

A Special Meeting of the Royal Oak City Commission was held on Monday, April 19, 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 Rasor 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 Rasor

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

**ROLL CALL VOTE**

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

NAYS: None

MOTION ADOPTED

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A Regular Meeting of the Royal Oak City Commission was held on Monday, April 19, 2010, in the City Hall, 211 Williams, Royal Oak. The Meeting was called to order by Mayor Ellison at 7:36 p.m.

Commissioner Rasor 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**

Wednesday, April 21

7:00–8:30 p.m.—The Royal Oak Public Library is hosting the third of their “Thinking Green!” presentations in the Friends’ Auditorium this week with Master Gardening. Check the web at [www.ropl.org](http://www.ropl.org) for more details.

Sunday, April 25

12:00 to 4:00 p.m. -“Recycle Royal Oak!” on Third St. between Main and Williams. A free event offering tips and materials to help Royal Oak residents “green” their lifestyles.

Friday, April 30

7:00 – 10:00 p.m.-The Royal Oak Historical Society's "black tie optional" gala Grand Opening of the museum located at 1411 W. Webster Rd. Tickets available at: The Historical Museum (586)484-1313, William Sullivan & Sons (248)541-7002, The Lady Bug Shop (248)545-3200, and Decades at Royal Oak Farmer's Market (248)635-5069.

Saturday, May 1- to benefit the Boys and Girls Clubs

8:30 a.m. -At Memorial Park the 2010 Walk for the Future. Registration 8:30 a.m., walk 9:30 a.m., entertainment and refreshments 10:30 a.m.-noon. Check the link to events on the city's webpage for more details; [www.ci.royal-oak.mi.us](http://www.ci.royal-oak.mi.us)

6:00 to 10:00 p.m. -Mexican Fiesta Party Fundraiser at the Royal Oak Farmers Market, featuring local Mexican eateries and Kuhnhehn Brewing Co. Profits from the beer/wine sales go directly to the Boys & Girls Clubs while proceeds from ticket and concession sales will help the Royal Oak Farmers Market renovations. Admission \$5.00; free for children 11 years and under. Tickets are available at the market office or at the door. For further information, please contact Shelly Mazur at (248)246-3079.

A memorial service was held earlier in the day for Mr. Robert Dondero who passed away March 2<sup>nd</sup>.

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**PROCLAMATIONS  
SOUTH OAKLAND ART ASSOCIATION**

There was no one present to receive the proclamation.

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**LIONS CLUB, WHITE CANE DAYS**

Mayor Ellison presented members of the Lions Club with a proclamation recognizing April 23-May 2, 2010 as White Cane Days.

\* \* \* \* \*

**PUBLIC COMMENT**

Mr. Jim Thienel, owner of Berkley Appliance and founder of "11 Mile Has It All" spoke in favor of the resolution regarding Community Development Block Grant funding for 11 Mile Road improvements. The group looked forward to working with the City on the problems of 11 Mile. Their goal was to promote, revitalize and enhance 11 Mile.

\* \* \*

Ms. Carol Hennessey, 258 E. 12 Mile Road, issued an invitation to help clean veterans' graves on May 1st and May 8th. The Downtown Development Authority (DDA) has done a fantastic job and should remain a separate group.

\* \* \*

Mr. George Hoellars, 1721 Forestdale Court, was against charging for parking meters on Sundays. It was the last semblance of being a friendly city. He noted how many on-site parking spaces and parking meters are available to the churches downtown. How would the city ensure that meters near the churches remained available for people attending services weren't used by people dining or shopping?

\* \* \*

Mr. Jason Krieger, Krieger and Associates, spoke highly of "11 Mile Has It All". These were federal funds meant for work like this. Eleven Mile needs improvement.

\* \* \*

Mr. Scott Warheit, 350 N. Main, requested the Commission reconsider Item #13. They should not take power away from the DDA.

\* \* \*

Ms. Nadine Koppin, owner of Kuk Sool Won, 1325 E. 11 Mile, read a letter from a resident of Royal Oak supporting "11 Mile Has It All".

\* \* \*

Mr. Joseph Fisher, 2808 N Main, spoke in favor of medical marihuana clinics in Royal Oak.

\* \* \*

Mr. Matt Lifter, owner of Motor City Autospa, 901 W. 11 Mile Road, supported "11 Mile Has It All".

\* \* \*

Mr. Carlo Ginotti, 2323 Woodland, spoke in favor of Item #12 Community Development Block Grant consolidation plan.

