# REGULAR MEETING
# ROSEVILLE CITY COUNCIL

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

**TUESDAY, JULY 11, 2006**
7 p.m.

ROLL CALL

| | | |
|---|---|---|
| PRESENT: | Mayor | Harold Haugh |
| | Councilpersons | Salvatore Aiuto<br>John Chirkun<br>Irene Kepler<br>Bill Shoemaker<br>Richard Steenland<br>Robert Taylor |
| ABSENT: | | None |
| OTHERS PRESENT: | City Manager | Stephen Truman |
| | City Clerk | Rae Oldaugh |
| | City Attorney | Tim Tomlinson |

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

I. ROUTINE MATTERS

1. Approval of minutes of Regular Meeting held June 27, 2006.

COUNCILMAN SALVATORE AIUTO moved, COUNCILWOMAN IRENE KEPLER seconded to approve minutes of Regular Meeting held June 27, 2006.
**MOTION CARRIED UNANIMOUSLY**

2. Approval of Disbursement List.

COUNCILMAN BILL SHOEMAKER moved, COUNCILMAN ROBERT TAYLOR seconded to approve Disbursement List #1, Voucher numbers 38542 through 38895
**MOTION CARRIED UNANIMOUSLY**

II. CORRESPONDENCE

City Clerk Rae Oldaugh received no correspondence.

III. HEARING OF THE PUBLIC – AGENDA ITEMS ONLY

Jonathan Raiss, 29325 Galloway, discussed agenda items #7 and #8.

James Goldwater, 19346 Brandt, discussed agenda items #8 and #10.

Terry Merganthaler, 25801 Wiseman, discussed agenda item #8.

IV. NEW BUSINESS

1. Request to block Hollywood between Wellington and Northview on Saturday, August 12 (rain date August 19) from 11 a.m. until 10 p.m. to conduct a Block Party, Lori Catron, petitioner.

Kim Houvener, 28637 Hollywood, appeared.

Lori Catron, 28638 Hollywood, appeared.

COUNCILMAN RICHARD STEENLAND moved, COUNCILMAN JOHN CHIRKUN seconded, to approve request to block Hollywood between Wellington and Northview on Saturday, August 12 (rain date August 19) from 11 a.m. until 10 p.m. to conduct a Block Party.
**MOTION CARRIED UNANIMOUSLY**

2. Request to block Arlington between Frazho and Church on Saturday, July 22 from 12 p.m. until 10 p.m. to conduct a Block Party, Wendy Carik, petitioner.

Wendy Carik, 25854 Arlington, appeared.

COUNCILMAN RICHARD STEENLAND moved, COUNCILMAN ROBERT TAYLOR seconded to approve the request to block Arlington between Frazho and Church on Saturday, July 22 from 12 p.m. until 10 p.m. to conduct a Block Party.
**MOTION CARRIED UNANIMOUSLY**

3. Request to block Tennyson between Maple and Pinehurst on Saturday, July 29 (rain date August 5) from 11 a.m. until 10 p.m. to conduct a Block Party, Kurt Franklin, petitioner.

Kurt Franklin, 17704 Tennyson, appeared.

Charles Frazel, 51209 Central Village, appeared.

COUNCILMAN SALVATORE AIUTO moved, COUNCILMAN ROBERT TAYLOR seconded to approve request to block Tennyson between Maple and Pinehurst on Saturday, July 29 (rain date August 5) from 11 a.m. until 10 p.m. to conduct a Block Party.
**MOTION CARRIED UNANIMOUSLY**

4. Request to block Dale Court between 26342 and 26218 on Saturday, July 22 from 1 p.m. until 11 p.m. to conduct a Block Party, Amy Coderre, petitioner.

Amy Coderre, 26322 Dale Ct., appeared.

COUNCILMAN RICHARD STEENLAND moved, COUNCILMAN JOHN CHIRKUN seconded to approve request to block Dale Court between 26342 and 26218 on Saturday, July 22 from 1 p.m. until 11 p.m. to conduct a Block Party.
**MOTION CARRIED UNANIMOUSLY**

5. Request from Sacred Heart Church to conduct their annual Summer Festival on the parish grounds July 28-30 with waiver of fees; also, that parking be permitted during the festival hours on Martin Road between Gratiot and Jahns Drive on the north side, and between Gratiot and Brinker on the south side; and that both lanes of Utica Road be closed between the driveways of the Credit Union, allowing access to the facility during regular business hours, Mark Sulewski, petitioner.

