

A Special Meeting of the Royal Oak City Commission was held on Monday, October 19, 2009, in Room 309 of City Hall, 211 Williams, Royal Oak. The Meeting was called to order by Mayor Ellison at 7:00 PM. Present were Mayor Ellison, Commissioner Andrzejak, Commissioner Drinkwine, Commissioner Ginotti, Commissioner Lelito and Commissioner Semchena. Also present were City Manager Johnson, City Attorney Gillam, and City Clerk Halas.

Adjourned to Closed Session

Moved by Commissioner Ginotti
Seconded by Commissioner Drinkwine

BE IT RESOLVED that the City Commission hereby adjourns to Closed Session for purposes of Collective Bargaining and Attorney/Client Privilege.

ROLL CALL VOTE

AYES: Commissioners Semchena, Andrzejak, Lelito, Ginotti, Drinkwine and Mayor Ellison

NAYS: None

MOTION ADOPTED

* * * * *

A Regular Meeting of the Royal Oak City Commission was held on Monday, October 19, 2009, in the City Hall, 211 Williams, Royal Oak. The Meeting was called to order by Mayor Ellison at 7:34 p.m.

Commissioner Andrzejak gave the Invocation. Everyone present gave the Pledge of Allegiance.

ROLL CALL	PRESENT	ABSENT
Mayor	Ellison	
Commissioners	Andrzejak Drinkwine Ginotti Lelito Semchena	

* * * * *

ANNOUNCEMENTS

Mayor Ellison read a list of upcoming board and committee meetings.

Special Events

Curbside leaf collection is scheduled to begin the week of October 26. Every street has two scheduled collections. Leaves may also be placed curbside in paper yard waste bags for collection on regular trash days. The schedule is available on Local Cable Access Channel WROK and under the Public Service link on the City's webpage, www.ci.royal-oak.mi.us

Sunday, October 25th

Royal Oak's Spooktacular from 2:00 – 4:00 PM.

Royal Oak Animal Shelter is sponsoring an Adoption Open House from 2:00 to 5:00 PM Call 541-8056 for more details.

Sunday, November 15th

"America Recycles Day". Recycling bins will be on sale during the month of November for only \$6.00. Bins are available at the Department of Public Services, 1600 N. Campbell Rd. just south of 12 Mile, 8:00 AM to 4:30 PM, Monday through Friday.

* * * * *

GOVERNMENT FINANCE OFFICERS ASSOCIATION AWARD

Mr. Tom Scabola explained the award was for the preparation of financial documents. He presented a Certificate of Achievement for Excellence in Financial Reporting to Mayor Ellison, City Manager Johnson and Acting Finance Director DeCamp

* * * * *

WASHINGTON UPDATE

Congressman Peters gave an update on the Health Care Reform package, the Financial Services Committee, consumer financial protection, and the Advanced Vehicle Technology Act. His district office is in Troy.

* * * * *

PUBLIC COMMENT

Ms. Carol Hennessey, 258 E. 12 Mile, invited everyone to attend the Veteran's Day Service at 11 AM on November 11th at the War Memorial between the Library and City Hall. She thanked the Farmers Market for putting on the Oktoberfest party. The bleachers at Memorial Park have no railings so older people are having a difficult time climbing them.

* * *

Ms. Laura Harrison, 2729 Trafford, spoke about Spooktacular. It's been going on for 27 years and takes place the Sunday before Halloween. ROAR is having a Halloween Witch contest. The witches are on display in store windows and votes are 25 cents. All money will be donated to the Boys and Girls Club. The contest ends October 31st.

* * *

Mr. Robert Ried, 4248 Olivia, spoke about item 13B-Snookers Amended Plan of Operation. He is currently the secretary for the Fraternal Order of Police, Lodge 130. They would like to hold charitable gaming events at Snookers. They used to hold them at the lodge but due to recent events they've moved them to other venues. There were never any issues with the events. Bingo was no longer profitable. They were only interested in Texas Hold 'Em.

* * *

Ms. Marie Skladd of Farmington Hills is the president of Michigan Animal Adoption Network. They are a team of rescue volunteers operating throughout the metropolitan area. The charitable gaming events help them raise needed funds.

* * *

Mr. Chris Trebilcock, 205 Hendrie Blvd., was confused by what he read in the Royal Oak Review regarding liquor license transfers. Could they clarify it? He also wanted to know why they were approving a dance permit for a mega-bar when police services were already strained. According to the paper the dedicated alcohol enforcement team was disbanded. He understood that alcohol enforcement, done on an overtime basis, was stopped for awhile this summer picked up again. Which was correct? How is the city using auxiliary police to enhance enforcement efforts? Has the Commission received word that

citizens are being turned away by the police when they call to report a crime? He hoped to get clarification of these issues.

