REGULAR MEETING
ROSEVILLE CITY COUNCIL

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

TUESDAY, AUGUST 12, 2008

7 p.m.

ROLL CALL

PRESENT:	Mayor	Harold Haugh
	Councilpersons	Salvatore Aiuto John Chirkun Jan Haggerty Colleen McCartney Bill Shoemaker Robert Taylor
ABSENT:		None

OTHERS PRESENT:

City Controller/Assistant City Manager	Peter Provenzano
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.

I. ROUTINE MATTERS

1. Approval of minutes of Regular Meeting held July 22, 2008.

COUNCILWOMAN JAN HAGGERTY moved, COUNCILWOMAN COLLEEN MCCARTNEY seconded to approve minutes of the Regular Meeting held July 22, 2008.
MOTION CARRIED UNANIMOUSLY

2. Approval of Disbursement List.

COUNCILMAN BILL SHOEMAKER moved, COUNCILMAN ROBERT TAYLOR seconded to approve Disbursement List #3 dated July 23, 2008, July 31, 2008 and August 12, 2008.
MOTION CARRIED UNANIMOUSLY

II. CORRESPONDENCE

City Clerk Richard Steenland received no correspondence.

III. HEARING OF THE PUBLIC

No one from the public wished to be heard.

IV. OLD BUSINESS

- 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.

  Scott Edwards, Attorney for Mongolian Operating Company, LLC, appeared on behalf of this request. This is strictly a change in ownership and will not impact the day-to-day operations of the business.

COUNCILMAN SALVATORE AIUTO moved, COUNCILMAN ROBERT TAYLOR seconded to approve 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

V. NEW BUSINESS

1. Council consideration of request from Texas Roadhouse of Roseville, LLC (a Kentucky Limited Liability Company) to transfer all interest thru merger in 2008 Class C Licensed Business, located at 20201 Thirteen Mile, Roseville, MI, 48066, Macomb County from existing member Texas Roadhouse Properties Holdings, LLC to new member, Texas Roadhouse Holdings, LLC.

   Scott Edwards, Attorney for Texas Roadhouse, appeared on behalf of this request. Mr. Edwards explained that because of a merger between Texas Roadhouse Properties, LLC and Texas Roadhouse Holdings, LLC, the Liquor Control Commission requires a

resolution from the Council. This is strictly an internal transfer of ownership and will not impact the day-to-day operations of the business.

COUNCILWOMAN JAN HAGGERTY moved, COUNCILMAN SALVATORE AIUTO seconded to approve the request from Texas Roadhouse of Roseville, LLC (a Kentucky Limited Liability Company) to transfer all interest thru merger in 2008 Class C Licensed Business, located at 20201 Thirteen Mile, Roseville, MI, 48066, Macomb County from existing member Texas Roadhouse Properties Holdings, LLC to new member, Texas Roadhouse Holdings, LLC.
MOTION CARRIED UNANIMOUSLY

2. Request to block Hollywood between Northview and Wellington on Saturday, August 23 (with a rain date of August 24) from 10 a.m. until 11 p.m. to conduct a Block Party, Eric and Kimberly Houvener, petitioners.

Eric and Kimberly Houvener, 28637 Hollywood, appeared on behalf of this request.

COUNCILWOMAN JAN HAGGERTY moved, COUNCILMAN ROBERT TAYLOR seconded to approve the request to block Hollywood between Northview and Wellington on Saturday, August 23 (with a rain date of August 24) from 10 a.m. until 11 p.m. to conduct a Block party.
MOTION CARRIED UNANIMOUSLY

3. Request to block Lowell between Maple and Edwards on Saturday, August 23 (with a rain date of August 30) from noon until 11 p.m. to conduct a Block Party, Carol Locke, petitioner.

Carol Locke, 17315 Lowell, appeared on behalf of this request.

