REGULAR MEETING
ROSEVILLE CITY COUNCIL

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

TUESDAY, JULY 28, 2009
7 P.M.

ROLL CALL:	Mayor	John Chirkun
	Mayor Pro Tem	Robert Taylor
	Councilpersons:	Jan Haggerty
		Frank Maisano
		Colleen McCartney
		Bill Shoemaker
ABSENT:		Salvatore Aiuto (excused)

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. with the Pledge of Allegiance.

PRESENTATIONS AND PROCLAMATIONS

- Presentation of proclamation to Ms. Lucille Piach in honor of her forty-eight years of service as an election worker.

  Mayor John Chirkun and City Clerk Richard Steenland presented Lucille Piach with a proclamation in honor of her forty-eight years of service as an election worker. Ms. Piach made a statement about her time as an election worker and thanked Mayor Chirkun, City Clerk Steenland and Council for the proclamation.

COUNCILMAN FRANK MAISANO moved, COUNCILWOMAN JAN HAGGERTY seconded to excuse absent Councilman Salvatore Aiuto from the meeting.
MOTION CARRIED UNANIMOUSLY

I. ROUTINE MATTERS

1. Approval of minutes of Regular Meeting held July 14, 2009.

COUNCILWOMAN JAN HAGGERTY moved, MAYOR PRO TEM ROBERT TAYLOR seconded to approve minutes of the Regular Meeting held July 14, 2009.
MOTION CARRIED UNANIMOUSLY

2. Approval of minutes of Special Meeting held July 21, 2009.

COUNCILWOMAN COLLEEN MCCARTNEY moved, COUNCILMAN FRANK MAISANO seconded to approve minutes of the Special Meeting held July 21, 2009.

Abstain: Mayor Pro Tem Robert Taylor
MOTION CARRIED

3. Approval of Disbursement List.

COUNCILMAN BILL SHOEMAKER moved, MAYOR PRO TEM ROBERT TAYLOR seconded to approve Disbursement List #2 dated July 15, 2009 through July 28, 2009.
MOTION CARRIED UNANIMOUSLY

II. CORRESPONDENCE

City Clerk Richard Steenland received no correspondence and announced that the Elected Officials Government Guide was printed compliments of Litho Graphics Printing of Roseville; the guide is available at all of the City buildings throughout the City.

III. HEARING OF THE PUBLIC

Terry Mergenthaler, 25801 Wiseman, spoke in opposition to agenda item #2.

IV. NEW BUSINESS

1. Request to block Dugan between J. Carls and Dolphin on Saturday, September 5 from 12 p.m. until 10 p.m. to conduct a Block Party, Matt Crandall, petitioner.

Matt Crandall, 15856 Dugan, appeared on behalf of this request and answered questions for Council. Mr. Crandall is aware of the stipulations that are set forth by the Police Department, Fire Department and the Department of Public Works.

COUNCILWOMAN JAN HAGGERTY moved, MAYOR PRO TEM ROBERT TAYLOR seconded to approve the request to block Dugan between J. Carls and Dolphin on Saturday, September 5 from 12 p.m. until 10 p.m. to conduct a block party.
MOTION CARRIED UNANIMOUSLY

2. Request adoption of Resolution approving request from MP Tool and Engineering Company to be established as a Tool & Die Renaissance Recovery Zone.

City Manager Stephen Truman introduced Jim Ahee from the Macomb County Economic Development Group who appeared with Lawrence Morawski of MP Tool and Margaret O'Riley, Consultant from Butzel Long.

Mr. Ahee gave a brief history of the Renaissance Recovery Zone Collaborative and the reason for this request to Council.

Mr. Morawski, Ms. O'Riley and Mr. Ahee answered questions for Council.

Ms. O'Riley explained that for the company to be a part of this collaborative they must have a tax abatement; however, legislation does not prohibit a business from forming a joint venture with other companies.

Mr. Ahee stated that it is difficult for a business to get into a collaborative and the tool and die industry is distressed and anything that a government agency can do to assist these companies will help greatly.

Mayor John Chirkun asked Mr. Ahee if this company can join an other collaborative; Mr. Ahee explained that the company will have to find another collaborative and start the application process from the beginning. Mayor Chirkun inquired as to the number of businesses in the collaborative that have been granted similar abatements; Mr. Ahee responded that all of the businesses in Macomb County were granted abatements and Ms. O'Riley explained that there are a few companies waiting for approval from the local governments. Mayor Chirkun also asked if any other programs were available to this company; Ms. O'Riley explained that there are no other programs available for aid to this type of business.

Mr. Ahee explained that if this item fails to pass then the business must find a newly established collaborative next year or apply to an existing collaborative.

