

A Special Meeting of the Royal Oak City Commission was held on Monday, November 16, 2009, in Room 309 of City Hall, 211 Williams, Royal Oak. The Meeting was called to order by Mayor Ellison at 6:30 p.m. Present were Mayor Ellison, Commissioner Andrzejak, Commissioner Drinkwine, Commissioner Ginotti, Commissioner Lelito and Commissioner Semchena. Also present were City Manager Johnson, City Attorney Gillam, Planning Director Thwing and City Clerk Halas.

Adjourned to Closed Session

Moved by Commissioner Drinkwine  
Seconded by Commissioner Andrzejak

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

#### ROLL CALL VOTE

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

NAYS: None

MOTION ADOPTED

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A Regular Meeting of the Royal Oak City Commission was held on Monday, November 16, 2009, in the City Hall, 211 Williams, Royal Oak. The Meeting was called to order by Mayor Ellison at 7:33 p.m.

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

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

Also present were Commissioners-Elect Capello, Poulton and Rasor.

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#### ANNOUNCEMENTS

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

#### SPECIAL EVENTS

##### Saturday November 21

**9:15AM-Santa Scamper**-a ½ mile Fun Run/Walk/Jog follows the Holiday Magic Parade route. Early registration is \$10, registration the day of the race is \$12, with all proceeds going to Toys for Tots. U.S. Marines will be present along the parade route to collect unwrapped toys from parade viewers. Check [www.santascamper.org](http://www.santascamper.org) for registration information.

**10:00AM-Royal Oak DDA's 8th Annual Holiday Magic Parade**-Streamed live to MYFOXDETROIT.COM and televised on WROK, the Holiday Magic Parade is made possible by numerous sponsors and volunteers. After the parade, Santa Claus will be meeting with visitors at the Baldwin Theater on S. Lafayette.

**10:00AM-4:00PM-Holiday Arts & Crafts Fair**-Royal Oak High School, 1500 Lexington Blvd. \$2 Admission. Check the PTSA website for more detail [www.rohspta.org](http://www.rohspta.org)

**Thursday, December 3**

**4:00PM-8:00PM-Holiday Magic Marketplace**-at the Farmers' Market featuring over 50 unique local crafters and vendors. For additional information call 248.246.3276.

**6:15PM-28th Annual Tree Lighting Ceremony**-outside the Farmers Market with caroling by Stagecrafters, special performances by the Royal Oak Salvation Army Band and the Royal Oak Children's Choir.

**Sunday, December 6**

**2:00PM-"Late Fall Nature Walk"**-at Tenhave Woods. Park at the Lexington/Marais lot & meet at Lexington entrance.

The leaf collection schedule is available on Local Cable Access Channel WROK, under the Public Service link on the City's webpage, [www.ci.royal-oak.mi.us](http://www.ci.royal-oak.mi.us) or by calling the Leaf collection hotline at the DPS, (248) 246-3300, option 5. Leaves placed curbside in paper yard waste bags are also acceptable for collection on regular trash days.

"America Recycles" – as does Royal Oak. Recycling bins are only \$6 during November. They are available for purchase 8:00 AM to 4:30 PM, Monday through Friday at the Department of Public Services, 1600 N. Campbell Rd.

Mayor Ellison introduced Commissioners-Elect Capello, Poulton and Rasor.

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**PUBLIC COMMENT**

Mr. Richard Komer, 43 Boulder Lane, Bloomfield Hills, supported the proposed site plan for the Emagine Theater. It was a well designed facility with an excellent owner/operator. It would be an asset to the area. His family owned the Berkley Theater which had about 850 seats and only 120 parking spaces. They had no substantial parking or traffic issues and he didn't foresee any here. There were also tax revenue and employment benefits to the city. He urged them to approve the site plan with the conditions set by the Plan Commission.

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Mr. Jay Dunstan, 111 E. Parent, reminded everyone about the Santa Scamper on Saturday. All proceeds from the race would go to Toys for Tots. Participants would get a Santa hat and race bib which could be used for a discount at several locations. The Royal Oak Historical Society was close to moving into the fire hall. The waterproofing helped tremendously. He thanked Commissioners Ginotti and Lelito for their service.

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Mr. Todd Scott, 2721 Ferncliff, read a quote Jane Jacobs regarding the four common failures of city neighborhoods. He believed Royal Oak needed to place higher priority on maintaining and building a diverse downtown. The places that attracted him to the city were being replaced with places like BlackFinn, Sonic Drive-In and Emagine. Success was beginning to price out diversity in Royal Oak.

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Ms. Linda Curatolo, 1031 N. Alexander, read a letter that she sent to the City Commission regarding the development at 11 Mile and Troy. It detailed the effect development had on existing businesses and the character of Shelby Township.

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Mr. Jim Hunt ran for the City Council in Sterling Heights. Royal Oak was what Detroit should have been. Everyone benefits from an attraction that people want to come to. He hoped people understood what it would do for their property values and lifestyles.

