replacement, whether performed by the City and/or contractors retained by the City.

FIRE DEPARTMENT – The City of Roseville Fire Department.

FIRE CHIEF – The administrative head of the Roseville Fire Department.

FIRE MARSHAL/COORDINATOR – An individual/designee named by and accountable directly and solely to the Fire Chief.

FIRE INSPECTOR/COORDINATOR - An individual/designee named by and accountable directly and solely to the Fire Chief.

HAZARDOUS MATERIALS AND/OR SUBSTANCES INCIDENT OR EMERGENCY – Means any occurrence, incident, activity, accident or emergency where a release of hazardous materials and/or substance occurs or is reasonably imminent and where the Fire Chief or his or her designee has so declared such activity, accident or emergency a hazardous materials and/or substances incident or emergency.

HAZARDOUS MATERIALS AND/OR SUBSTANCES – Shall mean those elements, materials, substances, wastes or by-products in any quantity or form including, but not limited to, chemicals, combustible liquid, corrosives, etiologic (biologic) agents, flammable gas, explosives, flammables, poisons, organic peroxides, oxidizers, pyrophorics, radioactive materials, unstable reactive matter, water reactive matter, petroleum or petroleum products, anti-freeze, polychlorinated biphenyls and asbestos, which are or are potentially harmful to the environment or human or animal life, or which pose an unreasonable or imminent risk to life, health or safety of persons or property, or to the ecological balance of the environment as determined by the Fire Chief, his or her designee, or Senior Fire Official of the City of Roseville in charge at the scene.

These elements, substances, wastes or their by-products, include those which are contained in the list of hazardous substances adopted by the United States Environmental Protection Agency (the EPA); or which are contained in the list of toxic pollutants designated by Congress or the EPA; or which are defined as hazardous, toxic, pollutant, infectious, flammable, combustible, explosive or radioactive by any other Federal, State or local statute, law, ordinance, code, rule, regulation, order or decree regulating, relating to, or imposing liability or standards of conduct concerning any hazardous, toxic or dangerous waste substance or material, as now or at any time hereafter in effect.

Specifically included without limitation as Federal and State laws, rules and regulations are:

- Act No. 307 or the Public Acts of 1982, as amended, MCL 299.601 et seq.;
- The Federal Comprehensive Environmental Response, Compensation and Liability Act, as amended, 42 U.S.C. 9601 et seq.;
- The Federal Toxic Substances Control Act, as amended, 15 U.S.C. 2601 et seq.;
- The Federal Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6901 et seq.;
- The Federal Hazardous Material Transportation Act, as amended;
- The Federal Clean Air Act, as amended;
- The Federal Water Pollution Control Act, as amended;
- The Federal Superfund Amendment;
- Hazardous substances as defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Public Law 96-510, 94 State, 2767, as amended;
- Hazardous substances as defined in Part 201 of Act No. 451 of the Public Acts of 1994 of the State of Michigan, as amended;

- Hazardous waste as defined in Part 111 of Act. No. 451 of Public Acts of 1994 of the State of Michigan, as amended;
- Petroleum as described in Part 213 of Act No. 451 of the Public Acts of 1994 of the State of Michigan, as amended;
- Oxidizing Material as regulated by the United States Department of Transportation through regulations found in 49 CFR, Section 173.151;
- Poisons (liquid or gas) as regulated as poison class A by the United States Department of Transportation through regulations found in 49 CFR, Section 173.326;
- Radioactive Material shall mean any material required by the United States Department of Transportation to have type A packaging or other special protections or closed transport vehicles, under regulations found in 49 CFR, Section 173.425;
- Compressed Gas as regulated by the United States Department of Transportation through regulations found in 49 CFR, Section 173.300.

Any similar or successor statute or law, or rules and regulation of the EPA, or any other state of federal department, board, or agency, or any other agency or governmental board or entity having jurisdiction. Hazardous materials and/or substances specifically include without limitation petroleum products, automotive anti-freeze, polychlorinated biphenyls and asbestos.

IMPOUNDED VEHICLE(S) – If a vehicle or vehicles involved in a hazardous materials and/or substances incident is found to be unsafe or in violation of motor carrier regulations or poses an unreasonable or imminent risk to life, health or safety of persons or property, or to the ecological balance of the environment as determined by the Fire Chief, his or her designee, or Senior Fire Official of the City of Roseville in charge at the scene, said vehicle will be impounded to a suitable place until repair or clean-up/decontamination and investigation can be made. Upon correction of the conditions the Fire Chief or his or her designee shall be notified and shall reinspect the vehicle; if found to be in compliance with all acts and rules governing this type of incident, and all reasonable impounding and repair or clean-up/decontamination expenses have been paid, the vehicle will be released to the owner or the legal representative of the owner.

OWNER – Shall mean any person or persons having a vested or contingent interest in the premises, real property, container or vehicle involved in the hazardous substances and/or materials incident, including but not limited to any duly authorized agent or attorney, purchaser, devisee or fiduciary or said person having said vested or contingent interest.

PERSON – Shall mean individuals, firms, joint ventures, partnerships, corporations, clubs and all associations or organizations of natural persons, either incorporated or unincorporated, howsoever operating or named, and whether acting by themselves or by a servant, contractor, employee, agent or fiduciary and includes all legal representatives, heirs, successors and assigns thereof.