* * *

Ms. Nancy Barnett, 506 N. Troy, was concerned that businesses coming into the city and getting liquor licenses would affect public safety. Staffing levels in the Fire Department are not being kept at the levels approved by voters. More drinking would result in more police calls. She knew the city was struggling financially, everyone was, that was why she asked Congressman Peters to send them money for public safety. She encouraged everyone to write their Congressman. If she had to call for help she wanted a quick response.

* * *

Mr. Matt Apple of FOP Lodge 130 is the Texas Hold 'Em Chairman. It raises more money than Bingo. The funds are used for training and scholarships for officers. There were never any issues at their events.

* * *

Mr. Craig Mangold, 1036 Pinehurst, worked a Texas Hold 'Em event and it was the most boring thing he's ever done. Drinking was allowed but the participants are serious players and don't really drink.

* * *

Mr. George Gomez, 2018 Guthrie, was in favor of dancing. It offered an alternative to just standing around and drinking.

* * *

Mr. Jason Gordon, Huntington Woods, works for charities. They can no longer depend on corporate financing. Charitable gaming was an alternative. If they didn't do this another city would.

* * *

Mr. Bill Shaw, 3022 Woodslee, stated the upcoming election ballot will reflect the short comings of the City Commission due to the lack of full representation for the citizens. Six people can't decide to do anything. They were passing the buck on liquor licenses and the budget. He noted what the former Finance Director was receiving from the city.

* * *

Mr. Brendan Wehrung, 702 Irving, urged the Commission to approve the Farmer's Market Kitchen contract award. He handed out a diagram regarding a possible parking solution for Bar Louie and Emagine Theater.

* * *

Mr. Rick Karlowksi, 419 Virginia, attended the LCC meeting. Bar Louie did as they were asked. They got an existing Royal Oak liquor license, arranged for staff and valet parking across the street and placated the folks at Barton Towers. It seemed they kept throwing things in at the last minute to businesses that want to come into the city. He would rather they table the item than deny it. The bad mouthing of downtown had to stop. The businesses were doing a great job. They only had two incidents in a month.

* * *

Mr. Dave Olshefsky, 303 E. Farnum, enjoyed the Oktoberfest at the Farmers Market. An oversized development at Eleven Mile and Troy would put such an event at risk. There wouldn't be enough parking. Theater complexes are usually built on several acres with the roads to support them. This development does not fit in the city. He invited people to check out protectroyaloak.com.

* * *

Ms. Noreen Smith, 333 N. Troy, was surprised that a liquor license was granted to a business that doesn't exist but a place that was designated as a restaurant when it was built was denied one. Where was the logic in that?

* * *

Ms. Joan Fraus, 333 N. Troy, questioned their logic. Why did they need more liquor licenses? Why put a liquor license in a theater when there will be children present? Why turn down Bar Louie that might have 200 patrons and approve a theatre complex that might have 2000 patrons?

* * * * *

APPROVAL OF AGENDA

Item 13A Bar Louie was removed from the agenda. Item 18 Memorial Day Parade Discussion was moved up on the agenda.

Moved by Commissioner Andrzejak
Seconded by Commissioner Ginotti

BE IT RESOLVED that the City Commission hereby approves the agenda for the October 19, 2009 meeting as amended.

ADOPTED UNANIMOUSLY

* * * * *

CONSENT AGENDA

Moved by Commissioner Ginotti
Seconded by Commissioner Drinkwine

BE IT RESOLVED that the City Commission hereby approves the consent agenda as follows:

- A. BE IT RESOLVED that the City Commission Minutes of October 5, 2009 are hereby approved.
- B. BE IT RESOLVED that the claims of October 20, 2009 in the amount of \$1,833,018.29 audited by the Department of Finance are hereby approved.
- C. BE IT RESOLVED that the City Commission hereby approves the Purchase Orders as listed in Commission Letter #299-09 dated 10-15-09.
- D. BE IT RESOLVED, that the City Commission hereby approves the 2009 Parking Station Amendments (see Exhibit A) on Second Reading.
- E. BE IT RESOLVED that the Mayor and City Clerk are hereby authorized to sign the 2009-10 winter maintenance agreement with the Road Commission for Oakland County covering snow removal and ice control on specified county roads.
- F. BE IT RESOLVED that the City Commission hereby approve the 2009-2010 expenditure budget for the General Fund, Code Enforcement Activity be increased by \$171,820, to cover the additional personnel expenses. License and Permit revenue shall be increased by the same amount.

BE IT FURTHER RESOLVED that the City Commission hereby approve the 2009-2010 expenditure budget for the State Construction Code Fund be increased by \$151,426 to

cover the additional personnel expenses. Reduction of Fund Balance shall be increased by the same amount.

