REGULAR MEETING
ROSEVILLE CITY COUNCIL

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

TUESDAY, JULY 14, 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 Manager	Stephen Truman
City Clerk	Richard Steenland
City Attorney	Tim Tomlinson

Mayor John Chirkun called the meeting to order at 7 p.m. Cub Scout Pack 1442 led the Pledge of Allegiance.

PRESENTATIONS AND PROCLAMATIONS

a. Presentation to Cub Scout Pack 1442 for their contribution to the City of Roseville's 12th Annual Fireworks Celebration.

Mayor John Chirkun presented members of Cub Scout Pack 1442 with Certificates in honor of their contribution to the City of Roseville's 12th Annual Fireworks Celebration.

b. Presentation of Proclamation to Mr. and Mrs. Al Lipinski in honor of their 50th Wedding Anniversary.

Mayor John Chirkun presented Al & Marlene Lipinski with a Proclamation in honor of their 50th Wedding Anniversary. Mr. and Mrs. Lipinski made a brief statement and introduced their family members who were present in the audience this evening.

c. Presentation of twenty-year service award to Linda Melton, Human Resources Assistant.

Mayor John Chirkun presented Linda Melton, Human Resources Assistant with her twenty-year service award.

I. ROUTINE MATTERS

1. Approval of minutes of Regular Meeting held June 23, 2009.

COUNCILMAN FRANK MAISANO moved, COUNCILMAN SALVATORE AIUTO seconded to approve minutes of the Regular Meeting held June 23, 2009.
MOTION CARRIED UNANIMOUSLY

2. Approval of Disbursement List.

MAYOR PRO TEM ROBERT TAYLOR moved, COUNCILWOMAN COLLEEN MCCARTNEY seconded to approve Disbursement List #1 dated June 26 through July 14, 2009.
MOTION CARRIED UNANIMOUSLY

II. CORRESPONDENCE

City Clerk Richard Steenland received no correspondence.

III. HEARING OF THE PUBLIC

No one from the public wished to be heard.

IV. NEW BUSINESS

1. Request to block Hazelwood between Pinewood and Collingwood on Saturday, July 25 from 12 p.m. until 11 p.m. to conduct a block party, Carlo and Rebecca Badalamenti, petitioners.

Carlo Badalamenti, 18855 Hazelwood, appeared on behalf of this request.

Councilwoman Jan Haggerty clarified for all of the block party petitioners present this evening that any residents who are not participating in the block party must be allowed access to the street and emergency vehicle access must be maintained during the party.

COUNCILMAN SALVATORE AIUTO moved, COUNCILWOMAN COLLEEN MCCARTNEY seconded to approve the request to block Hazelwood between Pinewood and Collingwood on Saturday, July 25 from 12 p.m. until 11 p.m. to conduct a block party.
MOTION CARRIED UNANIMOUSLY

2. Request to block Arlington between Frazho and Church on Saturday, July 25 from 12 p.m. – 11 p.m. to conduct a block party, Wendy Carik, petitioner.

Wendy Carik, 25854 Arlington, appeared on behalf of this request.

COUNCILWOMAN JAN HAGGERTY moved, COUNCILWOMAN COLLEEN MCCARTNEY seconded to approve the request to block Arlington between Frazho and Church on Saturday, July 25 from 12 p.m. - 11 p.m. to conduct a block party.
MOTION CARRIED UNANIMOUSLY

3. Request to block Demrick between 11 Mile Road and Cross on Saturday, August 1 from noon until 8 p.m. to conduct a block party, Bobbi Childers, petitioner.

Bobbi Childers, 27132 Demerick, appeared on behalf of this request.

COUNCILWOMAN COLLEEN MCCARTNEY moved, COUNCILMAN SALVATORE AIUTO seconded to approve the request to block Demerick between 11 Mile Road and Cross on Saturday, August 1 from noon until 8 p.m. to conduct a block party.
MOTION CARRIED UNANIMOUSLY

4. Council consideration of request for issuance of massage therapist license and business establishment, Lan Hemme, petitioner.

Lan Hemme, 1892 Milverton Dr., Troy, MI 48083, appeared on behalf of this request.