RELEASE – Shall mean any actual or threatened spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing of a hazardous substance or material into the environment, including, but not limited to, the air, soil, groundwater and surface water; or the improper handling or storage thereof, or the abandonment or discharging of barrels, containers or other receptacles containing a hazardous substance or material.

RESPONSIBLE PARTY – Shall mean any individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, sole proprietorship, trust, firm, joint stock company, limited liability company, government entity or any other legal entity responsible for the incident or any owner, tenant, operator, occupant or other person in control of or responsible for the operation, maintenance and/or condition of any building, premises, property or vehicle where an incident arises which involves the release or threatened release of hazardous substances and/or materials on or about said building, premises, property and/or vehicle. The responsible party shall be required to reimburse the City of Roseville for all costs and expenses of an emergency response to said hazardous materials and/or substances incident as further defined in this Chapter. Where more than one person or legal entity is a responsible party such liability shall be joint and several as to all involved persons or entities with a person or entity retaining a right of contribution from remaining persons or entities.

SENIOR FIRE OFFICIAL - An individual/designee named by and accountable directly and solely to the Fire Chief.

THREATENED RELEASE – Shall mean any imminent or impending event or circumstance potentially causing but not resulting in a release, which causes the City of Roseville to undertake emergency response.

UTILITY – Shall mean any public or private utility company, person, individual, firm, corporation, association, authority, partnership, commercial entity, consortium, joint venture, government entity or other legal entity, including, but not limited to telecommunication, cable, water, sewer, electric, gas, lighting and other fuel providers.

UTILITY INCIDENT - Shall mean any event requiring an emergency response by the City of Roseville that involves any public or private utility property and requires the emergency responders to remain at the incident to protect the health, safety and welfare of the public until the utility responds to the incident and takes corrective measures. Any public or private utility whose activities or facilities necessitate an emergency response shall be liable for the expense of the emergency response.

Section 4. Hazardous Materials and/or Substances Response.

In the event that City of Roseville employees are dispatched and respond to a hazardous materials and/or substances incident, the City employee in charge shall notify the responsible parties, including (if necessary) appropriate Local, County, State and Federal agencies, as soon as possible. Personnel shall take the necessary action to address and contain the dangers of contamination and/or fire from any hazardous materials and/or substances incident or imminent threat from such substances. If necessary, arrangements shall be made for evacuation of persons in the affected area.

If additional manpower and equipment is required for containment of said incident the fire official in charge of the incident shall contact and utilize the firefighting, police, emergency medical and rescue services of other City of Roseville departments or by Mutual Aid agreement, neighboring City departments or private industrial entity, corporation or other assisting government agencies operating at the request or direction of the City or Roseville for an incident resulting in a hazardous materials and/or substances release or threatened release or the clean-up or abatement of same.

All City of Roseville personnel shall take appropriate steps for a hazardous materials and/or substances response that conform to their level of training and as appropriate to the supplies and equipment to them, in accordance with established protocols and procedures.

Section 5. Responsibility for Abatement, Control and Costs.

Any person who accidentally, negligently or intentionally causes or is responsible for any release, spill or improperly handling or storage of any hazardous materials and/or substances in the City of Roseville shall be responsible and liable for the abatement, control, capture, removal and proper storage or disposal of such hazardous materials and for all costs associated therewith.
In addition, any responsible parties shall also be responsible and liable for costs as set forth above which include, but are not limited to, owners, landlords, tenants, operators, or occupants of buildings, premises, property or vehicles where an incident arises involving the release or threatened release of hazardous materials and/or substances on, within or about said buildings, premises, property and/or vehicles. Such responsible party shall have the option to secure and hire a firm qualified to abate, control, capture, properly store and dispose of these materials or to request the City of Roseville to do so.

Provided, however, that if in the opinion of the Fire Chief or his or her designee of the fire department responding to the release of hazardous materials and/or substances immediate action is necessary to reduce the risk of danger of harm to persons, property or the environment, the Fire Chief or his or her designee may direct the appropriate response activities be immediately undertaken.

All the costs and expenses of an emergency response for such activities shall be invoiced to and paid by the responsible party as further set forth in this Chapter.

Section 6. Liability for Expense(s) of an Emergency Response.

The responsible party shall be required to reimburse the City of Roseville for all costs and expenses of an emergency response to said hazardous materials and/or substances incident.

The expense of an emergency response shall be a charge imposed upon the responsible party under this Ordinance. The charge constitutes a debt of that responsible party and is collectible by the City of Roseville in the same manner as an obligation under contract, express or implied.

Section 7. Billing Procedures.

Following the conclusion of the hazardous materials and/or substances incident, the Fire Chief or his or her designee will gather from all departments, firefighting, police, emergency medical and rescue services and/or other City departments or private industrial entities, corporations or other assisting government agencies a detailed listing of all known expenses incurred.

Within ten (10) days of receiving these costs and expenses, an invoice will be prepared and submitted for payment of said costs and expenses to the responsible party liable for the expenses as enumerated under this Ordinance. The invoice will be sent by registered or certified mail, returned receipt requested.