ADOPTED UNANIMOUSLY

* * * * *

MEMORIAL DAY PARADE

Ms. Carol Hennessey spoke about the goals of the committee. They were trying to get more students involved. The idea was to have them invite relatives that are veterans to participate in the parade, make posters for the storefronts, and carry flags and banners. They'd like to have banners for each of the military groups.

Moved by Commissioner Semchena
Seconded by Commissioner Ginotti

BE IT RESOLVED, that the City Commission hereby approves the Memorial Day Parade Committee funding recommendation of \$2,500 and authorizes the necessary budget adjustments.

ADOPTED UNANIMOUSLY

* * * * *

DESIGNATE ALTERNATE FOR SEMCOG

Moved by Commissioner Andrzejak
Seconded by Commissioner Ginotti

BE IT RESOLVED that the Royal Oak City Commission hereby appoints Donald Johnson to serve as Royal Oak's Alternate Delegate to the South East Michigan Council of Governments.

ADOPTED UNANIMOUSLY

* * * * *

FARMERS MARKET KITCHEN BID AWARD

Director of Public Services Rassel explained the need for the work and briefly described the bid process.

Moved by Commissioner Lelito
Seconded by Commissioner Andrzejak

BE IT RESOLVED Quality Stainless Inc. of Madison Heights Michigan be awarded the contract for the Farmers Market Kitchen renovation for the price \$125,210.

AND BE IT FURTHER RESOLVED the Director of Recreation and Public Services has authority to increase this amount by ten percent, up to a total of \$137,710, for unanticipated contingencies.

Any money not used would go back to the Farmers Market.

ADOPTED UNANIMOUSLY

* * * * *

HOLIDAY MARKET LICENSE AGREEMENT FOR STORAGE TRAILER

Commissioner Ginotti requested that this item be moved up on the agenda.

Moved by Commissioner Semchena
Seconded by Commissioner Drinkwine

BE IT RESOLVED that the City Commission hereby approves the request from Holiday Market for a License Agreement to permit a storage trailer to be placed in the public right-of-way of Parent Avenue for the time period from November 15, 2009 to January 5, 2010.

FRIENDLY AMENDMENT OFFERED BY COMMISSIONER ANDRZEJAK

BE IT RESOLVED that the motion be amended to include a review be scheduled for January 2010.

MOTION NOW READS

BE IT RESOLVED that the City Commission hereby approves the request from Holiday Market for a License Agreement to permit a storage trailer to be placed in the public right-of-way of Parent Avenue for the time period from November 15, 2009 to January 5, 2010 and that it be reviewed after January 5, 2010 for future years.

ADOPTED UNANIMOUSLY

* * * * *

**PUBLIC HEARING
INDUSTRIAL DEVELOPMENT DISTRICT, 4327 DELEMERE COURT**

Planning Director Thwing gave a brief review of the request and process.

Mr. Mike Colleran of Saab Cars International spoke briefly about the company and its needs. They would be bringing in approximately 50 jobs.

Ms. Irene Spanos of the Oakland County Economic Development Corporation spoke in favor of the district.

Mayor Ellison opened the Public Hearing.

Mr. Paul Nefouse, 4320 Delemere Ct, spoke in favor of the request. The cul-de-sac was a quiet area. It was a close knit community. Whatever opportunities they can give they should.

* * *

Mr. Steven Levitt, 1503 Whitcomb, supported the project. He understood the benefit of having a business like SAAB in town. They should welcome them with open arms. These would be good jobs. They were a good fit for the community. It might help improve property values.

* * *

There being no one else who wished to speak the Public Hearing was closed.

* * *

Moved by Commissioner Ginotti
Seconded by Commissioner Lelito

WHEREAS, the City Commission of the City of Royal Oak, Oakland County, Michigan, desires to promote the economic growth of the Royal Oak area, and to alleviate and reduce conditions of unemployment; and

WHEREAS, in pursuance of these goals, the City Commission desires to encourage a higher volume of capital expenditures by industry, which will promote the creation or retention of employment and in increase in tax collections resulting from an overall higher level of economic activity; and

WHEREAS, pursuant to Act No. 198 of the Michigan Public Acts of 1974, as amended, the City of Royal Oak is authorized and empowered to establish industrial development districts offering industrial firms certain property tax incentives to attract new plants to the area and retain existing plants; and

WHEREAS, the City Commission considers it in the best interests of the City of Royal Oak, in order to achieve the goals of Act No. 198 of the Michigan Public Acts of 1974, as amended, to create an industrial development district upon the property at 4327 Delemere Court, parcel identification number 25-05-180-011, legally described as: T1N, R11E, Section 5, Lot 12, Judson Bradway's Industrial Park; and

WHEREAS, a public notice has been given in accordance with Act No. 198 of the Michigan Public Acts of 1974, as amended, of a hearing to be held regarding the establishment of the proposed industrial development district; and

WHEREAS, on Monday, October 19, 2009, a public hearing was held regarding the establishment of the proposed industrial development district, at which representatives of the property owner and other residents and taxpayers of the City of Royal Oak had an opportunity to be heard.

