REGULAR MEETING
ROSEVILLE CITY COUNCIL

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

TUESDAY, JULY 22, 2008

7 p.m.

ROLL CALL

PRESENT:	Mayor	Harold Haugh
	Councilpersons	
		John Chirkun
		Jan Haggerty
		Colleen McCartney
		Bill Shoemaker
		Robert Taylor
ABSENT:		Salvatore Aiuto (excused)

OTHERS PRESENT:

City Manager	Stephen Truman
City Clerk	Richard Steenland
City Attorney	Tim Tomlinson

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

COUNCILMAN ROBERT TAYLOR moved, COUNCILWOMAN JAN HAGGERTY seconded to add agenda item #10, Public Hearing and Council consideration to amend the Zoning Ordinance to clarify Article 4, R-1A & R-1 One Family Residential Districts and Article 6, RM-1 Multiple-Family Resident District (Low Rise) and Article 20, Off-Street Parking, under New Business.
MOTION CARRIED UNANIMOUSLY

I. ROUTINE MATTERS

1. Approval of minutes of Regular Meeting held July 8, 2008.

COUNCILWOMAN JAN HAGGERTY moved, COUNCILWOMAN COLLEEN MCCARTNEY seconded to approve minutes of the Regular Meeting held July 8, 2008.
MOTION CARRIED UNANIMOUSLY

2. Approval of Disbursement List.

COUNCILMAN BILL SHOEMAKER moved, COUNCILMAN ROBERT TAYLOR seconded to approve Disbursement List #2 dated June 30, 2008, July 11, 2008 and July 22, 2008.
MOTION CARRIED UNANIMOUSLY

Mayor Harold Haugh commented that he received a phone call from Councilman Aiuto stating that he is on his way to the meeting.

II. CORRESPONDENCE

City Clerk Richard Steenland received no correspondence

Mr. Steenland reminded everyone about the State Primary Election on August 5 and reiterated the temporary moves of Precincts 17 & 21. The City Clerk's Office will be open on Saturday, August 2, from 8 a.m. to 2 p.m. for anyone wishing to apply for an absentee ballot.

III. HEARING OF THE PUBLIC

No one from the public wished to be heard.

IV. NEW BUSINESS

1. Request to block Arlington between Church and Frazho on Saturday, August 2 from noon until 11 p.m. to conduct a Block Party, Wendy Carik, petitioner.

Wendy Carik, 25854 Arlington, appeared on behalf of this request.

COUNCILWOMAN COLLEEN MCCARTNEY moved, COUNCILMAN BILL SHOEMAKER seconded to approve the request to block Arlington between Church and Frazho on Saturday, August 2 from noon until 11 p.m. to conduct a Block Party.
MOTION CARRIED UNANIMOUSLY

2. Request to block Wiseman between Frazho and Curtis on Saturday, August 9 from noon until 11 p.m. to conduct a Block Party, Lynn Fritz, petitioner.

Lynn Fritz, 25840 Wiseman, appeared on behalf of this request.

COUNCILMAN BILL SHOEMAKER moved, COUNCILWOMAN JAN HAGGERTY seconded to approve the request to block Wiseman between Frazho and Curtis on Saturday, August 9 from noon until 11 p.m. to conduct a Block Party.
MOTION CARRIED UNANIMOUSLY

3. Request to block Cole between Curtis and Dort on Saturday, August 16 from noon until 11 p.m. to conduct a Block Party, Edward Grosshans, petitioner.

   Edward Grosshans, 25561 Cole, appeared on behalf of this request.

COUNCILWOMAN JAN HAGGERTY moved, COUNCILMAN ROBERT TAYLOR seconded to approve the request to block Cole between Curtis and Dort on Saturday, August 16 from noon until 11 p.m. to conduct a Block Party.
MOTION CARRIED UNANIMOUSLY

4. Request from St. Angela Church to conduct their annual Parish Festival on the Church grounds August 9, with waiver of fees, Larry Beauregard, petitioner.

   Brian Smilnak, 22828 Pleasant, Eastpointe, appeared on behalf of this request.

