SPECIAL MEETING
ROSEVILLE CITY COUNCIL

MANAGER'S CONFERENCE ROOM
29777 GRATIOT AVENUE
ROSEVILLE, MI 48066
(586) 445-5440

TUESDAY, SEPTEMBER 2, 2008
7:27 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 Manager	Stephen Truman
City Clerk	Richard Steenland
City Attorney	Tim Tomlinson

Mayor Harold Haugh called the meeting to order at 7:27 p.m.

1. HEARING OF THE PUBLIC

No one from the public wished to be heard.

2. Discussion and/or action regarding designation of an official representative and alternate that will be attending the Michigan Municipal League Convention.

City Manager Stephen Truman explained to Council that the Michigan Municipal League requires that a delegate be designated to vote on any MML issue brought before Council. The MML is in the process of setting up by-laws and the by-laws will need to be reviewed by Council.

Mayor Harold Haugh nominated Mayor Pro Tem John Chirkun as the City of Roseville's Delegate to the Michigan Municipal League and Councilman Bill Shoemaker as the Alternate Delegate to the Michigan Municipal League. Council had no objection to these appointments.

3. OTHER ITEMS FOR DISCUSSION BY CITY MANAGER.

City Manager Stephen Truman reported on the following:

- City Assessor Daniel Hickey is requesting an amendment to the Poverty Exemption Ordinance. The first amendment will include that all property owner incomes are taken into account when making a decision on an exemption and the second amendment will allow the assessors office to allow partial requirement for payment of taxes. City Attorney Tim Tomlinson concurred with Mr. Truman's review of the two proposed amendments. Council was provided with a copy of the current Ordinance and the proposed amendment will go before Council at a future regular meeting.

  Councilman John Chirkun asked Mr. Truman about language in the Ordinance pertaining to the poverty standards set by the State and Federal Governments. Mr. Tomlinson explained that Federal Government poverty level standard is adopted by the State Tax Commission; therefore, instead of using the State Tax Commission as a guideline, the Ordinance will use the Federal Poverty Level as a guideline.

  Councilman Chirkun asked about Section 4, #6 in the proposed amendment. Mr. Tomlinson stated that the only change in this section is to the second sentence; income of all property owners/homeowners will be used to determine the exemption.

  Councilman Chirkun asked Mr. Truman about Section 5, #8 of the proposed amendment. Mr. Truman responded that this section is new and will allow for a partial payment. Mr. Tomlinson stated that currently the Poverty Exemption Ordinance reads that the Board of Review has to give a full exemption or none at all. This addition will give the Board of Review the ability to make a determination whether an applicant needs a little help in lieu of a total exemption. Mr. Tomlinson followed up on concerns raised by Councilman Chirkun regarding the amendment which will require the income of all the homeowners/property owners on an exemption application by explaining that it will benefit all owners in the future if taxes are paid on a property. The reason assets of all owners should be considered on the poverty exemptions is because in the future the house will be an asset to the owners and it is in all owners' vested interest to make sure the taxes are paid on a property.

  Councilwoman Jan Haggerty commented about whether it is a tenant in common or tenant in entirety. Mr. Tomlinson responded no because they still have a vested interest in that property.

  Mr. Truman stated that he will place this back before Council in two weeks and have City Assessor Daniel Hickey present to answer any questions Council may have regarding the proposed amendment.

- Mr. Truman attempted to contact Mr. Jerry Marshment regarding some concerns he raised at the last Council meeting during the Public Hearing; Mr. Marshment is on vacation and Mr. Truman has left a message at Mr. Marshment's home.

- Mr. Truman arranged to meet with Edward Imbrunone on Thursday, August 28; Mr. Imbrunone was not home on that date. Mr. Truman met with Mr. Imbrunone this evening before the meeting and updated him on the construction on Martin Road. Mr. Truman is not satisfied with the construction company's performance on Martin Road; however, this is a Michigan Department of Transportation project. The plans submitted to the State had the side streets blocked off and the plans did not show staging for the blocked off streets; Larry Street was blocked off for about two weeks before the concrete was poured. The blocked streets were opened this morning and the school streets were opened as well. Mr. Truman will keep up on this project and keep Council updated.

  Councilman Chirkun commented that in other communities signs are posted to notify residents of construction in local neighborhoods which provide an estimated completion date for the project. Mr. Truman stated that in the future the City will have more input with MDOT contracts and the City will work on a communication piece for residents in the area of construction.

- Mr. Truman discussed an e-mail that Mayor Haugh received from a resident about open burning. Mr. Truman's Office has received numerous calls this year, but not as many as last year. If the Fire Department responds to a call about open burning and the resident is burning clean wood and a water supply is near the Fire Department will not make the resident extinguish the fire. If a complainant calls the Fire Department and states that they have asthma and atmospheric conditions are so that the smoke is in the direction of the complainant, the Fire Department will ask the resident to extinguish the fire. Fire Marshal Craig Robertson is researching ordinances of surrounding communities regarding open burning. Mr. Truman feels that recreational fires are an important issue for some people and he will continue to look into this item.

