

A Regular Meeting of the Royal Oak City Commission was held on Monday, April 5, 2010, in the City Hall, 211 Williams, Royal Oak. The Meeting was called to order by Mayor Ellison at 7:30 p.m.

Commissioner Poulton 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.

#### SPECIAL EVENTS

Saturdays and Sundays through April 18th A Census 2010 Questionnaire Assistance Center is available up at the Royal Oak Farmers' Market to assist those who have received their questionnaires at home. Saturdays from 7:00 AM to 1:00 PM and Sundays from 8:00 AM to 3:00 PM. Blank forms will also be available.

A second Census 2010 Questionnaire Assistance Center is operating through Monday April 19th in conference Room B of the Royal Oak Public Library. Help is available Monday through Thursday from 5:00 – 8:00 pm, and Saturdays from Noon – 4:00 pm.

Wednesday Evenings in April from 7:00 – 8:30 pm – The Royal Oak Public Library is Thinking Green! Presentations and discussions will be hosted in the Friends' Auditorium: April 7 – Rain Barrels, April 14 – Backyard Composting Basics, April 21 – Master Gardening. Check the web at [www.ropl.org](http://www.ropl.org) for more details.

The week of April 11th through April 17th has been designated as Severe Weather Awareness Week. A test of the Outdoor Warning System will occur on Wednesday, April 14th at 1:00 PM.

Saturday, April 10, 2010 A Mahany/Meininger Senior Community Center fundraiser trip to Caesars Windsor Casino. Includes transportation via motorcoach by Bianco Tours and \$15 in cash. Attendees must have a valid passport or passport card. Cost is \$25.00 per person. Contact the center at (248) 246-3900

Saturday, April 10, 2010 - 9:00am to 1:00 pm The City of Royal Oak will be hosting the annual Rabies Vaccination Clinic at the Department of Public Services, 1600 N. Campbell, southeast corner of Twelve Mile and Campbell Roads. Bring in your pet for a rabies vaccination administered by a licensed veterinarian for \$5.00. Check the City Clerk's link on the City's website for more information. [www.ci.royal-oak.mi.us](http://www.ci.royal-oak.mi.us)

Friday, April 16, 2010 - 7:00pm The Royal Oak Nature Society is having their 5th Annual Fundraiser at the Royal Oak Elks Club. The main source of funding is from a silent auction. If there is anything that your business would like to donate as an auction item, or if you would like to sponsor one of the events guest tables (table sponsorship is \$100), please contact Ted Vickers at 248.549.5366 or email [naturesociety@ci.royal-oak.mi.us](mailto:naturesociety@ci.royal-oak.mi.us)

Saturday, April 17th and Sunday, April 18th, 2010 - 8:00 am the City is having Spring Clean-Up Days. We are looking for volunteer groups, clubs, and families to "Adopt a Park for a Day" by cleaning up debris and leaves. Contact the DPS at (248) 246-3300 before April 16th to register your group. The City has 50 parks, and your donated time would make a huge impact.

Friday, April 30th - 7:00 – 10:00 pm the Royal Oak Historical Society will be celebrating the Grand Opening of the Museum located at 1411 W. Webster Rd. (a former Royal Oak Fire Station). This is a gala affair, black tie optional, \$30 per person, or \$50 per couple which includes the ribbon cutting ceremony, libations, hors d'oeuvres and chamber music. Obtain your tickets by April 15th by contacting Patty Dunstan at (248) 760-6876 or at pdunstan@ameritech.net

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**PROCLAMATION  
PARKINSON'S AWARENESS MONTH**

Mayor Ellison presented Ms. Ann Hanson with a proclamation recognizing April 2010 as Parkinson's Awareness Month.

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**ROYAL OAK HIGH SCHOOL AMBASSADOR**

Mr. Jack Novak asked the Commission about the pool mentioned in the Master Plan.

Mayor Ellison read the response from Mr. Rassel.