COUNCILMAN ROBERT TAYLOR moved, COUNCILWOMAN JAN HAGGERTY seconded to approve the request from St. Angela Church to conduct their annual Parish Festival on the Church grounds August 9 and 10 with waiver of fees.
MOTION CARRIED UNANIMOUSLY

5. Council consideration of request from Mongolian Operating Company, LLC to transfer all interest in 2008 Class C licensed business, located at 29004 Gratiot, Roseville, MI 48066, Macomb County, from existing members, William T. Downs, III (21.10%), Matthew G. Kirby (19.20%), WTD III Enterprises, Inc. (49.71%) and David Ulgenap (9.99%) to new member, DK Group 2008, Inc.

   City Manager Stephen Truman stated that he received an e-mail from the petitioner requesting that this item be tabled until the next Regular Council Meeting.

COUNCILMAN JOHN CHIRKUN moved, COUNCILMAN ROBERT TAYLOR seconded to table the request from Mongolian Operating Company, LLC to transfer all interest in 2008 Class C licensed business, located at 29004 Gratiot, Roseville, MI 48066, Macomb County, from existing members, William T. Downs, III (21.10%), Matthew G. Kirby (19.20%), WTD III Enterprises, Inc. (49.71%) and David Ulgenap (9.99%) to new member, DK Group 2008, Inc.
MOTION CARRIED UNANIMOUSLY

6. Public Hearing on the proposed establishment of an Industrial Development District per P.A. 198 of 1974 on property described as Permanent Parcel No. 14-18-303-011, commonly known as 27650 Groesbeck, Peninsular Cylinder Company, LLC, petitioner.

   Brent Patterson, President of Peninsular Cylinder Company, 27650 Groesbeck appeared on behalf of this request.

   City Manager Stephen Truman explained to Council that pursuant to State Act two steps are required before Council may approve an IFT Request; a public hearing must be held and then a resolution must be adopted to approve the IDD and the IFT certificate. Mr. Truman stated that this business is an outstanding corporate member of the community.

   Councilman John Chirkun asked Mr. Patterson how many Roseville businesses Peninsular Cylinder does business with; Mr. Patterson responded 15-20 Roseville businesses.

Mayor Harold Haugh commented that Council would like Roseville residents to be considered for any new jobs with this business.

James Goldwater, 19346 Brandt, spoke about IFT requests and the possibility of repayment of any abated taxes.

COUNCILWOMAN JAN HAGGERTY moved, COUNCILMAN ROBERT TAYLOR seconded to close the Public Hearing on the proposed establishment of an Industrial Development District per P.A. 198 of 1974 on property described as Permanent Parcel No. 14-18-303-011, commonly known as 27650 Groesbeck, Peninsular Cylinder Company, LLC, petitioner.
MOTION CARRIED UNANIMOUSLY

7. Request adoption of Resolution to establish an Industrial Development District for Peninsular Cylinder Company, LLC on property as described in Item 6.

COUNCILMAN BILL SHOEMAKER moved, COUNCILMAN ROBERT TAYLOR seconded to adopt the Resolution to establish an Industrial Development District for Peninsular Cylinder Company, LLC as follows:

WHEREAS, pursuant to Act No. 198 of the Public Acts of 1974, as amended, this City Council has the authority to establish "Industrial Development Districts" within the City of Roseville; and

WHEREAS, Peninsular Cylinder Co, LLC has petitioned this City Council to establish an Industrial Development District on its property located in the City of Roseville hereinafter described; and

WHEREAS, construction, acquisitions, alterations, or installation of a proposed facility have not commenced at the time of filing the request to establish this district; and

WHEREAS, written notice has been given by mail to all owners of real property located within the district, and to the public by newspaper advertisement in the Macomb Daily and/or public posting of the hearing on the establishment of the proposed district; and

WHEREAS, on July 22, 2008 a public hearing was held at which all of the owners of real property within the proposed Industrial Development District and all residents and taxpayers of the City of Roseville were afforded an opportunity to be heard thereon; and

