Copies of the disbursement list are now available in the controller's office

Presentation Spec 9-1-09
P.H. date set for 10-13-09
on 9-22-09

Inter-Office-Memo

ASSESSORS OFFICE

TO: **Steve Truman, City Manager**

FROM: **Daniel P. Hickey, City Assessor**

DATE: **8/27/09**

RE: **Wolverine Bronze Company IFT Application**

GENERAL INFORMATION

Public Act 198 was enacted in 1974, it was designed to provide a stimulus in the form of significant tax incentives to industrial companies to renovate and expand aging plants, build new plants and promote establishment of research and development laboratories and retain employment. The granting of property tax incentives under the act is a local option left to the discretion of the legislative body of the local governmental unit. These incentives involve placing real or personal property assets on an industrial facility roll with a specific tax rate that is approximately half of the tax rate associated with an ad valorem assessment roll. Applications for an Industrial Facility Exemption Certificate (IFEC) come under H.B. 5120 that requires a written agreement between two parties as to performance.

APPLICANT INFORMATION

Wolverine Bronze Company is located at 28178 Hayes and occupies 60,367 sq. ft. of industrial floor space, and employs roughly 100 personal. The company has been in business for 50 years and has been located in the City of Roseville the entire time. The company currently builds castings for the aerospace industry, and the automotive industry.

PROJECT INFORMATION

This proposed project is for an investment of $6,996,800 that will be used to purchase new machinery and equipment. The implementation will enable them to engage in a new developmental foundry using main stream production equipment to improve robust processes that transfer to OEMs. This will increase efficiencies by reducing debug and startup time when OEMs start production. The project would also retain 19 jobs and create 8 new jobs.

WOLVERINE BRONZE (Projected Taxes)

Personal Property @ 12 years

Items purchased in 2009:

Year	Original Cost	x	STC Mult	=	TCV	x	Rate	=	Taxable Value		21.38 City Ad Valorem	10.69 City IFT Tax
1	2,171,800	x	0.89	=	1,932,902	x	50%	=	966,451	$	20,663	10,331
2	2,171,800	x	0.76	=	1,650,568	x	50%	=	825,284	$	17,645	8,822
3	2,171,800	x	0.67	=	1,455,106	x	50%	=	727,553	$	15,555	7,778
4	2,171,800	x	0.6	=	1,303,080	x	50%	=	651,540	$	13,930	6,965
5	2,171,800	x	0.54	=	1,172,772	x	50%	=	586,386	$	12,537	6,268
6	2,171,800	x	0.49	=	1,064,182	x	50%	=	532,091	$	11,376	5,688
7	2,171,800	x	0.45	=	977,310	x	50%	=	488,655	$	10,447	5,224
8	2,171,800	x	0.42	=	912,156	x	50%	=	456,078	$	9,751	4,875
9	2,171,800	x	0.38	=	825,284	x	50%	=	412,642	$	8,822	4,411
10	2,171,800	x	0.36	=	781,848	x	50%	=	390,924	$	8,358	4,179
11	2,171,800	x	0.33	=	716,694	x	50%	=	358,347	$	7,661	3,831
12	2,171,800	x	0.31	=	673,258	x	50%	=	336,629	$	7,197	3,599
										$	143,943	71,971

Items purchased in 2010:

1	Not in 1st year											
2	4,725,000	x	0.89	=	4,205,250	x	50%	=	2,102,625	$	44,954	22,477
3	4,725,000	x	0.76	=	3,591,000	x	50%	=	1,795,500	$	38,388	19,194
4	4,725,000	x	0.67	=	3,165,750	x	50%	=	1,582,875	$	33,842	16,921
5	4,725,000	x	0.6	=	2,835,000	x	50%	=	1,417,500	$	30,306	15,153
6	4,725,000	x	0.54	=	2,551,500	x	50%	=	1,275,750	$	27,276	13,638
7	4,725,000	x	0.49	=	2,315,250	x	50%	=	1,157,625	$	24,750	12,375
8	4,725,000	x	0.45	=	2,126,250	x	50%	=	1,063,125	$	22,730	11,365
9	4,725,000	x	0.42	=	1,984,500	x	50%	=	992,250	$	21,214	10,607
10	4,725,000	x	0.38	=	1,795,500	x	50%	=	897,750	$	19,194	9,597
11	4,725,000	x	0.36	=	1,701,000	x	50%	=	850,500	$	18,184	9,092
12	4,725,000	x	0.33	=	1,559,250	x	50%	=	779,625	$	16,668	8,334
										$	297,505	148,753

PROPERTY TAXES ABATED OVER TERM: **CITY IFT TAX: $220,724**

Original cost of current personal property	$5,619,436
New personal property investment	$6,996,800
Increase percentage of new personal property	124%

Based on the current guide lines of Personal Property, Wolverine Bronze would qualify for the full 12 years.

COPY

Michigan Department of Treasury
1012 (Rev. 3-07)

Application for Industrial Facilities Tax Exemption Certificate

Issued under authority of P.A. 198 of 1974, as amended. Filing is mandatory.

INSTRUCTIONS: File the original and two copies of this form and the required attachments (three complete sets) with the clerk of the local government unit. The State Tax Commission (STC) requires two complete sets (one original and one copy). One copy is retained by the clerk. If you have any questions regarding the completion of this form or would like to request an informational packet, call (517) 373-3272.p

To be completed by Clerk of Local Government Unit	
Signature of Clerk	► Date received by Local Unit
STC Use Only	
► Application number	► Date received by STC

APPLICANT INFORMATION

All boxes must be completed.

