REGULAR MEETING
ROSEVILLE CITY COUNCIL

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

TUESDAY, SEPTEMBER 9, 2008
7 P.M.

ROLL CALL

PRESENT:

Mayor	Harold Haugh
Councilpersons	Salvatore Aiuto
	John Chirkun
	Jan Haggerty
	Colleen McCartney
	Bill Shoemaker

ABSENT: Robert Taylor (excused)

OTHERS PRESENT:

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

Mayor Harold Haugh offered his and Council's sympathies and prayers to the family of Benjamin Steinhauser a Water Department Employee who passed away this past weekend. Mayor and Council observed a moment of silence in honor of Mr. Steinhauser.

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

COUNCILMAN JOHN CHIRKUN moved, COUNCILWOMAN JAN HAGGERTY seconded to excuse absent Councilman Robert Taylor.
MOTION CARRIED UNANIMOUSLY

PRESENTATIONS AND PROCLAMATIONS

a. **Presentation of proclamation to the Elizabeth Bienaime Chapter of the National Society of the Daughters of the American Revolution honoring Constitution Week, September 17-23, 2008.**

Mayor Harold presented Jane May with a proclamation on behalf of the Elizabeth Bienaime Chapter of the National Society of the Daughters of the American Revolution honoring Constitution Week.

b. **Presentation of Certificates to the Boards and Commission members in honor of the City's 50th Anniversary.**

Mayor Harold Haugh and Council presented the following Boards and Commission members with certificates in honor of the City's 50th Anniversary:

Fred Barbret, ACT 78 Police and Fire General Civil Service Board
Charlotte Boyd, Project Art in Roseville (PAIR)
Mike Busch, Retirement Board
Ken Campbell, Retired General Civil Service Board
Gene Chownyk, Friends of the Roseville Public Library
Patricia Chownyk, Friends of the Roseville Public Library
Wendy Clem, Board of Canvassers
Jake Covert, Citizens Advisory Committee (CAC)
Joan DiCiuccio, Beautification Commission
Gail Elliot, Historical and Genealogical Society
Geraldine Frank, Housing Commission
Charles Frontera, Parks and Recreation Board
Gary Goodin, Parks and Recreation Board
Carol Hodgson, CAC
Carol Huck, Friends of the Roseville Public Library
Alma Jamrus, Beautification Commission
Joanne Kloss, CAC
Rita Lentz, Beautification Commission
Beverley Mason, Winter Parking Board of Appeals, Roseville Historical and Genealogical Society and PAIR
Charles Mason, PAIR
Jane May, ACT 78 Police and Fire General Civil Service Board and Roseville Historical and Genealogical Society
Joe McGilton, General Civil Service Board
Maxine McLeod, Roseville Historical and Genealogical Society
Janet Mergenthaler, PAIR
Terry Mergenthaler, Housing Commission and PAIR
Barbara Miglio, PAIR, Roseville Historical and Genealogical Society and Library Board
Dominic Miglio, Parks and Recreation Board
Joseph Montgomery, Planning Commission, Building Authority and Board of Review
Pamela Morency, Parks and Recreation Board
Phyllis Reneau, Friends of the Roseville Public Library

Margaret Rollinger, CAC
Edward Schaffstein, Elected Officials Compensation Commission and Board of Review
Elenore Sounart, Friends of the Roseville Public Library
John Surhigh, Planning Commission
Mary Taitt, Friends of the Roseville Public Library
Brent White, CAC
Geraldine White, Planning Commission
Otto Wilhelm, Planning Commission
Lenora Wille, Friends of the Roseville Public Library
Morris Wilson, Parks and Recreation Board
Irene Wingate, Friends of the Roseville Public Library
Edward Young, Sr., Winter Parking Board of Appeals

Mayor Haugh thanked all of the certificate recipients and asked them to keep up the good work and also to keep Roseville moving in a positive direction.

I. ROUTINE MATTERS

1. Approval of minutes of Regular Meeting held August 26, 2008.

COUNCILMAN SALVATORE AIUTO moved, COUNCILWOMAN JAN HAGGERTY seconded to approve minutes of the Regular Meeting held August 26, 2008.
MOTION CARRIED UNANIMOUSLY

2. Approval of minutes of Special Meeting held September 2, 2008.

COUNCILWOMAN COLLEEN MCCARTNEY moved, COUNCILMAN BILL SHOEMAKER seconded to approve minutes of the Special Meeting held September 2, 2008.
MOTION CARRIED UNANIMOUSLY

3. Approval of Disbursement List.

COUNCILMAN BILL SHOEMAKER moved, COUNCILWOMAN COLLEEN MCCARTNEY seconded to approve Disbursement List # 5 dated August 28 through September 9, 2008.
MOTION CARRIED UNANIMOUSLY

II. CORRESPONDENCE

City Clerk Richard Steenland received no correspondence.