The invoice shall require full payment within thirty (30) days from the date of mailing or service of said invoice upon the responsible person. In the event the landowner is determined to be a responsible party, a lien may be placed against the property for all costs and expenses waived incurred, including attorney fees, and subject to collection in the same fashion as ad valorem taxes.

Any questions or challenges to the invoice should be made prior to the thirty (30) day full payment requirement to avoid any legal action by the City of Roseville.

Section 8. Cost Recovery/Expenses.

Cost to be recovered under this Ordinance shall be those costs and expenses as defined in Subsection 3. If the responsible party fails to pay the City of Roseville for costs incurred within thirty (30) days of the date of the invoice sent by the City of Roseville to the responsible party the City of Roseville may institute legal action to collect the costs due, including expenses, costs and reasonable attorney fees incurred to collect those costs.

Section 9. Conflict with State or Federal Law.

Nothing in this Ordinance shall be construed to conflict with state or federal laws requiring persons responsible for, causing a release, or threatened release from engaging in remediation activities or paying the cost thereof, or both.

Section 10. Nonexclusive Remedy.

The remedies provided by this Ordinance shall be in addition to any other remedies available in equity or at law and such penalties as provided by law or ordinance.

Section 11. Interpretation.

This Ordinance shall be so interpreted and construed as to effectuate its general purpose to conform to State Law. Section headings and cross references of this Ordinance shall not be deemed to govern, limit, modify or affect in any manner the scope, meaning or extent of the provision of this Ordinance or any section thereof.

Section 12. **Repealer.** All ordinances or parts of ordinances in conflict herewith are repealed only to the extent necessary to give this ordinance full force and effect.

Section 13. **Severability.** If any article, section, subsection, sentence, clause, phrase, or portion of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of remaining portions of the ordinance, being the intent of the City that this ordinance shall be fully severable.

Section 14. **Effective Date.** Provisions of this Ordinance shall become effective twenty (20) days following adoption.
MOTION CARRIED UNANIMOUSLY

4. Request adoption of Ordinance to establish a new chapter to provide for hazardous materials disclosure, to provide for definitions, materials exempt from regulation, hazardous materials management plan, to provide for a permanent database and map, inspections, fees, to provide for repealer, severability, and effective date.

   City Attorney Tim Tomlinson explained to Council that the Fire Department presented this ordinance to Mr. Tomlinson. This ordinance will protect all first responders and Mr. Tomlinson recommended that Council adopt the ordinance.

   Mayor John Chirkun asked Mr. Tomlinson what penalty is included within this ordinance for non-compliance. Mr. Tomlinson explained that locally the City has the ability to charge an offender with a 90-day misdemeanor; the State may also charge any business owner for non-compliance.

COUNCILMAN BILL SHOEMAKER moved, COUNCILWOMAN JAN HAGGERTY seconded to adopt Ordinance #1219 to establish a new chapter to provide for hazardous materials disclosure to provide for definitions, materials exempt from regulation, hazardous materials management plan, to provide for definitions, materials exempt from regulation, hazardous materials management plan to provide, to provide for a permanent database and map, inspections, fees, to provide for repealer, severability and effective date as follows:

TO ADOPT AN ORDINANCE TO ESTABLISH A NEW CHAPTER TO PROVIDE FOR HAZARDOUS MATERIALS DISCLOSURE, TO PROVIDE FOR DEFINITIONS, MATERIALS EXEMPT FROM REGULATION, HAZARDOUS MATERIALS MANAGEMENT PLAN, TO PROVIDE FOR A PERMANENT DATABASE AND MAP, INSPECTIONS, FEES, TO PROVIDE FOR REPEALER, SEVERABILITY AND EFFECTIVE DATE.

CITY OF ROSEVILLE
MACOMB COUNTY, MICHIGAN

ORDINANCE NO. 1219

AN ORDINANCE TO ADOPT AN ORDINANCE TO ESTABLISH A NEW CHAPTER TO PROVIDE FOR HAZARDOUS MATERIALS DISCLOSURE, TO PROVIDE FOR DEFINITIONS, MATERIALS EXEMPT FROM REGULATION, HAZARDOUS MATERIALS MANAGEMENT PLAN, TO PROVIDE FOR A PERMANENT DATABASE AND MAP, INSPECTIONS, FEES, TO PROVIDE FOR REPEALER, SEVERABILITY AND EFFECTIVE DATE.

THE CITY OF ROSEVILLE ORDAINS:

Section 1. Preamble. This ordinance shall apply to all hazardous materials which are used, handled, stored, possessed and/or located by businesses within the city of Roseville. It is hereby determined that:

A) Numerous business, industry, research and testing enterprises within the city engage in

the handling, storage, use, processing and disposal of hazardous materials;

B) The public health, safety and welfare of the citizens may be endangered by the improper handling, storage, use, processing and disposal of such hazardous materials;

C) The surface waters, groundwater and soils within the City of Roseville are particularly susceptible to damage from the improper handling, storage, use, processing and disposal of hazardous materials. Moreover, the expense and difficulty of cleaning up surface water, groundwater and soils that have been damaged by hazardous materials makes it imperative that protective measures be taken to limit the threat of damage from such materials;

D) Article IV, Section 52 of the Constitution of the State of Michigan provides that the conservation and development of the natural resources of the state is of paramount public concern in the interest of the health, safety and general welfare of the people;

E) The health, safety and welfare of the Fire, Police and other emergency service personnel have in the past, and may in the future, be endangered because of a lack of complete knowledge of the types and locations of such hazardous materials;

F) Protection for the community is best advanced by business entities disclosing and reporting the type and location of hazardous materials located with the City of Roseville with a spirit of mutual cooperation between the government and business entities, so that public health, safety and welfare will be achieved.