► 1a. Company Name (Applicant must be occupant/operator of the facility) Wolverine Bronze Company	► 1b. Standard Industrial Classification (SIC) Code – Sec. 2(10) (4 or 6 Digit Code) 332000	
► 1c. Facility Address (City, State, ZIP Code) (real and/or personal property location) 28178 Hayes, Roseville, Mi 48066	► 1d. City/Township/Village (indicate which) Roseville (city)	► 1e. County Macomb
► 2. Type of Approval Requested [X] New [ ] Transfer (1 copy only) [ ] Speculative Building (Sec. 3(8)) [ ] Rehabilitation (Sec. 3(1)) [ ] Research and Development (Sec.2(9))	► 3a. School District where facility is located Roseville	► 3b. School Code 50030
	► 4. Amount of years requested for exemption (1 -12 years) 12 Years	

5. Thoroughly describe the project for which exemption is sought: Real Property (Type of Improvements to Land, Building, Size of Addition); Personal Property (Explain New, Used, Transferred from Out-of-State, etc.) and Proposed Use of Facility. (Please attach additional page(s) if more room is needed).

Company is a non-ferrous jobbing foundry serving the aerospace, automotive & special machine industries. The equipment will be used in a new developmental foundry using main stream production equipment to improve robust processes that transfer to OEMs. This will increase efficiencies by reducing debug & startup time when OEMs start production.

6a. Cost of land and building improvements (excluding cost of land) ► $ 0.00 Real Property Costs
* Attach list of improvements and associated costs.
* Also attach a copy of building permit if project has already begun.

6b. Cost of machinery, equipment, furniture and fixture ► $ 6,996,800.00 Personal Property Costs
* Attach itemized listing with month, day and year of beginning of installation plus total costs

6c. Total Project Costs ► $ 6,996,800.00 Total of Real & Personal Costs
* Round Costs to Nearest Dollar

7. Indicate the time schedule for start and finish of construction and equipment installation. Projects must be completed within a two year period of the effective date of the certificate unless otherwise approved by the STC.

	Begin Date (M/D/Y)	End Date (M/D/Y)	
Real Property Improvements	NA	NA	► [X] Owned [ ] Leased
Personal Property Improvements	3/16/2009	3/15/2011	► [X] Owned [ ] Leased

► 8. Are State Education Taxes reduced or abated by the Michigan Economic Development Corporation (MEDC)? If yes, applicant must attach a signed MEDC Letter of Commitment to receive this exemption. [ ] Yes [X] No

► 9. No. of existing jobs at this facility that will be retained as a result of this project. 19 Jobs Retained	► 10. No. of new jobs at this facility expected to create within 2 years of completion. 8 Jobs Created

11. Rehabilitation applications only: Complete a, b and c of this section. You must attach the assessor's statement of valuation for the entire plant rehabilitation district and obsolescence statement for property. The SEV data below must be as of December 31 of the year prior to the rehabilitation.

a. SEV of Real Property (excluding land)	NA
b. SEV of Personal Property (excluding inventory)	
c. Total SEV	

►12a. Check the type of District the facility is located in:
[X] Industrial Development District [ ] Plant Rehabilitation District

►12b. Date district was established by local government unit (contact local unit) 10/02/2006	►12c. Is this application for a speculative building (Sec. 3(8))? [ ] Yes [X] No

APPLICANT CERTIFICATION - complete all boxes.

The undersigned, authorized officer of the company making this application certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way and that all are truly descriptive of the industrial property for which this application is being submitted.

It is further certified that the undersigned is familiar with the provisions of P.A. 198 of 1974, as amended, being Sections 207.551 to 207.572, inclusive, of the Michigan Compiled Laws; and to the best of his/her knowledge and belief, (s)he has complied or will be able to comply with all of the requirements thereof which are prerequisite to the approval of the application by the local unit of government and the issuance of an Industrial Facilities Exemption Certificate by the State Tax Commission.

13a. Preparer Name	13b.Telephone Number	13c. Fax Number	13d. E-mail Address
Charles Arent	586-776-8180	586-776-2339	
14a. Name of Contact Person	14b.Telephone Number	14c. Fax Number	14d. E-mail Address
Charles Arent	586-776-8180	586-776-2339	
►15a. Name of Company Officer (No Authorized Agents)			
Richard Smith, President			
15b. Signature of Company Officer (No Authorized Agents)		15c. Fax Number	15d. Date
[redacted]		586-776-2339	8/14/09
►15e. Mailing Address (Street, City, State, ZIP Code)		15f.Telephone Number	14g. E-mail Address
28178 Hayes Road, Roseville, Mi 48066		586-776-8180	

LOCAL GOVERNMENT ACTION & CERTIFICATION - complete all boxes.

This section must be completed by the clerk of the local governing unit before submitting application to the State Tax Commission. Check items on file at the Local Unit and those included with the submittal.

►16. Action taken by local government unit

Abatement Approved for _____ Years (1-12)

After Completion Yes No

Denied (Include Resolution Denying)

16a. Documents Required to be on file with the Local Unit

Check or Indicate N/A if Not Applicable

- ☐ 1. Notice to the public prior to hearing establishing a district.
- ☐ 2. Notice to taxing authorities of opportunity for a hearing.
- ☐ 3. List of taxing authorities notified for district and application action.
- ☐ 4. Lease Agreement showing applicants tax liability.