Mayor John Chirkun asked City Attorney Tim Tomlinson to clarify whether the State is now issuing this type of license or if the City is still responsible. Mr. Tomlinson explained that the State of Michigan adopted a statute on this matter; however, they failed to adopt regulations to govern licensing of massage therapists. It is Mr. Tomlinson's position that the City should continue to license massage therapists as was done prior to the revised legislation.

COUNCILMAN FRANK MAISANO moved, COUNCILWOMAN JAN HAGGERTY seconded to approve the request for issuance of massage therapist license and business establishment to Lan Hemme.
MOTION CARRIED UNANIMOUSLY

5. Request adoption of Resolution and Abatement of Public Nuisance, parcel number 14-19-354-002, commonly known as 25296 Leach, Brad Weigand, owner of record.

City Attorney Tim Tomlinson explained that this property has been red tagged since April 2009 due to the disrepair and lack of maintenance of the property. Mr. Tomlinson recommended that the resolution be adopted as presented.

City Manager Stephen Truman explained the steps that the City takes to abate this type of nuisance.

COUNCILMAN BILL SHOEMAKER moved, COUNCILWOMAN JAN HAGGERTY seconded to adopt the Resolution and Abatement of Public Nuisance, parcel number 14-19-354-002, commonly known as 25296 Leach as follows:

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

Lot 119, Felician Park Subdivision, according to the plat thereof as recorded in liber 10, page(s) 68 of Plats, Macomb County Records.

PP# 14-19-354-002

more commonly known as 25296 Leach, 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 has been "red tagged" since April of 2009; siding is missing; there is junk and debris on the property; the grass and weeds are

not being maintained; and the property in its present condition poses a threat to the health, safety and welfare of the general public, and

WHEREAS, the Building Director has notified the owner, Brad Weigand, 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 Building Director 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

6. Request adoption of Resolution to revise the Fee Schedule.

City Manager Stephen Truman explained that this is a follow-up to the newly adopted film ordinance; the fee set forth in this item is the processing fee,

COUNCILMAN SALVATORE AIUTO moved, COUNCILWOMAN COLLEEN MCCARTNEY seconded to adopt the Resolution to revise the Fee Schedule as follows:

WHEREAS, The City of Roseville finds that it is in the interest of public health, safety and welfare to review and establish fees for licenses, permits, certificates, inspection and services provided by the City as well as the amount of any bond required to be posted or insurance required to be carried in order to obtain any license or permit required by the City, as set forth in Chapter 133 of the Code of Ordinances of the City of Roseville, by resolution.

NOW, THEREFORE, it is resolved, that the City of Roseville fee schedule be revised to provide as follows:

133-7 Clerk's Office Fees:

Add:

TYPE	FEE
Film Permit Fees	

Processing Fee	$50.00
Daily Property Use Fee	*Varies
Monitoring Fee	**Varies

* Fee could vary depending upon actual property use and the impact on regularly scheduled events.

** Staff time to be based on most current City overtime rates, scheduled, calculated and paid in advance of film permit activities.

Any and all resolutions in conflict herewith are repealed only to the extent necessary to give full effect to the foregoing provisions.

MOTION CARRIED UNANIMOUSLY

7. Request adoption of Resolution to enter into Michigan Natural Resources Trust Fund Development Project Agreement.

City Manager Stephen Truman explained to Council that this item is the long-awaited paperwork for the Huron Park Grant. The total project grant amount is $465,800; the local match available is $145,000 of which $124,000 is budgeted and the remaining $21,000 may be in-kind contributions or donations. The resolution states that the City accepts the grant, will allow the State to set aside the grant money and the City may begin the design phase of this project. Design of this project should begin this fall and construction should commence Spring, 2010.

Mr. Truman answered questions for Council.

COUNCILMAN FRANK MAISANO moved, COUNCILMAN SALVATORE AIUTO seconded to adopt the Resolution to enter into the Michigan Natural Resources Trust Fund Development Project Agreement as follows:

Whereas, the City of Roseville, Michigan, does hereby accept the terms of the Agreement as received from the Michigan Department of Natural Resources, and that the City of Roseville does hereby specifically agree, but not by way of limitation, as follows:

1. To appropriate all funds necessary to complete the project during the project period and to provide $145,000 to match the grant authorized by the DEPARTMENT.