III. HEARING OF THE PUBLIC

Edward Stross, 28305 Gratiot, discussed the only agenda item under Old Business.

James Goldwater, 19346 Brandt, discussed the only agenda item under Old Business.

IV. OLD BUSINESS

- **Request approval to enter into contract with International Outdoor, Inc. for additional signage on small portion of City owned property.**

Randy Oram, International Outdoor, appeared on behalf of this request and congratulated the award recipients this evening. Mr. Oram addressed comments made during the first Public Hearing and explained this request to Council.

Mayor Harold Haugh asked City Manager Stephen Truman how long the parcel where the proposed sign would be has been vacant. Mr. Truman responded that the property has been vacant for over 30 years.

City Attorney Tim Tomlinson explained to Council that he has reviewed the lease language with the petitioner's attorney and modifications were made to the language. Mr. Tomlinson asked that if this lease is approved it be made subject to any minor modifications that Mr. Tomlinson may have to make regarding non-substantive issues. Mr. Tomlinson explained that this parcel is unique due to the layout of the land as it is a gravel pit. The layout of the land has required the cooperation of the operator of this property due to property rights the operator would have over this parcel; Council should consider these factors when determining the rent in the lease agreement.

Councilman John Chirkun asked Mr. Truman if a lease amount has been agreed to by International Outdoor and the City. Mr. Truman explained that an agreement was not made as to the lease amount for this proposed sign. Mr. Chirkun asked Mr. Oram what amount was originally proposed. Mr. Oram responded that the original amount did not take into consideration that the property is not accessible without the cooperation of the Marsack property owners. A third party agreement is needed with the owners of the Marsack property so that access may be gained to the property.

Mr. Tomlinson stated that the original amount proposed was $9,000. A new proposal was made for $6,000 to the City and $3,000 to the owner of the Marsack property for the benefit of obtaining an easement for the ingress and egress of the property. When operations cease on the Marsack property the City will have complete control of the property and then the amount that is paid to the Marsack owners will revert to the City. Mr. Tomlinson stated that this is a policy issue for the Council to decide what a fair lease amount is.

Councilman Salvatore Aiuto asked Mr. Oram if his business has entered into an agreement with the owners of the Marsack property. Mr. Oram responded that he has a letter of intent with the owners. Once the agreement is approved by the City then he will get an agreement with Marsack. Mr. Oram understands that the Marsack Property has multiple owners that will have to sign the lease agreement.

Councilwoman Jan Haggerty asked Mr. Oram how long the lease agreement between his business and the Marsack property owners will last. Mr. Oram responded that the agreement will run in conjunction with the City's lease until the property is reverted to the City and then the City will get the full lease amount.

Councilman Chirkun reiterated that the original agreement with International Outdoors included a proposal for a second sign. Mr. Oram explained that since the original proposal there have been some unforeseen circumstances with gaining access to the proposed site.

Councilman Bill Shoemaker asked Mr. Oram if the Marsack property owners will negotiate the amount they will accept in this agreement. Mr. Oram explained that once the Council makes a decision he will continue working with the Marsack property owners to come to an agreement.

Councilwoman Haggerty asked Mr. Oram how long it will be before he will have an agreement with the Marsack owners. Mr. Oram stated that it will be settled once Council approves the agreement.

Councilman Chirkun thanked Mr. Oram for his interest in locating this sign in Roseville.

Councilman Aiuto asked Mr. Tomlinson if the motion should include a clause to allow Mr. Tomlinson to make any changes in the agreement. Mr. Tomlinson responded that if Council wishes to include in the motion that any grammatical or typographical errors be corrected by his office they may do so; however, because it is a non-substantive issue Mr. Tomlinson is not concerned with the language being included in the motion.

COUNCILMAN JOHN CHIRKUN moved, COUNCILMAN SALVATORE AIUTO seconded to approve the contract with International Outdoor, Inc. for additional signage on small portion of City owned property with the rental amount of $7,500 annually, per the terms of the lease agreement.
MOTION CARRIED UNANIMOUSLY

Mr. Oram thanked the Council, City Manager Stephen Truman, Building Director Glenn Sexton and Mr. Tomlinson for their work on this project.

V. NEW BUSINESS

1. Request from Sacred Heart Church and Holy Innocents Church to conduct fundraiser event (pumpkins sales) on their premises located at 18430 Utica Road and 26100 Ridgemont, October 1st through 31st, from 9 a.m. to 8 p.m. with waiver of fees, Tom French, petitioner.