COUNCILWOMAN COLLEEN MCCARTNEY moved, COUNCILMAN FRANK MAISANO seconded to deny the request from MP Tool and Engineering Company to establish MP Tool and Engineering as a Tool & Die Renaissance Recovery Zone.
MOTION CARRIED UNANIMOUSLY

3. Request adoption of Ordinance to amend Chapter 290, Article IV, to expand removal of sidewalk obstructions in all Zoning Districts of the City of Roseville, to provide time period in which to pay costs and expenses, to amend the appeal process, to provide for repealer, severability and effective date.

City Manager Stephen Truman explained that Council discussed this item at the last Special Council meeting and due to the large number of vacant homes in the City this ordinance will allow the City to remove snow from the vacant homes.

Councilman Bill Shoemaker asked Mr. Truman if the public will be notified of the new ordinance adoption; Mr. Truman responded that a notice will be placed in the City Newsletter along with a notification of the winter parking ordinance.

COUNCILWOMAN JAN HAGGERTY moved, MAYOR PRO TEM ROBERT TAYLOR seconded to adopt Ordinance No. 1225 to amend Chapter 290, Article IV, to expand removal of sidewalk obstructions in all Zoning Districts of the City of Roseville, to provide time period in which to pay costs and expenses, to amend the appeal process, to provide for repealer, severability and effective date as follows:

TO AMEND AN ORDINANCE OF THE CITY OF ROSEVILLE BY AMENDING CHAPTER 290 ARTICLE IV, TO EXPAND REMOVAL OF SIDEWALK OBSTRUCTIONS IN ALL ZONING DISTRICTS OF THE CITY OF ROSEVILLE, TO PROVIDE TIME PERIOD IN WHICH TO PAY COSTS AND EXPENSES, TO AMEND THE APPEAL PROCESS, TO PROVIDE FOR REPEALER, SEVERABILITY AND EFFECTIVE DATE.

CITY OF ROSEVILLE

MACOMB COUNTY, MICHIGAN

ORDINANCE NO. 1225

THE CITY OF ROSEVILLE ORDAINS:

AN ORDINANCE OF THE CITY OF ROSEVILLE BY AMENDING CHAPTER 290, ARTICLE IV, TO EXPAND REMOVAL OF SIDEWALK OBSTRUCTIONS IN ALL ZONING DISTRICTS OF THE CITY OF ROSEVILLE, TO PROVIDE TIME PERIOD IN WHICH TO PAY COSTS AND EXPENSES, TO AMEND THE APPEAL PROCESS, TO PROVIDE FOR REPEALER, SEVERABILITY AND EFFECTIVE DATE.

Section 1. Chapter 290, Article IV, § 290-18 is hereby amended to provide as follows:

§ 290-18 Time limit for removal of ice and/or snow.

In the case of snow and/or ice, the same shall be removed from sidewalks within the City of Roseville within twenty-four (24) hours after the cessation of any snowfall, or in the case of commercial or business districts, by the beginning of business hours of the next business day following such weather event, whichever period is shorter.

Section 2. Chapter 290 Article IV, § 290-20(A) is hereby amended by deleting "in all business and commercial districts" in the first sentence. Further, reference to "agency" should be changed to "contractor", and the payment period should be reduced from "60" days to "thirty (30)" days.

Section 3. Chapter 290, Article IV, §290-20(b) is hereby amended to provide as follows:

B. In the event that the Department of Buildings and Inspection, through a proper department or contractor of the City, clears the sidewalk of snow and/or ice or removes any other foreign objects from the sidewalks and makes the same free for passage, it shall then be the duty of the City Manager or his or her designee to cause the costs incurred to be charged against the premises and collected according to the provisions of this article. Any person aggrieved by the costs incurred may have a right of appeal first to the Building Director, and if determination at that level is unsatisfactory, they may appeal it further to the City Manager. The City Manager shall have the right to affirm, overturn or modify the decision of the Building Director in whole or in part. The decision of the City Manager shall be final.

Section 4. Chapter 290, Article IV, §290-21 is hereby amended by deleting "in all business and commercial districts" and changing "agency" to "contractor."

Section 5. Repealer. Any section herein that is in conflict is hereby repealed.

Section 6. 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 7. 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 to enter into Attorney-Client Fee Agreement regarding representation for the Petitions of National Pollution Discharge Elimination System (NPDES) Phase II General Permits.

City Attorney Tim Tomlinson explained that the request before Council is the Attorney-Client Fee Agreement with Attorney Charles E. Dunn. Mr. Dunn represents the City of Roseville, Oakland County, Wayne County and 14 communities in the petition of National Pollution Discharge Elimination System (NPDES) Phase II General Permits; he has moved to a new law firm and is requesting that the new agreement be signed as a formality. The hourly rate is divided by 16 and each community is billed separately. Mr. Dunn specializes in this area and Mr. Tomlinson recommends approval of this agreement.

COUNCILMAN FRANK MAISANO moved, COUNCILWOMAN COLLEEN MCCARTNEY seconded to enter into Attorney-Client Fee Agreement regarding representation for the Petitions of National Pollution Discharge Elimination System (NPDES) Phase II General Permits.
MOTION CARRIED UNANIMOUSLY

5. Appointments

Mayor John Chirkun had no appointments.