2. To maintain satisfactory financial accounts, documents, and records to make them available to the DEPARTMENT for auditing at reasonable times.

3. To construct the project and provide such funds, services, and materials as may be necessary to satisfy the terms of said Agreement.

4. To regulate the use of the facility constructed and reserved under this Agreement to assure the use thereof by the public on equal and reasonable terms.

5. To comply with any and all terms of said Agreement including all terms not specifically set forth in the foregoing portions of this Resolution.

MOTION CARRIED UNANIMOUSLY

8. Request adoption of Ordinance to amend Chapter 225, Section 225-1 of the code of Ordinances for the City of Roseville by adopting by reference the International Property Maintenance Code, 2009, as published by the International Code Council, establishing minimum regulations governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupations and use;

and for condemnation of buildings and structures unfit for human occupancy and use and the demolition of structures; to provide for repealer, severability, and effective date.

City Attorney Tim Tomlinson explained that this will update the City's Ordinance to bring it current with changes made by the International Code Council.

MAYOR PRO TEM ROBERT TAYLOR moved, COUNCILWOMAN COLLEEN MCCARTNEY seconded to adopt Ordinance No. 1224 as follows:

TO AMEND CHAPTER 225, SECTION 225-1 OF THE CODE OF ORDINANCES FOR THE CITY OF ROSEVILLE BY ADOPTING BY REFERENCE THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2009, AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, ESTABLISHING MINIMUM REGULATIONS GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; AND FOR CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE AND THE DEMOLITION OF STRUCTURES; TO PROVIDE FOR REPEALER, SEVERABILITY, AND EFFECTIVE DATE.

CITY OF ROSEVILLE
MACOMB COUNTY, MICHIGAN

ORDINANCE NO. 1224

AN ORDINANCE TO AMEND CHAPTER 225, SECTION 225-1 OF THE CODE OF ORDINANCES FOR THE CITY OF ROSEVILLE BY ADOPTING BY REFERENCE THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2009, AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, ESTABLISHING MINIMUM REGULATIONS GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; AND FOR CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE AND THE DEMOLITION OF STRUCTURES; TO PROVIDE FOR REPEALER, SEVERABILITY, AND EFFECTIVE DATE.

THE CITY OF ROSEVILLE ORDAINS:

Section 1. Chapter 225, Section 225-1(A) is hereby amended as follows:

Adoption of Property Maintenance Code by Reference. That a certain document, three copies of which are on file in the office of the City Clerk of the City of Roseville, being marked and designated as the International Property Maintenance Code, 2009, as published by the International Code Council, Inc. be and is hereby adopted as the Property Maintenance Code of the City of Roseville, in the State of Michigan; for the control of buildings and structures as provided; and each and all of the regulations, provisions, penalties, conditions in terms of the International Property Maintenance Code, 2009, and as amended in the future, are hereby referred to, adopted, and made part hereof as if fully set out in this ordinance with the additions, insertions, deletions and changes, if any, prescribed in other sections of the ordinance.

Section 2. The following sections of the International Property Maintenance Code, 2009 Edition, and any amendments thereto, are hereby revised to provide as follows:

Section 101.1. Insert: City of Roseville.

Section 103.5. Insert: See City of Roseville Fee Schedule for appropriate fees.

Section 112.4. Revise: **FAILURE TO COMPLY**. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine up to $500.00 or 90 days in jail.

Section 302.4. Insert: 8 inches

Section 304.14. Insert: April 1st through October 31st

Section 602.3. Insert: January 1st through December 31st

Section 602.4. Insert: January 1st through December 31st

Section 3. 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 4. 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 5. Effective Date. This Ordinance is deemed to be an emergency ordinance and shall become effective immediately upon adoption and publication.
MOTION CARRIED UNANIMOUSLY

9. Request adoption of Resolution to enter into Michigan Department of Transportation Contract #09-5296 for Part A – Reconstruction work along Martin Road from Gratiot Avenue to Highway I-94; including concrete pavement, earthwork, and storm sewer work; Part B – Audiovisual taping and sprinkler system work along Martin Road from Gratiot Avenue to Highway I-94; and authorizing the Mayor and City Clerk to sign contract documents.