COUNCILMAN BILL SHOEMAKER moved, COUNCILMAN SALVATORE AIUTO seconded to approve the request to block Lowell between Maple and Edwards on Saturday, August 23 (with a rain date of August 30) from noon until 11 p.m. to conduct a Block Party.
MOTION CARRIED UNANIMOUSLY

4. Request from St. Athanasius Parish to conduct their annual Fun Fest on the church grounds September 5 through 7 with waiver of fees, John Surhigh, petitioner.

John Surhigh, 20131 Voiland, appeared on behalf of this request.

COUNCILMAN JOHN CHIRKUN moved, COUNCILWOMAN JAN HAGGERTY seconded to approve the request from St. Athanasius Parish to conduct their annual Fun Fest on church grounds September 5 through 7 with waiver of fees.
MOTION CARRIED UNANIMOUSLY

5. Council consideration for request of issuance of massage therapist license, Edna Raymer, petitioner.

Edna Raymer, 20300 Wallace, appeared to explain this request to Council.

COUNCILWOMAN JAN HAGGERTY moved, COUNCILMAN ROBERT TAYLOR seconded to approve the request for issuance of massage therapist license to Edna Raymer.
MOTION CARRIED UNANIMOUSLY

6. Request awarding of bid for 2008 Joint Sealing Program.

City Controller/Assistant City Manager Peter Provenzano explained to Council that the Engineering Department prepared specifications for the 2008 Joint Sealing Program. One bid was received from Michigan Joint Sealing. The bidding company has completed satisfactory work for the City in the past. Mr. Provenzano stated that this is a budgeted

item and he recommended that the bid be awarded to Michigan Joint Sealing, Inc. in the amount of $156,800.

COUNCILMAN ROBERT TAYLOR moved, COUNCILMAN SALVATORE AIUTO seconded to award the bid for the 2008 Joint Sealing Program to Michigan Joint Sealing in the amount of $156,800.
MOTION CARRIED UNANIMOUSLY

7. Request awarding of bid for 2008 Asphalt Maintenance Program.

City Controller/Assistant City Manager Peter Provenzano explained to Council that the Engineering Department prepared specifications for the 2008 Asphalt Maintenance Program; three bids were received. The low bid meeting specifications was received from Florence Cement in the amount of $53,397.50. This item is a budgeted item.

COUNCILMAN JOHN CHIRKUN moved, COUNCILWOMAN COLLEEN MCCARTNEY seconded to award the bid for the 2008 Asphalt Maintenance Program to Florence Cement Company in the amount of $53,397.50.
MOTION CARRIED UNANIMOUSLY

8. Request adoption of Ordinance to amend the City of Roseville Code of Ordinances, Chapter 354, Article IV, to impose restrictions on water consumption during emergencies, impose irrigation system restrictions, to provide for repealer, severability, penalty and effective date.

City Attorney Tim Tomlinson explained that the proposed Ordinance has been reviewed at previous Special Council Meetings and modifications were made after discussion by Council. Mr. Tomlinson requested that the Ordinance be approved with one correction to Section 3 which should read "Repealer. Any Section herein that is in conflict is hereby repealed."

Mayor Harold Haugh commented that this version of the Ordinance is more beneficial to the City than what was originally proposed by the Detroit Water and Sewer Department. Mayor Haugh explained that if Council does not adopt this Ordinance, the DWSD may increase the water rates that are charged to the City of Roseville.

COUNCILMAN JOHN CHIRKUN moved, COUNCILWOMAN COLLEEN MCCARTNEY seconded to adopt Ordinance No. 1214 to amend the City of Roseville Code of Ordinances, Chapter 354, Article IV, to impose restrictions on water consumption during emergencies, impose irrigation system restrictions, to provide for repealer, severability and effective date as amended by the City Attorney as follows:

TO AMEND AN ORDINANCE OF THE CITY OF ROSEVILLE REPEALING AND AMENDING CHAPTER 354, ARTICLE IV, SECTIONS 354-11 THROUGH 354-15 OF THE CITY OF ROSEVILLE CODE OF ORDINANCES, PROVIDING FOR SEVERABILITY, AND EFFECTIVE DATE.