NOW, THEREFORE, BE IT RESOLVED that it is the finding and determination of the Royal Oak City Commission that the creation of an industrial development district is in the best interest of the City of Royal Oak in order to promote economic growth and alleviate conditions of unemployment.

BE IT FURTHER RESOLVED that the Royal Oak City Commission, pursuant to the authority granted to it by Act No. 198 of the Michigan Public Acts of 1974, as amended, hereby establishes an industrial development district for Saab Automobile USA, at 4327 Delemere Court, parcel identification number 25-05-180-011, legally described as: T1N, R11E, Section 5, Lot 12, Judson Bradway's Industrial Park.

ADOPTED UNANIMOUSLY

* * *

Moved by Commissioner Ginotti
Seconded by Commissioner Lelito

BE IT RESOLVED, that the Royal Oak City Commission hereby sets a hearing for its regular meeting of November 16, 2009 to hear comments for and against an Act 328 Personal Property Tax Exemption request from Saab Automobiles USA, at 4327 Delemere Court in the City of Royal Oak; and

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to provide notice of the hearing pursuant to Section 9f(1) of the General Property Tax Act, Public Act 206 of 1893, as amended.

ADOPTED UNANIMOUSLY

* * * * *

**PUBLIC HEARING
LOT SPLIT REQUEST, 4616 ROCHESTER ROAD**

Ms. Jackie Bidwell, 719 Ottawa, explained the reason for her request.

Mayor Ellison opened the Public Hearing. There being no one who wished to speak the Public Hearing was closed.

Moved by Commissioner Andrzejak
Seconded by Commissioner Drinkwine

BE IT RESOLVED, that the request to split the property at 4616 Rochester; being legally described as Lot 20, ASSESSOR'S PLAT NO. 34 OF ROYAL OAK FARMS, as recorded in Liber 12 of Plats, Page 57, Oakland County records, be and is hereby granted, creating the following described parcels:

PARCEL "A" Lot 20, except the Easterly 56 feet thereof, ASSESSOR'S PLAT NO. 34 OF ROYAL OAK FARMS, as recorded in Liber 12 of Plats, Page 57, Oakland County Records

PARCEL "B" The Easterly 56 feet of Lot 20 and the Easterly 70 feet of Lots 21 and 22, ASSESSOR'S PLAT NO. 34 OF ROYAL OAK FARMS, as recorded in Liber 12 of Plats, Page 57, Oakland County Records.

ADOPTED UNANIMOUSLY

* * * * *

**LCC RECOMMENDATIONS
SNOOKERS
AMENDED PLAN OF OPERATION**

Commissioner Drinkwine pointed out that this would not prevent charitable gaming from taking place. The recommendation was not to amend the Plan of Operation to allow charitable gaming on a regular basis 4-5 nights a week.

City Attorney Gillam noted that they did receive a modified proposal late that afternoon for their consideration.

Moved by Commissioner Drinkwine
Seconded by Commissioner Semchena

BE IT RESOLVED, that the City Commission hereby denies the request from Samira, L.L.C., to amend the Plan of Operation for Snookers Pool & Pub, 30295 Woodward Avenue, to allow weekly charitable gaming.

AYES: Commissioners Andrzejak, Drinkwine, Ginotti, Semchena and Mayor Ellison

NAYS: Commissioner Lelito

MOTION ADOPTED

* * *

**MR. B'S
AMENDED PLAN OF OPERATION**

Moved by Commissioner Drinkwine
Seconded by Commissioner Ginotti

BE IT RESOLVED, that the City Commission hereby recommends that the request from Mr. B Bar Pub, Inc., for a new dance permit to be held in conjunction with a 2009 Class C licensed business with Entertainment Permit, located at 213-215 S. Main, Royal Oak, MI 48067, Oakland County, be approved.

BE IT FURTHER RESOLVED, that an amended Plan of Operation for Mr. B's Pub is approved, contingent upon the licensee entering into the accompanying Agreement Regarding Dance Permit.

BE IT FURTHER RESOLVED, that the accompanying Agreement Regarding Dance Permit is approved, and that the Mayor and City Clerk are authorized to execute the same on behalf of the City.