16b. The State Tax Commission Requires the following documents be filed for an administratively complete application:

Check or Indicate N/A if Not Applicable

- ☐ 1. Original Application plus attachments, and one complete copy
- ☐ 2. Resolution establishing district
- ☐ 3. Resolution approving/denying application.
- ☐ 4. Letter of Agreement (Signed by local unit and applicant)
- ☐ 5. Affidavit of Fees (Signed by local unit and applicant)
- ☐ 6. Building Permit for real improvements if project has already begun
- ☐ 7. Equipment List with dates of beginning of installation
- ☐ 8. Form 3222 (if applicable)
- ☐ 9. Speculative building resolution and affidavits (if applicable)

16c. LUCI Code	16d. School Code
17. Name of Local Government Body	►18. Date of Resolution Approving/Denying this Application

Attached hereto is an original and one copy of the application and all documents listed in 16b. I also certify that all documents listed in 16a are on file at the local unit for inspection at any time.

19a. Signature of Clerk	19b. Name of Clerk	19c. E-mail Address
19d. Clerk's Mailing Address (Street, City, State, ZIP Code)		
19e. Telephone Number	19f. Fax Number	

State Tax Commission Rule Number 57: Complete applications approved by the local unit and received by the State Tax Commission by October 31 each year will be acted upon by December 31. Applications received after October 31 may be acted upon in the following year.

Local Unit: Mail one original and one copy of the completed application and all required attachments to:

State Tax Commission
Michigan Department of Treasury
P.O. Box 30471
Lansing, MI 48909-7971

(For guaranteed receipt by the STC, it is recommended that applications are sent by certified mail.)

STC USE ONLY				
►LUCI Code	►Begin Date Real	►Begin Date Personal	►End Date Real	►End Date Personal

MOTION MADE BY:_____

MOTION SECONDED BY:_____

TO ADOPT AN ORDINANCE OF THE CITY OF ROSEVILLE AMENDING THE CITY OF ROSEVILLE ZONING CODE BY ADDING SECTION 1909 BY PROVIDING FOR MEDICAL MARIHUANA DISPENSARIES, THEIR LOCATION, DEFINITIONS, CONDITIONS AND STANDARDS, AND CIVIL FORFEITURE, TO PROVIDE FOR REPEALER, SEVERABILITY, AND EFFECTIVE DATE.

CITY OF ROSEVILLE
MACOMB COUNTY, MICHIGAN
ORDINANCE NO._____

THE CITY OF ROSEVILLE ORDAINS:

TO ADOPT AN ORDINANCE OF THE CITY OF ROSEVILLE AMENDING THE CITY OF ROSEVILLE ZONING CODE BY ADDING SECTION 1909 BY PROVIDING FOR MEDICAL MARIHUANA DISPENSARIES, THEIR LOCATION, DEFINITIONS, CONDITIONS AND STANDARDS, AND CIVIL FORFEITURE, TO PROVIDE FOR REPEALER, SEVERABILITY, AND EFFECTIVE DATE.

Section 1. The City of Roseville Zoning Ordinance is hereby amended to add Section 1909 as follows:

Medical Marihuana Dispenaries shall be permitted in OS, B-1, B-2, B-3, I-1, and I-2 districts subject to review and approval by the Planning Commission, provided that they meet the conditions set forth in this section.

1. Definitions

(a) "Debilitating medical condition" means one or more of the following:

(1) Cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, hepatitis C, amyotrophic lateral sclerosis, Crohn's disease, agitation of Alzheimer's disease, nail-patella syndrome (NPS), or the treatment of these conditions.

(2) A chronic or debilitating disease or medical conditioner its treatment that produces one or more of the following: cachexia or wasting syndrome; severe and chronic pain; severe nausea; seizures, including but not limited to those characteristic of epilepsy; or severe and persistent muscle spasm, including but not limited to those characteristic of multiple sclerosis.

(3) Any other medical condition or its treatment approved by the department, as provided for in MCL333.26425.

(b) "Department" means the state department of community health.

(c) "Drug paraphernalia" means all equipment, products and materials of any kind, which is used, intended for use, or designed for use. In planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance as defined in Section 7104 of the Michigan Public Health Code (Act No. 368 of the MI Public Acts of 1978, as Amended), in violation of the laws of the State of Michigan.

(d) "Enclosed, locked facility" means a closet, room, or other enclosed area equipped with locks or other security devices that permit access only by a registered primary caregiver or registered qualifying patient.

(e) "Marihuana" means that term as defined in section 7106 of the public health code, 1978 PA 368, MCL 333.7106.

(f) "Medical marihuana dispensary" means any retail store, store front, office building, or other structure or any type of mobile unit or entity that dispenses, facilitates, sells, or provides, in any manner, marihuana or cannabis or any product containing marihuana or cannabis.

(g) "Medical use" means the acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition.

(h) "Physician" means an individual licensed as a physician under Part 170 of the public health code, 1978 PA 368, MCL 333.17001 to 333.17084, or an osteopathic physician under Part 175 of the public health code, 1978 PA 368, MCL 333.17501 to 333.17556.

(i) "Primary caregiver" means a person who is at least 21 years old and who has agreed to assist with a patient's medical use of marihuana and who has never been convicted of a felony involving illegal drugs.