CITY OF ROSEVILLE
MACOMB COUNTY, MICHIGAN
ORDINANCE NO. 1214

THE CITY OF ROSEVILLE ORDAINS:

AN ORDINANCE OF THE CITY OF ROSEVILLE REPEALING AND AMENDING CHAPTER 354, ARTICLE IV, SECTION 354-11 THROUGH 354-15 OF THE CITY OF ROSEVILLE CODE OF ORDINANCES, PROVIDING FOR SEVERABILITY, AND EFFECTIVE DATE.

Section 1. Preamble. This Ordinance is to provide for the public health, safety and welfare of the citizens of the City of Roseville to ensure restriction on water consumption during emergencies, the method and contact of such declaration, the water use restrictions, irrigation system restrictions, and to provide for penalty for failure to comply so to ensure the supply of pressure demand for water is not endangered, or conditions within the water system of the City of Roseville are such that action need be taken.

Section 2. Chapter 354, Article IV, Sec. 354-11 through Sec. 354-15 are hereby amended as follows:

Sec. 354-11. Determination of emergency: emergency regulations

The City Manager, or his designee, is hereby authorized to declare a water supply emergency whenever he determines any of the following conditions exists:

a) An existing or anticipated drought condition;
b) Loss or reduction in volume and/or pressure in water supply from the Detroit Water and Sewerage Department (DWSD);
c) Failure of one or more parts of the supply system;
d) Any condition that may result in a threat to the public health due to potential or documented contamination associated with low water pressure;
e) Any condition that may reduce the Fire Department's available water supply to fight fires;
f) Requests by the Detroit Water & Sewerage Department or Michigan Department of Environmental Quality to place use restrictions on the system;
g) Any use by system customers that adversely impacts peak water use between the hours of 5:00 a.m. and 11:00 p.m. EST which could adversely affect future water supply charges and fees;
h) Any use by system customers that adversely impacts the City's compliance with terms of its DWSD water contract.

Sec. 354-12. Emergency water use restrictions.

Whenever a water supply emergency exists, it shall be unlawful for any person to utilize water from the city water supply system for any type of outdoor use which is in violation of the terms of the declaration.

Sec. 354-13. Notification of regulations; when effective.

A water supply emergency shall exist when the City Manager has caused a declaration of such emergency to be publicly announced by broadcast from one or more radio or television stations with normal operating range covering the City. When practical, such declaration shall also be made over the appropriate cable television channel, on the city hall telephone message machine, and in the local newspaper, if the anticipated duration of the emergency warrants it. The City Manager shall make a record of each time and date and methods of such declaration. Irrespective of such methods of declaration, a water supply emergency shall be deemed to exist for any person who has received a direct written notice of such declaration.

A declaration of water supply emergency shall include the effective date and time of such emergency, which may be immediate; the period of time during which such emergency shall be in effect, which may be for 24 hours per day, and until further notice; and the types of outside water usage which are prohibited, which may include all outside uses except fire protection; and may permit certain uses on alternating days or during restricted hours.

Sec. 354-14. Non-emergency water use restrictions: Irrigation system restrictions.

A property which is connected to the municipal water system is hereby restricted to irrigating during the following days and times between May 15 and October 1:

a) A property with an even-numbered address shall only be allowed to irrigate on even-numbered dates within a month;
b) A property with an odd-numbered address shall only be allowed to irrigate odd-numbered dates within a month;
c) If a property has mixed odd and even-numbered addresses or an undetermined address, the City Manager, or his designee, may assign an odd/even designation for compliance with this division;
d) A property with a newly seeded or sodded lawn and any trees, shrubs and bushes may for the first 21 days after planting, irrigate said new lawn or landscaping as often as required for growth.

Sec. 354-15. Violations and penalties.

Any person who violates this article shall be deemed responsible for a civil infraction and will be assessed a fine not to exceed $500.00 for each violation.

Section 3. Any section herein that is in conflict is hereby repealed.

Section 4. 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 5. 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

9. Appointments.

Mayor Harold Haugh had no appointments.

