

A Special Meeting of the Royal Oak City Commission was held on Monday, January 25, 2010, 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 Capello, Commissioner Drinkwine, Commissioner Poulton, Commissioner Razor and Commissioner Semchena. Also present were City Manager Johnson, City Attorney Gillam, and City Clerk Halas.

Adjourned to Closed Session

Moved by Commissioner Capello
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, Poulton, Capello, Drinkwine and Mayor Ellison

NAYS: None

ABSENT: Commissioner Razor (6:31 PM)

MOTION ADOPTED

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A Regular Meeting of the Royal Oak City Commission was held on Monday, January 25, 2010, in the City Hall, 211 Williams, Royal Oak. The Meeting was called to order by Mayor Ellison at 7:40 p.m.

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

ROLL CALL	PRESENT	ABSENT
Mayor	Ellison	
Commissioners	Andrzejak Capello Drinkwine Poulton Razor Semchena	

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ANNOUNCEMENTS

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

Tuesday, January 26, 2010 at 6:15pm The South Oakland Citizens for the Homeless are sponsoring a fundraising event; Supper and a Play. This is an opportunity to enjoy the musical comedy "Forever Plaid" at the First Presbyterian Church of Royal Oak, located at 529 Hendrie Blvd. The Show begins at 7:00 PM and tickets are \$20. Patrons can also partake of a Soup Supper preceding the show at 6:15 pm, available for a \$5 donation. Checks should be made payable to: SOHC. To purchase tickets or for more information, call the Church at 248-541-0108.

Thursday, January 28, 2010 - 11:00am – 1:00 pm The Oakland County Clerk's New Mobile Office will visit the Royal Oak Public Library. Anyone who lives in the area or surrounding communities is welcome. The Library is located at 222 E. Eleven Mile Rd., one block west of Main Street in Royal Oak.

Saturday, January 30, 2010 at 9:30am the cities of Royal Oak & Berkley will hold an auto auction at A & M Towing, 303 E. Harrison. Check the Property Auction listing and guidelines on the city's website under the Police Department Link.

Mayor Ellison noted the passing of former Mayor Jim Cline and offered prayers and condolences to the family.

Commissioner Capello added that AARP will have counselors at the Maheny/Meininger Senior Center starting next week to help seniors and low income families prepare their taxes. There were a number of tax changes this year. Please have all your documents with you.

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PROCLAMATION RELAY FOR LIFE

Mayor Ellison presented a proclamation to Ms. Amber Finkbeiner recognizing the work of Relay for Life in the fight against cancer. Further information on their event is available at www.relayforlife.org/royaloakmi.

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PUBLIC COMMENT

Mr. Ken Rosen, 1838 Roseland, gave a brief report on the Library Board's search for a new director. They hope to have the position filled by April 1st. The Library has a directory of Royal Oak preschool and childcare opportunities available. Their annual report was also available. The Library recently found out they were awarded a \$95,000 grant for computers and job training.

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Mr. Mike Wilson, 911 N. Gainsborough, announced that Roy Watson, Executive Director of the Welcome In Day Center for the Homeless will be speaking at the Royal Oak Area Democratic Club. The Club meets Saturday, February 6th at 10:00 a.m. at the Maheny/Meininger Center located at 1300 Marais.

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Ms. Kathleen Fegley, a Royal Oak resident since 1992, is being considered for appointment to the Downtown Development Authority. She has 18 years of experience in the staffing industry and supports her husband's business, Noir Leather.

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Mr. Todd Scott, 2721 Ferncliff, asked the Mayor and Commission to explore Rails with Trails. There was space available along the tracks that could accommodate a non-motorized trail. Ann Arbor and Traverse City have such trails. These trails have a much better safety record than roads and sidewalks. Such a trail would increase the value of properties along the tracks.

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Mr. Mike Ripinski, 3152 Parker, was in favor of the Golf Course Agreement. The current management has done a superb job with the golf course. They also supported the community. The Optimist Club Junior Classic will be on May 22nd.

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Mr. Scott Warheit, 350 N. Main, spoke on behalf of the Leo's project. It's not a mega bar but a restaurant with a 70% food to alcohol ratio. There will be no dancing and no music. They have a full menu. Mr. Stassinopoulos was the kind of businessman they needed in the city. He has agreed to close at 11PM during the week. It will be a family restaurant.