(j) "Qualifying patient" means a person who has been diagnosed by a physician as having a debilitating medical condition.

(k) "Registry identification card" means a document issued by the department that identifies a person as a registered qualifying patient or registered primary caregiver.

(l) "Usable marihuana" means the dried leaves and flowers of the marihuana plant, and any mixture or preparation thereof, but does not include the seeds, stalks, and roots of the plant.

(m) "Visiting qualifying patient" means a patient who is not a resident of this state or who has been a resident of this state for less than 30 days.

(n) "Written certification" means a document signed by a physician, stating the patient's debilitating medical condition and stating that, in the physician's professional opinion, the patient is likely to receive therapeutic or palliative benefit from the medical use of marihuana to treat or alleviate the patient's debilitating medical condition or symptoms associated with the debilitating medical condition.

2. Conditions and Standards

(a) No use, which purports to have distributed marihuana prior to the enactment of this Section, shall be deemed to have been a legally established use under the provisions of the Zoning Ordinance and such use shall not be entitled to claim legal nonconforming status.

(b) Medical Marihuana Dispensaries shall not be allowed as home occupations.

(c) Cultivation of medical marihuana in a Medical Marihuana Dispensary is only allowed if specifically authorized by a Use Permit. A Use Permit is a request to allow a use which is permitted by the Zoning Ordinance provided that the use will not cause an adverse impact on adjacent property or properties in the area.

(d) No Medical Marihuana Dispensary shall be located within 1,000 feet of any other Medical Marihuana Dispensary nor within 1,000 feet of any of the following uses:

(1) Any Church.

(2) Any School, public or private, having a curriculum including kindergarten or any one or more of the grades one through twelve.

(3) Any residential zoned district or any residential use.

(e) All activity related to a Medical Marihuana Dispensary including but not limited to growing and dispensing shall be done indoors.

(f) The site shall abut a major thoroughfare right-of-way and all ingress and egress to and from the site shall be via that major thoroughfare.

(g) Medical Marihuana Dispensaries shall be operated in compliance with the provisions of the Department of Community Health.

(h) Smoking or consumption of medical marihuana shall not be allowed on the site of the Dispensary.

(i) No patients under the age of 18 (eighteen) shall be permitted in the Dispensary at any time except in the presence of qualifying patient or their primary caregiver.

(j) No retail sales of drug paraphernalia as defined in this ordinance are permitted at the Dispensary, except to patients or their designees.

(k) The Dispensary shall be operated in compliance with regulations the City may issue regarding security measures, record keeping, proper identification for patients, delivery of medical marihuana by employees of the Medical Marihuana Dispensary to patients who would otherwise not be able to obtain it from a dispensary by reason of physical or mental disability, storage of marihuana on the site, on-site cultivation and the maximum amount that may be dispensed in any single transaction. Such regulations may be modified from time to time as the City deems appropriate.

(l) Each Dispensary shall display in a manner legible and visible to its clientele:

(1) Notice that Patients under the age of 18 (eighteen) are not allowed in the Dispensary except in the presence of his/her parent or guardian;

(2) No consumption of medical marijuana shall occur within the vicinity of the Dispensary.

(m) Only operators and their employees, patients, parents or guardians of patients under 18 years of age, and their primary caregiver may be permitted to enter a Medical Marihuana Dispensary for the purpose of obtaining medical marihuana or other goods or products associated with its use.

(n) Medical marihuana dispensaries can grow up to sixty (60) plants.

3. Civil Forefeiture

Any drug paraphernalia used, sold, possessed with intent to use or sell, or manufactured with intent to sell in violation of this Ordinance shall be seized and forfeited to the City of Roseville, Michigan.

Any marihuana aka marijuana sold or possessed with intent to sell in violation of this Ordinance shall be seized and forfeited to the City of Roseville Michigan.

Section 2. Repealer. Any section herein that is in conflict is hereby repealed.

Section 3. 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 4. Effective Date. The terms and provisions of this ordinance are deemed to be an emergency ordinance which shall become effective upon publication and adoption.

AYES _____

NAYS _____

ABSENT _____

_____
JOHN CHIRKUN, Mayor

Attested:

_____
RICHARD STEENLAND, City Clerk

I, Richard Steenland, City Clerk of the City of Roseville, Macomb County, Michigan, do hereby certify that Ordinance No. _____ was adopted by the City Council of Roseville, assembled in regular session on October _____, 2009. Said Ordinance was posted in the following places:

Roseville Police Station, 29753 Gratiot Avenue
Roseville Public Library, 29777 Gratiot Avenue
Roseville Civic Center, 29777 Gratiot Avenue

Notice of said posting was published in *The Macomb Daily* on October _____, 2009.

_____
RICHARD STEENLAND, City Clerk

MOTION MADE BY:_____

MOTION SECONDED BY:_____

TO ADOPT AN ORDINANCE OF THE CITY OF ROSEVILLE AMENDING THE CITY OF ROSEVILLE ZONING ORDINANCE BY ADDING SECTION 2315 TO PROVIDE FOR WIND ENERGY SYSTEMS, DEFINITIONS, GENERAL REGULATIONS, REPEALER, SEVERABILITY, AND EFFECTIVE DATE.

