REGULAR MEETING
ROSEVILLE CITY COUNCIL

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

TUESDAY, OCTOBER 13, 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. with the Pledge of Allegiance.

PRESENTATIONS AND PROCLAMATIONS

a. Presentation of Retirement gifts to IJ Campbell, Community Development Block Grant Administrator.

Mayor John Chirkun presented IJ Campbell, Community Development Block Grant Administrator, with a retirement watch and flag. Mr. Campbell made a brief statement and thanked City Manager Stephen Truman, Glenn Sexton and Colleen Dusing, the Citizens Advisory Committee Members and City Council for their support throughout his career.

b. Introduction of the Fire Department Accelerant Detection Canine, Windy.

Mayor John Chirkun introduced Fire Marshal Craig Robertson, Fire Chief Ben Foronato and Windy, the Fire Department's Accelerant Detection Canine.
Fire Marshal Robertson explained that the City received a grant from State Farm Insurance which covered the cost of Windy's training. Chief Foronato stated that the grant supplied the City with approximately $28,000 in training, equipment and with Windy. The Accelerant Canine has participated in the investigation of nine fires in the last month.

I. ROUTINE MATTERS

1. Approval of minutes of Regular Meeting held September 22, 2009.

COUNCILWOMAN JAN HAGGERTY moved, COUNCILWOMAN COLLEEN MCCARTNEY seconded to approve minutes of the Regular Meeting held September 22, 2009.
MOTION CARRIED UNANIMOUSLY

2. Approval of minutes of Special Meeting held October 6, 2009.

COUNCILMAN FRANK MAISANO moved, COUNCILMAN SALVATORE AIUTO seconded to approve minutes of the Special Meeting held October 6, 2009.
MOTION CARRIED UNANIMOUSLY

3. Approval of Disbursement List.

Mayor Pro Tem Robert Taylor asked City Manager Stephen Truman about a purchase of fenders for a lawn tractor and the purchase of DVD security cases purchased for the Library. Mr. Truman answered Mr. Taylor's questions.

COUNCILMAN BILL SHOEMAKER moved, COUNCILWOMAN JAN HAGGERTY seconded to approve Disbursement List # 7.
MOTION CARRIED UNANIMOUSLY

II. CORRESPONDENCE

City Clerk Richard Steenland announced that information about the County Charter Proposal is available on the City's website.

Mr. Steenland reminded the voters in Precinct #1, Dort Elementary, that this precinct will be temporarily relocated to the VFW Hall on Gratiot for the November 3 City

Election, voters in Precinct #20 will be temporarily relocated to Steenland Elementary on Chestnut Street for the November 3 City Election and Precinct #17 will return to its original voting place, Kment Elementary, on Washington Street.

III. HEARING OF THE PUBLIC

James Goldwater, 19346 Brandt, discussed agenda items #1 & #2.

City Manager Stephen Truman addressed comments made by Mr. Goldwater.

Terry Mergenthaler, 25801 Wiseman, discussed agenda items #1 & #2.

IV. NEW BUSINESS

1. Public Hearing application for an Industrial Facilities Exemption Certificate for Wolverine Bronze Company, property located at 28178 Hayes, Permanent Parcel No. 14-18-151-005.

   City Manager Stephen Truman explained that this is the first step in the process of acting on the Industrial Facility Exemption Certificate.

   The following individual spoke during the Public Hearing:

   James Goldwater, 19346 Brandt, spoke in opposition to this request.

   Councilman Frank Maisano addressed comments made by Mr. Goldwater during the Public Hearing.

COUNCILWOMAN COLLEEN MCCARTNEY moved, MAYOR PRO TEM ROBERT TAYLOR seconded to close the Public Hearing.
MOTION CARRIED UNANIMOUSLY

2. Request adoption of Resolution approving application for Industrial Facilities Exemption Certificate for Wolverine Bronze Company, property as described in Item 1.

   City Manager Stephen Truman explained that this request is for the purchase of new personal property totaling $6,996,800.00; this purchase will allow the company to retain 19 jobs and will create eight skilled jobs.

   Jim Ahee, Macomb County Department of Planning and Economic Development appeared with Richard Smith, Owner of Wolverine Bronze, to answer the Council's questions.

   Mr. Truman explained that the City Assessor reviewed this request and this business is eligible for a full 12-year abatement.

COUNCILMAN FRANK MAISANO moved, COUNCILWOMAN JAN HAGGERTY seconded to adopt the Resolution approving the Application for Industrial Facilities Exemption Certificate for Wolverine Bronze Company for a period of 12 years as follows:

WHEREAS, Wolverine Bronze Company (hereinafter "Petitioner") has submitted an application for a new Industrial Facilities Exemption Certificate under the provisions of Act 198 of the Michigan Public Acts of 1974, as amended, and

WHEREAS, Petitioner will execute a Letter of Agreement with the City of Roseville clarifying the understanding and commitment between the applicant and the City of Roseville, as required by Section 22 of Michigan Public Act No. 334 which amended Michigan Public Act No. 198 of 1974, as amended, and

WHEREAS, after due and legal notice the Roseville City Council has this day held a hearing on said application, and

WHEREAS, the City Council hereby makes the following findings of fact based upon the investigation it has heretofore caused to be made and the information obtained at the said hearing:

FACTS

1. That the granting of this New Industrial Facilities Exemption Certificate, considered together with the aggregate amount of industrial facilities exemption certificates previously granted and currently in force, shall not have the effect of substantially impeding the operation of this local government unit or impairing the financial soundness of any taxing unit which levies ad valorem property tax in this local governmental unit wherein the facility is to be located.