  Councilman Robert Taylor was concerned with wood burning stoves and the possibility of complaints during the winter. Mr. Truman stated that he doesn't believe his office has received this type of complaint.

  Mayor Haugh asked Mr. Truman if the Fire Department tells residents that they cannot burn. Mr. Truman responded that it has been done under certain circumstances. Mayor Haugh reiterated that if a resident is burning the proper material in an approved container with a water source nearby, the City cannot tell the resident to extinguish the fire. Mr. Tomlinson stated there is no language in the Ordinance pertaining to this. Mr. Truman stated that in the past with this type of complaint the Fire Department will go to a residence and check the direction of the wind and make a determination of the atmospheric conditions. Mayor Haugh commented that if a resident is open burning and there is an asthmatic environment the Fire Department may ask the resident to extinguish the fire. Mr. Tomlinson stated that if the atmospheric conditions exist making the burning a nuisance, the Fire Department may demand that a fire be extinguished. Mayor Haugh was concerned with the issue of a neighbor having asthma and open burning in the neighborhood; Mr. Tomlinson stated that the issue of asthma is not covered in the Ordinance.

  Mayor Haugh asked Mr. Truman to clarify with the Fire Department the procedure followed with the various open burning situations.

4. OTHER ITEMS FOR DISCUSSION BY CITY ATTORNEY.

City Attorney Tim Tomlinson had the following items to discuss:

- A resident who lives near the Roseville Junior Sports Complex has requested that parking in that area be for residents only. Mr. Tomlinson has researched whether the City may impose restrictions on parking as to resident or non-residents and it is his opinion that restrictions may be passed as long as the restrictions reasonably meet the goals of what is trying to be accomplished. An example would be if Junior Sports operates between the hours of 6 p.m. and 9 p.m. and the City imposes a restriction of residential parking between 6 p.m. and 9 p.m. for the months of May through September as opposed to an all-residential parking-only restriction. The total restriction wouldn't meet the needs of the intention of the restriction. Mr. Tomlinson explained that the law states as long as our restrictions are reasonable, the City has the

authority to impose parking restrictions through a duly adopted traffic control order. Signs are currently posted in the area stating "residential parking only"; however, this has not been enforced due to the fact that no traffic control order is on file.

Mayor Harold Haugh asked Mr. Tomlinson how the Police Department will determine who is a resident or non-resident. Mr. Tomlinson responded that the Police Department will run the license plate of a vehicle through the Law Enforcement Information Network (LEIN) to determine ownership of a vehicle.

City Manager Stephen Truman stated that if a limited number of parcels are located on a street then a permit process may be in place for parking. The license number of the vehicle must match the plate number listed on the permit.

Mr. Truman explained the process used to implement a Traffic Control Order and stated that he has only heard from one resident in the area of the Junior Sports field.

Councilman Salvatore Aiuto commented that parking becomes an issue during baseball season only and from his perspective the parking at the elementary school next to the field is ample parking.

- Mr. Tomlinson updated Council on a meeting he had with residents from Blue Island Ct. about issues with neighbor conflicts. Mr. Tomlinson, Deputy Police Chief Cona and Police Chief Pachla have had discussions with both parties in this conflict and there is no criminal behavior involved with this issue. Mr. Tomlinson wanted Council to be aware of this issue.

- A proposal is before the Federal Communications Commission to eliminate or restrict the ability of local governments to zone cellular phone towers. Mr. Tomlinson asked Council to review the proposed resolution he prepared on this issue and asked them to consider passing this resolution on this matter.

  Mr. Truman stated that this issue has been reviewed by Building Director Glenn Sexton and Planning Consultant Ben Tallerico. Mr. Tallerico strongly supports the City's passing the resolution as the City's Ordinance is well-written and he does not want to see the Ordinance challenged.

  Council had no objections to this resolution being placed on the next Council agenda.

- The International Outdoors lease agreement will be on the next Council agenda. Mr. Tomlinson is working out the terms of the agreement with the other side. The only issue remaining is that when the original bill board was proposed the rate was given at $9,000 per year for lease of the property; the lease agreement is proposed at $6,000 to the City and $3,000 to the owners of Marsack Gravel Pit. Mr. Tomlinson stated that his feeling is that the City should stick with the $9,000, but it's a policy decision on behalf of Council and not a legal decision on Mr. Tomlinson's part.

  Councilman Robert Taylor agrees with Mr. Tomlinson that the City should stick with $9,000. Council had no objection to Mr. Tomlinson negotiating the $9,000 as originally proposed.

  Councilman John Chirkun commented that the prohibited left turn out of the parking lot at 13 Mile and Little Mack is not working and asked if a bigger sign may be placed at that site to get drivers attention.

  Mr. Tomlinson stated that language for amendments to the Winter Parking Ordinance will be forthcoming to Council.

5. <u>OTHER ITEMS FOR DISCUSSION BY CITY COUNCIL.</u>

Councilman Salvatore Aiuto asked City Manager Stephen Truman for an update to Council on contract negotiations.

6. ADJOURNMENT.

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

Respectfully submitted,
Richard M. Steenland, City Clerk

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