

A Special Meeting of the Royal Oak City Commission was held on Monday, March 15, 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 and Commissioner Rasor. Also present were City Manager Johnson, City Attorney Gillam, City Clerk Halas, Human Resource Director DiPaolo and Finance Director Rudd.

Adjourned to Closed Session

Moved by Commissioner Capello
Seconded by Commissioner Andrzejak

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 Andrzejak, Capello, Poulton, Drinkwine and Mayor Ellison

NAYS: None

ABSENT: Commissioners Rasor (6:31 PM) and Semchena

MOTION ADOPTED

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A Regular Meeting of the Royal Oak City Commission was held on Monday, March 15, 2010, in the City Hall, 211 Williams, Royal Oak. The Meeting was called to order by Mayor Ellison at 7:41 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 Rasor	Semchena

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ANNOUNCEMENTS

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

UPCOMING EVENTS

Saturday, March 20th through Sunday April 18th

A Census 2010 Questionnaire Assistance Center will be set up at the Royal Oak Farmers' Market every Saturday from 7:00 AM to 1:00 PM and Sunday from 8:00 AM to 3:00 PM to assist those who have received their questionnaires at home. Blank forms will also be available.

Beginning March 22nd through April 19th

A Questionnaire Assistance Center will be set up inside Meeting Room B of the Royal Oak Public Library. Help will be available Monday through Friday from 5:00 – 8:00 pm, and Saturdays from Noon – 4:00 pm.

Sunday, March 21st at 12:45 p.m.

The Royal Oak Optimists Club presents their 2010 Bowlabration. Registration begins at 12:45 pm at AstroLanes in Madison Heights, 32388 John R. Door prizes, raffles, wheelbarrow of cheer, and more fun. Help the optimists bring out the best in kids. To bowl please call Patty Dunstan, (248) 760-6876. To become a sponsor please call Bonnie Bourque (586) 764-9889.

Saturday, March 27th from 9:00 a.m. to 2:00 p.m.

The 12th Annual Dream Home Expo sponsored by the City of Royal Oak and Royal Oak Neighborhood Schools will be held at Royal Oak Middle School, 709 N. Washington. This event is designed to help Royal Oak residents obtain information about adding to or remodeling their homes. Architects, builders, home improvement and remodeling firms, financial institutions, landscaping companies, and the City Building Department will be on hand to answer your questions.

Tuesday, March 30 (All day)

The Mahany/Meininger Senior Community Center is hosting a Fundraiser at the Sign of the Beef Carver located at 27400 Woodward Ave in Royal Oak. The Beef Carver will be donating 15% of all food purchases to the Center to assist with raising funds for various activities. Flyers are available at both the Mahany/Meininger Senior Community Center and the Salter Center.

Saturday, April 3rd from 9:00 a.m. to noon

“Children’s Day” at the Farmers Market. Children will have an opportunity to see the Easter Bunny, receive goody filled eggs, and participate in games. Also featured will be a musical performance by John Lantini.

The CBS City Fest scheduled for July 17th & 18th has been cancelled.

Dr. Robert Swor, DO, of Beaumont Hospital’s Department of Emergency Medicine gave a presentation on the upcoming clinical trial for ProTECT III-progesterone for the treatment of traumatic brain injury (TBI). The study is designed to see whether or not progesterone is safe and if it works to decrease brain damage from a TBI. Study participants will be adults with a blunt closed head injury, with moderate to severe brain injury that can start the study medicine within four hours of injury. Excluded from the study will be persons under 18, known to be allergic to eggs, women known to have breast cancer or other cancers of the female organs, pregnant women, prisoners and persons in police custody.

People meeting entry criteria will be randomly entered into one of two study groups. One group will receive progesterone and the other a placebo. Everyone entered into the study will be given standard medical care for brain injury. Progesterone may increase the risk of blood clots, may increase liver enzymes and may increase the risk of infection. There is a chance of bruising, swelling, redness and infection at the IV site. There may be other risks they are unaware of.