"A pool has always scored very high among the residents in recreation surveys. There are three factors that have hindered Royal Oak in pursuing a pool. 1. Location. An area that can handle the traffic for a pool and be accessible for visitors while at the same time not impacting on the surrounding neighborhood in a negative manner. 2. Money for construction. The cost of constructing a pool with suitable facilities can run well over a million dollars depending on what kind of features are added. Features such as a kiddie pool and dressing rooms are what would make it attractive to draw the wide variety of customers needed. 3. Cost containment. There are serious questions whether a pool can sustain itself without additional financial support. Many of the nearby communities are breaking even at best with their pools. The maintenance costs are considerable for pools as well."

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**PRESENTATION  
SEMCOG ACCESS MANAGEMENT PLAN**

Ms. Jennifer Evans of SEMCOG gave a presentation on the Rochester Road Access Management Plan. Access Management is the conscious regulation of the number, placement and design of driveways to reduce crashes, improve traffic flow, business vitality and aesthetics. Rochester Road handles about 20,000 per day. There seem to be crash issues at 12 Mile and 14 Mile. Driveways may be contributing to the problem. She explained what kind of changes would need to be addressed by the zoning ordinance.

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**PUBLIC COMMENT**

Mr. Carlo Ginotti, 2323 Woodland and Ms. Carol Hennessey, 258 E. 12 Mile Road, represented the Memorial Day Parade Committee. They need at least 100 volunteers for the Parade including 60 students to carry the large flag. Applications will be available on the website soon.

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Mr. Jim Thienel, owns Berkley Appliance at 923 E. 11 Mile. He and other business owners on 11 Mile started a program called "11 Mile Has It All". Their website, 11milehasitall.com, has a solutions page. Signage is an issue for the businesses. He asked that they reconsider the sign ordinance.

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Mr. William Harrison, 2729 Trafford, asked that they not take away the flexibility of the Downtown Development Authority by requiring Commission approval of expenditures once their budget has been approved.

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Ms. Pat Franz, 1501 Owana, stated that the Emagine Theater goes against the principles in the Master Plan and Main Street project. They cannot develop their way out of debt. They need to get a handle on DDA funding.

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Mr. John Schultz, 502 Woodside, spoke about a new book on the history of Royal Oak. There will be a book signing this Saturday from 10AM-2PM at Caribou Coffee and at the Historical Society opening at the end of the month.

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Mr. Jim Domanski asked that they revisit Item 16. The DDA vote was a 5 week process. They planned out a three year budget to make sure all their obligations were met.

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Ms. Andrea Miller, 1522 Edgewood, announced a Royal Oak Community Farm fundraiser on Saturday, April 17th from 5PM – midnight at the Royal Oak Farmer's Market. Admission will be \$5 with children under 5 admitted free. The fundraiser will cover the upfront costs of the farm for the first year. Visit [www.royaloakcommunityfarm.com](http://www.royaloakcommunityfarm.com) for further information.

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Mr. Pete Mancour, 126 W Kenilworth, announced that the Royal Oak Rotary Club Annual Auction will take place April 23rd at The San Marino Club in Troy. This was their only fundraising event for the scholarship program for students in Royal Oak schools. The Royal Oak Historical Society will hold their Grand Opening on April 30th. Tickets are available for both events.

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Mr. William Shaw – theshaw10@yahoo.com – read article from Craine's titled "As Cities Battle To Balance Budgets More May Turn To Seeking Tax Hikes". He has looked at city salaries, pensions and the actuarials. They spent money they didn't have and made promises they can't keep.

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Mr. William Harrison, 2729 Trafford, went over financial figures of the Downtown Development Authority. The DDA gives back 102% of what the City would get if there was no DDA. They also give the City 52% of what the county would get.

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Mr. Greg Stanalajczo, 617 Dewey, would not expect them to reallocate monies he paid as a landlord and business owner into the DDA for other residential properties. Not only would it kill the DDA but they would have people move out of the city with their businesses.

