REGULAR MEETING
ROSEVILLE CITY COUNCIL

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

TUESDAY, MAY 22, 2007

ROLL CALL

PRESENT:

Mayor	Harold Haugh
Councilpersons	Salvatore Aiuto John Chirkun Jan Haggerty Bill Shoemaker Richard Steenland

ABSENT: Robert Taylor (excused)

OTHERS PRESENT:

City Manager	Stephen Truman
City Clerk	Rae Oldaugh
City Attorney	Tim Tomlinson

Mayor Harold Haugh called the meeting to order at 7:02 p.m. with the Pledge of Allegiance.

COUNCILWOMAN JAN HAGGERTY moved, COUNCILMAN BILL SHOEMAKER seconded to excuse absent Councilman Robert Taylor.
MOTION CARRIED UNANIMOUSLY

PRESENTATIONS AND PROCLAMATIONS

- Presentation of "Certificate of Recognition" to Kohl's Department Store for their participation in Anti-Drug Coalitions and recognition of D.A.R.E. Program of Roseville.

  Mayor Harold Haugh presented Pam Dillion, Store Manager of Kohl's with the Certificate of Recognition.

  Police Officer Mathew Gerebics appeared on behalf of the D.A.R.E. Program; Officer Gerebics thanked Kohl's for their help and support in keeping kids off of drugs, alcohol and violence.

  Mayor Harold Haugh thanked Officer Gerebics, Officer Pfeiffer, and the Roseville Police Department for the wonderful job they do with the D.A.R.E. Program.

I. ROUTINE MATTERS

1. Approval of minutes of Regular Meeting held May 8, 2007.

   COUNCILMAN SALVATORE AIUTO moved, COUNCILWOMAN JAN HAGGERTY seconded to approve minutes of Regular Meeting held May 8, 2007
   MOTION CARRIED UNANIMOUSLY

2. Approval of minutes of Special Meeting held May 15, 2007.

   COUNCILMAN SALVATORE AIUTO moved, COUNCILMAN RICHARD STEENLAND seconded to approve minutes of Special Meeting held May 15, 2007.
   MOTION CARRIED UNANIMOUSLY

3. Approval of Disbursement List.

   COUNCILMAN BILL SHOEMAKER moved, COUNCILWOMAN JAN HAGGERTY seconded to approve Disbursement List #22, voucher numbers 45052 through 45328.
   MOTION CARRIED UNANIMOUSLY

II. CORRESPONDENCE

City Clerk Rae Oldaugh received no correspondence.

Mayor Harold Haugh stated that one letter was provided to Council by a resident this evening.

III. HEARING OF THE PUBLIC – AGENDA ITEMS ONLY

No one from the public wished to be heard.

IV. NEW BUSINESS

1. Request to block Garden Court between 20039 and 20460 on Saturday, July 21

from 3 p.m. until 11 p.m. to conduct a Block Party, with a rain date of Sunday, July 22, Darlene Marchese, petitioner.

Petitioner Darlene Marchese, 20250 Garden Court, appeared.

COUNCILMAN RICHARD STEENLAND moved, COUNCILMAN JOHN CHIRKUN seconded to approve request to block Garden Court between 20039 and 20460 on Saturday, July 21 from 3 p.m. until 11 p.m. to conduct a Block Party, with a rain date of Sunday, July 22.
MOTION CARRIED UNANIMOUSLY

2. Council consideration on adoption of Resolution from Bangkok Cuisine #3, Inc. to transfer ownership of 2006 Class C licensed business with Entertainment Permit located in escrow at 25223 Gratiot, Roseville, MI 48066, Macomb County from Ming On, Inc.

Neng Lor & Daniel Arpachinda, 25223 Gratiot, appeared on behalf of Bankok Cuisine #3.

Councilwoman Jan Haggerty asked Mr. Lor for the reason why the liquor license is in escrow. Mr. Lor responded that when he and his partner purchased the restaurant they changed the name of the restaurant. Mr. Arpachinda stated that the liquor license was put into escrow and the petitioners had to apply to have the license transferred to the new business.

Mrs. Haggerty asked the petitioners if the entertainment permit would be used; the petitioners did not want the entertainment permit included in this request. Councilwoman Haggerty asked City Attorney Tim Tomlinson if the Council is permitted to place a stipulation on the approval regarding the dance-entertainment permit. Mr. Tomlinson stated that the Council cannot place any type of stipulations on the approval.

Mr. Lor explained to Council that the previous owner had Karaoke at the restaurant; therefore, the entertainment permit was required.

Councilman Salvatore Aiuto asked Mr. Tomlinson if the Council may stipulate no entertainment on this request. Mr. Tomlinson replied that the only way Council may act on the entertainment permit is if the petitioners request in writing to have the entertainment portion removed from the license.