2. That the state equalized valuation of the property proposed to be exempt pursuant to this application, considered together with the aggregated state equalized valuation of property exempt under certificates previously granted and currently in force does not exceed five percent (5%) of the state equalized value of the City of Roseville.

3. That the purchase of new personal property for which this exemption is sought was not commenced earlier than six (6) months before the filing of the application.

4. That the application relates to the purchase of new personal property costing $6,996,800.00 to be used within an existing industrial development district heretofore established in the City of Roseville.

5. That the purchase of the personal property here concerned is calculated to and will at the time of issuance of the certificate, have the reasonable likelihood to create employment within the City of Roseville.

NOW, THEREFORE BE IT RESOLVED, that based upon the foregoing findings from which this Council further determines that it is in the best interest of the City of Roseville that the industrial facilities tax exemption application of Wolverine Bronze Company for the acquisition of new personal property costing $6,996,800.00 be and hereby is approved for a tax exemption as therein applied for twelve (12) years commencing December 31, 2009 for the tax year 2010 and continuing through the year 2021.

BE IT FURTHER RESOLVED, that the City Council does hereby authorize the Mayor and City Clerk to execute the Letter of Agreement to be executed by Applicant and such Agreement shall be incorporated as part of the documentation required to process the application to the State of Michigan for the requested Industrial Facilities Exemption Certificate.

BE IT FURTHER RESOLVED, the City Clerk is directed to forward a copy of the application together with a certified copy of this resolution of approval to the Michigan State Tax Commission.

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

MOTION CARRIED UNANIMOUSLY

3. Public Hearing and Council consideration to amend the Zoning Ordinance 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 Attorney Tim Tomlinson explained this request to Council and discussed how the proposed ordinance was drafted. Mr. Tomlinson recommended that the ordinance be adopted as presented.

City Manager Stephen Truman explained that the Planning Commission held a Public Hearing on this item and recommended approval of the ordinance as presented.

The following individual appeared during the Public Hearing:

Thomas Cole, 28069 Hollywood.

COUNCILWOMAN JAN HAGGERTY moved, MAYOR PRO TEM ROBERT TAYLOR seconded to close the Public Hearing.

MAYOR PRO TEM ROBERT TAYLOR moved, COUNCILWOMAN COLLEEN MCCARTNEY seconded to adopt Ordinance No. 1229 as follows:

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. 1229

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 Dispensaries 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 condition or 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 Ml 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. <u>Conditions and Standards</u>

(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 Forfeiture

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.
MOTION CARRIED UNANIMOUSLY

4. Public hearing and Council consideration to amend the Zoning Ordinance by adding Section 2315 to provide for Wind Energy Systems, definitions, general regulations, repealer, severability and effective date.

City Manager Stephen Truman explained this ordinance to Council. The Planning Commission has reviewed this thoroughly and held a Public Hearing on this item. The Planning Commission recommends approval of the Ordinance as presented.

No one from the public wished to be heard.

COUNCILWOMAN JAN HAGGERTY moved, COUNCILMAN FRANK MAISANO seconded to close the Public Hearing.
MOTION CARRIED UNANIMOUSLY

MAYOR PRO TEM ROBERT TAYLOR moved, COUNCILWOMAN COLLEEN MCCARTNEY seconded to adopt Ordinance No. 1228 as follows:

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. 1228

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 of electricity: To preserve and protect public health, safety, welfare and quality of life by minimizing the potential adverse impacts of a Wind Energy Turbine, 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 is 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 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.

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 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.

_____

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

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 Wind Energy System casting shadows on the ground and stationary objects, such as a window of a dwelling.

3. General Regulations:

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 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 manufacturer 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 devices 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, wireless phone or 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 Procedures.**

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 to be filed with the City Clerk.

4. *Penalties:*

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 device.

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 device.

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.

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 provision of the Ordinance shall be deemed fully enforceable.

MOTION CARRIED UNANIMOUSLY

5. Request adoption of Resolution and Abatement of Public Nuisance, parcel number 14-19-177-055 commonly known as 26051 Belanger, Vincent Woronchuk, owner of record.

City Attorney Tim Tomlinson explained this request to Council. The property owner was present in the audience and applied for permits today and is in the process of obtaining building permits on this property. Mr. Tomlinson

recommended approval of the resolution so that in the event the nuisance is not removed the City may proceed with the abatement process.