CITY OF ROSEVILLE
MACOMB COUNTY, MICHIGAN
ORDINANCE NO._____

THE CITY OF ROSEVILLE ORDAINS:

TO ADOPT AN ORDINANCE OF THE CITY OF ROSEVILLE AMENDING THE CITY OF ROSEVILLE ZONING ORDINANCE BY ADDING SECTION 2315 TO PROVIDE FOR WIND ENERGY SYSTEMS, DEFINITIONS, GENERAL REGULATIONS, REPEALER, SEVERABILITY, AND EFFECTIVE DATE.

Section 1. The City of Roseville Zoning Ordinance is hereby amended by adding Section 2315 to provide as follows:

1. Purpose and Intent:

The purpose of this section is to provide a safe, effective, and efficient use of Wind Energy Turbines in order to reduce the consumption of fossil fuels in producing electricity: To preserve and protect public health, safety, welfare, and quality of life by minimizing the potential adverse impacts of a Wind Energy Turbine; and to establish standards and procedures by which the siting, design, engineering, installation, operation, and maintenance of a Wind Energy Turbine shall be governed.

2. Definitions:

(a) Large Wind Energy Turbine – a tower, structure, or similar device mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle[1], rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system.

(b) Medium Wind Energy Turbine – is a tower or similar device mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system and does not exceed two hundred fifty (250) kilowatts.

---

1 the structure that houses all of the generating components, gearbox, drive train, etc.

(c) Small Wind Energy Turbine – is a tower or similar device mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. It does not exceed thirty (30) kilowatts.

(d) Monopole - towers that are constructed of open steel truss work or a single hollow tube of welded steel.

(e) Shadow Flicker - alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as a window at a dwelling.

3. <u>General Regulations:</u>

(a) Small Wind Energy systems shall be permitted as a special use in residential zoning districts.

(b) Small and Medium Wind Energy systems shall be permitted in Office Service zoning districts as a special use.

(c) Small, Medium and Large Wind Energy systems shall be permitted in Business and Industrial zoning districts as a special use.

(d) A public hearing is required for all wind energy turbines and/or systems.

(e) Small, Medium and Large Wind Energy systems shall be permitted as a special use and subject to the following:

1. *Height, type, design.*
    a. *Only monopole construction shall be permitted*
    b. *The total height of a wind energy system tower or similar device, including maximum extension of the top of the blade, shall not exceed the maximum height for structures or devices permitted in the zoning district.*
    c. *Wind energy systems shall be painted a non-reflective, non-obtrusive color, such as grey, white, or off-white.*
    d. *Wind energy systems shall not be artificially lighted, except to the extent required by the FAA*
    e. *No form of advertising shall be allowed on any part of the wind energy systems, except for reasonable identification of the manufacture or operator of a large wind energy facility.*
2. *Setbacks. A wind energy system tower or similar device shall be set back a distance equal to its total height from:*
    a. *Any public road right-of-way, unless written permission is granted by the governmental entity having jurisdiction over the road.*

b. Any overhead utility lines, unless written permission is granted by the affected utility.

c. All property lines, unless written permission is granted from the affected landowner or neighbor.

d. Support cables, if provided, shall be anchored to the ground no closer than ten (10) feet to any property line.

3. Access.

a. All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

b. The tower or similar device shall be designed and installed so as not to provide step bolts or a ladder readily accessible to the public for a minimum height of eight (8) feet above the ground.

4. Speed controls. All systems shall be equipped with a manual and automatic over speed controls.

5. Electrical wires. All electrical wires associated with a wind energy system, other than those necessary to connect the wind generator to the tower or similar device wiring, the tower wiring to the disconnect junction box, and the grounding wires, shall be located underground.

6. Signal Interference. No Wind Energy facility shall be located in any location where its proximity with existing fixed broadcast, retransmission, or reception antennas for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception.

7. Noise.

a. Audible noise or the sound pressure level from the operation of the Wind Energy System shall not exceed a rating of fifty (50) dBA, or the ambient sound pressure level plus five (5) dBA, whichever is greater, for more than ten percent (10%) of any hour, measured at the property line of the subject property.

b. Proof from the manufacturer that the system is capable of meeting these noise requirements shall be provided at the time a permit is requested.

8. Shadow Flicker.

a. At the time a permit is requested, the applicant shall conduct a written analysis of potential shadow flicker regarding structures or devices within three hundred (300) feet of the Wind Energy System.

b. The analysis shall identify the location of shadow flicker that may be caused by the Wind Energy System and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year.

c. The analysis shall identify problem areas where shadow flicker may affect the occupants of the structures or devices and describe measures that shall be taken to eliminate or mitigate the problems at the time a permit is requested.

9. Abandonment.

a. A wind energy system that is out-of-service for a continuous 12-month period will be deemed to have been abandoned.

b. If the wind energy system is determined to be abandoned, the owner shall remove the wind generator and tower at the Owner's sole expense within three (3) months of receipt of Notice of Abandonment.

10. Code compliance. Wind energy systems including towers shall comply with all of the applicable building codes.

11. Permit Requirements and Procedure.

a. A building permit shall be required.

b. An Owner shall submit an application to the Building Official for a building permit for a wind energy system.

c. The Building Official shall issue a permit or deny the application within 30 days of submittal of the application.

12 . Inspection. Large and Medium wind energy systems shall have a bi-annual inspection of structural stability, at the cost of the owner/operator of the facility with a report filed with the City Clerk.