Tom French, 24835 Wagner, Warren, MI, appeared on behalf of this request and explained that this is the 6th year that Holy Innocents will host the pumpkin fundraiser and the second year for Sacred Heart.

COUNCILMAN SALVATORE AIUTO moved, COUNCILWOMAN JAN HAGGERTY seconded to approve the request from Sacred Heart Church and Holy Innocents Church to conduct fundraiser event (pumpkin sales) on their premises located at 18430 Utica Road and 26100 Ridgemont, October 1st through 31st, from 9 a.m. to 8 p.m. with waiver of fees.
MOTION CARRIED UNANIMOUSLY

2. Council consideration of request for issuance of massage therapist license, Jennifer Vatalaro, petitioner.

Jennifer Vatalaro, 17108 14 Mile Rd, Fraser, appeared before Council.

Mayor Harold Haugh stated for the record that the Police Department had no objections to this license being issued.

COUNCILMAN BILL SHOEMAKER moved, COUNCILWOMAN JAN HAGGERTY seconded to approve the request for issuance of massage therapist license to Jennifer Vatalaro.
MOTION CARRIED UNANIMOUSLY

3. Request from Parks & Recreation to conduct the 30th annual Big Bird Run on the City streets, Sunday, November 9, 2008, from 10-11:30 a.m.

City Manager Stephen Truman explained that this request is part of the City's 50th Anniversary Celebration and will be the 30th Annual Big Bird Run.

Bobbie Wilson, Assistant Director of Parks and Recreation, 18185 Sycamore, appeared on behalf of this request.

COUNCILWOMAN JAN HAGGERTY moved, COUNCILWOMAN COLLEEN MCCARTNEY seconded to adopt the Resolution approving the request to conduct the 30th annual Big Bird Run on the City streets, Sunday, November 9, 2008 from 10-11:30 a.m. as follows:

BE IT RESOLVED that permission is hereby granted to hold the 30h Annual Big Bird Run on Sunday, November 9, 2008, at 10:00 a.m. until 11:30 a.m. Only the right lane of all roads will be used:

The above named applicant hereby makes application for a permit to use M-3 (Gratiot Avenue) and I-696 Service Drive, City of Roseville, County of Macomb, State of Michigan. The exact location is as follows:

Start at Recreation Department - West on Sycamore;

North on (M-3) Gratiot to Martin Road;

Martin Road east to Van Howe;

Van Howe south to Hazelwood;

West on Hazelwood to Pinewood;

South on Pinewood to I-696 Service Drive;

Westbound I-696 Service Drive to pedestrian bridge;

Pedestrian bridge south over I-696 Expressway;

Eastbound I-696 Service Drive east to Arlington;

South on Arlington to Frazho;

Frazho west to Pinehurst;

Pinehurst north to Marquette;

East on Marquette to Barbara;

North on Barbara to Glendale;

West on Glendale to Fernwood;

North on Fernwood to pedestrian bridge over I-696 Expressway;

Pedestrian bridge over I-696;

East on Westbound I-696 Service Drive to Nieman;

North on Nieman to Blue Island;

East on Blue Island to Kelly;

North on Kelly to Hazelwood;

West on Hazelwood to finish area near Spruce.
MOTION CARRIED UNANIMOUSLY

4. Request adoption of Resolution in support of the Fiscal Year 2009 S.M.A.R.T. Municipal and Community Credit Program.

Bobbie Wilson, Assistant Director of Parks and Recreation, 18185 Sycamore, appeared and explained to Council that the Senior Van Program continues to grow each year and she thanked S.M.A.R.T. for their support.

City Manager Stephen Truman explained that this year there is an increase in the credits. Last year the City received $70,493 and this year the total amount that the City will receive is $73,947. Mr. Truman thanked Mr. Fred Barbret, representative from S.M.A.R.T., for assisting the City with the Community Credit Program.

Mayor Harold Haugh thanked Mr. Barbret for his dedication to helping the seniors in the City of Roseville.

COUNCILWOMAN JAN HAGGERTY moved, COUNCILMAN SALVATORE AIUTO seconded to adopt the Resolution in support of the Fiscal Year 2009 S.M.A.R.T. Municipal and Community Credit Program as follows:

WHEREAS, the Roseville City Council is in support of the 2008/2009 Municipal/Community Credit Program.