AYES: Commissioners Drinkwine, Ginotti, Lelito and Mayor Ellison

NAYS: Commissioners Andrzejak and Semchena

MOTION ADOPTED

* * *

**CAFÉ MUSE
DEVELOPMENT DISTRICT LICENSE**

Moved by Commissioner Drinkwine
Seconded by Commissioner Lelito

BE IT RESOLVED, that the City Commission hereby recommends that the request from Café Muse, L.L.C. for a new development district license pursuant to MCL 436.1521a(1)(b)(iii) for use at 418 S. Washington be considered for approval. It is the consensus of this legislative body that the application be approved for issuance "ABOVE ALL OTHERS", for the following reasons:

- total number of similar licenses in the City,
- input from residents and surrounding business owners,
- impact of the establishment on surrounding businesses and neighbors,
- policing requirements,
- business history,
- business experience,
- ratio of food to alcohol sales,
- percentage of floor area devoted to dining versus bar area,
- size of bar area,
- no dance floor,
- type or character of the establishment,
- overall benefit of the plan to the City of Royal Oak, and
- other unspecified factors having a positive effect on the health, safety and welfare and/or the best interests of the community.

ADOPTED UNANIMOUSLY

* * *

**526 S. MAIN
CLASS C LICENSE TRANSFER**

Commissioner Drinkwine stated the committee's recommendation was to deny the request.

Ms. Kelly Allen, Attorney for 526 S. Main, noted that this was an existing Royal Oak license and should be approved on that basis.

There was no motion forthcoming.

* * *

**HOUSE BILL 5056
LATE NIGHT AND SUNDAY MORNING PERMITS**

Moved by Commissioner Semchena
Seconded by Commissioner Drinkwine

WHEREAS, Michigan law does not currently provide for the sale of alcoholic liquor between 2:00 a.m. and 4:00 a.m., nor 7:00 a.m. and 12:00 p.m. on Sundays; and

WHEREAS, House Bill 5056 would amend the Michigan Liquor Control Code to create two new special activity permits allowing on-premise and off-premise licensees to sell liquor (1) between 2:00 a.m. and 4:00 a.m. every day of the week and (2) between 7:00 a.m. and 12:00 p.m. on Sundays; and

WHEREAS, the creation of these permits would have a negative impact on the health, safety and welfare of the people of the City of Royal Oak through an increased burden upon local law enforcement agencies, whose resources have already been diminished due to budgetary constraints and will now have to devote additional staff time to reviewing applications for extended hours permits, to monitoring the operation of licensees during the extended hours, and to responding to calls for police service resulting from the extended hours;

NOW, THEREFORE, BE IT RESOLVED, that the Royal Oak City Commission hereby opposes House Bill 5056, and encourages our elected representatives to do the same.

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to forward a copy of this resolution to Governor Jennifer Granholm, State Senator John Pappageorge and State Representative Marie Donigan.

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to forward a copy of this resolution to all cities, townships and villages located in Oakland County.

Moved by Commissioner Andrzejak
Seconded by Commissioner

BE IT RESOLVED that the motion be amended by adding the following:

BE IT FURTHER RESOLVED, that the Royal Oak City Commission respectfully requests that if House Bill 5056 moves forward that local control over special activity permit applications be retained.

Commissioner Drinkwine preferred it to be a separate resolution.

MOTION WITHDRAWN, ORIGINAL MOTION BACK ON THE TABLE

WHEREAS, Michigan law does not currently provide for the sale of alcoholic liquor between 2:00 a.m. and 4:00 a.m., nor 7:00 a.m. and 12:00 p.m. on Sundays; and

WHEREAS, House Bill 5056 would amend the Michigan Liquor Control Code to create two new special activity permits allowing on-premise and off-premise licensees to sell liquor (1) between 2:00 a.m. and 4:00 a.m. every day of the week and (2) between 7:00 a.m. and 12:00 p.m. on Sundays; and

WHEREAS, the creation of these permits would have a negative impact on the health, safety and welfare of the people of the City of Royal Oak through an increased burden upon local law enforcement agencies, whose resources have already been diminished due to budgetary constraints and will now have to devote additional staff time to reviewing applications for extended hours permits, to monitoring the operation of licensees during the extended hours, and to responding to calls for police service resulting from the extended hours;

NOW, THEREFORE, BE IT RESOLVED, that the Royal Oak City Commission hereby opposes House Bill 5056, and encourages our elected representatives to do the same.

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to forward a copy of this resolution to Governor Jennifer Granholm, State Senator John Pappageorge and State Representative Marie Donigan.

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to forward a copy of this resolution to all cities, townships and villages located in Oakland County.

AYES: Commissioners Andrzejak, Drinkwine, Ginotti, Semchena and Mayor Ellison

NAYS: None

ABSTAIN: Commissioner Lelito

MOTION ADOPTED

* * *

Moved by Commissioner Andrzejak
Seconded by Commissioner Drinkwine

BE IT RESOLVED, that the Royal Oak City Commission respectfully requests that if House Bill 5056 moves forward that local control over special activity permit applications be retained.