This study has been approved under very specific federal rules, called “Exception From Informed Consent” or EFIC. TBI must be treated quickly. The study medicine needs to be given within 4 hours of injury. Since the injured person will not be alert enough to give permission, study team members will try to locate a legally authorized representative (LAR) for one hour to get his/her permission to enter the patient into the study. If the LAR can’t be located within one hour of the patient’s arrival at the hospital, the patient will be started on the study medicine without consent. Once the LAR is located, he/she will be asked to give permission for the patient to continue in the study. If the LAR does not give permission, the study medicine will be stopped.

If you do not want to be included in this study, you will need to wear a “ProTECT III declined” bracelet at all times throughout the study period (approximately 4 years). This bracelet will be provided to anyone who asks for one. Questions regarding the study can be directed to the NETT research office at Beaumont Hospital by email to Dr. Swor at RASwor@beaumont.edu or Stacey Anderson at Stacey.Anderson@beaumont.edu. For further information available at www.protectiii.com.

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PUBLIC COMMENT

Mr. David Courier, 2409 Buckingham, Berkley, was in favor of medical marijuana dispensaries in Royal Oak. He counted 45 vacant storefronts in the proposed zoning area along Woodward. Dispensaries were vital to ensure the uninterrupted availability of medical marijuana for cardholding patients. His business, Great Lakes Caregivers, is incorporated with the State. He would like to open a medical marijuana business in Royal Oak. Michigan's economy needs to seek alternative methods to treat its economic pain and tax revenue from medical marijuana dispensaries was the answer.

Mayor Ellison noted that the issue will be on the agenda on April 5th.

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Ms. Nancy Barnett, 506 N. Troy, suggested they develop a way for people to file police reports online.

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Mr. Christopher Baroli, Used Car Manager at Royal Oak Ford was asking for a waiver of the 30 day requirement to apply for a special event permit. They wanted to put up balloons for a sale event.

Moved by Commissioner Andrzejak
Seconded by Commissioner Rasor

BE IT RESOLVED, that the City Commission authorizes the City Manager to work with Mr. Baroli and Royal Oak Ford to handle the special event application administratively.

ADOPTED UNANIMOUSLY

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Mr. Steve Zenetti of the Ancient Order of Hibernians thanked the City for hosting their St. Patrick's Day Parade. In spite of the weather they had 53 of 57 groups participate. They planned on revamping the parade for next year.

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Mr. Carlo Ginotti and several members of the Memorial Day Parade Committee were present. The group was meeting daily to plan the parade on May 31st. They hoped to change the route of parade this year. The staging area at would be at 696, the parade would travel north on Main Street and end at the Veteran's Memorial. They also needed to discuss the funding for the parade.

Ms. Carol Hennessey added that they were trying to get children and students to bring their veteran to the parade. The Memorial Society will be cleaning the graves in the cemetery on May 1st and 8th and placing flags on May 29th.

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Mr. Bill Shaw, theshaw10@yahoo.com enjoyed Mr. Muller's presentation on "Royal Oak Then and Now" at the Historical Society. The audience became very involved with the discussion. The Fire Hall would be a jewel in Royal Oak. He did not envy the job before them with the budget. The residents would need information which he hoped would be forthcoming.

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APPROVAL OF AGENDA

Items 7D, 7I2, 7I4, 7L and 7M were removed from the Consent Agenda.

Moved by Commissioner Drinkwine
Seconded by Commissioner Capello

BE IT RESOLVED that the City Commission hereby approves the agenda for the March 15, 2010 meeting as amended.