Mark Sulewski, 18430 Utica, appeared.

COUNCILMAN BILL SHOEMAKER moved, COUNCILMAN SALVATORE AIUTO seconded, to approve request from Sacred Heart Church to conduct their annual Summer Festival on the parish grounds July 28-30 with waiver of fees, approve parking during the festival hours on Martin Road between Gratiot and Jahns Drive on the north side, and between Gratiot and Brinker on the south side and to close both lanes of Utica Road between the driveways of the Credit Union, allowing access to the facility during regular business hours.
**MOTION CARRIED UNANIMOUSLY**

6. Request from Cornerstone Baptist Church to conduct a Labor Day Fun Run in the City streets on Monday, September 4 from 8:30 a.m. until 11 a.m., Jim Alvaro and Joe Kopchick, petitioners.

Jim Alvaro, 23550 Deanhurst, Clinton Twp, appeared.

Joe Kopchick, 11248 River Drive, Warren, appeared.

COUNCILWOMAN IRENE KEPLER moved, COUNCILMAN ROBERT TAYLOR SECONDED, to approve the request from Cornerstone Baptist Church to conduct a Labor Day fun run in the City Streets on Monday, September 4 from 8:30 a.m. until 11 a. m.

**MOTION CARRIED UNANIMOUSLY**

7. Request adoption of Resolution to approve ballot language to amend the City Charter, City of Roseville, Michigan Chapter 9, Section 9.1.

City Manager Stephen Truman explained this request to Council.

COUNCILMAN RICHARD STEENLAND moved, COUNCILWOMAN IRENE KEPLER seconded to adopt Resolution to approve ballot language to amend the City Charter, City of Roseville, Michigan Chapter 9, Section 9.1 as follows:

**WHEREAS,** the City Council proposes the amendment to the Charter for the purposes of increasing the limitation on the general ad valorem tax levy for municipal purposes from one and one-half percent (1½%) of the assessed value of all real and personal property in the City to two percent (2%) of the assessed value of all real and personal property in the City;

**NOW, THEREFORE, BE IT RESOLVED**, that the following proposed amended Charter provision shall be presented to the electorate of the City of Roseville for a vote as to whether the following amendment to the City Charter shall be approved:

Section 9.1 The Power to Tax; Limitation. The City shall have the power to assess taxes and to lay and collect rents, tolls, and excises. The annual general ad valorem tax levy for municipal purposes shall not exceed two percent (2%) of the assessed value of all real and personal property in the City.

**BE IT FURTHER RESOLVED,** that the attached ballot language is hereby approved for the purposes of placing the proposed amendment on the November 2006 General Election ballot, subject to approvals by the Governor and Attorney General's offices under the Home Rule City's Act.

**BALLOT LANGUAGE**

Shall the one and one-half percent (1½%), fifteen (15) mill tax limitation on general ad valorem taxes as provided in the City of Roseville Charter and Article 9, Section 6 of the Michigan Constitution be amended to authorize and levy additional millage for the purpose of maintaining services in the City of Roseville to two percent (2%) or twenty (20) mill tax limitation, on the assessed value of all real and personal property in the City. This increase in millage will raise in the first year an estimated $6,665,172.

_____Yes _____No

**MOTION CARRIED UNANIMOUSLY**

8. Request adoption of Resolution to approve ballot language for a Headlee Override.

City Manager Stephen Truman and City Attorney Tim Tomlinson explained this request to Council.

COUNCILMAN RICHARD STEENLAND moved, COUNCILMAN JOHN CHIRKUN seconded to deny the request to adopt Resolution to approve ballot language for a Headlee Override.
**MOTION CARRIED UNANIMOUSLY**

9. Request adoption of Resolution approving and incorporating an agreement for Professional Services of City Attorney.

City Manager Stephen Truman explained this request to Council.

COUNCILMAN SALVATORE AIUTO moved, COUNCILMAN ROBERT TAYLOR seconded to adopt Resolution approving and incorporating an agreement for Professional Services of City Attorneys as follows:

**WHEREAS,** pursuant to the Charter of the City of Roseville, including Section 7.4.4.1(B), 4.2 and 4.4(B) the Council has authority to appoint a City Attorney to hold at the pleasure of the Council, and

**WHEREAS,** the City is desirous of setting forth by resolution in agreement form, an agreement for professional services with YORK, DOLAN & TOMLINSON, P.C. and JOSEPH P. CIARAMITARO, P.C., setting forth the understanding of the parties with regard to legal services to be performed.