The intent of this ordinance is to encourage compliance with the following rules, including any amendments thereto in the future:

1) Natural Resources and Environmental Protection Act, 1994 PA 451, as amended;

2) Michigan Occupational Safety and Health Act (MIOSH), PA 154 of 1974, as amended;

3) 2003 International Fire Code;

4) 2003 Michigan Building Code, incorporating the 2000 International Building Code;

5) Executive Order 1994-17 Establishment of the State Emergency Planning & Community
6) Right-To-Know Commission;

7) Superfund Amendments and Reauthorization Act of 1986; SARA Title III, Section 312,
8) Public Law 99-499, codified at 42 USC ' 11022.

Section 2. This article is hereby designated and shall be referred to as:

"**Hazardous Materials Disclosure Ordinance**"

Section 3. Definitions. The following definitions shall apply in the interpretation of this Ordinance:

Business means an employer, person, self-employed individual, trust, firm, joint stock company, limited liability company, corporation, partnership or association. For purpose of this Ordinance, households that generate, store, handle, dispose, treat or recycle hazardous materials of the kind and in the amounts customary for ordinary households do not constitute a business.

Fire Marshal means the person appointed by the Fire Chief of the City of Roseville or such other person designated to act under the provisions of this article.

Hazardous Materials means those chemicals, substances or gases which are a physical hazard or health hazard, whether the materials are in usable or waste condition.

Section 4. Hazardous materials disclosure permit. No business shall use, handle, store, possess and/or locate a hazardous material within the City of Roseville without a hazardous materials disclosure permit issued pursuant to this Ordinance. All businesses shall complete and file at least one (1) of the following applications with the Fire Marshal:

A) ***Permit waiver affidavit*** - Businesses which report that they do not have hazardous substances shall file a waiver affidavit with the Fire Marshal. Businesses who report that they are exempt from this Ordinance are subject to random inspections by the Fire Marshal.

B) ***Annual permit*** Businesses which report that they have hazardous substances shall file a permit application with the Fire Marshal. The permit shall be valid for one (1) year and renewed annually prior to expiration.

1) Application forms promulgated by the Fire Marshal shall include, but not be limited to, the name and amount of all hazardous materials that the business uses, handles, stores, possesses and/or locates on-site.

2) In addition to completing the necessary application forms promulgated by the Fire Marshal, businesses which have hazardous substances shall provide an 8-1/2 inch by 11 inch size copy of the site plan and/or floor plan showing where various items are located at the site such as hazardous materials, utility emergency shut-offs, fire hydrants, sanitary and storm sewer locations and related information.

Section 5. Hazardous materials management plan. No business shall use, handle, store, possess and/or locate a hazardous material in quantities which meet or exceed the threshold amounts listed in the department of consumer and Industry Services, Michigan Office of Fire Safety Bulletin No. 9 ("Fire Department Hazardous Material Emergency Planning Responsibilities-Attachment B") within the City of Roseville without having first filed a hazardous materials management plan (HMMP) with the Fire Marshal. The approved HMMP shall be followed at all times, including the event of any spill, discharge, seepage, runoff or leakage of any hazardous materials.

A) In general, major elements of the HMMP include:

1) General facility information.

2) Emergency notifications.

3) Direction and control of responding agencies.

4) Facility evacuation information.

5) Hazardous material operating procedures and secondary containment.

6) Chemical inventory.

7) Standard operating procedure for spill cleanup.

B) A Pollution Incident Prevent Plan (PIPP) expressly approved by the Waste Management Division (WMD) within the Michigan Department of Environmental Quality (MDEQ), under the authority of part 31 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451) shall be deemed to comply with the requirements of this section.

C) The HMMP shall be valid for five (5) years and renewed prior to expiration. However, an updated HMMP shall be filed for review and approval by the City of Roseville whenever there is a change in the use, handling, or storage of hazardous materials.

Section 6. Materials exempt from regulation. The following substances are excluded from the hazardous material reporting requirements:

A) The quantities of alcoholic beverages, medicines, foodstuffs, cosmetics and consumer or industrial products containing not more that 50% by volume of water-miscible liquids and with the remainder of the solutions not being flammable, in retail or wholesale sales occupancies, are unlimited when packaged in individual containers not exceeding one and three-tenths gallons (5 L).

B) Applications and release of pesticide and agricultural products and materials intended for use in weed abatement, erosion control, soil amendment or similar applications when applied in accordance with the manufacturer's instructions and label directions.

C) The off-site transportation of hazardous materials when in accordance with Michigan Department of Transportation regulations.

D) Building materials not otherwise regulated by 2003 International Fire Code, and amendments thereto.

E) Refrigeration systems.

F) Stationary lead-acid batteries used for facility standby power, emergency power or uninterrupted power supply as regulated by Section 608 of the International Fire Code, and any amendments thereto.

G) The display, storage, sale or use of fireworks and explosives in accordance with Chapter 33 of the 2003 International Fire Code, and any amendments thereto.