City Manager Stephen Truman explained that this is the agreement with the Michigan Department of Transportation (MDOT). Within two weeks the request for bid approval should be before Council. The low bid was less than originally estimated by MDOT and the City's share under this contract is $629,000.

MAYOR PRO TEM ROBERT TAYLOR moved, COUNCILWOMAN JAN HAGGERTY seconded to adopt the Resolution to enter into Michigan Department of Transportation contract #09-5296 as follows:

Part A – Reconstruction work along Martin Road from Gratiot Avenue to Highway I-94; including concrete pavement, earthwork, and storm sewer work;

Part B – Audiovisual taping and sprinkler system work along Martin Road from Gratiot Avenue to Highway I-94; and,

NOW, THEREFORE BE IT RESOLVED: that the City Manager and City Clerk are hereby authorized to sign contract documents.
MOTION CARRIED UNANIMOUSLY

10. Request awarding of bid for Kathy Street pavement reconstruction.

City Manager Stephen Truman explained that the Engineering Department prepared bid specifications and three bid quotations were received from three different companies. The low bid meeting specifications was submitted by Tiseo Brothers, Inc. in the amount of

$231,430.50. Tiseo Brothers, Inc. has completed similar projects for Roseville in a satisfactory manner; therefore, Mr. Truman recommended approval of the bid from Tiseo Brothers, Inc. in the amount of $231,430.50.

This project will be paid for out of the stimulus funds through Community Development Block Grant.

MAYOR PRO TEM ROBERT TAYLOR moved, COUNCILWOMAN JAN HAGGERTY seconded to award the bid for Kathy Street pavement reconstruction to Tiseo Brothers, Inc. in the amount of $231,430.50.
MOTION CARRIED UNANIMOUSLY

11. Appointments.

Mayor John Chirkun reappointed Gerald Franchy, Joseph Montgomery and Helen May to the Building Authority.

COUNCILMAN SALVATORE AIUTO moved, COUNCILMAN FRANK MAISANO seconded to reappoint Gerald Franchy, Joseph Montgomery and Helen May to the Building Authority.
MOTION CARRIED UNANIMOUSLY

12. Reports of City Manager.

City Manager Stephen Truman had the following to report:

a. Mr. Truman congratulated Linda Melton on her twenty-year service award and had many compliments about Mrs. Melton's work.
b. Mr. Truman commented that he is proud of all of the City Employees for their work during the recent storm, working through the power loss and the clean-up after the storm.
c. Every Thursday in July Parks and Recreation will host Walk Michigan and Tunes in the Park at Veterans Memorial Park beginning at 6 p.m.

13. Reports of City Attorney.

City Attorney Tim Tomlinson had nothing to report.

V. HEARING OF THE PUBLIC

Mike Clover, 16279 12 Mile, announced that the Roseville Caring Klowns are accepting new members. He complimented City Manager Office Assistant Virginia Green for helping him with a complaint he had about the 12 Mile Road construction and commented on the 12 Mile Road construction. Mr. Clover stated that he has not been to many meetings due to a few health issues; however, he is feeling better and will attend more meetings.

Edward Stross, 28305 Gratiot, discussed an article from the *Macomb* Daily about the possibility of a Gratiot Cruise.

Mayor John Chirkun responded to comments made by Mr. Stross.

Sam Pupillo, 25614 Huron, discussed the use of fire pits for open burning in the City.

City Manager Stephen Truman addressed a few concerns raised by Mr. Pupillo.

Ronald Blazejewski, 18860 Victor, discussed a house on Schram Street that is newly constructed and is vacant. Mr. Truman explained that a vacant house is not considered a nuisance; the house must be examined to determine if it is a nuisance. Mr. Truman will look into this and Mr. Pupillo's issue and report back to Council at the next Council Meeting.

City Clerk Richard Steenland discussed a presentation that he attended about the 2010 Census; Mr. Steenland presented Council with information from the Census Bureau. Mayor Chirkun congratulated City Clerk Steenland on his election to Treasurer of the Macomb County Clerks Association.