4. <u>Penalties:</u>

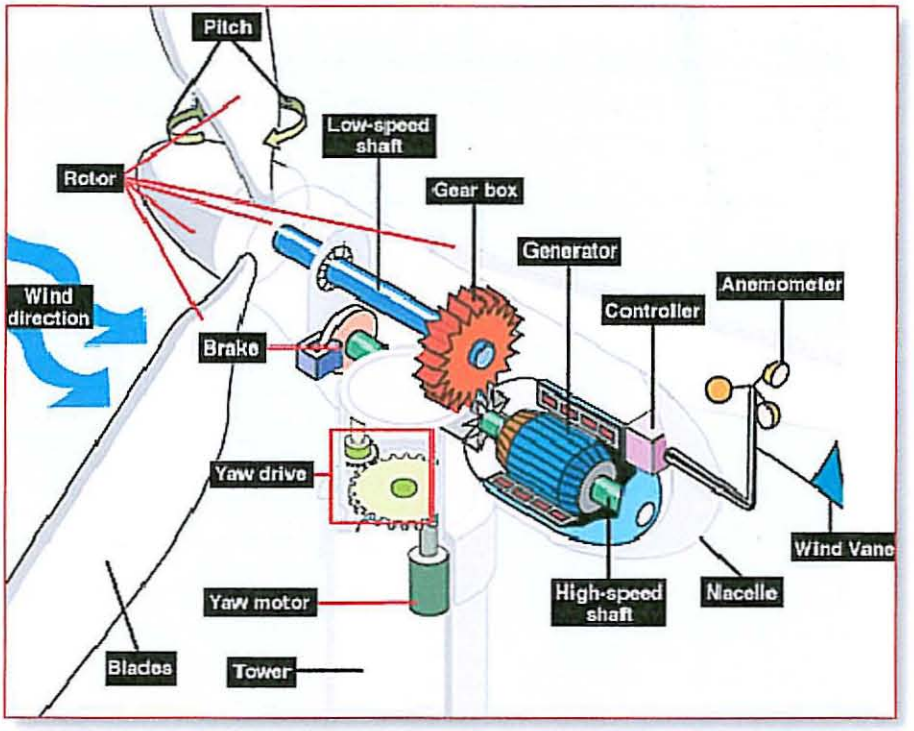
(a) Any wind generation facility, turbine, or appurtenant facility, hereinafter significantly erected, moved or structurally altered in violation of the provisions of this ordinance by any person, firm, association, corporation or their agent shall be deemed an unlawful structure or devices.

(b) Any wind generation facility that does not meet the requirements of this ordinance shall provide ground for revocation of the special use permit, thereby deeming the facility an unlawful structure or devices.

(c) This section does not preclude the City of Roseville from maintaining any appropriate action to prevent or remove a violation of this section.

(d) Any violation of this ordinance shall constitute a misdemeanor punishable by jail for a period not to exceed 93 days and/or a $500 fine.

Wind Turbine



Wind turbine components

Section 2. Repealer. Any section herein that is in conflict is hereby repealed.

Section 3. 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 4. Effective Date. The terms and provisions of this ordinance are deemed to be an emergency ordinance which shall become effective upon publication and adoption.

AYES _____

NAYS _____

ABSENT _____

_____
JOHN CHIRKUN, Mayor

Attested:

_____
RICHARD STEENLAND, City Clerk

I, Richard Steenland, City Clerk of the City of Roseville, Macomb County, Michigan, do hereby certify that Ordinance No. _____ was adopted by the City Council of Roseville, assembled in regular session on October _____, 2009. Said Ordinance was posted in the following places:

Roseville Police Station, 29753 Gratiot Avenue
Roseville Public Library, 29777 Gratiot Avenue
Roseville Civic Center, 29777 Gratiot Avenue

Notice of said posting was published in *The Macomb Daily* on October _____, 2009.

_____
RICHARD STEENLAND, City Clerk

CITY OF ROSEVILLE
MACOMB COUNTY, MICHIGAN

RESOLUTION ON ABATEMENT OF PUBLIC NUISANCE

At a Regular Meeting of the City Council of the City of Roseville, held in the council chambers, 29777 Gratiot Avenue, Roseville, Michigan on the 13th day of October, 2009, commencing at 7:00 p.m.

PRESENT: MEMBERS_____

ABSENT: MEMBERS_____

THE FOLLOWING MOTION WAS MADE:

_____ moved, _____ seconded, to adopt the following resolution:

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

Lot 58, Bel Clan Gardens Subdivision, according to the plat thereof as recorded in liber 6, page(s) 36, of Plats, Macomb County Records.

PP# 14-19-177-055

more commonly known as 26051 Belanger, Roseville, Michigan has become and does present an immediate and continuous danger and hazard to the health, safety and welfare of the residents of the City of Roseville, for the following described reasons: the house is vacant and has been "red tagged" since July of 2004; there is debris on the property, siding missing and tall grass and weeds on the property; 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, Vincent Woronchuk, 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.

AYES: MEMBERS_____

NAYS: MEMBERS_____

ABSENT: MEMBERS_____

RESOLUTION DECLARED ADOPTED

_____
JOHN CHIRKUN, Mayor

_____
RICHARD STEENLAND, City Clerk

STATE OF MICHIGAN)
)ss.
COUNTY OF MACOMB)

I, RICHARD STEENLAND, the duly qualified and acting City Clerk of the City of Roseville, Macomb County, Michigan, do hereby certify that the foregoing is a true and complete copy of the Resolution adopted by the City Council of the City of Roseville, Macomb County, Michigan on October _____, 2009, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance of the Open Meetings Act being Act 267 of the Michigan Public Acts of 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said act.