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Ms. Melissa Damaschke and Ms. Rita Walker represented Royal Oak Youth Assistance. They were holding their annual Bowl-a-thon on February 28th. There were different levels of sponsorship as well as the opportunity to participate on a team.

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Mr. Mike Sproul, 21710 Alexander, St. Clair Shores, is a member of the League of Michigan Bicyclists. He encouraged the Rails with Trails. He's spends his vacations riding his bike.

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Ms. Marylynn Stanley, 3269 Garden, spoke about outdoor burning. She has asthma so for her it was a health issue. During the spring and summer she's been forced to close her windows and doors and she doesn't have air conditioning. The ban is enforced because she has called.

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Mr. Brendan Wehrung, 702 Irving, noted that the Library Board is going to discuss charging for DVD's. He thought they should wait until the new director is in place. He wasn't certain that Cloverleaf's concept was in keeping with the Bistro ordinance. He was opposed to the liquor license for Leo's.

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Ms. Rebecca Falk, Special Events Manager for CBS Radio was present to answer questions regarding the City Fest and Sidewalk Sale.

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Ms. Stephanie McIntyre, Downtown Manager was also present to answer questions regarding the City Fest event.

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Mr. Bill Shaw, theshaw10@yahoo.com, was in favor of the motion made by Commissioner Andrzejak during the December 21st meeting regarding support for Michigan House Bill 5325. The bill amends Public Act 312 dealing with arbitrators taking a community's ability to pay into consideration.

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Mr. Rick Karlowski, 419 Virginia, suggested they implement a policy that all liquor licenses imported into the city have a caveat that they be transferred out when the current user/owner goes out of business. For dance permits they could have them reviewed at the next Commission meeting.

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Mr. Steve Joswiak, 1622 Bonnieview, thought Leo's new restaurant sounded like someplace he would like to go. He was excited about the possibility of being able to use a fire pit. He was in favor of Rails with Trails.

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Mr. Alex Shnaider, 1011 Knowles, asked the Commission to be careful about approving new liquor license requests. Some people didn't know how to handle liquor. He didn't want to see anymore licenses transferred into Royal Oak.

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APPROVAL OF AGENDA

Items 8G and I were removed from the Consent Agenda.

Moved by Commissioner Rasor
Seconded by Commissioner

BE IT RESOLVED that the City Commission hereby approves the agenda for the January 25, 2010 meeting with the removal of Items 8G and I from the Consent agenda and removal of Item 17.

MOTION DIES FOR LACK OF SUPPORT

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Moved by Andrzejak
Seconded by Semchena

BE IT RESOLVED that the City Commission hereby approves the agenda for the January 25, 2010 meeting with the removal of Items 8G and I from the Consent Agenda.

YEAS: Commissioners Andrzejak, Capello, Drinkwine, Poulton, Semchena and Mayor Ellison

NAYS: Commissioner Rasor

MOTION ADOPTED

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CONSENT AGENDA

Moved by Commissioner Capello
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 December 21, 2009 and January 4, 2010 are hereby approved.
- B. BE IT RESOLVED that the claims of January 12, 2010 in the amount of \$3,634,370.06 and January 26, 2010 in the amount of \$2,906,242.26 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 #13-10 dated 01-21-10.
- D. No action required.
- E. BE IT RESOLVED that the City Commission hereby approves that Systematic Heating and Cooling, Inc. of Clarkston, Michigan be awarded the "2009 Police Department Shooting Range HVAC Improvements" Contract No. B-0902, for the bid price of \$145,875.00.

- F. BE IT RESOLVED that the City Commission hereby approves a 3-year term contract to PAETEC for Local and Long Distance Telephone Service, to AT&T for the Point-to-Point T1 WAN connections, and to Cavalier for the T1 managed Internet service, pending successful contract reviews and approval by the City Attorney's Office.
- H. BE IT RESOLVED that the City Commission hereby approves the changes to the valet process as recommended by the Downtown Development Authority, DDA and directs the city administration to proceed with implementation.