NOW THEREFORE BE IT RESOLVED, that the City Council agrees to enter into an agreement between Suburban Mobility Authority for Regional Transportation (SMART) and the City of Roseville.
MOTION CARRIED UNANIMOUSLY

5. Request adoption of Resolution opposing FCC proceedings affecting local zoning of cellular towers WT Docket 08-165.

City Attorney Tim Tomlinson explained to Council that the Cellular Telephone Industry petitioned the FCC to undertake regulations that would eliminate or severely impact the ability of local municipalities to enact zoning regulations on cellular towers. Through partnering with the Michigan Municipal League Mr. Tomlinson proposes that this resolution be adopted so that he may forward the resolution to the City's legal representatives, U.S. Congress and the U.S. Senate to encourage the Congressmen and Senators to reject and oppose any type of legislation or regulation that would impact the ability of a local municipality to regulate cellular towers through local zoning ordinances. Mr. Tomlinson encouraged Council to adopt the resolution as presented.

Mayor Harold Haugh stated that he has spoken with mayors from four surrounding communities and those communities are also passing the same type of resolution.

COUNCILMAN JOHN CHIRKUN moved, COUNCILWOMAN JAN HAGGERTY seconded to adopt the Resolution opposing FCC proceedings affecting local zoning of cellular towers WT Docket 08-165 as follows:

WHEREAS, the City of Roseville has retained through its zoning code certain permitted legal controls that are allowed under the Telecommunications Act regulating the placement of towers for wireless communication; and

WHEREAS, the Federal Communication Commission started a proceeding at the request of the cellular industry to pre-empt local ordinance regulation known as WT Docket 08-165; and

WHEREAS, the City Council of Roseville is desirous of expressing its strong opposition to these proceedings and requests that our United States Senators and United States Members of the House of Representatives express opposition to the proceedings,

IT IS RESOLVED THAT,

1. The City Council for the City of Roseville requests that our Michigan United States Senators and our Michigan United States Members of the House of Representatives join with the City in strong opposition to proceedings before the Federal Communication Commission WT Docket 08-165.

2. That our elected officials thoroughly communicate to the Federal Communication Commission the following concerns:

a. The FCC proposed action indirectly violates the Telecommunications Act Congress passed in 1996 which preserved local zoning of cell towers. In 1996 Congress provided the time for municipalities to act on cellular requests being "generally applicable time frames for zoning decisions" taking into account the "nature and scope of each request" and without giving "preferential treatment" to the cellular industry. The proposed 45 and 75 day provisos for acting on applications with them deemed to be automatically granted if deadlines are not met are contrary to the intent and purpose of the Telecommunications Act. These specific time frames ignore local zoning procedures, the need to notify residents, scheduling and notice requirements and the need to retain and utilize engineering consultants to determine whether cell towers are truly necessary.

b. Zoning is a matter of local concern and the FCC cannot be the local zoning board for cell towers nationwide. The FCC proposal ignores the direction of Congress in the 1996 Telecommunications Act.

3. The City requests that the FCC be directly contacted with strong opposition being registered and that Congress restrict any budget appropriation for this process on behalf of the FCC.

MOTION CARRIED UNANIMOUSLY

6. Request closed-door session to discuss contract negotiations.

COUNCILMAN JOHN CHIRKUN moved, COUNCILWOMAN COLLEEN MCCARTNEY seconded to enter into closed-door session to discuss contract negotiations after agenda item VIII. Items for Discussion by City Council

ROLL CALL:

Councilman Shoemaker	Yes
Councilwoman McCartney	Yes
Councilwoman Haggerty	Yes
Councilman Aiuto	Yes
Councilman Chirkun	Yes
Mayor Haugh	Yes

MOTION CARRIED UNANIMOUSLY

7. Appointments.

Mayor Harold Haugh reappointed Alma Jamrus and Rita Wilson to the Beautification Commission.

COUNCILMAN JOHN CHIRKUN moved, COUNCILWOMAN COLLEEN MCCARTNEY seconded to reappoint Alma Jamrus and Rita Wilson to the Beautification Commission for a term of three years.