Mayor Harold Haugh asked Mr. Tomlinson if the Council may approve this request pending receipt of a letter from the petitioners stating they don't intend to use the entertainment portion of the license. Mr. Tomlinson stated that he has no objection to the Council requesting a letter from the petitioners requesting that the Council not approve the entertainment portion of the license.

Councilman Richard Steenland asked Mr. Tomlinson if the entertainment permit was the same type as other businesses in the community. Mr. Tomlinson stated that the request is no different than other licenses in the City.

Councilman John Chirkun questioned Mr. Tomlinson regarding the type of entertainment allowed under this type of permit; adult entertainment is not allowed under this type of entertainment permit.

COUNCILMAN RICHARD STEENLAND moved, COUNCILMAN JOHN CHIRKUN seconded to approve the Resolution from Bangkok Cuisine #3, Inc. to transfer ownership of 2006 Class C licensed business with Entertainment Permit located in escrow at 25223 Gratiot , Roseville, MI 48066, Macomb County from Ming On, Inc as presented.

Councilman Richard Steenland explained his reason for approving the resolution as presented; this license is similar to other businesses in the City.
MOTION CARRIED UNANIMOUSLY

3. Public Hearing and Council consideration for permission to split parcel #14-04-201-090 into two lots, one 60 feet by 110 feet and one 40 feet by 110 feet property located on the south side of 14 Mile Road, between Barris and Beaconsfield.

City Manager Stephen Truman explained to Council that this request is before Council due to the fact that the lot widths of the requested split are less than 50 feet.

Steven R. Carver, 32500 Concord Drive, Madison Heights, appeared on behalf of the purchaser to explain this request to Council.

Terry Harsh, 35509 Miami, Clinton Twp, appeared on behalf of the owner of the property.

Mr. Carver asked Council to help facilitate a resolution on this matter and requested that Council approve the lot split; the owner and seller have made an effort to work with the neighbors in the area. The property currently has one house which will be renovated and the second lot will be developed with a residential dwelling.

Councilman Richard Steenland asked Mr. Carver what he considered as a resolution with the garage encroachment on this property; Mr. Carver explained that he has made a personal effort as well as a written proposal to work out a resolution with the neighbor to the south of this property in order to obtain a quit claim deed for six feet of the vacated alley from the property owner. Councilman Steenland asked Mr. Carver if he was aware of the stipulations the Building Department requested on this matter; Mr. Carver was not aware of any stipulations.

Mr. Steenland asked City Attorney Tim Tomlinson if Mr. Carver has the authority to make a decision on the matter for the purchaser; Mr. Tomlinson stated that if Mr. Carver didn't agree with the decision the Council could deny the request.

Councilman John Chirkun asked Mr. Carver if the purchase of this property was contingent upon the lot split; Mr. Carver replied that the purchase is contingent upon the lot split.

Mr. Chirkun asked Mr. Truman the history with this property in question. Mr. Truman explained that this property was an extermination facility ten years ago and zoned B-1. The Zoning Ordinance, at that time, required a masonry wall between business and residential zoning; in 1995 this area was rezoned to R-1. This property has been vacant for a period of time and can no longer be used for commercial use.

Mr. Truman explained to Council that three of the four stipulations requested by the City are standard for a lot split; the fourth and fifth stipulations are due to the vacated alley and buffer wall.

Councilman Bill Shoemaker discussed the proposed new lot size with Mr. Carver.

Mayor Harold Haugh read the Building Department's requested stipulations to Mr. Carver as follows:

1. All taxes must be current at time of split.
2. A $400.00 processing fee must be paid to the Assessor's Office prior to the split.
3. A rear yard catch basin be installed along the property line between lots A&B.
4. The masonry buffer wall and footing along the entire south property line be removed.
5. All encroaching asphalt surfaces must be removed off of lots 42 and 43.

Kathleen Pitlock, 19941 Macel, spoke against this request and will not sell a portion of her property to the petitioner.

James Goldwater, 19346 Brandt, suggested two fifty-foot lots be made out of the single lot and discussed possible chemicals left behind in the existing house from the extermination business that previously occupied that address.

Wendy Simoni, 19961 Macel, owner of a parcel behind the proposed lot split, would like the cement wall and asphalt removed from behind her property and is opposed to this request.

Councilwoman Haggerty asked Ms. Simoni if she will be satisfied with removal of the asphalt and wall as well as ownership retention of her property. Ms. Simoni is satisfied with those measures.

Terry Mergenthaler, 25801 Wiseman, suggested that the seller pay for cleaning up the property prior to any sale in regard to any pesticides or chemicals remaining on the property.

COUNCILMAN RICHARD STEENLAND moved, COUNCILMAN JOHN CHIRKUN seconded to close the public hearing.
MOTION CARRIED UNANIMOUSLY

Ms. Pitlock wanted Council to know that she agrees with Ms. Simoni and Mr. Mergenthaler. Ms. Pitlock would like notification when the wall is removed.