H) Corrosives utilized in personal and household products in the manufacturer=s original consumer packaging in Group M occupancies.

I) The storage of distilled spirits and wines in wooden barrels or casks.

Section 7. Permit database and map. The Fire Marshal shall maintain a database which includes the permit status of all businesses subject to this article. The Fire Marshal shall also maintain a map showing where businesses regulated by this article are located for public review.

Section 8. Inspections. The Fire Marshal shall inspect all structures and premises utilized by employers as often as may be necessary for the purpose of verifying the accuracy of the information provided under this article and ascertaining whether there exist any violations of this chapter or any other federal or state statutes, rules or regulations, or local ordinances relating to the use, storage, handling or disposal of hazardous materials. In those cases where the Fire Marshal observes or otherwise discovers violations of federal or state statures, rules or regulations relating to the use storage, handling or disposal of hazardous materials, such violations shall be reported to the appropriate federal or state agency authorized to enforce such statute, rule or regulations. In addition, the Fire Marshal may request the City Attorney, upon proper authorization, to commence the appropriate legal proceedings to ensure compliance with this article.

Section 9. Fees. Businesses subject to this Ordinance shall pay a permit fee to the City of Roseville, sufficient to cover the implementation of this Ordinance, including expenses incurred by the Fire Marshal and his staff. The amount of the permit fee shall be established by resolution of the City Council and shall be amended as necessary by the City Council. Businesses that are delinquent in filing a permit application, paying the permit fee, or both, shall be subject to late fees as established by resolution of the City Council.

Section 10. Penalties. It shall be unlawful for a party, or any owner, officer, director or employees of a business to fail to comply with the provisions of this Ordinance, or to misrepresent, falsify, conceal,

destroy or fail to retain information necessary to comply with this article. The dissolution of a business shall not discharge its owners, officers, directors or employees from liability for such conduct. Any person, persons or entity violating any of the provisions of this article shall be guilty of a misdemeanor and upon conviction therefore, shall be punished by a fine of not more than $500.00 and costs of prosecution, or by imprisonment for not more than 93 days, or by both fine, costs and imprisonment at the discretion of the court.

Section 11. Repealer. All ordinances or parts of ordinances in conflict herewith are repealed only to the extent necessary to give this ordinance full force and effect.

Section 12. Severability. If any article, section, subsection, sentence, clause, phrase or portion of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of remaining portions of the ordinance, being the intent of the City that this ordinance shall be fully severable.

Section 13. Effective Date. Provisions of this Ordinance shall become effective twenty (20) days following adoption.
MOTION CARRIED UNANIMOUSLY

5. Request adoption of Ordinance to amend the Code of Ordinance for the City of Roseville, by revising and amending Chapter 193 to comply with recently adopted P.A. 471 of 2009, to amend definitions, to repeal licensing of a masseur's license and application for masseur's license, to amend the respective various sections to conform to the amended definitions, to repeal the license fees for masseurs, to provide for repealer, severability, and effective date.

   City Attorney Tim Tomlinson explained to Council that this Ordinance will repeal the sections pertaining to the City's ability to license an individual massage therapist. The State of Michigan enacted a statute and under this the responsibility of licensing a massage therapist will be conducted by the State. Massage Therapy establishments are required to be licensed by the City.

   Mayor John Chirkun asked Mr. Tomlinson if the State will perform background checks on the applications; the State of Michigan will perform the background checks and all steps required in the licensing of a massage therapist. Mr. Tomlinson also explained that the State will forward administrative guidelines to the City.

MAYOR PRO TEM ROBERT TAYLOR moved, COUNCILWOMAN COLLEEN MCCARTNEY seconded to adopt Ordinance #1220 to amend the Code of Ordinance for the City of Roseville by revising and amending Chapter 193 to comply with recently adopted P.A. 471 of 2009, to amend definitions to repeal licensing of masseur's license and application for masseur's license, to amend the respective various sections to conform to the amended definitions, to repeal the license fees for masseurs to provide for repealer, severability and effective date as follows:

TO AMEND THE CODE OF ORDINANCES FOR THE CITY OF ROSEVILLE, BY REVISING AND AMENDING CHAPTER 193 TO COMPLY WITH RECENTLY ADOPTED P.A. 471 OF 2009, TO AMEND DEFINITIONS, TO REPEAL LICENSING OF A MASSEUR'S LICENSE AND APPLICATION FOR MASSEURS LICENSE, TO AMEND THE RESPECTIVE VARIOUS SECTIONS TO CONFORM TO THE AMENDED DEFINITIONS, TO REPEAL THE LICENSE FEES FOR MASSEUR'S, TO PROVIDE FOR REPEALER, SEVERABILITY AND EFFECTIVE DATE.

CITY OF ROSEVILLE
MACOMB COUNTY, MICHIGAN
ORDINANCE NO. 1220

THE CITY OF ROSEVILLE ORDAINS:

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR THE CITY OF ROSEVILLE, BY REVISING AND AMENDING CHAPTER 193 TO COMPLY WITH RECENTLY ADOPTED P.A. 471 OF 2009, TO AMEND DEFINITIONS, TO REPEAL LICENSING OF A MASSEUR'S LICENSE AND APPLICATION FOR MASSEUR'S LICENSE, TO AMEND THE RESPECTIVE VARIOUS SECTIONS TO CONFORM TO THE AMENDED DEFINITIONS, TO REPEAL THE LICENSE FEES FOR MASSEUR'S, TO PROVIDE FOR REPEALER, SEVERABILITY AND EFFECTIVE DATE.