ADOPTED UNANIMOUSLY

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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 March 1, 2010 are hereby approved.
- B. BE IT RESOLVED that the claims of March 9, 2010 in the amount of \$1,846,171.01 and March 12, 2010 in the amount of \$847,284.63 audited by the Department of Finance are hereby approved.
- C. WHEREAS, Google has announced an initiative entitled "Google Fiber for Communities"; and

WHEREAS, the goals of this initiative are to:

- Experiment with new ways to help make Internet access better and faster for everyone
- Provide ultra-high speed Internet fiber-to-the-home
- Develop deployment techniques that inform and accelerate broadband deployment now and for future projects
- Offer service at a competitive price to at least 50,000 and potentially up to 500,000; and

WHEREAS, the benefits of this initiative will include the potential for:

- Improving our ability to attract and retain businesses
- Enhancing of our residential character
- Allowing for the expansion of the growing high-tech workforce
- Improving the capability of Internet computing
- Elevating the technical knowledge of the current and future workforces
- Escalating innovation of future applications
- Supporting the continued development of e-business into the future; and

WHEREAS, Google plans to select willing local communities as targets to pilot an ultra-high speed broadband internet service project.

NOW THEREFORE BE IT RESOLVED, that the City of Royal Oak hereby announces its support for this effort and its desire to serve as one of the "pilot communities"; and

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized to commit the resources necessary for the City of Royal Oak's participation as a "pilot community".

E. BE IT RESOLVED, that the City Commission hereby authorizes the Mayor and City Clerk to execute the Grant of Easement agreement with the ROYAL SERVICES ENT., LLC for existing and proposed landscaping and public utilities at 28992 Woodward Avenue.

F. **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 and November 16, 2009 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 tenant space at 32828 Woodward Avenue to be used for a carry-out restaurant as described in the plan of operation of Motor City Cupcakes, LLC, dated February 15, 2010.

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 51 of the required 120 off-street parking spaces to allow the tenant space at 32828 Woodward Avenue to be used for a carry-out restaurant as described in the plan of operation of Motor City Cupcakes, LLC, dated February 15, 2010 and the floor plan dated March 5, 2010, with the exception that 2 tables with seating for 4 may be added to the floor plan.

G. BE IT RESOLVED that the City Commission here by approves "2010 City Street Joint Sealing" Contract No. SA-1005 work for \$89,020.00, be awarded to Scodeller Construction, Inc. of Wixom, Michigan.

H. BE IT RESOLVED that the City Commission denies the display of a banner for Screen Source Media – DMC at the two locations of Main Street at 11 Mile and Main Street at 5th Street.

I1. BE IT RESOLVED that the Mayor is hereby authorized to execute the agreement between the City of Royal Oak and the Arzika for a block party/street fair prelude to their FutureMidwest event on Friday, April 16, 2010.

I3. BE IT RESOLVED that the Mayor is hereby authorized to execute the agreement between the City of Royal Oak and the Royal Oak Chamber of Commerce for the 17th Annual Royal Oak in Bloom on Sunday, May 9, 2010.

J. BE IT RESOLVED that the City Commission hereby approves the Administrative Services Contract with Blue Cross and Blue Shield of Michigan.

BE IT RESOLVED that the City Commission hereby approves the Business Associate Agreement with Blue Cross and Blue Shield of Michigan.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are authorized to execute the Administrative Services Contract and Business Associate Agreement on behalf of the City.

- K. BE IT RESOLVED that the City Commission hereby approves that FDM Contracting, Inc., of Shelby Twp., Michigan be awarded the "2010 Water Main Improvements", Contract No. W-1002 for the bid price of \$382,152.50.

ADOPTED UNANIMOUSLY

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PENSION SYSTEM ACTUARIAL VALUATION REPORT SUMMARY

Commissioner Capello pointed out that in 2000 the Retirement Fund was 140% funded, in 2004 90% funded and this year 80% funded. Contributions have increased (this year \$5.1M and next year estimated at \$5.8M) while the assets have decreased.

Moved by Commissioner Capello
Seconded by Commissioner Andrzejak

BE IT RESOLVED that the City Commission hereby accepts the City of Royal Oaks Retirement System's Pension Summary Report of the 61st Annual Actuarial Valuation for the year ending June 30, 2009.

ADOPTED UNANIMOUSLY

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SPECIAL EVENT PERMITS M.O.M.'S 5K RACE

There were issues with the notification given to residents along the race course.