Mr. Carver stated that the petitioner does not need Ms. Pitlock's property and that the purchaser will require six feet of Ms. Simoni's property to continue with the lot split and he feels this split will benefit the neighborhood.

Mr. Harsh commented about what year the encroaching garage was built.

Councilman Richard Steenland asked Mr. Carver if the purchaser is willing to pay for the cost of Ms. Simone deeding six feet of her property to the purchaser. Mr. Carver discussed options for this split other than obtaining six feet of the neighboring property.

Mayor Harold Haugh reiterated the concerns of the neighbors and instructed Mr. Carver to meet with all parties involved and come back in front of Council at the next Regular Meeting.

COUNCILMAN RICHARD STEENLAND moved, COUNCILMAN JOHN CHIRKUN seconded to table the request for Council consideration for permission to split parcel #14-04-201-090 into two lots, one 60 feet by 110 feet and one 40 feet by 110 feet property located on the south side of 14 Mile Road, between Barris and Beaconsfield until the next Regular Council Meeting on June 12, 2007.
MOTION CARRIED UNANIMOUSLY

City Attorney Tim Tomlinson stated he is willing to sit with the parties involved to resolve this matter.

4. Request adoption of Ordinance to amend the Code of Ordinances for the City of Roseville, Chapter 73, to amend the definitions; provide for investigation within forty-five days by the Chief of Police upon application; to repeal identification of individual devices; to revise the general regulations; to provide for repealer, severability and effective date.

   City Manager Stephen Truman requested Council to table this request so language in the ordinance may be clarified.

   COUNCILMAN JOHN CHIRKUN moved, COUNCILWOMAN JAN HAGGERTY seconded to table the request the adoption of Ordinance to amend the Code of Ordinances for the City of Roseville, Chapter 73, to amend the definitions; provide for investigation within forty-five days by the Chief of Police upon application; to repeal identification of individual devices; to revise the general regulations; to provide for repealer, severability and effective date.
   MOTION CARRIED UNANIMOUSLY

5. Request adoption of Resolution to amend Chapter 133 Section 13 by revising vending and amusement device fee schedule.

   COUNCILMAN RICHARD STEENLAND moved, COUNCILWOMAN JAN HAGGERTY seconded to table the request to adopt the Resolution to amend Chapter 133 Section 13 by revising vending and amusement device fee schedule.
   MOTION CARRIED UNANIMOUSLY

6. Request adoption of Resolution approving the Community Development Block Grant budget for fiscal year July 1, 2007 through June 30, 2008.

   City Manager Stephen Truman explained to Council that all requirements of the budget process have been complied with and a public hearing was held on this issue; Mr. Truman recommends this resolution be adopted and that he as City Manager be named the signer of all necessary assurances and certifications needed to apply for the $583, 085 federal funding from the Department of Housing and Urban Development (HUD) to finance the Community Development Block Grant budget.

   COUNCILMAN RICHARD STEENLAND moved, COUNCILWOMAN JAN HAGGERTY seconded to adopt the Resolution approving the Community Development Block Grant budget for fiscal year July 1, 2007 through June 30, 2008 as follows:

   WHEREAS, Title I of the Housing and Community Development Act of 1974 (PL 93-383) of the United States of America entitles the City of Roseville to apply for an annual allocation in Federal funds through the U.S. Department of Housing and Urban Development (HUD); and,

WHEREAS, as part of the application to the U.S. Department of Housing and Urban Development (HUD) for release of funds, certain assurances are required, including the adoption of a resolution as an official act of the applicant's governing body, authorizing the filing of the application including all understandings and assurances contained therein; and,

WHEREAS, the City of Roseville Community Development Department has prepared and published on April 6, 2007 the proposed budget for the 2007 Community Development Block Grant (CDBG) fiscal year; and,

WHEREAS, on April 24, 2007 before the City Council of Roseville, Michigan, a public hearing was held to receive input from the local community and other interested parties; and,

WHEREAS, a request for environmental clearances from the State of Michigan Bureau of Historic Preservation dated April 4, 2007 has been submitted and a Notice of Finding No Significant Impact was published on May 8 2007; and,

WHEREAS, any comments, questions or suggestions, received as result of the publishing or the public hearing, have been responded to, and/or incorporated as required; and,

WHEREAS, no further statutory or community impediments remain to be resolved;

NOW THEREFORE BE IT RESOLVED, that we, the City Council of Roseville, Michigan, establish the proposed budget as the CDBG Program Budget for the 2007 Community Development Block Grant fiscal year beginning July 1, 2007 and ending June 30, 2008.