Section 1. Chapter 193, Section 193-2 is hereby amended as follows:

§ 193-2 <u>Definitions.</u>

Unless the particular provisions of the context otherwise require, the definitions and provisions contained in this section shall govern the construction, meaning and application of words and phrases used in this chapter:

EMPLOYEE
Any person over 18 years of age, other than a massage therapist, who renders any service in connection with the operation of a massage parlor and receives compensation from the operator of the parlor or patrons.

MASSAGE BUSINESS
Any place of establishment where massage therapy, as defined in this chapter, is made available.

MASSAGE THERAPY
The application of a system of structured touch, pressure, movement, and holding to the soft tissue of the human body in which the primary intent is to enhance or restore the health and well-being of the client. The practice of massage therapy includes complimentary methods, including the external application of water, heat, cold, lubrication, salt scrubs, body wraps, or other topical preparations; and electromechanical devices that mimic or enhance the actions possible by the hands. Practice of massage therapy does not include medical diagnosis; practice of physical therapy; high-velocity, low-amplitude thrust to a joint; electrical stimulation; application of ultrasound; or prescription of medicines.

MASSAGE THERAPIST
Any individual engaged in the practice of massage therapy.

OWNER or OPERATOR
A person who owns or controls or who has the duty to control the operation of a massage therapy business. This includes individuals, licensees, managers, lessees, sponsors, partnerships, corporations, societies, organizations, associations or any combination of individuals of whatever form or character.

PATRON
Any person over 18 years of age who receives massage therapy under such circumstances that it is reasonably expected that he or she will pay money or give any other consideration therefore.

Section 2. Chapter 193, Section 193-3 is hereby amended as follows:

§ 193-3 <u>Business License Required.</u>

No owner-operator shall engage in or carry on the operation of a business engaged in massage therapy unless he or she has a valid massage business license issued by the city pursuant to the provisions of this chapter for each and every separate office or place of business conducted by such owner-operator.

Section 3. Chapter 193, Section 193-4 is hereby amended as follows:

§ 193-4 <u>Massage Therapist License Required.</u>

No person shall practice massage as a massage therapist, employee, instructor or otherwise unless the person has a valid and subsisting massage therapist's license issued by the State of Michigan.

Section 4. Chapter 193, Section 193-5 is hereby amended as follows:

§ 193-5 <u>Application for Business License.</u>

Any owner or operator desiring a massage business license to perform massage therapy at a location within the City shall file a written application with the Police Chief on a form to be furnished by the Police Chief. The applicant shall accompany the application with a tender of the correct license fee as hereinafter provided, which fee shall not be refundable, and shall, in addition, furnish the following information:

E. A complete list of the names and residence addresses of all massage therapists and employees in the business and the name and residence address of the manager or other person principally in charge of the operation of the business.

Section 5. Chapter 193, Section 193-6 is hereby repealed in its entirety.

Section 6. Chapter 193, Section193-7 is hereby amended by deleting in the first sentence: "of masseur's".

Section 7. Chapter 193, Section 193-8 is hereby amended by deleting the following in the first sentence: "In the case of an application for a massage business license," and capitalizing "the".

Section 8. Chapter 193, Section 193-12 is hereby amended by deleting "or a masseur's license" in the second sentence of the first paragraph.

Section 9. Chapter 193, Section 193-12(E) is hereby amended by replacing "masseur's" with "massage therapy".

Section 10. Chapter 193, Section 193-12(G) is hereby repealed in its entirety.

Section 11. Chapter 193, Section 193-17(A) is amended by deleting reference to "parlor or masseur" and replacing same with "business".

Section 12. Chapter 193, Section 193-17(B) is hereby amended by deleting in the first sentence "or masseur's license".

Section 13. Chapter 193, Section 193-20 is hereby amended by deleting "masseur" and replacing same with "massage therapist".

Section 14. Chapter 193, Section 193-21 is hereby amended by deleting "or masseur's license".

Section 15. Chapter 193, Section 193-22 is hereby amended by deleting the second sentence in its entirety which currently provides "the license fee for masseurs shall be as provided in Chapter 133, Fees."

Section 16. Chapter 193, Section 193-24 is hereby amended by changing in the first sentence "a massage shall" to "massage therapy shall".

Section 17. Chapter 193, Section 193-25 is hereby amended by deleting "or masseur's license".

Section 18. Chapter 193, Section 193-32 is hereby amended by deleting reference to "massage parlor" and replacing with "massage business".

Section 19. Chapter 193, Section 193-33 is hereby amended as follows:

§ 193-33 Restrictions on Advertising.

No massage business granted a license under the provisions of this Chapter shall place, publish or distribute or cause to be placed, publish or distributed any advertising matter that depicts any portion of the human body that would reasonably suggest to prospective patrons that any service is available other than those services as described in the definition of "massage therapy" in § 193-2 of this Chapter or that employees or massage therapists are dressed in a manner other than that described in § 193-35 of this Chapter, nor shall any massage business indicate in the text of such advertising that any service other than those services described in the definition of massage therapy in § 193-2.