Moved by Commissioner Capello
Seconded by Commissioner Rasor

BE IT RESOLVED that the Mayor is hereby authorized to execute the agreement between the City of Royal Oak and Mind Over Matter, Inc. for a 5K Run/Walk to benefit charity on Saturday, May 1, 2010, contingent upon revision of the notice Mind Over Matter is to provide to the residents along the route consistent with Chief Jahnke's recommendations.

ADOPTED UNANIMOUSLY

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DDA WINE STROLL

The Royal Oak Restaurant Association will provide the insurance for the event.

Moved by Commissioner Capello
Seconded by Commissioner Poulton

BE IT RESOLVED that the Mayor is hereby authorized to execute the agreement between the City of Royal Oak and Royal Oak Downtown Development Authority for the 6th annual Wine Stroll event on Saturday, May 15, 2010, contingent upon amendment of Section 7 to require the Royal

Oak Restaurant Association to add the City as an additional insured to its general liability insurance.

ADOPTED UNANIMOUSLY

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**REPAIRS TO DPS NORTH SERVICE ENTRANCE
CONTRACT BID AWARD**

Moved by Commissioner Andrzejak
Seconded by Commissioner Rasor

BE IT RESOLVED that the City Commission hereby approves that Shaw Construction and Management Co. of Livonia, Michigan be awarded the "Repair of Facade Damage at DPS Garage, 2010 Repairs" Contract No. B-0904, for the bid price of \$32,900.00.

ADOPTED UNANIMOUSLY

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ELECTRONIC POLL BOOK GRANT

Moved by Commissioner Andrzejak
Seconded by Commissioner Drinkwine

BE IT RESOLVED, that the City Commission authorizes the City Clerk to sign the Qualified Voter File's Electronic Poll Book (EPB) Laptop and Accessories Grant on behalf of the City of Royal Oak.

ADOPTED UNANIMOUSLY

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**APPOINTMENTS
ROYAL OAK ACORN FOUNDATION
FARMERS MARKET COMMITTEE**

Moved by Commissioner Capello
Seconded by Commissioner Poulton

BE IT RESOLVED that the City Commission hereby approves the appointment of Dianne Duggan as the Animal Shelter Representative to the Royal Oak Acorn Foundation, with a term expiring 12/31/2012; and

BE IT FURTHER RESOLVED that the City Commission hereby approves the appointment of Mark Diskin as the Sunday Vendor Representative to the Farmers Market Committee, with a term expiring 12/31/2012.

ADOPTED UNANIMOUSLY

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CLASS C RENEWALS

City Attorney Gillam explained that any negative recommendations need to be made by March 31st.

Mr. Frank Pallis, owner of Jimi's Restaurant, hoped to have the bill paid off completely within 90 days, making payments every 30 days of approximately \$3500.

Moved by Commissioner Drinkwine
Seconded by Commissioner Capello

BE IT RESOLVED that the City Commission accepts the payment plan of three (3) payments over ninety (90) days as suggested by Mr. Pallis for delinquent bills owed by Jimi's Restaurant.

ADOPTED UNANIMOUSLY

Commissioner Capello left the Table at 8:51 p.m. and returned at 8:53 p.m.

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Moved by Commissioner Andrzejak
Seconded by Commissioner Poulton

BE IT RESOLVED that a Special Meeting of the Royal Oak City Commission be scheduled for Monday, March 29, 2010 at 6:00 p.m. for a hearing to determine whether the City will recommend non-renewal of Sangria's Class C License; and

BE IT FURTHER RESOLVED that the City Manager and City Treasurer are given the authority to enter into a payment agreement with Sangria; and

BE IT FURTHER RESOLVED that should a payment agreement be entered into, the meeting will be cancelled.

ADOPTED UNANIMOUSLY

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Upon Motion of Commissioner Drinkwine, Seconded by Commissioner Capello, and adopted unanimously, the Regular Meeting was adjourned at 8:58 P.M.

Melanie Halas, City Clerk

The foregoing Minutes of the Regular Meeting held on March 15, 2010, having been officially approved by the City Commission on Monday, April 5, 2010, are hereby signed this fifth day of April.

James B. Ellison, Mayor