COUNCILWOMAN JAN HAGGERTY moved, COUNCILWOMAN COLLEEN MCCARTNEY seconded to adopt the Resolution and Abatement of Public Nuisance, parcel number 14-19-177-055 commonly known as 26051 Belanger as follows:

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.

MOTION CARRIED UNANIMOUSLY

6. Request adoption of Resolution Authorizing Distribution of Draft of Gratiot Avenue Access Management Plan for public review.

City Manager Stephen Truman explained that last year representatives from the Gratiot Avenue Access Management Steering Committee presented information to Council on this plan. The Planning Commission has reviewed this item and recommended that the plan be placed for public review.

COUNCILMAN SALVATORE AIUTO moved, COUNCILMAN FRANK MAISANO seconded to adopt the Resolution Authorizing Distribution of Draft of Gratiot Avenue Access Management Plan for public review as follows:

WHEREAS, Michigan Public Act 33 of 2008, the Michigan Planning Enabling Act, requires a community to adopt a master plan and sets 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, the City of Roseville Planning Commission held a public open house to solicit comments on the draft plan on June 9, 2009 and approved the draft at their regular meeting that same day and strongly recommended the Village Council approve the plan for distribution, and;

WHEREAS, after the City 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 of Roseville, 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 THEREFORE, BE IT RESOLVED, that the Roseville City Council approves 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.

MOTION CARRIED UNANIMOUSLY

7. Request to renew Collaborative Agreement with St. Clair Shores.

City Manager Stephen Truman explained that this will renew the City's collaborative agreement with the City of St. Clair Shores for use of two boat ramps and a pool by Roseville residents in St. Clair Shores and use of the Recreation Center gym by the senior citizens of St. Clair Shores.

COUNCILMAN SALVATORE AIUTO moved, COUNCILWOMAN JAN HAGGERTY seconded to renew the Collaborative Agreement with St. Clair Shores.

MOTION CARRIED UNANIMOUSLY

8. Appointments.

Mayor John Chirkun had no appointments.

9. Reports of City Manager.

City Manager Stephen Truman reported the following:

a. The Recreation Center will host Monster Mash and Trick or Trunk on Friday, October 30, 2009 from 7 p.m. – 9 p.m., tickets are $10 per person and must be purchased in advanced.
b. The Annual Big Bird Run will take place on Sunday, November 8 at 10 a.m.
c. Mr. Truman updated Council about the SMART Bus stop at Macomb Mall.

Mayor Pro Tem Robert Taylor commented on the debris on the ground around bus stops along Gratiot. Mr. Truman explained that surrounding communities use their SMART Credits to purchase waste receptacles and shelters for the bus stops along Gratiot and he will discuss this issue with the City's SMART representative.

10. Reports of City Attorney.

City Attorney Tim Tomlinson had nothing to discuss.

V. HEARING OF THE PUBLIC

Gerald Marshment, 30458 Calahan, discussed truck traffic on Calahan Street.

City Manager Stephen Truman stated that he will ask the Police Chief to look into this matter and he will report back to Council in two weeks.

James Goldwater, 19346 Brandt, discussed the City Calendar bid and commented on Industrial Facility Exemption Certificates.

VI. ITEMS FOR DISCUSSION BY CITY COUNCIL

Councilman Frank Maisano wished Jerry & Lucy Jeups Happy 50th Wedding Anniversary and congratulated IJ Campbell on his retirement.

Councilman Salvatore Aiuto updated the residents on construction projects in the City, congratulated Mr. Campbell on his retirement, announced the Historical & Genealogical Society Dinner, commented on the Senior Center's fifth anniversary, complimented Roseville High School on the Homecoming parade and wished City Manager Stephen Truman Happy Birthday.

Councilman Bill Shoemaker commented on the Industrial Facility Exemption Certificate approved this evening and congratulated Mr. Campbell on his retirement.

Councilwoman Jan Haggerty congratulated Mr. Campbell, welcomed the newest member of the Fire Department, Windy, addressed a comment made during the Public Hearing and wished Mr. Truman Happy Birthday.

Councilwoman Colleen McCartney congratulated Mr. Campbell, wished Mr. Truman Happy Birthday and congratulated Roseville High School on a successful Homecoming.

Mayor Pro Tem Robert Taylor offered his condolences to the family of Frank Chegash, congratulated Mr. Campbell, commented on the Roseville High School Homecoming festivities, wished Mr. Truman and retired County Commissioner Betty Slinde a Happy Birthday.

Mayor John Chirkun offered his condolences to the Chegash Family, commented on the Homecoming festivities, announced a television raffle sponsored by the VFW, congratulated Mr. Campbell, addressed comments made during both public hearings this evening and wished Mr. Truman Happy Birthday.

VII. ADJOURNMENT

COUNCILMAN FRANK MAISANO moved, COUNCILMAN SALVATORE AIUTO seconded that the agenda having been acted upon, the meeting is hereby adjourned at 8:40 p.m.
MOTION CARRIED UNANIMOUSLY

Respectfully submitted,
Richard M. Steenland, City Clerk