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### **APPROVAL OF AGENDA**

Items 10E, 10L and 10N were removed from the Consent Agenda. Item 10H was removed from the agenda. Item 18 Solution Today was added to the agenda.

Moved by Commissioner Capello  
Seconded by Commissioner Rasor

BE IT RESOLVED that the City Commission hereby approves the agenda for the April 5, 2010 meeting as amended.

ADOPTED UNANIMOUSLY

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### **CONSENT AGENDA**

Moved by Commissioner Drinkwine  
Seconded by Commissioner Rasor

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 15, 2010 are hereby approved.
- B. BE IT RESOLVED that the claims of March 23, 2010 in the amount of \$1,758,435.44 and April 6, 2010 in the amount of \$667,971.38 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 #89-10 dated 04-01-10.
- D. BE IT RESOLVED that the City Commission hereby approves the rules and regulations for the Farmers Market as presented.
- F. BE IT RESOLVED that the City Commission hereby approves that Teltow Contracting, Inc. of Casco, Michigan be awarded the "2010 Water Main Improvements", Contract No. W-1001 for the bid price of \$ 604,750.00.
- G. BE IT RESOLVED that the City Commission hereby approves that Giorgi Concrete, LLC of Detroit, Michigan be awarded the "2010 Concrete Pavement Replacement" Contract No. SA-1003, for the bid price of \$185,911.00.
- I. BE IT RESOLVED that the City Commission hereby authorizes the City Attorney to prepare a license agreement for Beirut Palace at 105 South Main Street, permitting an encroachment into the public right-of-way of South Main Street for purposes of an outdoor seating area pursuant to the approved plans; and

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are authorized to execute said agreement when prepared.

- J. BE IT RESOLVED that the City Commission hereby authorizes the City Attorney to prepare a license agreement for Café Muse at 418 South Washington Avenue, permitting an encroachment into the public right-of-way of South Washington Avenue for purposes of an outdoor seating area pursuant to the approved plans with the outdoor seating area across the restaurant's building frontage of 416 and 418 South Washington Avenue as previously approved by the City Commission on May 4, 2009; and

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are authorized to execute said agreement when prepared.

- K. BE IT RESOLVED that the request from Café Muse, L.L.C. for a new Class C license issued under MCL 436.1521(a)(1)(b) **with Outdoor Service (1 area)**, to be located at 418 S. Washington, Royal Oak, MI 48067, Oakland County, be considered for approval "above all others".

- M. BE IT RESOLVED that the Mayor is hereby authorized to execute the agreement between the City of Royal Oak and the Oak Apple Run Committee for the Oak Apple Run on Saturday, June 5, 2010.

ADOPTED UNANIMOUSLY

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**NON-PROFIT STATUS  
BD GROUP, ROYAL OAK FORWARD**

Commissioner Semchena was concerned about the number of groups seeking non-profit status for the purpose of getting gambling permits from the State. Many of these organizations were new.

Moved by Commissioner Semchena  
Seconded by Commissioner Capello

BE IT RESOLVED that the Commission postpones a decision on the request for Non-Profit Status from BD Group, Royal Oak Forward until a date to be set by administration when they can present more information and guidelines to be used by the Commission when deciding whether these resolutions should be adopted.

FRIENDLY AMENDMENT OFFERED BY COMMISSIONER SEMCHENA THAT THE MOTION BE AMENDED BY ADDING THAT IT BE BROUGHT BACK BEFORE THE COMMISSION AT THE MAY 3, 2010 MEETING.

MOTION NOW READS

BE IT RESOLVED that the Commission postpones a decision on the request for Non-Profit Status from BD Group, Royal Oak Forward until May 3, 2010 to allow the administration to collect more information and guidelines to be used by the Commission when deciding whether these resolutions should be adopted.

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

NAYS: Commissioner Rasor

MOTION ADOPTED

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**MEMO OF UNDERSTANDING  
SEMCOG ACCESS MANAGEMENT PLAN  
ROCHESTER ROAD**

Mayor Ellison noted that language needed to be added to the resolution stating the Mayor and City Clerk were authorized to sign the memo.