ADOPTED UNANIMOUSLY

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RESOLUTION ESTABLISHING REDEVELOPMENT PROJECT AREA

City Attorney Gillam explained that the only type of district in the city eligible to be designated a development district was a Downtown Development District.

Moved by Commissioner Andrzejak
Seconded by Commissioner Rasor

BE IT RESOLVED, that the City Commission hereby establishes the Downtown Development Authority District, as established pursuant to Act 197 of 1975 (MCL 125.1651, as amended) by City Ordinance No. 76-26 (as amended), the legal description of which is set forth in City Ordinance No. 2005-09, as a redevelopment project area for purposes of the establishment of a quota of PA 501 development district liquor licenses.

BE IT FURTHER RESOLVED, that the City administration is hereby directed to provide the MLCC with a certified copy of this resolution for purposes of the establishment of a quota of PA 501 development district liquor licenses.

ADOPTED UNANIMOUSLY

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AMENDMENT TO PARKING STATION ORDINANCE, SECOND READING

Moved by Commissioner Andrzejak
Seconded by Commissioner Capello

BE IT RESOLVED, that the City Commission hereby approves the 2010 Amendment to the Parking Station Ordinance (Exhibit A) on Second Reading.

YEAS: Commissioners Andrzejak, Capello, Drinkwine, Poulton, Semchena and Mayor Ellison

NAYS: None

ABSTAIN: Commissioner Rasor

MOTION ADOPTED

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DDA APPOINTMENTS

Moved by Commissioner Capello
Seconded by Commissioner Drinkwine

BE IT RESOLVED that the Royal Oak City Commission hereby confirms the appointment of Kathleen Fegley as a Property-Interest Member, and Jason Krieger as an At-Large Member to the Downtown Development Authority Board of Directors.

ADOPTED UNANIMOUSLY

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GOLF COURSE MANAGEMENT AGREEMENT

Mr. Gillam noted one modification to the agreement.

Moved by Commissioner Drinkwine
Seconded by Commissioner Razor

BE IT RESOLVED, that the City Commission hereby approves the proposed Management Agreement with Royal Oak Golf Course, L.L.C., for the management and operation of the Normandy Oaks Golf Course and Royal Oak Golf Course, including participation with the City in a liquor license issued for the Royal Oak Golf Course pursuant to MCL 436.1515.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are authorized to execute the Management Agreement on behalf of the City.

ADOPTED UNANIMOUSLY

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SENIOR/RECREATION PROGRAMS SOFTWARE

Moved by Commissioner Razor
Seconded by Commissioner Poulton

BE IT RESOLVED that the City Commission hereby approves the expenditure of funds from the Merle West donation for the purchase of the proposed Senior/Recreation Software.

BE IT FURTHER RESOLVED, that the fund be repaid for a period not to exceed ten years with the method of repayment to be determined by staff.

ADOPTED UNANIMOUSLY

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PUBLIC HEARING BISTRO LICENSE APPLICATION 711 BISTRO (F/K/A CLOVERLEAF)

Mr. Gillam stated the police received a request from what was formerly Cloverleaf and was now 711 Bistro LLC for a Development District Class C License to be used in a proposed bistro operation at 711 South Main Street. As with any new license request city ordinance required a public hearing be held. The Commission voted to hold the hearing at this level rather than at the LCC level. Notices were sent out.

Ms. Kelly Allen, attorney for 711 Bistro, introduced Mr. Michael Chetcuti and Mr. Dave Collins. They formed a new entity because the entity they were using also owned the SDM store which was in the same building. The packet included the revised Plan of Operation. There's seating for 75.

Mayor Ellison opened the Public Hearing.

Mr. George Gomez, 2018 Guthrie, was glad to see the building utilized and the south lot improved. He asked the Commission to be open to new concepts. It sounded to him like it would be a showpiece and he looked forward to it. The landscaping would help dress up that corner.

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

Members of the Commission were uncomfortable with the concept as written and the tables in the lounge area.

Moved by Commissioner Rasor
Seconded by Commissioner Capello

BE IT RESOLVED that the City Commission hereby refers the request to the City Attorney's office for preparation of specific findings and a resolution to recommend that the request be approved by the MLCC with the modifications suggested to the applicant and upon the submission of their supplemental documents.