AYES: Commissioners Andrzejak, Drinkwine, Ginotti, Semchena and Mayor Ellison

NAYS: None

ABSTAIN: Commissioner Lelito

MOTION ADOPTED

* * *

Ms. Allen explained that her client needed a vote by the Commission even if it was a denial.

Moved by Commissioner Ginotti
Seconded by Commissioner Lelito

BE IT RESOLVED, that the Royal Oak City Commission hereby recommends that the Michigan Liquor Control Commission approve the request for transfer of a Class C license from The Ballard

Group, L.L.C., (in escrow at 4313 W. Thirteen Mile Road, Royal Oak, Michigan 48073, Oakland County) to 526 South Main Street, L.L.C., to be located at 526 S. Main, Space 105-205, Royal Oak, Michigan.

AYES: Commissioners Ginotti, Lelito and Mayor Ellison

NAYS: Commissioners Andrzejak, Drinkwine and Semchena

MOTION FAILS FOR LACK OF MAJORITY

* * * * *

PARKING STATION FEE SCHEDULE

Moved by Commissioner Ginotti
Seconded by Commissioner Drinkwine

BE IT RESOLVED, that the non-refundable initial application fee for a parking station license shall be one hundred twenty-five dollars (\$125.00).

ADOPTED UNANIMOUSLY

* * * * *

REPLACEMENT OF EMERGENCY E-911 PUBLIC SERVICE ANSWERING POINT (PSAP)

Chief Jahnke explained the need for the system and how it would be financed.

Moved by Commissioner Ginotti
Seconded by Commissioner Drinkwine

BE IT RESOLVED that the City Commission hereby approves the award of the contract for the new E-911 system to Advance Wireless for \$ 168,430.63.

ADOPTED UNANIMOUSLY

* * * * *

MDOT SOUNDWALL

Moved by Commissioner Andrzejak
Seconded by Commissioner Ginotti

Whereas, the condition of the I-696 sound wall in Royal Oak is very poor and deteriorating, and

Whereas, the Royal Oak City Commission is concerned that it poses a safety hazard for its residents and visitors, and

Whereas, responsibility for maintaining this sound wall clearly belongs to the Michigan Department of Transportation, therefore

BE IT RESOLVED, the Royal Oak City Commission hereby formally requests the Michigan Department of Transportation move quickly to make permanent repairs to this wall.

BE IT FURTHER RESOLVED, City Administration is directed to forward this resolution, along with photographs and a report from the City Engineer on the current condition of the wall to the

Michigan Department of Transportation, the Office of the Governor, State Senator John Pappageorge, State Representative Marie Donigan, and other appropriate public officials.

ADOPTED UNANIMOUSLY

* * * * *

Commissioner Lelito asked that the public safety issues raised during public comment be placed on the agenda for the next meeting.

* * * * *

Upon Motion of Commissioner Ginotti, Seconded by Commissioner Drinkwine, and adopted unanimously, the Regular Meeting was adjourned at 10:38 P.M.

Melanie Halas, City Clerk

The foregoing Minutes of the Regular Meeting held on October 19, 2009, having been officially approved by the City Commission on Monday, November 9, 2009, are hereby signed this ninth day of November.

James B. Ellison, Mayor

Exhibit A

ORDINANCE NO. 2009-15

AN ORDINANCE TO AMEND THE ROYAL OAK CITY CODE AT CHAPTER 503, "PARKING STATIONS", TO MORE CLEARLY DEFINE A PARKING STATION, MODIFY THE APPLICATION REQUIREMENTS FOR A LICENSE TO OPERATE A PARKING STATION, MODIFY THE DEPARTMENTAL APPROVALS REQUIRED FOR THE ISSUANCE OF A LICENSE TO OPERATE A PARKING STATION, MODIFY THE STANDARDS FOR THE OPERATION OF A PARKING STATION, PROVIDE FOR THE SUSPENSION AND REVOCATION OF A LICENSE TO OPERATE A PARKING STATION, AND PROVIDE PENALTIES FOR A VIOLATION OF THE CHAPTER

THE CITY OF ROYAL OAK ORDAINS:

SECTION 1. SHORT TITLE. This Ordinance shall be known as and may be cited as the "2009 Parking Station Amendments."

SECTION 2. STATEMENT OF PURPOSE. This is an ordinance to amend the City Code at Chapter 503, "Parking Stations", to more clearly define a parking station, modify the application requirements for a license to operate a parking station, modify the departmental approvals required for the issuance of a license to operate a parking station, modify the standards for the operation of a parking station, provide for the suspension and revocation of a license to operate a parking station, and provide penalties for a violation of the Chapter.

SECTION 3. AMENDMENT AT SECTION 503-1. The Royal Oak City Code, Chapter 503, "Parking Stations", is hereby amended at Section 503-1, which shall now read as follows:

"Section 503-1. Definitions.