Moved by Commissioner Andrzejak  
Seconded by Commissioner Drinkwine

WHEREAS the governing body of the City of Royal Oak, with offices located at 211 Williams Street, Royal Oak, Michigan, recognizes the need for coordinated planning along the Rochester Road Corridor; and

WHEREAS the governing body of the City of Royal Oak recognizes the need to prepare and implement coordinated land use and access management standards along the Rochester Road Corridor in the interest of all parties; and

WHEREAS the governing body of the City of Royal Oak has reviewed the Memorandum of Understanding, which is attached hereto and made part hereof and which is agreed to by all parties who have signed it at the end;

BE IT RESOLVED that the City Commission for the City of Royal Oak hereby approves the Memorandum of Understanding, subject to any final revisions suggested by the City Attorney as a policy document, and instructs the staff and affected Boards and Commissions of City of Royal Oak to implement the provisions thereof, and

BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby authorized to sign the Memorandum of Understanding.

ADOPTED UNANIMOUSLY

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**MEMORIAL DAY PARADE 2010**

Moved by Commissioner Andrzejak  
Seconded by Commissioner Poulton

Whereas, the Royal Oak City Commission has been supportive of the Memorial Day Parade for many years; and

Whereas, the Committee of the 2010 Parade has requested that its members be recognized and designated as City of Royal Oak volunteers and that they be protected by the City's liability insurance program as other City of Royal Oak volunteers are covered; and

Whereas, the Royal Oak City Commission has determined that the Memorial Day Parade for 2010 is an important event well deserving of the support and cooperation of the City of Royal Oak; and

Whereas, the Royal Oak City Commission has asked that a formal agreement be developed between the City of Royal Oak and the Royal Oak Memorial Day Parade Committee;

Be It Resolved, that the City Commission approves the Memorial Day Parade for May 31, 2010; and

Be It Further Resolved that the City Commission hereby recognizes the Royal Oak Memorial Day Parade Committee and designates it as the volunteer Coordinator of this event for the City of Royal Oak with the following understanding:

1. Responsible individuals will serve on the 2010 Memorial Day Parade Committee who will work on this event in a volunteer capacity without compensation but officially be recognized as City of Royal Oak volunteers to organize and plan this project.
2. The names of the volunteers on the Committee along with their home addresses shall be filed with the City Clerk's office not later than May 18, 2010.
3. The Memorial Day Parade will stage at the DDA's I-696 property and the official parade route will begin at the intersection of Main Street and Harrison, proceed north on Main Street to Second Street. The parade will turn east on Second Street and enter the Barbara A Hallman Memorial Plaza and end at the War Memorial.
4. Those operating a motorized vehicle in the Parade will be advised by the Committee of the requirement to have a currently valid driver's license and proof of insurance in their possession the day of the Parade and agree to produce same for any police officer's inspection.
5. The Committee will assume full responsibility for organizing this event including the decisions relative to those allowed to participate and the order of their appearance in the Parade.
6. Approval is given for the year 2010 only; however, the City Commission will entertain a request for a similar arrangement for subsequent years.
7. The Mayor and City Clerk are authorized to affix their signatures on behalf of the City of Royal Oak to the attached agreement between the City of Royal Oak and the Royal Oak Memorial Day Parade Committee for the purpose of organizing and planning the Royal Oak Memorial Day Parade

Be It Further Resolved that a contribution of \$2,500.00 for the 2010 Parade was budgeted and payment is hereby approved.

ADOPTED UNANIMOUSLY

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### **TRAFFIC COMMITTEE RECOMMENDATIONS**

Moved by Commissioner Drinkwine  
Seconded by Commissioner Capello

- 5.A. Be It Resolved; the recommendation to install 3 hour parking meters on the north side of University from Main St. west to the alley west of Main Street be approved.