Mr. Gillam suggested they continue the Public Hearing to February 1st. The new documents could be posted on the website, the public would have a chance to comment on them and there would be no need for new hearing notices.

FRIENDLY AMENDMENT OFFERED BY COMMISSIONER SEMCHENA AND ACCEPTED BY COMMISSIONERS RASOR AND CAPELLO TO REOPEN THE PUBLIC HEARING.

MOTION NOW READS:

BE IT RESOLVED that the City Commission hereby refers the request to the City Attorney's office for preparation of specific findings and a resolution to recommend that the request be approved by the MLCC with the modifications suggested to the applicant and upon the submission of their supplemental documents; and

BE IT FURTHER RESOLVED, that the Public Hearing be reopened.

There were concerns that the resolution gives pre-approval.

MOTION WITHDRAWN

Moved by Commissioner Andrzejak
Seconded by Commissioner Semchena

BE IT RESOLVED that the City Commission hereby reopens the Public Hearing on the request for a Bistro License for 711 Bistro; and

BE IT FURTHER RESOLVED that the Public Hearing be continued to February 1, 2010 meeting to allow the applicant to prepare an amended Plan of Operation.

AYES: Commissioners Andrzejak, Capello, Drinkwine, Poulton, Semchena and Mayor Ellison

NAYS: Commissioner Rasor

MOTION ADOPTED

The Commission took a brief recess at 9:50 p.m. and returned to the Table at 9:56p.m.

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**PUBLIC HEARING
BROWNFIELD DEVELOPMENT
3380 GREENFIELD ROAD**

Planning Director Thwing explained the Brownfield Redevelopment Authority recommended the Commission hold the Public Hearing but not take action.

Mayor Ellison opened the Public Hearing. There being no one who wished to speak the Public Hearing was closed. This item will be brought back once the paperwork is received.

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**LCC RECOMMENDATION
LEO'S BAR AND GRILL**

Mr. Leo Stassinopoulos gave a brief description of the proposed business, their business experience and explained how they came up with the name "Midtown Parthenon". It will be a Greek restaurant and there will be televisions.

Mr. Gillam noted that conditions cannot be placed on the approval but they can be on the Plan of Operation.

Moved by Commissioner Drinkwine
Seconded by Commissioner

BE IT RESOLVED, that the request to transfer ownership of 2009 Resort Class C License issued under MCL 436.1531(2), located at 510 N. Cedar, Kalkaska, MI 49646, Kalkaska County from Fireball Lounge, Inc. & transfer location & governmental unit to 112 S. Main, Royal Oak, MI 48067, Oakland County be considered for approval, for the following reasons:

- Input from residents and surrounding business owners,
- Amount invested in the facility/establishment,
- Substantial renovation of an existing building,
- Business history,
- Business experience,
- Size of dance floor, if any,
- Overall benefit of the plan to the City, and
- Other unspecified factors having a positive effect on the health, safety and welfare, or the best interests of the community.

BE IT FURTHER RESOLVED, that the proposed Plan of Operation for Leo's Bar and Grill dated December 19, 2009 is hereby approved, with changes requested from petitioner.

MOTION DIES FOR LACK OF SUPPORT

Commissioner Razor had questions regarding LCC violations at the Uptown Parthenon. He verified the reason they purchased an out of town license because of the cost.

Moved by Commissioner Drinkwine
Seconded by Commissioner Capello

BE IT RESOLVED, that the request to transfer ownership of 2009 Resort Class C License issued under MCL 436.1531(2), located at 510 N. Cedar, Kalkaska, MI 49646, Kalkaska County from

Fireball Lounge, Inc. & transfer location & governmental unit to 112 S. Main, Royal Oak, MI 48067, Oakland County be considered for approval, for the following reasons:

- Input from residents and surrounding business owners,
- Amount invested in the facility/establishment,
- Substantial renovation of an existing building,
- Business history,
- Business experience,
- Size of dance floor, if any,
- Overall benefit of the plan to the City, and
- Other unspecified factors having a positive effect on the health, safety and welfare, or the best interests of the community.