WHEREAS, the City of Roseville deems it to be in the public interest of the City of Roseville that the following described Industrial Development District be established as proposed;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Roseville that the following parcels of land situated in the City of Roseville, Macomb County, and State of Michigan, to wit:

T1N,R13E SEC 18 COMM AT W 1/4 POST SEC 18; TH S89*48'W 1258.49 FT; TH S30*26'W 1423.82 FT ALG CEN LINE GROESBECK HWY 120 FT WIDE TO PT OF BEG; TH S89*40'E 624.41 FT; TH S0*13'E 110.18 FT; TH N89*38'W 689.08 FT; TH N30*26'E 126.81 FT TO PT OF BEG; EXC FOR HWY PURP THAT PART MEASURED 60 FT PERP TO W LINE THEREOF PARC A. 1.484 A. CITY OF ROSEVILLE

be and hereby are established as an Industrial Development District pursuant to the provision of Act No. 198 of the Public Acts of 1974 to be known as Peninsular Cylinder Co, LLC Industrial Development District No. 1.

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

8. Public Hearing on application for an Industrial Facilities Exemption Certificate for Peninsular Cylinder Company, LLC, property located at 27650 Groesbeck, Permanent Parcel No. 14-18-303-011.

City Manager Stephen Truman explained to Council that the amount of Personal Property taxes that will be abated over a five-year term are $22,728; under the City's guidelines five years is the minimum number of years this business is eligible for an abatement. The City Administration recommends the abatement be issued for eight years.

Councilman Robert Taylor asked Brent Patterson if the project will proceed if this request is denied; Mr. Patterson did not have an exact answer for Mr. Taylor.

Councilman John Chirkun explained that with this abatement the business will pay 50% of taxes and this is not a total tax break for the business.

No one from the Public wished to be heard.

COUNCILWOMAN COLLEEN MCCARTNEY moved, COUNCILWOMAN JAN HAGGERTY seconded to close the Public Hearing.
MOTION CARRIED UNANIMOUSLY

9. Request adoption of Resolution approving application for Industrial Facilities Exemption Certificate for Peninsular Cylinder Company, LLC, property as described in Item 8.

COUNCILMAN JOHN CHIRKUN moved, COUNCILWOMAN COLLEEN MCCARTNEY seconded to adopt the Resolution approving application for Industrial Facilities Exemption Certificate for Peninsular Cylinder Company, LLC for a period of Eight (8) years as follows:

WHEREAS, Peninsular Cylinder Co, LLC (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 $555,824.00 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 Peninsular Cylinder Co, LLC for the acquisition of *Real Property costing $466,000, new personal property costing $555,824 totaling $1,021,824* be and hereby is approved for a tax exemption as therein applied for eight (8) years commencing December 31, 2008 for the tax year 2009 and continuing through the year 2016.

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

10. Public Hearing and Council consideration to amend the Zoning Ordinance to clarify Article 4, R-1A & R-1 One-Family Residential Districts and Article 6, RM-1 Multiple-Family Resident District (Low Rise) and Article 20, Off-Street Parking.

City Manager Stephen Truman explained to Council that this item was discussed at a Special Council Meeting in March and the Planning Commission has held a Public Hearing on this item. The amendments will ensure that the City's Ordinance is in line with State Statute.

James Goldwater, 19346 Brandt, asked the Council whether the amendments will include group homes.

City Attorney Tim Tomlinson responded to Mr. Goldwater's concerns; Group Homes and Family Residential Facilities are regulated as much as possible in the City's Zoning Ordinance.

Councilman Robert Taylor asked Mr. Tomlinson if there currently any Foster Care or Adult Care Homes in the City of Roseville that these amendments will apply to. Mr. Tomlinson responded that if a home is currently established and does not meet the new criteria the home will be considered a "non-conforming" use and will not be required to abide by the new conditions of the Zoning Ordinance. Any future facilities will have to comply with the Zoning Ordinance.