Estimated City Cost: \$2,000

- 5.B. Be It Resolved; the recommendation to install "Permit Parking Only 12 Noon – 6AM \$50 Fine" signs on the south side of Ravenna from the west property line of 3531 Ravenna to Hampton Blvd. be approved.

Estimated City Cost: \$435.00

- 5.C. Be It Resolved; (1) The recommendation to install permit parking for 1623 Amelia be denied. (2) The property owner could circulate a petition to have parking restrictions removed.

Estimated City Cost: \$0.00

ADOPTED UNANIMOUSLY

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### **ESTABLISHMENT OF BUDGET MEETINGS**

Moved by Commissioner Andrzejak  
Seconded by Commissioner Rasor

BE IT RESOLVED that the Royal Oak City Commission hereby sets its Special Meetings to review the City Manager's Proposed Budget on Monday, May 10, Wednesday, May 12 and Thursday, May 20 and will conduct additional meetings if required.

The meetings will begin at 6:00 p.m.

ADOPTED UNANIMOUSLY

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### **DDA RECOMMENDATION SIDEWALK/STREETScape AGREEMENT CHANGE ORDER**

The difference in the color of the bricks was explained. There was a safety issue with raised tree grates and bricks.

Moved by Commissioner Rasor  
Seconded by Commissioner Drinkwine

BE IT RESOLVED, that the City Commission hereby approves the Change Order work for the Streetscape Improvements for Fourth Street from Main Street to Washington Avenue be awarded to Lacaria Construction, Inc. of Detroit, Michigan in the amount of \$170,225.50

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

NAYS: Commissioner Semchena

MOTION ADOPTED

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### **LICENSE AGREEMENT 321 SOUTH WILLIAMS**

Commissioner Rasor recused himself from the discussion.

Moved by Commissioner Andrzejak  
Seconded by Commissioner Drinkwine

BE IT RESOLVED, that the City Commission hereby authorizes the Mayor and City Clerk to execute the license agreement for 321 S. Williams, Rasor Law Firm private fencing, landscaping and window well covers encroachment into the public right-of-way.

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

NAYS: None

ABSTAIN: Commissioner Rasor

Commissioner Rasor left the Table at 9:53 p.m.

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**PLANNING COMMISSION RECOMMENDATION  
ZONING ORDINANCE TEXT AMENDMENTS  
COMMUNITY AND MARKET GARDENS, FIRST READING**

Moved by Commissioner Drinkwine  
Seconded by Commissioner Capello

**Whereas**, the Royal Oak Planning Commission held a public hearing on February 9, 2010 and recommended approval of a proposed text amendment to the City of Royal Oak Zoning Ordinance (Chapter 770, Zoning, of the Code of the City of Royal Oak) for the purpose of allowing for domestic, community and market gardens; and

**Whereas**, the Royal Oak City Commission has determined that the Zoning Ordinance amendment is consistent with the goals and objectives of the Royal Oak Master Plan and has received the record of public comments taken at the public hearing held at the Royal Oak Planning Commission meeting of February 9, 2010.

**Therefore, Be It Resolved**, that Ordinance 2010-4, entitled an ordinance to amend the Code of the City of Royal Oak, Chapter 770, Zoning, thereof entitled City of Royal Oak Zoning Ordinance, is hereby adopted on First Reading.

**The City of Royal Oak ordains:**

**Section 1 Ordinance**

Pursuant to the provision of the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, and pursuant to all applicable provisions of law, Chapter 770, Zoning, City of Royal Oak Zoning Ordinance, as amended, are further amended to read as described in Exhibit A attached hereto.

**Section 2 Severability**

If any section, subsection, clause, phrase or portion of this ordinance is for any reason held invalid 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 3 Savings**

As 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 4 Repealer**

All ordinance or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

**Section 5 Effective Date**

A summary of this ordinance shall be published in a newspaper of general circulation in the City of Royal Oak and shall become effective ten (10) days after publication, as provided by law.

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

NAYS: None

ABSENT: Commissioner Rasor

MOTION ADOPTED UNANIMOUSLY

Commissioner Rasor returned to the Table at 9:57 p.m.