\* \* \*

Mr. Bill Willard, 216 Maxwell, asked the Commission to approve Item #12 and if possible to include Sherman Drive. He was against approval of Item #13. He urged community support of White Cane Days.

\* \* \*

Mr. Perry Winfrey, Fourth/Main, wanted the Commission to have an open mind regarding the guidelines for medical marihuana clinics.

\* \* \*

Mr. Jim Runestad, Oakland County Commissioner for District Six, spoke in favor of "11 Mile Has It All". Eleven Mile was struggling. Using this money to beautify the corridor would be an excellent use.

\* \* \*

Mr. Christine Gloss, 307 N. Connecticut, spoke in favor of Item #12. Eleven Mile was looking better but still had a ways to go. She asked the Commission to support the businesses which in turn would help the surrounding neighborhoods.

\* \* \*

Mr. Jay Dunstan, 111 E. Parent, was in favor of Item #12. Part of it was money to do tuck pointing on the museum. The gala grand opening of the Royal Oak Historical Museum will be on April 30<sup>th</sup>. The Memorial Day Parade will start at 9 a.m. at Main & Harrison, proceed north on Main to Third Street and finish at the Veterans Memorial. From 7 a.m. to noon there will be the Pancake Breakfast at the Farmer's Market. The following Saturday, June 5<sup>th</sup>, the 33<sup>rd</sup> Oak Apple Run will take place.

\* \* \*

Mr. Ryan Richmond, 4611 Robinwood, represents a medical marihuana dispensary in Colorado. They've identified a property on Woodward that would be perfect for them.

\* \* \*

Mr. David Terzibashian, 4214 Auburn, was requesting a special event permit to hold the Armenian Fest at the Farmers Market.

\* \* \*

Mr. William Harrison, 2729 Trafford, asked that they ban medical marihuana clinics banned under Federal Law. It should be distributed by pharmacies.

Commissioner Andrzejak left the Table at 8:28 p.m. and returned at 8:29 p.m.

\* \* \*

Mr. Dave Woodward, 1718 W. Farnum, was opposed to Item #13. The proposal was unnecessarily divisive. He questioned the legality of the amendment.

\* \* \*

Mr. Rick Karlowski, 419 Virginia, was opposed to Item #13 as currently written. They would need full disclosure if they wanted to pursue a millage increase.

\* \* \*

Mr. Mike Shephard, owner of Northern Television, 1321 E 11 Mile Road, supported "11 Mile Has It All".

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#### **APPROVAL OF AGENDA**

Item 8K was 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 April 19, 2010 meeting as amended.

ADOPTED UNANIMOUSLY

\* \* \* \* \*

#### **CONSENT AGENDA**

Moved by Commissioner Capello  
Seconded by Commissioner Poulton

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

- A. BE IT RESOLVED that the City Commission Minutes of April 5, 2010 and the Closed Session Minutes of March 27, 2010 are hereby approved.
- B. BE IT RESOLVED that the claims of April 9, 2010 in the amount of \$900,585.32 and April 20, 2010 in the amount of \$2,738,156.70 and audited by the Department of Finance are hereby approved.
- C. BE IT RESOLVED that the City Commission hereby approves that Heights Heating & Cooling, Inc., of Auburn Hills, Michigan, be awarded the City Building Heating, Ventilating and Air Conditioning Routine Maintenance, Extra and Emergency Work specified under Contract No. B-1001 for the bid price of \$36,335.00.

- D. BE IT RESOLVED, that the City Commission hereby approves that Giorgi Concrete, LLC, of Detroit, Michigan be awarded the 2010 Concrete Pavement Replacement and Prepaid Sidewalk Improvements, Contract No. SW-1001, for the bid price of \$175,005.00.
- E. BE IT RESOLVED, that ISC–Inspection Services Co., Inc., of Plymouth, Michigan, be awarded the 2010 Material Testing & Quality Control Services, Contract No. SA-1002 for the bid price of \$86,483.00.
- F. BE IT RESOLVED that the Mayor and City Clerk be authorized to execute the Construction Agreement with the Michigan Department of Transportation for the Federally Funded N. Main Street Improvements Project from W. Windemere Avenue to Chippewa Avenue.
- G. **Whereas**, April 2010 marks the 42nd anniversary of the signing of the Fair Housing Act, and

**Whereas**, this landmark law prohibits housing discrimination on the basis of sex, color, race, age, religion, national origin, disability, family or marital status, and

**Whereas**, Fair Housing Month is designed to heighten people's awareness of their rights under the law when pursuing the purchase, rental, financing or advertising of housing, and

**Whereas**, all citizens are entitled to freedom of choice in the selection of housing and are guaranteed certain protections under the law if they are victims of discrimination, and

**Whereas**, the City of Royal Oak has renewed its commitment to affirmatively further fair housing by updating to its Analysis of Impediments to Fair Housing.