**NOW, THEREFORE, BE IT RESOLVED,** upon motion by Councilman Salvatore Aiuto and supported by Councilman Robert Taylor, it is resolved that the attached Agreement for Professional Services of City Attorneys be approved and adopted by the City of Roseville.
**MOTION CARRIED UNANIMOUSLY**

(Copies of the Professional Services Agreement with the City Attorneys are available in the City Clerk's Office for further information)

10. Request adoption of Ordinance to amend the City of Roseville Code of Ordinances, Chapter 18, Section 18-2A and Section 18-6 to amend the period for participation in the Deferred Retirement Option Plan ("DROP"), to amend the interest rate and its time for calculation, and to provide for repealer, severability, and effective date.

City Manager Stephen Truman and City Attorney Tim Tomlinson explained this request to Council.

COUNCILMAN SALVATORE AIUTO moved, COUNCILMAN RICHARD STEENLAND seconded to adopt Ordinance #1203 to amend the City of Roseville Code of Ordinances, Chapter 18 Section 18-2A and Section 18-6 to amend the period for participation in the Deferred Retirement Option Plan ("DROP"), to amend the interest rate and its time for calculation, and to provide for repealer, severability, and effective date as follows:

**CITY OF ROSEVILLE**
**MACOMB COUNTY, MICHIGAN**

**ORDINANCE NO. 1203**

AN ORDINANCE TO AMEND THE CITY OF ROSEVILLE CODE OF ORDINANCES, CHAPTER 18, §18-2 AND §18-6 TO AMEND THE PERIOD FOR PARTICIPATION IN THE DEFERRED RETIREMENT OPTION PLAN ("DROP"), TO AMEND THE INTEREST RATE AND ITS TIME FOR CALCULATION TO PROVIDE FOR REPEALER, SEVERABILITY, AND EFFECTIVE DATE.

THE CITY OF ROSEVILLE ORDAINS:

Section 1. Chapter 18, §18-2A is hereby amended to provide as follows:

Any member to whom DROP eligibility has been granted may participate in the DROP on a year-to-year basis, subject to annual review and approval for an aggregate period of no more than seven (7) years. There is no minimum time period for participation. An employee must cease service with the City of Roseville at the time their DROP participation ceases. In no event shall participation in the DROP require a just cause standard for termination of the employee in participating in the DROP, notwithstanding any agreement, collective bargaining agreement, personal services contract, Act 78 or any other writing governing the employment relationship between the participant and the City of Roseville. Annual DROP participation is at the sole discretion of the City of Roseville.

Section 2. Chapter 18, § 18-6, is hereby amended to provide as follows:

For each DROP participant, an individual DROP account shall be created in which shall be accumulated at DROP interest the participant's DROP benefits. All individual DROP accounts shall be maintained for the benefit of each DROP participant and will be managed by the Retirement Board in the same manner as the primary pension fund. DROP interest for each DROP participant shall be at a fixed rate of three percent (3.0%) per annum with interest credited on the anniversary date that the participant entered into the DROP. The Retirement Board shall provide each participant with annual statement of their account activity. The reference to individual DROP accounts shall be interpreted to refer to the accounting records of the retirement system and not the actual segregation of monies in the funds of the retirement system.

Section 3. **Repealer**. All ordinances or parts of ordinances in conflict herewith are repealed only to the extent necessary to give this ordinance full force and effect.

Section 4. **Severability**. If any article, section, subsection, sentence, clause, phrase, or portion of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of remaining portions of the ordinance, being the intent of the City that this ordinance shall be fully severable.

Section 5. **Effective date.** Provisions of this Ordinance shall become effective twenty (20) days following adoption.

**MOTION CARRIED UNANIMOUSLY**

11. Request adoption of Ordinance to amend the City of Roseville Zoning Ordinance and Zoning map for the City of Roseville and Repealing Ordinance No. 1009 to provide for repealer, severability and effective date.

City Manager Stephen Truman explained this request to Council.

COUNCILMAN RICHARD STEENLAND moved, COUNCILMAN JOHN CHIRKUN seconded to adopt Ordinance #1202 to amend the City of Roseville Zoning Ordinance and Zoning map for the City of Roseville and Repealing Ordinance No. 1009 to provide for repealer, severability and effective date as follows:

**CITY OF ROSEVILLE**
**MACOMB COUNTY, MICHIGAN**

**ORDINANCE NO. 1202**

AN ORDINANCE OF THE CITY OF ROSEVILLE ADOPTING A ZONING ORDINANCE AND ZONING MAP FOR THE CITY OF ROSEVILLE AND REPEALING ORDINANCE NO. 1009 TO PROVIDE FOR REPEALER, SEVERABILITY, AND EFFECTIVE DATE.