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**NOISE AND VIBRATIONS, FIRST READING**

Moved by Commissioner Andrzejak  
Seconded by Commissioner Rasor

**Whereas**, the Royal Oak Planning Commission held a public hearing on February 9, 2010 and recommended approval of a proposed text amendment to the City of Royal Oak Zoning Ordinance (Chapter 770, Zoning, of the Code of the City of Royal Oak) removing regulations for noise and vibrations from the Zoning Ordinance; and

**Whereas**, the Royal Oak City Commission has determined that the Zoning Ordinance amendment is consistent with the goals and objectives of the Royal Oak Master Plan and has received the record of public comments taken at the public hearing held at the Royal Oak Planning Commission meeting of February 9, 2010; and

**Whereas**, the Royal Oak City Commission has determined that revised standards for noise and vibrations should be adopted as part of the City of Royal Oak Public Nuisances Ordinance (Chapter 278, Disorderly Conduct, of the Code of the City of Royal Oak).

**Therefore, Be It Resolved**, that Ordinance 2010-2, entitled an ordinance to amend the Code of the City of Royal Oak, Chapter 278, Disorderly Conduct, thereof entitled City of Royal Oak Public Nuisances Ordinance, and Chapter 770, Zoning, thereof entitled City of Royal Oak Zoning Ordinance, is hereby adopted on First Reading.

**The City of Royal Oak ordains:**

**Section 1 Ordinance**

Pursuant to the provision of the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, and pursuant to all applicable provisions of law, Chapter 278, Disorderly Conduct, City of Royal Oak Public Nuisances Ordinance, and Chapter 770, Zoning, City

of Royal Oak Zoning Ordinance, as amended, are further amended to read as described in Exhibit A attached hereto.

**Section 2 Severability**

If any section, subsection, clause, phrase or portion of this ordinance is for any reason held invalid 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 3. Savings**

As 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 4. Repealer**

All ordinance or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

**Section 5. Effective Date**

This ordinance shall be published in a newspaper of general circulation in the City of Royal Oak and shall become effective ten (10) days after publication, as provided by law.

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

NAYS: Commissioner Semchena

MOTION ADOPTED

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**DDA ORDINANCE AMENDMENT, FIRST READING**

Moved by Commissioner Drinkwine  
Seconded by Commissioner Andrzejak

BE IT RESOLVED, that the City Commission hereby approves the 2010 Amendment to the Downtown Development Authority Ordinance (see Attachment A) on First Reading.

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

NAYS: Commissioner Rasor and Mayor Ellison

MOTION ADOPTED

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**DISCUSSION  
FENCE ORDINANCE**

Moved by Commissioner Poulton  
Seconded by Commissioner Capello

BE IT RESOLVED that the Commission hereby directs the City Attorney to draft an amendment to the Fence Ordinance to prohibit a fence being built between the front building line and the front lot line when it is adjacent to adjoining property owner's driveway; and

BE IT FURTHER RESOLVED that a two foot setback be established for landscaping between the front building line and the front lot line when it is adjacent to adjoining property owner's driveway

ADOPTED UNANIMOUSLY

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**SOLUTION TODAY**

Commissioner Razor requested staff bring back recommendations on the following items: #69 free parking on Sundays, #78 flat fee for parking after a set time in the lot at Sixth & Main and #67 using the State to collect delinquent tickets.

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Upon Motion of Commissioner Razor, Seconded by Commissioner Drinkwine, and adopted unanimously, the Regular Meeting was adjourned at 10:43 P.M.

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Melanie Halas, City Clerk

The foregoing Minutes of the Regular Meeting held on April 5, 2010, having been officially approved by the City Commission on Monday, April 19, 2010, are hereby signed this nineteenth day of April.