VI. ITEMS FOR DISCUSSION BY CITY COUNCIL

Councilman Frank Maisano commented on the issue of holding a Gratiot Cruise, thanked the Roseville Handicapped Association Olympians for their participation in the Olympics, thanked Cub Scout Pack 1442 for their assistance with the fireworks, congratulated Al and Marlene Lipinski on their 50th anniversary, offered his condolences to the family of Bob Killewald, Jr. and congratulated Linda Melton on her twenty-year service award.

Councilman Salvatore Aiuto thanked Cub Scout Pack 1442 for their assistance with the fireworks celebration, thanked Linda Melton for her dedication, congratulated Mr. & Mrs. Lipinski on their 50th anniversary, commented that Mike Clover was missed at the Roseville Handicapped Association Olympics and reminded everyone to attend Tunes in the Parks. Mr. Aiuto congratulated Parks and Recreation Director Tony Lipinski for obtaining the Huron Park Grant and commented on the collaborative agreement with St. Clair Shores for the pool passes and boat ramps.

Councilman Bill Shoemaker thanked Cub Scout Pack 1442 for their help with the fireworks celebration, congratulated Linda Melton on her twenty-year service award and Mr. & Mrs. Lipinski on their 50th anniversary. Mr. Shoemaker offered his condolences to the family of Bob Killewald, Jr., commented on the Roseville Handicapped Association Olympics, and addressed the *Macomb Daily* article referenced during the Public Hearing.

Councilwoman Jan Haggerty congratulated Mr. & Mrs. Lipinski on their anniversary, congratulated Linda Melton on her twenty-year service award and commented that Mrs. Melton is a very valuable employee. Mrs. Haggerty commented on the ribbon cutting she attended for the Habitat for Humanity homes, thanked IJ Campbell for his work with Habitat for Humanity, congratulated the Roseville Handicapped Association Olympians, wished good luck to the block parties, congratulated Mr. Truman for his work after the recent storms, congratulated City Clerk Richard Steenland on his election to Treasurer of the Macomb County Clerks Association, offered her condolences to the Killewald family and wished Councilwoman McCartney a happy birthday.

Councilwoman Colleen McCartney thanked Cub Scout Pack 1442 for their work on the fireworks, congratulated Mr. & Mrs. Lipinski on their anniversary, congratulated City Clerk Steenland on his election to Treasurer of the Macomb County Clerk's Association and for creating the Government Officials pamphlet. Mrs. McCartney thanked Linda Melton for all of her work, offered her condolences to the Killewald family and to Randy Squire on the passing of his wife.

Mayor Pro Tem Robert Taylor congratulated Mr. & Mrs. Lipinski on their 50th anniversary, congratulated Parks and Recreation Director Tony Lipinski and his staff for their work on the Roseville Handicapped Association Olympics, commented on the sidewalk replacement program, expressed get well wishes to his father and James Huck, offered condolences to the Walt Hurst Family, congratulated Police Chief Michael Pachla and the Police Department for their work on the Presidential visit.

Mayor John Chirkun congratulated Mr. & Mrs. Lipinski on their anniversary, thanked Cub Scout Pack 1442 for their service on the fireworks, commented on the 23rd Annual Roseville Handicapped Association Olympics, thanked Mrs. Melton for her years of service, offered his condolences to the family of Robert Killewald, Jr., expressed get well wishes to Ann Serra, commented on the Roseville Caring Klowns, congratulated Mr. Steenland for becoming the Treasurer of the Macomb County Clerk's Association and complimented Mr. Steenland and his staff for compiling the information in the Government Officials pamphlet. Mayor Chirkun discussed the issue of holding a Gratiot Cruise and complimented the Department of Public Works and Water Department employees for their service after the recent storm damage.

VII. ADJOURNMENT

COUNCILWOMAN COLLEEN MCCARTNEY moved, COUNCILMAN SALVATORE AIUTO seconded that the agenda having been acted upon, the meeting is hereby adjourned at 8:14 p.m.
MOTION CARRIED UNANIMOUSLY

Respectfully submitted,
Richard M. Steenland, City Clerk