_____
RICHARD STEENLAND, City Clerk

YORK, DOLAN & TOMLINSON, P.C.
Attorneys and Counselors at law
42850 Garfield, Suite 101
Clinton Township, Michigan 48038
586-263-5050
Fax 586-263-4763

John A. Dolan (jdolan@yorkdolanlaw.com)
Timothy D. Tomlinson (ttomlinson@yorkdolanlaw.com)

October 7, 2009

VIA CERTIFIED MAIL/RETURN RECEIPT REQUESTED & FIRST CLASS MAIL

Mr. Vincent Woronchuk
26051 Belanger
Roseville, MI 48066

Mr. Vincent Woronochuk
[redacted]

RE: **Nuisance Abatement – 26051 Belanger, Roseville**

Dear Mr. Woronochuk:

We are the attorneys for the City of Roseville. You are the named owner of the above-described property. Please be advised that the Roseville City Council will consider adoption of a resolution commencing condemnation of this property on Tuesday, October 13, 2009 at 7:00 p.m. in the City Council chambers at City Hall. A copy of said proposed resolution enclosed herein.

If you have any questions regarding this matter, please feel free to contact me. We remain,

Very truly yours,

YORK, DOLAN & TOMLINSON, P.C.

Timothy D. Tomlinson
Roseville City Attorney

/jabh
Enclosure

City of Roseville

29777 GRATIOT, P.O. 290
ROSEVILLE, MICHIGAN 48066

September 2, 2009

Timothy Tomlinson
York, Dolan & Tomlinson
42850 Garfield, Suite 101
Clinton Township MI 48038

Re: Condemnation - 26051 BELANGER, Roseville MI 48066

Dear Mr. Tomlinson:

This department is requesting that you prepare a resolution for action by City Council at the October 13, 2009 City Council Meeting commencing the condemnation of the residential building at the above-mentioned location.

This house is vacant and has been "red tagged' by the Building Department since July of 2004. We have had ongoing property maintenance issues with the owner since at least 2005. Currently there is debris on the property, siding missing and tall grass and weeds on the property. This house is in a serious state of disrepair and poses a threat to the health, safety and welfare of the general public and should be removed, as it is a public nuisance. City records indicate that the owner of record is: WORONCHUK, VINCENT, [redacted] The legal description is PP# 14-19-177-055.

Copies of our file are attached for your information. If you have any questions, please feel free to contact this department at (586) 445 5450.

Sincerely,

[redacted]

Glenn Sexton
Director of Building
and Inspection

cc: Stephen Truman, City Manager

Attachments

GS/tjh

General Property Information

[Back to Non-Printer Friendly Version] [Send To Printer]

Parcel: 14-19-177-055

Property Address [collapse]

26051 BELANGER
ROSEVILLE, MI 48066

Owner Information [collapse]

WORONCHUK, VINCENT
[redacted]

Unit: 14

Taxpayer Information [collapse]

SEE OWNER INFORMATION

General Information for Tax Year 2009 [collapse]

Property Class:	401	**Assessed Value:**	$25,000
School District:	021 - District 021	**Taxable Value:**	$25,000
State Equalized Value:	$25,000	**Map #**	N/A
User Number Indx:		**Date of Last Name Chg:**	08/05/2008

Date Filed:	06/01/1999
Principal Residence Exemption (2009 May 1):	0.0000 %
Principal Residence Exemption (2009 Final):	0.0000 %
Principal Residence Exemption (2010 May 1):	0.0000 %

Previous Year Info	MBOR Assessed	Final S.E.V.	Final Taxable
2008	$35,884	$35,884	$35,884
2007	$37,854	$37,854	$37,789

Land Information [collapse]

Acreage:	0.10	**Frontage:**	40.00 Ft.
Zoning Code:		**Depth:**	110.00 Ft.
Land Value:	$17,178	**Mortgage Code:**	
Land Improvements:	$0	**Lot Dimensions/Comments:**	
Renaissance Zone:	NO		
ECF Neighborhood Code:	00999		

Legal Information for 14-19-177-055 [collapse]

BEL-CLAN GARDENS LOT 58

Sales Information

1 sale record(s) found.

Sale Date	Sale Price	Instrument	Grantor	Grantee	Terms Of Sale	Liber/Page
06/22/1995	$47,000.00	WD			WD	

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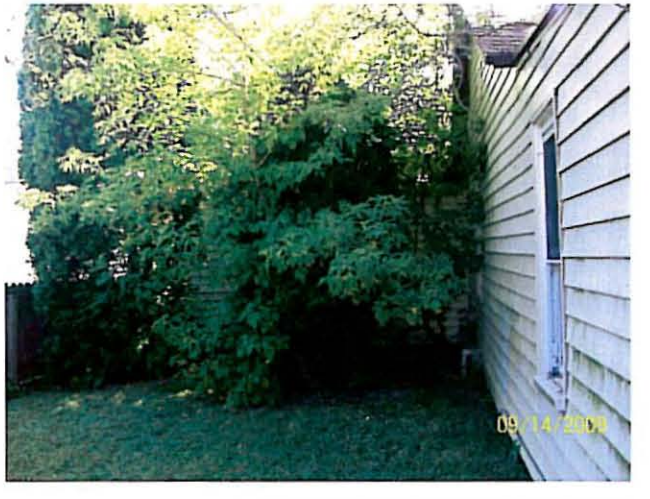