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Mr. Alan Kroll, 1050 Iroquois, supported the Emagine Theater and bowling center. Royal Oak was an entertainment center. What better entertainment was there than movies and bowling? He looked forward to having a multiplex he could walk to.

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Mr. Rick Karlowski, 419 Virginia, hoped for some contingencies in the plan of operation for Emagine. He suggested lights at the entrances/exits, partial payment if a parking structure was needed and a midnight closing time Sunday through Wednesday.

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Mr. Bill Shaw, 3022 Woodslee, noted that individuals speaking at public comment may not want to divulge their home addresses. According to the Michigan Municipal League and the Michigan State Association of Parliamentarians many cities are revisiting their procedures. Many are reverting to email addresses or written addresses passed to the City Clerk. Speaking out in a public forum should be encouraged. They should not place any barriers on this basic democratic right.

Mayor Ellison and Commissioner Lelito noted that their home addresses and phone numbers were listed on the City's website.

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Mr. Clark Campbell, 324 University, spoke about the Emagine Theater project. There would not be enough parking. Traffic congestion at the entrance would cause a problem on the surface streets. He suggested the developer use the Fresard property on Main. Pedestrian traffic would have difficulty crossing the streets.

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#### **APPROVAL OF AGENDA**

Moved by Commissioner Ginotti  
Seconded by Commissioner Lelito

BE IT RESOLVED that the City Commission hereby approves the agenda for the November 16, 2009 meeting as published.

ADOPTED UNANIMOUSLY

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#### **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 November 9, 2009 are hereby approved.
- B. BE IT RESOLVED that the claims of November 17, 2009 in the amount of \$2,987,151.85 audited by the Department of Finance are hereby approved.
- C. BE IT RESOLVED, that the City Commission hereby approves the request from Royal Oak High School Varsity Dance Team Booster Club for the designation of non-profit status from the City of Royal Oak.  
  
BE IT FURTHER RESOLVED, that the City Clerk is authorized to certify the resolution and forward it to the State of Michigan.
- D. BE IT RESOLVED that the City Commission hereby approves the First Amendment to the Employment Agreement between the City of Royal Oak and Melanie Halas.
- E. BE IT RESOLVED, that the City Commission hereby approves that Metropolitan Power & Light, Inc., of Imlay City, Michigan, be awarded the 2009 Traffic Signal Improvement work specified in Contract No. SA-0907 for the bid price of \$109,888.50.
- F. BE IT RESOLVED that the City Commission hereby approves the 3-year renewal license for the Madrid Hotel.

ADOPTED UNANIMOUSLY

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**PUBLIC HEARING  
ACT 328 PERSONAL PROPERTY TAX EXEMPTIONS  
SAAB AUTOMOBILES USA, 4327 DELEMERE COURT**

Mr. Mike Colleran, President and Chief Operating Officer of Saab Cars North America, explained they needed a new home for their company.

Mayor Ellison opened the Public Hearing.

Mr. Alan Kroll, 1050 Iroquois, spoke in favor of tax abatements. They needed businesses to come into the city. He urged them to vote for the abatement.

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Mr. George Gomez, 2018 Guthrie, wanted to know if they could get something in return such as a discount on a car for Royal Oak residents.

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

Moved by Commissioner Drinkwine  
Seconded by Commissioner Ginotti

**Whereas**, pursuant to Public Act 198 of 1974, as amended, after a duly noticed public hearing held on October 19, 2009, the Royal Oak City Commission (City) by resolution established an Industrial Development District upon property to be occupied by Saab Automobile USA (Saab), at 4327 Delemere Court, legally described as T1N, R11E, Section 5, Lot 12 of Judson Bradway's Industrial Park (parcel no. 25-05-180-011), and commonly known as the Saab Industrial Development District (SIDD); and

**Whereas**, Saab has filed an application for the exemption of new personal property under Public Act 328 of 1998, as amended, with respect to personal property improvements to be acquired, installed and used within the SIDD; and

**Whereas**, pursuant to Section 9f(1) of Act 328, the Royal Oak City Commission held a hearing on November 16, 2009, of which hearing Saab, the City Assessor, and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application, and the City having heard and considered such statements as were made available at that hearing.

**Now, Therefore, Be It Resolved**, by the City Commission of the City of Royal Oak that:

1. Saab represents and the City finds and determines that the granting of this exemption considered together with the aggregate amount of abatements previously granted and currently in force under Public Acts 198 of 1974 and 328 of 1998, both as amended, shall not have the effect of substantially impeding the operation of the City, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City.

2. Saab represents and the City finds and determines that at the time this exemption is issued it will have the reasonable likelihood to create employment, retain employment, and prevent the loss of employment within the City.

3. Saab represents and the City finds and determines that the completion of the personal property improvements will primarily have the effect of restoration of a vacant industrial property.

4. Saab represents and the City finds and determines that the personal property improvements were previously not subject to property taxes within the State of Michigan.