BE IT FURTHER RESOLVED, that we direct the City Manager of Roseville to be the signer of all necessary assurances and certifications needed to apply for $583,085 in federal funding from the US Department of Housing and Urban Development (HUD) to finance the Community Development Block Grant (CDBG) Program Budget, and to take those administrative actions as may be required.

MOTION CARRIED UNANIMOUSLY

Councilman Richard Steenland commended I.J. Campbell, Director of CDBG, and his staff for their efforts on this budget.

Mayor Harold Haugh told Mr. Campbell that he did a great job on this proposal and wished him luck in administering this budget.

7. Appointments.

Mayor Harold Haugh reappointed Geraldine Frank to the Housing Commission. City Manager Stephen Truman concurs with the appointment.

8. Reports of City Manager.

City Manager Stephen Truman had the following to discuss:

a. The D.A.R.E. Graduation is scheduled for May 24 at 7 p.m. in the Roseville Junior High School auditorium.
b. The VFW Memorial Day Parade is scheduled for May 28, at 10 a.m.
c. City Offices will be closed Monday, May 28 in observance of the Memorial Day holiday; trash collection will be delayed one day due to the holiday.

d. The Recreation Center will sell amusement park tickets beginning Tuesday, May 29.
e. A bike rodeo and safety day will be held at the Recreation Center on Saturday, June 2 from 10 a.m. to 2 p.m.

Mr. Truman provided Council with information regarding the City's weed cutting program. A new procedure has been implemented by Building Director Glenn Sexton and will be followed by the contractor in charge of the weed cutting; the procedure will make sure cuts are done more often. The north end of the City will be cut first this season as it alternates yearly between the north and south sections of the City. Mr. Truman mentioned that the DPW participates in the weed cutting program; however, all of the lots cannot be cut by the DPW because the size of the machinery prevents the department from cutting smaller lots.

Councilman Richard Steenland asked Mr. Truman if any development was in progress for the old Krispy Kream building; Mr. Truman responded that currently there are no plans in process for that lot. Mr. Steenland also asked Mr. Truman if he will place information from the Michigan Municipal League about state cuts to revenue sharing on the City cable channel; Mr. Truman stated that he received a DVD from the MML regarding revenue sharing and this video will be televised on the City cable channel.

9. Reports of City Attorney.

City Attorney Tim Tomlinson had nothing to report.

V. HEARING OF THE PUBLIC

James Goldwater, 19346 Brandt, discussed agenda item #3, thanked Local 520 for validating items he speaks about and commended Council for the action they took at the last Zoning Board meeting which will bring a new business to Roseville

Erin Stahl, Mayor Pro-Tem for the City of St. Clair Shores and St. Clair Shores Council liaison to the St. Clair Shores Water Front Advisory Committee. Ms. Stahl announced the schedule for water front and freeway entrance clean up and invited everyone to help with the clean up; community service hours will be gained by participation in this program. Anyone interested in helping with this project may call 774-8181.

Charles Frontera, 26240 Blumfield, announced that he is having a meeting for students age 15-21 who are interested in getting involved in their community.

Terry Kinnaird, 19392 McKinnon, listed questions he has about the Code Enforcement Department to Council. Mr. Kinnaird provided a copy of his questions to Council.

VI. ITEMS FOR DISCUSSION BY CITY COUNCIL

Councilman Salvatore Aiuto stated he was glad to see young people at the meeting, thanked City Manager Stephen Truman and Building Director Glenn Sexton for taking a proactive approach on the weed cutting issue, thanked I.J. Campbell for his work on the CDBG budget, commented on Student Government Day, wished everyone a safe graduation season, congratulated his son Alex on his first communion and stated that he would like everyone to have a safe holiday weekend.

Councilman Bill Shoemaker announced that on Sunday, May 27, Calvary Church [currently Covenant Missionary Temple] will have a picnic and service at Memorial Park and wished everyone a happy Memorial Day.

Councilwoman Jan Haggerty commented on an article in the *Macomb Daily* about Andy Noble, thanked the Fire and Police Departments for their participation with Andy's cause, mentioned a compliment she received from an Eastpointe resident about the Recreation Summer Camp and wished everyone a happy Memorial Day.

Councilman John Chirkun wished everyone a happy Memorial Day.

Councilman Richard Steenland wished his daughter Anna a happy 11th birthday.

Mayor Harold Haugh congratulated Mr. Campbell on the CDBG budget, discussed the partial approval the Zoning Board granted to the bio diesel business and the steps Council will take to obtain public input on this item, wished everyone a happy Memorial Day and asked everyone to hug a veteran.

VII. ADJOURNMENT

COUNCILMAN JOHN CHIRKUN moved, COUNCILWOMAN JAN HAGGERTY seconded that the agenda having been acted upon the meeting is hereby adjourned at 8:45 p.m.
MOTION CARRIED UNANIMOUSLY

Respectfully submitted,
RAE A. OLDAUGH
City Clerk

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