6. Reports of City Manager.

City Manager Stephen Truman had the following to report:

a. Mr. Truman updated Council on two complaints received at the July 14 Council Meeting about a vacant home at 28076 Schram and a complaint about open burning. Council was provided with reports from the Building Department and the Fire Department on these issues.
b. Notices were delivered to the residents impacted by the Martin Road construction inviting them to a meeting on Thursday, July 30, to discuss the construction on Martin Road.
c. The Department of Public Works Recycling Drop-off Center will be open on Saturday, August 1 from 9 a.m. until 11 a.m.

Mayor John Chirkun asked Mr. Truman for an update on the Macomb Mall bus stop. Mr. Truman stated that the City is picking up any shopping carts in the area and no agreement has been signed by the Mall owners or SMART to resolve this matter.

7. Reports of City Attorney

City Attorney Tim Tomlinson reported that due to a recent court decision, an amended Restricting and Obstructing ordinance will be brought before Council at the next Council Meeting.

V. HEARING OF THE PUBLIC

Judy Hartwell, 27085 Gratiot, appeared on behalf of Congressman Sander Levin to announce a community resource fair on Thursday, August 13 from 3 p.m. to 7 p.m. at the Eastpointe Senior Center. This fair will provide residents with information about services available to assist them during this economic downturn. Services available will be mortgage assistance, career counseling, local job training resources and home weatherization opportunities. Representatives from Veterans Administration, Social Security, Internal Revenue Service, State and County agencies will be present to assist residents.

James Goldwater, 19346 Brandt, discussed agenda item #2, the possibility of Roseville hosting a Gratiot Cruise, commented on the sign ordinance and code enforcement issues.

Mayor John Chirkun asked City Manager Stephen Truman to investigate a few concerns raised by Mr. Goldwater.

Edward Stross, 28305 Gratiot, discussed comments made during the Public Hearing at the last Council meeting, discussed a sign he removed from his front window and commented on the ordinance that was adopted this evening.

Mr. Truman responded to comments made by Mr. Stross.

Mike Clover, 16279 12 Mile, discussed agenda item #3 and commented on the 12 Mile Road construction.

Terry Mergenthaler, 25801 Wiseman, discussed agenda item #2.

Ross Collett, 28329 Utica, commented on the issues between the City and Mr. Stross and requested copies of all of the City's Ordinances.

VI. ITEMS FOR DISCUSSION BY CITY COUNCIL

Councilwoman Colleen McCartney congratulated Lucille Piach on her proclamation and offered condolences to Fire Chief Benjamin Foronato on the passing of his mother-in-law. Councilwoman McCartney stated that she does take all factors into account when it comes to requests such as the Renaissance Recovery Zone and she does not like to deny this type of request.

Councilwoman Jan Haggerty congratulated Mrs. Piach on her retirement, congratulated Dorsey Schools on the new Culinary Annex in Roseville, announced that the VFW and the Roseville Police Honor Guard will host a fundraiser for the son of Police Officer Susan Payne on August 12 from 4 p.m. to 9 p.m., offered condolences to the Foronato family and commented on the RRZ request.

Councilman Bill Shoemaker thanked Mrs. Piach for her years of service as an election worker, offered condolences to the family of Jean Papuga and announced the National Night Out Against Crime on Tuesday, August 4 at Veterans Memorial Park from 6 p.m.-9 p.m.

Councilman Frank Maisano congratulated Mrs. Piach on her retirement, commented on the fundraiser for Officer Payne's son, stated that Sacred Heart Catholic Church will extend its city-wide garage sale through August 1 & 2, welcomed his neighbor Leo Maranzano back to health and offered his condolences to the Foronato family.

Mayor Pro Tem Robert Taylor commented on the Gratiot Cruise issue, congratulated Mrs. Piach on her retirement, congratulated Phyllis & Donald Arnold on their 56th wedding anniversary, and offered his condolences to the Foronato family and the family of Richard Rank.

Mayor John Chirkun thanked Mrs. Piach for her years of service to the City, offered condolences to the Foronato Family, commented on the fundraiser for Officer Payne's son, congratulated Jessica Taylor for her achievements in the School of Rock, announced the 31st Annual Nautical Mile Handicapped Fishing Derby on August 12 at the Island Harbor Marina, commented on the Gratiot Cruise issue and thanked Edward Stross for complying with the Sign Ordinance.

VII. ADJOURNMENT

COUNCILMAN FRANK MAISANO moved, COUNCILWOMAN JAN HAGGERTY seconded that the agenda having been acted upon, the meeting is hereby adjourned at 8:25 p.m.
MOTION CARRIED UNANIMOUSLY

Respectfully submitted,
Richard M. Steenland, City Clerk