Section 20. Chapter 193, Section 193-35 is hereby amended by deleting reference to "masseurs" and replace with "massage therapists".

Section 21. Chapter 193, Section 193-37 is hereby amended by replacing reference to "must" with "shall" and further replacing reference to "masseur" with "massage therapist".

Section 22. Chapter 193, Section 193-38 is hereby amended by replacing "massage services" in the second sentence with "massage therapy", and by deleting reference to "masseur" and replacing it with "massage therapist".

Section 23. Chapter 193, Section 193-39 is hereby amended by replacing "masseur" with "massage therapist".

Section 24. Repealer. Any section herein that is in conflict is hereby repealed.

Section 25. 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 26. 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

6. Request adoption of Resolution regarding Spending of Federal Economic Renewal Grants.

   City Controller/Assistant City Manager Peter Provenzano explained that this item was reviewed by Council at the Special Meeting on March 17, 2009.

COUNCILWOMAN JAN HAGGERTY moved, MAYOR PRO TEM ROBERT TAYLOR seconded to adopt the Resolution regarding Spending of Federal Economic Renewal Grants as follows:

WHEREAS, the economic downturn is having a critical impact on everyday Americans who are struggling to maintain or find jobs in an increasingly difficult environment; and

WHEREAS, those same Americans are the taxpayers that provide the revenue needed to operate essential government services; and

WHEREAS, Congress and President Obama are planning a taxpayer sponsored economic recovery package that will provide billions of dollars to help economically devastated cities and states immediately provide jobs to millions of out-of-work Americans through considerable infrastructure rebuilding, green energy projects and other projects that will require manufactured components; and

WHEREAS, our taxpayer dollars should be spent to maximize the creation of American jobs and restoring the economic vitality of our communities; and

WHEREAS, any domestically produced products that are purchased with economic recovery plan monies will immediately help struggling American families and will help stabilize our greater economy; and

WHEREAS, any economic recovery plan spending should - to every extent possible - include a commitment from the City of Roseville to buy materials, goods and services for projects from companies that are produced within the United States, thus employing the very workers that pay the taxes for the economic recovery plan spending in the first place.

THEREFORE, BE IT RESOLVED THAT, the City of Roseville will work to maximize the creation of American jobs and restoring economic growth and opportunity by spending economic recovery plan funds on products and services that both create jobs and help keep Americans employed, whenever practicable.

BE IT FURTHER RESOLVED THAT, we commit to purchasing only products and services that are made or preformed in the United States of America whenever and wherever practicable with any economic recovery monies provided to the City of Roseville by the American taxpayers.
MOTION CARRIED UNANIMOUSLY

7. Request to waive formal bid process for purchase of 2009 Compost/Leaf Bags, a single source item.

   City Controller/Assistant City Manager Peter Provenzano explained this request to Council. The City sells these bags to the public at cost. The total cost is $8,200 and is the same as the previous year. This is a single source item and Mr. Provenzano recommended that the bid be awarded to the Dano Group in the amount of $8,200 for 25,000 leaf bags.

COUNCILMAN FRANK MAISANO moved, COUNCILMAN SALVATORE AIUTO seconded to waive the formal bid process for purchase of 2009 Compost/Leaf Bags, a single source item.
MOTION CARRIED UNANIMOUSLY

8. Request awarding of bid for 2009 Road Materials.

   City Controller/Assistant City Manager Peter Provenzano explained that this is an annual request. The Water Department prepared specifications and bid invitations were sent to 21 companies; seven (7) companies responded; one respondent is a Roseville Business.

   Mr. Provenzano recommended that the bid be awarded as follows:

Material	Company	Amount	Unit Price	Total
Crush Concrete	Clancy Excavating	200 tons	$ 8.95/ton	$ 1,790.00
Slag 22x	Edward Levy	200 tons	$ 7.55/ton	1,510.00
BL Top/Winter Mix	Barett Paving	350 tons	$78.00/ton	27,300.00
Cold Patch	Barett Paving	150 tons	$85.00/ton	12,750.00
				$43,350.00

   Mayor Pro Tem Robert Taylor asked Mr. Provenzano if the City may use Federal Stimulus funds on this bid; the funds may not be used for this type of project.

COUNCILMAN SALVATORE AIUTO moved, COUNCILMAN FRANK MAISANO seconded to award the bid for 2009 Road Materials as presented.
MOTION CARRIED UNANIMOUSLY

Mayor John Chirkun apologized for any issues with the sound equipment and the broadcast of this meeting. The problem will be addressed tomorrow.

9. Request awarding of bid for Library Carpet Replacement.

City Controller/Assistant City Manager Peter Provenzano explained to Council that the carpet in the Library is 11-15 years old and the replacement of this item has been in the budget for some time. Fourteen contractors attended the mandatory pre-bid meeting; three quotes were received at the bid opening. The low bid meeting specifications was received from Floorcraft Floor Covering in the amount of $82,950.

Mayor Pro Tem Robert Taylor asked Mr. Provenzano how long Council has to act. Mr. Provenzano explained that this item may be reviewed again next year if Council chooses to do so.