As used in this Chapter, the following term shall have the meaning indicated:

OPEN PARKING STATION – Any privately owned and operated plot, piece, or parcel of land used for the purpose of parking motor vehicles where the owner or person parking such vehicle is charged a fee."

SECTION 4. AMENDMENT AT SECTION 503-2. The Royal Oak City Code, Chapter 503, "Parking Stations", is hereby amended at Section 503-2, which shall now read as follows:

"Section 503-2. Annual license required.

No person, partnership, corporation, or other entity shall maintain or conduct an open parking station within the City of Royal Oak without a valid license."

SECTION 5. AMENDMENT AT SECTION 503-3. The Royal Oak City Code, Chapter 503, "Parking Stations", is hereby amended at Section 503-3, which shall now read as follows:

"Section 503-3. Application.

A. An application for a license for a parking station shall be made to the City Clerk by the person, partnership, corporation, or other entity proposing to operate the parking station upon forms furnished by the City Clerk. The application shall, at a minimum, set forth the following information:

1. The name under which and place where the parking station is to be operated.

2. Whether the applicant is an individual, partnership, corporation, or other entity.
 - a. If the applicant is an individual, the name, residence address and telephone number of the applicant.
 - b. If the applicant is a partnership, the name of the partnership, and the name, residence address and telephone number of each of the partners having 10% of an ownership interest if that individual is or will be involved in the management and/or operation of the parking station, and the name and address of a resident agent in Oakland County, Michigan.
 - c. If the applicant is a corporation, the name, residence address and telephone number of each of the officers and directors of said corporation and of each stockholder owning more than 10% of the stock of the corporation if that individual is or will be involved in the management and/or operation of the parking station, and the name and address of a resident agent in Oakland County, Michigan. The applicant shall also provide documentation that the corporation is in good standing in the state of incorporation.
 - d. If the applicant is another entity, the name, residence address and telephone number of each of the managers of the entity and of each member if that individual is or will be involved in the management and/or operation of the parking station, and the name and address of a resident agent in Oakland County, Michigan.
3. Whether the premises are owned or leased by the applicant, and if leased, the name and address of the owner of the premises.
4. The maximum number of motor vehicles that the applicant intends to park on the premises at any one time.
5. The hours during which the motor vehicles may be parked.
6. A complete schedule of the rates to be charged for parking the motor vehicles.
7. Authorization for the City of Royal Oak, its agents and its employees to seek additional information and conduct an investigation into the truth of the statements set forth in the application. The applicant shall provide any additional information needed to discover the truth of the matters required to be set forth in the application.

The application shall be signed and verified under oath by the applicant, if the applicant is an individual, or by a duly authorized agent, if the applicant is a partnership, corporation, or other entity.”

SECTION 6. AMENDMENT AT SECTION 503-5. The Royal Oak City Code, Chapter 503, “Parking Stations”, is hereby amended at Section 503-5, which shall now read as follows:

“Section 503-5. Schedule of rates; rate changes.

- A. With the application for a license for a parking station, the applicant shall file a complete and accurate schedule of the following rates:
 1. Weekday (Monday through Friday) daily rate
 2. Weekday (Monday through Thursday) evening rate
 3. Weekend (Saturday and Sunday) daily rate
 4. Weekend (Friday through Sunday) evening rate
 5. Maximum daily rate

No charge other than the rates specified in this schedule shall be made, except as otherwise provided in this Section.

- B. In the event that a licensee intends to change the fee schedule, the licensee shall give ten (10) days written notice of the intended change to the City Clerk and shall post notice of the amended fee schedule for a period of ten (10) days in a conspicuous place on the premises. Upon the expiration of that ten day period, the rates may be changed in accordance with the notice.”

SECTION 7. AMENDMENT AT SECTION 503-7. The Royal Oak City Code, Chapter 503, “Parking Stations”, is hereby amended at Section 503-7, which shall now read as follows:

“Section 503-7. Required approvals.

- A. A license to operate a parking station shall not be issued until the following departments file the following approvals with the City Clerk:
 - 1. Planning Department:
 - a. Capacity of the lot
 - b. Number, size and location of entrances and exits
 - 2. Engineering Department:
 - a. Curb cuts, driveways, and hard-surfacing
 - 3. Building Department:
 - a. Signage
 - b. Barriers
 - c. Buildings and structures
- B. Annual approvals are not required for the renewal of a license, unless substantial changes have been made to the premises. If substantial changes have been made, approval by the appropriate department must be filed with the City Clerk prior to renewal of a license. If substantial changes have not been made, the licensee must file a written statement to that effect with the City Clerk before a license will be renewed.”

SECTION 8. AMENDMENT AT SECTION 503-8. The Royal Oak City Code, Chapter 503, “Parking Stations”, is hereby amended at Section 503-8, which shall now read as follows:

“Section 503-8. Issuance.