PREAMBLE

Pursuant to the authority conferred by the Public Acts of the State of Michigan in such case made and provided, and for the purpose of promoting, and protecting the public health, safety, peace , morals, comfort, convenience, and general welfare of the inhabitants of the City of Roseville by protecting and conserving the character and social and economic stability of the residential, commercial, industrial and other use areas; by securing the most appropriate use of land; preventing overcrowding the land and undue congestion of population; providing adequate light, air and reasonable access; and facilitating adequate and economical provision of transportation, water sewers, schools, recreation and other public requirements, and by other means, all in accordance with a comprehensive plan,

NOW THEREFORE,

THE CITY OF ROSEVILLE ORDAINS:

Section 1. That the zoning text and zoning map as presented to the City Council on Tuesday, July 11, 2006, be and is hereby adopted and shall be known and may be cited as “The City of Roseville Zoning Ordinance.”

Section 2. **Repeal.** That Ordinance 1009 of the Code of Ordinances and amendments, for the City of Roseville is repealed in its entirety and all ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

The repeal of the above Ordinance and its amendments does not affect or impair any act done, offense committed or right accruing, accrued or acquired or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

Section 3. **Severability**. If any article, section, subsection, sentence, clause, phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and

such holding shall not affect the validity of remaining portions of the Ordinance, being the intent of the City that this Ordinance shall be fully severable.

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

12. Appointments.

Mayor Harold Haugh reappointed George Rollinger to the Parks and Recreation Board.

COUNCILMAN RICHARD STEENLAND moved, COUNCILMAN ROBERT TAYLOR seconded to reappoint George Rollinger to the Parks and Recreation Board.
**MOTION CARRIED UNANIMOUSLY**

Mayor Harold Haugh reappointed Richard Taylor to the Parks and Recreation Board.

COUNCILMAN JOHN CHIRKUN moved, COUNCILMAN RICHARD STEENLAND seconded to reappoint Richard Taylor to the Parks and Recreation Board.
**MOTION CARRIED UNANIMOUSLY**

13. Reports of City Manager.

City Manager Stephen Truman had the following to report:

a. Mr. Truman updated Council on a flooding issue on Dale Ct.
b. The City webpage is being created; the project is approximately 30 days behind.
c. The Roseville Handicap Association Olympics will take place at the Recreation Center on Saturday, July 15, 2006 at 6 p.m.
d. The Purchasing Department is selling 33 gallon garbage bags for $15.00; each box contains 100 bags.
e. Mr. Truman commented on an accident at the intersection of Utica Road and Eastland Street; a Parks and Recreation employee assisted one of the victims.

14. Reports of City Attorney.

City Attorney Tim Tomlinson commented on properties on Wildwood St. and Lowell St.

V. HEARING OF THE PUBLIC

Jonathan Raiss, 29325 Galloway, commented on State revenue sharing and the City Millage.

Michael Clover, 16279 12 Mile Road, commented on the railroad crossings in the City, the City Fireworks and the Special Olympics.

Terry Mergenthaler, 25801 Wiseman, commented on a state health care fund and a jobs program.

James Goldwater, 19346 Brandt, commented on the Headlee Override, the “DROP” program, and raises for the City Clerk and City Treasurer.

Steve Chilcutt, 29129 Elmwood, commented on the Special Olympics.

Gregg Fleming, 18110 Empire, Eastpointe, commented on the City Millage.

VI. ITEMS FOR DISCUSSION OF CITY COUNCIL

Councilwoman Irene Kepler congratulated her sister Lisa and her fiancé Justin on their engagement.

Councilman John Chirkun wished his foster son River a happy birthday.

Mayor Harold Haugh commented on the City website and the City budget.

VII. ADJOURNMENT

COUNCILMAN JOHN CHIRKUN moved, COUNCILMAN ROBERT TAYLOR seconded that the agenda having been acted upon, this meeting is hereby adjourned at 8:15 p.m.
**MOTION CARRIED UNANIMOUSLY**

Respectfully submitted,

Rae A. Oldaugh
City Clerk

Please note: A cassette tape of this meeting is on file with the City Clerk’s Office for further information.