City Attorney Tim Tomlinson explained that this item may be tabled for a few weeks; however, if Council wants to examine this item on a year-to-year basis they will have to reject this bid and re-bid it in the future.

Mr. Provenzano explained that Council may reject this bid and choose to re-bid at a later date.

Councilwoman Jan Haggerty asked Mr. Provenzano when this bid was received; the bid was received on March 10, 2009.

Councilman Salvatore Aiuto asked Mr. Provenzano when the best time is to replace the Library carpeting. Mr. Provenzano responded that there is not one particular season to replace the carpet.

Mayor Pro Tem Taylor asked Mr. Tomlinson if this may be tabled until after budgeting is done from 2009-2010. Mr. Tomlinson stated that it may be tabled; however, the contractor will have to be consulted to make sure the price will remain the same as quoted.

Mr. Tomlinson suggested that Council table this item for two weeks so that the contractor may be consulted.

COUNCILWOMAN JAN HAGGERTY moved, MAYOR PRO TEM TAYLOR seconded to table the request to award the bid for Library Carpet Replacement until the next Regular meeting in two weeks.
MOTION CARRIED UNANIMOUSLY

10. Appointments.

Mayor John Chirkun appointed Shirley Allen to the Licensing Appeals Board.

COUNCILMAN BILL SHOEMAKER moved, COUNCILWOMAN JAN HAGGERTY seconded to appoint Shirley Allen to the vacancy on the Licensing Appeals Board.
MOTION CARRIED UNANIMOUSLY

11. Reports of City Manager.

City Controller/Assistant City Manager Peter Provenzano had the following to report:

a. The Roseville Police Honor Guard Spaghetti Dinner will take place on April 8 from 4-8 p.m. at the VFW Hall.
b. City Offices will be closed on Friday, April 10 in observance of Good Friday.
c. National Library Week is April 12 through 18.
d. The Friends of the Roseville Public Library are sponsoring a bookmark design contest; entry forms are available at the library or on the library's website.
e. The Library Endowment Fund will host the 2nd Between the Pages fundraiser on April 17 from 6-9:30 p.m.

12. Reports of City Attorney.

City Attorney Tim Tomlinson had nothing to report.

V. HEARING OF THE PUBLIC

James Goldwater, 19346 Brandt, commented on City Manager Stephen Truman's knee injury, and discussed comments made at the last Council meeting about County Commissioner Irene Kepler and retired County Commissioner Betty Slinde.

Mike Clover, 16279 12 Mile, commented on stimulus monies and the 12 Mile Road construction set for this spring and also commented on the railroad tracks on 12 Mile at Groesbeck.

Michael Hogan, 18710 Common, commented on the loss of audio on the City's cable channel during Council meetings and asked for a full replay of the Council meeting on cable.

Mayor John Chirkun stated that this issue will be taken care of.

Jeff Maniaci, 25201 McDonald, discussed the issue of his neighbor keeping dogs in her home. This issue was before the Zoning Board of Appeals.

City Controller/Assistant City Manager Peter Provenzano explained to Mr. Maniaci that the Police Chief is working with Mr. Maniaci's neighbor on this issue and a meeting will be held with his neighbor tomorrow to resolve this issue.

VI. ITEMS FOR DISCUSSION BY CITY COUNCIL

Councilman Frank Maisano offered his condolences to the families of the teens killed in the recent accident on Gratiot, thanked the first responders who attended to this accident, congratulated Michael Booza on his Eagle Scout award and announced the Optimists Club Hockey Fundraiser on April 19.

Councilman Salvatore Aiuto thanked Jeff Maniaci for speaking at the meeting this evening, announced the Roseville Handicapped Association Spring Fling on April 5 and the VFW Semi-Annual Meat Raffle March 28. Mr. Aiuto thanked the first responders to the tragic accident this week, thanked everyone who donated to the accident victims' families and commented on the community coming together during this tragedy.

Councilman Bill Shoemaker extended his condolences to the families of the crash victims and congratulated Michael Booza on achieving the rank of Eagle Scout.

Councilwoman Jan Haggerty congratulated Michael Booza, extended her condolences to the families of the crash victims and expressed her appreciation to the first responders.

Councilwoman Colleen McCartney offered condolences to the families of the crash victims especially to the Haudek family and thanked the first responders to the accident site.

Mayor Pro Tem Robert Taylor commented on the tragic accident this week, commended the first responders on the scene of the accident and announced a benefit fundraiser to benefit the Lakeshore Memorial Fund.

Mayor John Chirkun congratulated Michael Booza on obtaining Eagle Scout, commented on the tragic accident that occurred last week, thanked the Texas Roadhouse and Kaul's Funeral Home for their services to the crash victims' families. Mayor Chirkun announced fundraisers at Culvers on March 25, St. Donald Church on April 2 and Famous Dave's on March 26 that will benefit the Lakeshore Memorial Fund, thanked the first responders for their work on this tragic accident and discussed comments made during the Public Hearing.

VII. ADJOURNMENT

COUNCILMAN FRANK MAISANO moved, MAYOR PRO TEM ROBERT TAYLOR seconded that the agenda having been acted upon, the meeting is hereby adjourned at 8:01 p.m.

MOTION CARRIED UNANIMOUSLY

Respectfully submitted,
Richard M. Steenland
City Clerk