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James B. Ellison, Mayor

Attachment A

ORDINANCE NO. 2010-05

AN ORDINANCE TO AMEND THE ROYAL OAK CITY CODE AT CHAPTER 52, "DOWNTOWN DEVELOPMENT", ARTICLE I, "DOWNTOWN DEVELOPMENT AUTHORITY", SECTION 52-7, "POWERS OF AUTHORITY", TO PROVIDE THAT THE DOWNTOWN DEVELOPMENT AUTHORITY'S EXERCISE OF ITS POWERS IS SUBJECT TO THE APPROVAL OF THE CITY COMMISSION

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 Downtown Development Authority Ordinance."

SECTION 2. STATEMENT OF PURPOSE. This is an ordinance to amend the City Code at Chapter 52, "Downtown Development", Article I, "Downtown Development Authority", Section 52-7, "Powers of Authority", to provide that the Downtown Development Authority's exercise of its powers is subject to the approval of the City Commission.

SECTION 3. AMENDMENT AT SECTION 52-7. The Royal Oak City Code, Chapter 52, "Downtown Development", Article I, "Downtown Development Authority", is hereby amended at Section 52-7, "Powers of Authority", which shall now read as follows:

**"Section 52-7. Powers of Authority.**

The Downtown Development Authority may, subject to the approval of the City Commission:

- A. Prepare an analysis of economic changes taking place in the downtown district.
- B. Study and analyze the impact of metropolitan growth upon the downtown district.
- C. Plan and propose the construction, renovation, repair, remodeling, rehabilitation, restoration, preservation, or reconstruction of a public facility, an existing building, or a multiple-family dwelling unit which may be necessary or appropriate to the execution of a plan which, in the opinion of the board, assists in the economic growth of the downtown district.
- D. Plan, propose, and implement an improvement to a public facility within the development area to comply with the barrier free design requirements of the state construction code promulgated under the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531.
- E. Develop long-range plans, in cooperation with the City Commission and/or the Planning Commission, designed to halt the deterioration of property values in the downtown district and to promote the economic growth of the downtown district, and take such steps as may be necessary to persuade property owners to implement the plans to the fullest extent possible.
- F. Implement any plan of development in the downtown district necessary to achieve the purposes of Act No. 197 of the Public Acts of Michigan of 1975 (MCL 125.1651 et seq., as amended) and this Chapter, in accordance with the powers of the authority as granted by the state act.
- G. Make and enter into contracts necessary or incidental to the exercise of its powers and the performance of its duties.

- H. Acquire by purchase or otherwise, on terms and conditions and in a manner the authority considers proper, or own, convey, or otherwise dispose of, or lease as lessor or lessee, land and other property, real or personal, or rights or interests in property, which the authority determines is reasonably necessary to achieve the purposes of Act No. 197, and to grant or acquire licenses, easements and options with respect to that property.
- I. Improve land and construct, reconstruct, rehabilitate, restore and preserve, equip, improve, maintain, repair, and operate any building, including multiple-family dwellings, and any necessary or desirable appurtenances to that property, within the downtown district for the use, in whole or in part, of any public or private person or corporation, or a combination of them.
- J. Fix, charge, and collect fees, rents, and charges for the use of any building or property under its control or any part thereof, or facility therein, and pledge the fees, rents, and charges for the payment of revenue bonds issued by the authority.
- K. Lease any building or property under its control, or any part of a building or property under its control.
- L. Accept grants and donations of property, labor, or other things of value from a public or private source.
- M. Acquire and construct public facilities.
- N. Create, operate, and fund marketing initiatives that benefit only retail and general marketing of the downtown district.
- O. Contract for broadband service and wireless technology service in the downtown district.
- P. Operate and perform all duties and exercise all responsibilities described in this section in a qualified township, as defined in Act 197, if the qualified township has entered into an agreement with the City under Act 197.
- Q. Create, operate, and fund a loan program to fund improvements for existing buildings located in the downtown district to make them marketable for sale or lease. The board may make loans with interest at a below market rate, as determined by the board.
- R. Create, operate, and fund retail business incubators in the downtown district.”

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.