10. Reports of City Manager.

City Controller/Assistant City Manager Peter Provenzano had the following to report:

a. The last day to purchase Amusement Park Tickets from the Recreation Center is August 29.
b. The City's 50th Anniversary Dinner Dance will take place on Tuesday, December 30 at Athena Hall. Tickets are $30 per person before November 1; $35 after November 1.

11. Reports of City Attorney.

City Attorney Tim Tomlinson had nothing to report.

VI. HEARING OF THE PUBLIC

James Goldwater, 19346 Brandt, congratulated Mayor Haugh on winning the State Primary Election on August 5 and wished him luck in the November General Election. Mr. Goldwater discussed sewer cleaning in the City and various Parks and Recreation issues.

Mayor Harold Haugh instructed City Controller/Assistant City Manager Peter Provenzano to have Parks and Recreation Director Tony Lipinski present at the next Regular Council Meeting to address issues raised by Mr. Goldwater this evening.

Brian McGrail, Water Department Director, 29411 Calahan, discussed the Sanitary Sewer Cleaning Project.

Mike Clover, 16279 12 Mile, commented on the meeting schedule listed on the City cable channel, discussed the Parks and Recreation Board Meeting at Huron Park, congratulated Mayor Haugh on winning the State Primary Election and complimented the construction work that was done on 12 Mile.

Frank Maisano, 26740 Barbara, announced the Roseville Optimists Club picnic at Memorial Park, and complimented City employee David Sipes on his work with the Sidewalk Program.

Charles Frontera, 26240 Blumfield, encouraged anyone who has issues with Parks and Recreation to attend one of the monthly Parks and Recreation Board Meetings.

Edward Stross, 28305 Gratiot, discussed campaign signs and politics.

VII. ITEMS FOR DISCUSSION BY CITY COUNCIL

Councilman Robert Taylor wished his uncle Kenny and his son Happy Birthday. Councilman Taylor announced a Police Softball Tournament at Liberty Park to benefit the families of fallen Police Officers Mark Sawyers and Christopher Wooters.

Councilman Salvatore Aiuto addressed comments made about Parks and Recreation during the Public Hearing, wished George Rollinger and his mother Happy Birthday and congratulated everyone who participated in the State Primary Election, especially those individuals who voted in the election. Mr. Aiuto congratulated the individuals who won their races in the State Primary Election.

Councilman Bill Shoemaker discussed the Roseville "Home Makeover" for the Snyder Family organized by Paradox Church and the Roseville Family Network Resource Center held this past weekend. Councilman Shoemaker thanked the Police and Fire Departments for their assistance with the "Home Makeover" and Mayor Harold Haugh and Treasurer Catherine Haugh for sponsoring the Makeover.

Councilwoman Jan Haggerty thanked everyone who participated in the St. Donald Blood Drive on August 4, thanked the organizer of the Blood Drive, wished good luck to the block party participants and congratulated Mayor Haugh for winning the State Primary Election.

Councilwoman Colleen McCartney congratulated Mayor Haugh for winning the State Primary Election and reminded everyone about the Roseville Optimist Club's picnic on August 16 from 11 a.m. to 2 p.m.

Councilman John Chirkun congratulated Mayor Haugh and Councilwoman Jan Haggerty for winning the State Primary Election and thanked Judy Hartwell for her participation in the Election. Councilman Chirkun commented on the number of bicycle thefts in the City and discussed the 30th Annual Nautical Mile Handicap Fishing Derby on August 13 at 9 a.m. at the Island Harbor Marina.

Mayor Haugh commented on the Roseville "Home Makeover" and stated that it made him proud to be the Mayor of Roseville when he saw the number of volunteers who participated on this project. Mayor Haugh wished George Rollinger and Councilman Aiuto's mother Happy Birthday and thanked everyone who supported him in the State Primary Election. Mayor Haugh stated that he is the Mayor and will remain so until he is no longer the Mayor.

VIII. ADJOURNMENT

COUNCILWOMAN COLLEEN MCCARTNEY moved, COUNCILMAN BILL SHOEMAKER seconded that the agenda having been acted upon, the meeting is hereby adjourned at 7:43 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.