BE IT RESOLVED, that the proposed Plan of Operation for Leo's Bar and Grill dated December 19, 2009 is hereby approved, conditioned upon (1) a change in the name of the business to Midtown Parthenon, (2) further modifications consistent with the concept presented to the City Commission on January 25, 2010, and (3) execution of a side agreement prohibiting the transfer of the license within the City of Royal Oak.

Commissioners Andrzejak and Semchena cited saturation as their reason for denial.

YEAS: Commissioners Capello, Drinkwine, Poulton and Mayor Ellison

NAYS: Commissioners Andrzejak, Rasor and Semchena,

MOTION ADOPTED

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**SPECIAL EVENT PERMIT
CITY-FEST & SIDEWALK SALE, JULY 16 & 17, 2010**

Concerns were raised about traffic flow and parking.

Moved by Commissioner Drinkwine

Seconded by Commissioner Rasor

BE IT RESOLVED that the Mayor is hereby authorized to execute the agreement between the City of Royal Oak and CBS Radio Detroit for a City Fest and Sidewalk Sale event on Friday, July 16th and Saturday, July 17th, 2010.

AYES: Commissioners Capello, Drinkwine, Poulton, Rasor, Semchena and Mayor Ellison

NAYS: Commissioner Andrzejak

MOTION ADOPTED

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SMART PARTICIPATION

Mr. Johnson explained the options available. No action was taken.

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**DISCUSSION OF
RESCINDING OF LIQUOR LICENSE APPROVAL OF 11/09/2009
GRANTED TO 526 S. MAIN**

Commissioner Semchena explained they received communication from representatives of 526 S. Main indicating they didn't intend to move forward building out this place or with the approval that was granted. They also refused to execute one of the agreements required.

Moved by Commissioner Semchena
Seconded by Commissioner Capello

BE IT RESOLVED, the City Commission requests to rescind the liquor license approval of November 9, 2009 granted to 526 S. Main.

AYES: Commissioners Andrzejak, Capello, Drinkwine, Poulton and Semchena

NAYS: Commissioners Razor and Mayor Ellison

MOTION ADOPTED

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**DISCUSSION
"RAILS WITH TRAILS"**

Commissioner Razor gave a presentation on Rails with Trails. It's a recreational trail within an active railway right-of-way.

This item was referred to staff to research a feasibility study for the concept.

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Upon Motion of Commissioner Capello, Seconded by Commissioner Drinkwine, and adopted unanimously, the Regular Meeting was adjourned at 11:37 p.m.

Melanie Halas, City Clerk

The foregoing Minutes of the Regular Meeting held on January 25, 2010, having been officially approved by the City Commission on Monday, February 15, 2010, are hereby signed this fifteenth day of February.

James B. Ellison, Mayor

Exhibit A

ORDINANCE NO. 2010-01

AN ORDINANCE TO AMEND THE ROYAL OAK CITY CODE AT CHAPTER 503, "PARKING STATIONS", SECTION 503-11, "DUTIES OF LICENSEE AS BAILEE", TO CLARIFY THE RELATIONSHIP BETWEEN A LICENSEE AND A CUSTOMER BY DELETING THE TERM "BAILEE"

THE CITY OF ROYAL OAK ORDAINS:

SECTION 1. SHORT TITLE. This Ordinance shall be known as and may be cited as the "2010 Amendment to the Parking Station Ordinance."

SECTION 2. STATEMENT OF PURPOSE. This is an ordinance to amend the City Code at Chapter 503, "Parking Stations", Section 503-11, "Duties of Licensee as Bailee", to clarify the relationship between a licensee and a customer by deleting the term "bailee".

SECTION 3. AMENDMENT AT SECTION 503-11. The Royal Oak City Code, Chapter 503, "Parking Stations", is hereby amended at Section 503-11, "Duties of Licensee as Bailee", which shall now read as follows:

"Section 503-11. Duties of licensee.

In operating a parking station, each licensee shall faithfully perform its duties under this Chapter and shall use its best efforts to employ honest and competent attendants."

SECTION 4. 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 5. 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 6. 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 7. EFFECTIVE DATE. This ordinance shall take effect ten (10) days after the final passage thereof.