If, after investigation, the City Clerk is satisfied that the application is complete and accurate, and that all required approvals have been given, the Clerk shall issue the applicant a license for an open parking station.”

SECTION 9. AMENDMENT AT SECTION 503-9. The Royal Oak City Code, Chapter 503, “Parking Stations”, is hereby amended at Section 503-9, which shall now read as follows:

“Section 503-9. Revocation.

After notice and a hearing, the City Commission may revoke a license for an open parking station if at any time:

- A. The licensee has knowingly made a misrepresentation of a material fact in his, her, or its application.
- B. The licensee knowingly violates or permits the violation of any part of this Chapter.
- C. The licensee knowingly violates or permits the violation of any federal, state, or local statute, law, ordinance, or regulation involving theft, larceny, or conversion of a motor vehicle, or the operation of a vehicle without the owner’s consent.”

SECTION 10. AMENDMENT AT SECTION 503-10(B). The Royal Oak City Code, Chapter 503, "Parking Stations", is hereby amended at Section 503-10(B), which shall now read as follows:

"B. A license to operate a parking station shall be automatically suspended upon the licensee's failure to satisfy any final judgment for damage to or loss of a car arising from the use of the licensee's parking station within sixty (60) days after entry of the judgment. Said suspension shall remain in effect until the final judgment is satisfied."

SECTION 11. AMENDMENT AT SECTION 503-11. The Royal Oak City Code, Chapter 503, "Parking Stations", is hereby amended at Section 503-11, which shall now read as follows:

"Section 503-11. Duties of licensee as bailee.

Each licensee shall faithfully perform its duties as a bailee and shall use its best efforts to employ honest and competent attendants."

SECTION 12. AMENDMENT AT SECTION 503-12. The Royal Oak City Code, Chapter 503, "Parking Stations", is hereby amended at Section 503-12, which shall now read as follows:

"Section 503-12. Duty of licensee to maintain premises.

Each licensee shall keep the parking station and any sidewalks surrounding the premises free from dirt, ice, sleet and snow, and in a safe condition for pedestrian travel, provided that a licensee may use a portion of the area designated for parking motor vehicles for the storage of snow."

SECTION 13. AMENDMENT AT SECTION 503-16. The Royal Oak City Code, Chapter 503, "Parking Stations", is hereby amended at Section 503-16, which shall now read as follows:

"Section 503-16. Maximum capacity.

- A. When an open parking station is filled to maximum capacity, the licensee shall place a conspicuous sign at each entrance, reading, in letters not less than six inches (6") in height: "FILLED TO CAPACITY". Such sign shall be displayed continuously as long as the premises are full.
- B. The maximum capacity shall be clearly indicated on the license issued for a parking station, and such certificate shall be conspicuously displayed on the premises by the licensee.
- C. The maximum capacity shall be the number of motor vehicles that can be handled on the lot without resorting to streets for the maneuvering of the vehicles, as determined by the licensee and approved by the Planning Department.
- D. A licensee shall have the right to refuse parking to any vehicle which, because of its size, shape, or operating condition could, in the opinion of the licensee, be a hazard, nuisance, or danger to persons or other vehicles on the premises."

SECTION 14. AMENDMENT AT SECTION 503-19. The Royal Oak City Code, Chapter 503, "Parking Stations", is hereby amended at Section 503-19, which shall now read as follows:

"Section 503-19. Restrictions on subletting.

A licensee shall not sublet, sublease, or otherwise permit any parking station or any portion thereof to be used by any vendor of goods, wares, merchandise, or services."

SECTION 15. AMENDMENT AT SECTION 503-20. The Royal Oak City Code, Chapter 503, "Parking Stations", is hereby amended to include Section 503-20, which new section shall read as follows:

"Section 503-20. Code compliance.

The operation of an open parking station shall at all times comply with all applicable provisions of the City Code, including but not limited to the Zoning Ordinance (including the approved site plan for the premises) and the Sign Ordinance."

SECTION 16. AMENDMENT AT SECTION 503-21. The Royal Oak City Code, Chapter 503, "Parking Stations", is hereby amended to include Section 503-21, which new section shall read as follows:

"Section 503-21. Penalty.

Any person, partnership, corporation, or other entity violating any of the provisions of this Chapter shall be guilty of a misdemeanor, punishable by a fine of up to five hundred dollars (\$500.00) and up to ninety (90) days in jail, or both, in the discretion of the court. Each day that a violation is allowed to exist shall constitute a separate offense."

SECTION 17. SEVERABILITY. If any Section, subsection, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion of this ordinance, and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 18. SAVINGS. All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they are commenced.

SECTION 19. REPEALER. 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.

SECTION 20. EFFECTIVE DATE. This ordinance shall take effect ten (10) days after the final passage thereof.