MOTION CARRIED UNANIMOUSLY

8. Reports of City Manager.

City Manager Stephen Truman had the following to report:

a. The Parks and Recreation Department will host Family Night at the Movies on Saturday, September 13 from 5-9 p.m. at the Recreation Center.
b. The City will host a community meeting about the Master Plan on Monday, September 29 from 6 p.m. to 8:30 p.m. facilitated by Vilican Leman and the Planning Commission.
c. Project Art in Roseville (PAIR) will host their 2nd annual fall fundraiser; a Sock Hop in honor of the City's 50th Anniversary will take place on Saturday, October 19 at St. Donald's Church.
d. The 50th Anniversary Dinner Dance will take place Tuesday, December 30 from 6:30 p.m. until 12:30 a.m. at Athena Hall. Tickets are available in the Manager's Office.
e. Mr. Truman thanked Council for the moment of silence in honor of Water Department employee Benjamin Steinhauser. Mr. Truman explained that Mr. Steinhauser leaves behind his wife Michelle and two sons, Michael and Nathan, ages 7 and 4. Mr. Truman stated that with 250 employees he doesn't get to know everyone; however, he spoke with Water Director Brian McGrail about Mr. Steinhauser. According to Mr. McGrail, Mr. Steinhauser was the type of employee you could count on who would come in for overtime anytime he was needed unless he had an activity with his sons. Mr. Steinhauser was a fun person, was well-loved by his co-workers, and will be missed by everyone. Mr. Truman asked for everyone's thoughts and prayers to be with Mr. Steinhauser's family.

9. Reports of City Attorney.

City Attorney Tim Tomlinson had nothing to report.

VI. HEARING OF THE PUBLIC

James Goldwater, 19346 Brandt, discussed cruising in the City, discussed political signs and politics in the City.

Margaret McGilton, 29821 Kelly, announced that the VFW Ladies Auxiliary will host a Spaghetti Dinner on Sunday, September 21 to benefit hospital visits by the Auxiliary.

Edward Stross, 28305 Gratiot, discussed the Gratiot Cruise, the construction signs on Martin Road and politics in the City. At this point in the meeting Mayor Harold Haugh called Mr. Stross out-of-order and directed the City Administration to remove Mr. Stross from the meeting.

Carl Nihranz, 19335 Voiland, discussed a property that he owns on Pearl Street and a bill he received from the City for the Weed Cutting program.

Mayor Harold Haugh asked Mr. Truman to look into this issue for Mr. Nihranz.

VII. ITEMS FOR DISCUSSION BY CITY COUNCIL

Councilman Salvatore Aiuto offered his sympathies to the family of Ben Steinhauser, reminded Roseville Seniors to file for their stimulus checks by October 15, spoke about passport processing at the Library, thanked the volunteers who received certificates this evening, commented on the VFW Ladies Auxiliary spaghetti dinner and wished John Surhigh, Gina Aiuto and Councilman John Chirkun Happy Birthday.

Councilman Bill Shoemaker offered his condolences to the Ben Steinhauser family, thanked all of the volunteers who were recognized this evening and announced a "classic car cruise in" hosted by the Knights of Columbus Saturday, September 13 from 11 a.m. until 2 p.m.

Councilwoman Jan Haggerty congratulated the Board and Commission members recognized this evening, congratulated the Elizabeth Bienaime Chapter of the National Society of the Daughters of the American Revolution on their accomplishments, wished the VFW Ladies Auxiliary good luck with their spaghetti dinner and offered her sympathies to the family of Ben Steinhauser. Councilwoman Haggerty wished John Surhigh and Councilman John Chirkun Happy Birthday.

Councilwoman Colleen McCartney offered her thoughts and prayers to the Steinhauser and Hale families, thanked the Board and Commission members present this evening and wished John Surhigh and Councilman Chirkun Happy Birthday.

Councilman John Chirkun offered his condolences to the family of Ben Steinhauser, congratulated the Board and Commission members who were recognized this evening, commented on the St. Athanasius fun fest and the Bee Movie that will be shown at the Recreation Center. Councilman Chirkun wished Councilwoman Haggerty and City Clerk Richard Steenland Happy Belated Birthday and wished John Surhigh Happy Birthday. Councilman Chirkun further commented on the Gratiot Cruise and classic car shows and negative comments made during the Public Hearing portion of Council meetings.

Mayor Harold Haugh addressed some comments made during the Public Hearing, commented about the birthdays being celebrated this week and thanked all of the volunteers for all that they do and have done to make Roseville such a great place to live. Mayor Haugh stated that the City of Roseville is about the quality of life for the residents, and the volunteers make Roseville great and make him proud to be the Mayor of Roseville. Mayor Haugh updated everyone on the handicapped parking enforcement; the Police Department issued 189 handicapped parking violations last month.

Leave Regular Meeting at	8:32 p.m.
Enter closed-door at	8:39 p.m.
Leave closed-door at	9:27 p.m.
Return to Regular Meeting at	9:28 p.m.

VIII. ADJOURNMENT

COUNCILWOMAN JAN HAGGERTY moved, COUNCILMAN SALVATORE AIUTO seconded that the agenda having been acted upon; the meeting is hereby adjourned at 9:29 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