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

COUNCILMAN JOHN CHIRKUN moved, COUNCILWOMAN JAN HAGGERTY seconded to adopt Ordinance No. 1212 to amend the Zoning Ordinance to clarify Article 4, R-1A & R-1 One-Family Residential Districts and Article 6, RM-1 Multiple-Family Resident District (Low Rise) and Article 20, Off Street-Parking as follows:

CITY OF ROSEVILLE
MACOMB COUNTY, MICHIGAN
ORDINANCE NO. 1213

THE CITY OF ROSEVILLE ORDAINS:

AN ORDINANCE OF THE CITY OF ROSEVILLE REPEALING AND AMENDING ARTILE 2, SECTION 201, ARTICLE 3, ARTICLE 4, ARTICLE 5 ARTICLE 6, AND ARTICLE 20 OF THE CITY OF ROSEVILLE CODE OF ORDINANCES, PROVIDING FOR 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,

Section 1. **Repealer** That Article 2, Section 201, Article 4, Article 5, Article 6 and Article 20 of the Code of Ordinances and amendments, for the City of Roseville is repealed in their 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 Articles and Section 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 2. That the zoning text amendments as presented to the City Council on Tuesday, July 22, 2008, known as Article 2, Section 201, Article 4, Article 5, Article 6 and Article 20 of the City of Roseville Code of Ordinances and amendments thereto, be and is hereby adopted.

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.

11. Appointments.

There were no appointments.

12. Reports of City Manager.

City Manager Stephen Truman reported the following:

a. Due to the State Primary Election on August 5, the next Zoning Board of Appeals meeting will be held on Wednesday, August 6.
b. The City will host a blood drive on Monday, August 11 in Erin Auditorium from 8 a.m. to 2 p.m.

13. Reports of City Attorney.

City Attorney Tim Tomlinson had nothing to report and advised Council that Councilman Aiuto is not present at the meeting this evening so Council may make a motion to excuse Councilman Aiuto from the meeting.

COUNCILMAN JOHN CHIRKUN moved, COUNCILMAN ROBERT TAYLOR seconded to excuse absent Councilman Salvatore Aiuto from the meeting this evening.
MOTION CARRIED UNANIMOUSLY

V. HEARING OF THE PUBLIC

Mike Clover, 16279 12 Mile, thanked Mayor and Council for attending the Roseville Handicap Association Olympics, discussed the poor condition of the railroad tracks at 12 Mile and Groesbeck, inquired about the enforcement of handicapped parking violations by reserve officers and wished Councilwoman Jan Haggerty good luck in the election on August 5.

City Manager Stephen Truman updated Mr. Clover on the status of the railroad tracks. Mr. Truman received a letter today regarding the tracks and the tracks should be repaired in September.

Mayor Harold Haugh explained to Mr. Clover that the handicapped parking enforcement is being discussed with the City Manager and the Police Department.

James Goldwater, 19346 Brandt, discussed various Parks and Recreation issues.

City Manager Stephen Truman will have Director of Parks and Recreation Tony Lipinski phone Mr. Goldwater regarding these concerns and then Mr. Lipinski will forward them to the Parks and Recreation Board.

Maureen Hogan, 18710 Common Road, wished her husband happy birthday.

VI. ITEMS FOR DISCUSSION BY CITY COUNCIL

Councilpersons Robert Taylor, Bill Shoemaker, Jan Haggerty, Colleen McCartney and John Chirkun offered their condolences to the Redmond family, commented on the Roseville Handicap Olympics, discussed a few fundraisers held recently and announced St. Donald's Church Blood Drive on August 4 from 1 p.m. to 7 p.m.

Mayor Harold Haugh offered his condolences to the Redmond Family, congratulated Councilman Robert Taylor on a fundraiser he organized and commented on the Roseville Handicap Association.

VII. ADJOURNMENT

COUNCILMAN JOHN CHIRKUN moved, COUNCILWOMAN COLLEEN MCCARTNEY seconded that the agenda having been acted upon, the meeting is hereby adjourned at 7:51 p.m.
MOTION CARRIED UNANIMOUSLY

Respectfully submitted,
RICHARD M. STEENLAND, City Clerk

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