26051 Belanger.

City of Roseville
Resolution

Authorizing Distribution of Draft of Gratiot Avenue Access Management Plan for Public Review

WHEREAS, Michigan Public Act 33 of 2008, the Michigan Planning Enabling Act, requires a community to adopt a master plan and set forth the procedures for such plan; and,

WHEREAS, the City of Roseville Planning Commission has prepared a draft plan that analyzes the placement, spacing and design of access points along Gratiot Avenue (M-19/M-3); and,

WHEREAS, The City of Roseville intends to incorporate the Gratiot Avenue Access Management Plan into its Community Master Plan, which addresses the future growth and development of the city and issues related to land use, social, economic, environmental, transportation and public facilities; and,

WHEREAS, Section 41(1) of the Michigan Planning enabling Act states that after preparing a proposed plan, the planning commission shall submit the proposed plan to the legislative body of the municipality for review and comment and the process of adopting a plan shall not proceed further unless the legislative body of the municipality approves the distribution of the proposed plan; and,

WHEREAS, After the City of Roseville Council approves the distribution of the proposed plan, a copy of the proposed plan shall be distributed to all surrounding municipalities contiguous to the city, Macomb County, and any public utility company, or railroad company within the city that has registered to review and comment on the plan; and,

WHEREAS, After a 42 day period for the above agencies to review and comment on the proposed plan the Planning Commission may hold a public hearing on the proposed plan.

NOW THERFORE, BE IT RESOLVED, that the Mayor and Council of the City of Roseville approve the distribution of the proposed plan for review and comment by surrounding communities, Macomb County, and utilities registered with the city, in accordance with Michigan Public Act 33 of 2008, as amended.

October 1, 2009

TO: Steve Truman [redacted]

FROM: Tony Lipinski

RE: Collaborative Agreement with St. Clair Shores

The Collaborative Agreement (attached) with the City of St. Clair Shores allowing Roseville residents the opportunity to purchase a Boat Ramp Pass and or Pool Pass is subject to automatic renewal. Please consider this request to place on the next council meeting agenda renewal of this agreement. Renewing this agreement at this time will allow us to promote this information in the City Calendar.

Should you have any questions regarding this please let me know.

cc:Park & Recreation Board

CITY OF ST CLAIR SHORES AND CITY OF ROSEVILLE
COLLABORATIVE AGREEMENT

In consideration of the mutual covenants and agreements herein contained, the City of Roseville and the City of St. Clair Shores hereby agree to the following:

Boat Ramp Pass

Residents from the City of Roseville may purchase Boat Ramp Passes from the City of St. Clair Shores at a non-resident rate of $10 above the resident rate for a pass. Roseville boaters must purchase their Boat Ramp Pass from the St Clair Shores Parks & Recreation Office and show proper identification at time of purchase. This Boat Ramp Pass would give Roseville boaters access to the Nine Mile Boat Ramp and the Ten Mile Blossom Heath Boat Ramp only. All Boat Ramp rules and regulations apply.

Pool Pass

Residents from the City of Roseville may purchase a Family Pool Pass at a non-resident rate of $10 above the resident rate. A family consists of two adults and two children or one adult and three children. A Family Pool Pass must be purchased at the St Clair Shores Parks & Recreation Office. Roseville residents must show proper identification at time of purchase. All pool rules and regulations apply.

Gymnasium Availability

The St Clair Shores Parks & Recreation will be granted use of the Small Gym at the Roseville Recreation Center, every Tuesday and Thursday from 10 am to 12 pm at no charge for programs/activities for senior citizens. Additional gym time will be granted in the Large Gym and/or Small Gym at the Roseville Recreation Center based on an increase in demand, availability, and mutual agreement of all parties. Any additional gym time must be scheduled in advance with the Director of the Roseville Parks & Recreation Department. Additional gym time will also be provided at no charge. All rules and regulations pertaining to the use of the gym as adopted by the Roseville Parks & Recreation Department shall apply.

Clarification or Definition

Areas of clarification or areas not defined in this agreement shall be by mutual agreement of the Director of Parks & Recreation for the City of Roseville and the Director of Parks & Recreation for the City of St. Clair Shores with notification to each respective Board and City Council.

Term of Agreement

The term of this agreement shall be from the date signed below through December 31, 2009, subject to automatic annual renewal.

The City of Roseville and the City of St. Clair Shores are responsible for maintaining and insuring the premises for which they control and retain all authority and control over their public facilities and programs without reservation or limitation. Each city may terminate this agreement upon thirty (30) days notice or sooner in the event of closure of facilities, elimination of department, any budgetary reasons the service ceases to be provided or is significantly affected or an emergency circumstance requiring immediate action for violation of any terms of this agreement or rules or regulations issued prior to or after executing this agreement. The parties signing on behalf of each Board warrants and represents that s/he has full and complete authority to bind the Board and its members prior to commencing participation have read and reviewed this agreement and any applicable rules and regulations.

[redacted]

Mayor of Roseville

June 10, 2009

Date

[redacted]

Mayor of St Clair Shores

June 10, 2009

Date