5. The application of Saab for an exemption with respect to the installation of the personal property improvements situated within the IDD and located at 4327 Delemere Court, legally described as T1N, R11E, Section 5, Lot 12 of Judson Bradway's Industrial Park, be and the same is hereby approved for a period not to exceed five (5) years based upon Saab's representations as set out herein as being truthful and subject to the terms and conditions of the relevant statutes of the State of Michigan, and of the accompanying written agreement (Agreement) with the City, which Agreement is attached hereto and incorporated herein by reference.

**Be It Further Resolved**, that the Mayor and City Clerk are authorized to execute said agreement and application when prepared.

ADOPTED UNANIMOUSLY

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**AMENDMENT TO PUD MAIN/11 MILE  
EMAGINE THEATER**

Planning Director Thwing explained they were looking for direction from the Commission.

Commissioner Ginotti had hoped to be able to vote on this project. He urged the rest of the Commission to approve it once the wrinkles were worked out.

Mr. Dennis Cowan, attorney for Emagine, stated that they hoped to have the theatres open for the 2010 holiday season.

Commissioner Andrzejak felt the parking study was flawed. There are a total of 2800 seats in the theaters with 565 parking spaces. Those spaces weren't just for the theaters. They should consider all the parking requirements within the PUD. He suggested they have Rich & Associates revise the parking study with all the new businesses.

Commissioner Lelito also supported the project and looked forward to it opening.

Commissioner Semchena noted the amendment to the PUD agreement encompassed more than just the theater. They need to work through all the components of the site.

Commissioner Drinkwine recounted the businesses that had previously occupied the property. The site had many different uses and managed to support the shoppers and residents. There didn't need to be a parking space for every one or two seats in the theater. They needed something that would bring people downtown. He believed this would work.

Moved by Commissioner Semchena  
Seconded by Commissioner

The City Commission directs the Planning Department to send out public hearing notices for a public hearing on December 21, 2009 regarding Emagine Theater.

#### MOTION DIES FOR LACK OF SUPPORT

Mayor Ellison stated staff's direction was to come back on December 21<sup>st</sup> with a completed PUD, site plan and Plan of Operation.

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#### **REQUEST EXTENSION OF STREETSCAPE 202 E THIRD (LOCKHARTS)**

Moved by Commissioner Semchena  
Seconded by Commissioner Ginotti

**BE IT RESOLVED** that the City Commission hereby directs the City Attorney to revise the standard streetscape agreement to allow the extended time period as requested and further incorporate those provisions necessary to permit the City to create a special assessment against the property should the required improvements not be completed in that time period.

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

NAYS: Commissioner Drinkwine

MOTION ADOPTED

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#### **REHABILITATION BOARD OF APPEALS RECOMMENDATION**

Moved by Commissioner Semchena  
Seconded by Commissioner Drinkwine

**BE IT RESOLVED** that the City Commission hereby acknowledges receipt of the recommendation from the Rehabilitation Board of Appeals and directs the administration to proceed with their plans to utilize existing personnel.

ADOPTED UNANIMOUSLY

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**AMENDMENT TO CONSENT JUDGMENT  
32832 & 32808 WOODWARD AVENUE**

Moved by Commissioner Andrzejak  
Seconded by Commissioner Lelito

Whereas, the City Commission entered into a Consent Judgment on May 1, 1991 for the properties at 32808 and 32832 Woodward Avenue; and

Whereas, the City Commission amended said Judgment on May 21, 2007 to address revisions in the ownership, land use and operation of said properties; and

Whereas, the City Commission is interested in again amending said Judgment to allow the building at 32808 Woodward Avenue to be used entirely for a restaurant.

Now, Therefore, Be It Resolved, that the City Commission directs the City Attorney to draft an amendment to the Consent Judgment and the Mayor and City Clerk are hereby authorized to execute same with the following contingencies:

1. The petitioner shall comply with the approved site plan (SP-07-05-09) and all of its associated contingencies;
2. The petitioner shall comply with all other contingencies of the original Consent Judgment and its subsequent amendments; and
3. The City Commission shall permit a total deficiency of 50 of the required 119 off-street parking spaces to allow the building at 32808 Woodward Avenue to be used entirely for a restaurant.
4. Stipulation that the business remains a dairy/ice cream store.

ADOPTED UNANIMOUSLY

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**LCC RECOMMENDATION  
BAR LOUIE, 112-114 S. MAIN**

Commissioner Drinkwine wanted to rescind his vote from the LCC meeting.

Mr. Lee Klein spoke on behalf of Zaam. He requested a continuance until after the PUD public hearing on December 21, 2009.

Moved by Commissioner Andrzejak  
Seconded by Commissioner Semchena

BE IT RESOLVED, that the City Commission hereby issuance a continuance on the item of Bar Louie for December 21, 2009.

ADOPTED UNANIMOUSLY

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Upon Motion of Commissioner Ginotti, Seconded by Commissioner Lelito, and adopted unanimously, the Regular Meeting was adjourned at 9:06 P.M.

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Melanie Halas, City Clerk

The foregoing Minutes of the Regular Meeting held on November 16, 2009, having been officially approved by the City Commission on Monday, December 7, 2009, are hereby signed this seventh day of December.

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James B. Ellison, Mayor