**Be It Resolved** that the City Commission hereby proclaims April 2010 as Fair Housing Month in the City of Royal Oak.

- H. **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 2010-04, 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 Second 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 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 take effect ten (10) days after the final passage thereof.

- I. BE IT RESOLVED that the Mayor is hereby authorized to execute the agreement between the City of Royal Oak and Michigan Institute of Urology for “Run for the Ribbon”, 5K Run/Walk on Sunday, June 20, 2010.
- J. BE IT RESOLVED that the Mayor is hereby authorized to execute the agreement between the City of Royal Oak and David Terzibashian for the outdoor portion of the Armenia Fest 2010 ethnic festival on Saturday, July 17, 2010.

ADOPTED UNANIMOUSLY

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#### **AMENDMENT TO THE ARTS, BEATS & EATS FESTIVAL AGREEMENT**

There were concerns about approval of the final layout of the festival.

Moved by Commissioner Rasor  
Seconded by Commissioner Drinkwine

BE IT RESOLVED that the City Commission hereby postpones discussion of the First Amendment to Festival Agreement with the Downtown Development Authority and Arts, Beats and Eats, Inc. until the May 3, 2010 meeting; and

BE IT FURTHER RESOLVED, that the City Attorney be directed to provide information regarding approval of the final configuration by the Police and Fire Departments contained in the original agreement.

ADOPTED UNANIMOUSLY

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#### **SIDEWALK CAFÉS 302 SOUTH WASHINGTON**

Moved by Commissioner Capello  
Seconded by Commissioner Andrzejak

BE IT RESOLVED, that the City Commission hereby postpones the discussion on the request for a sidewalk café at 302 S. Washington until the May 3, 2010 meeting and requests additional information from staff.

Commissioner Rasor suggested they look at a way to allow retailers to take advantage of outdoor space.

ADOPTED UNANIMOUSLY

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**SPECIAL EVENT ORDINANCE AMENDMENT, FIRST READING**

Moved by Commissioner Andrzejak  
Seconded by Commissioner Semchena

BE IT RESOLVED, that the City Commission hereby approves the 2010 Amendment to the Special Event Ordinance on First Reading.

**MOTION WITHDRAWN**

This item was postponed to the May 3, 2010 meeting.

Commissioner Andrzejak left the Table at 9:40 p.m. and returned at 9:41 p.m.

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**INTERNATIONAL PROPERTY MAINTENANCE  
CODE AMENDMENT, FIRST READING**

Commissioner Drinkwine left the Table at 9:42 p.m.

Building Official Craig explained this was to allow the City to collect unpaid landlord licensing fees by placing a lien on the property.

Moved by Commissioner Rasor  
Seconded by Commissioner Poulton

BE IT RESOLVED that the City Commission hereby approves the 2010 Amendment to the International Property Maintenance Code (Exhibit A) on First Reading.

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

NAYS: None

ABSENT: Commissioner Drinkwine

**MOTION ADOPTED**

Commissioner Drinkwine returned to the Table at 9:44 p.m.

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**COMMUNITY DEVELOPMENT BLOCK GRANT  
CONSOLIDATION PLAN/ANNUAL ACTION PLAN**

Moved by Commissioner Semchena  
Seconded by Commissioner Capello

BE IT RESOLVED that the City Commission hereby refers the issue of the Community Development Block Grant Program's Program Year 2010-2015 Consolidated Plan and the Program Year 2010-2011 Annual Action Plan with the reassignment of \$200,000 from Public Improvements – street resurfacing projects to the E 11 Mile Road Improvement Program back to

the Rehabilitation Board of Appeals for consideration and recommendation back to the Commission at their May 3, 2010 meeting.

ADOPTED UNANIMOUSLY

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**DOWNTOWN DEVELOPMENT AUTHORITY ORDINANCE  
AMENDMENT, SECOND READING**

Commissioner Razor left the Table at 9:56 PM.

Moved by Commissioner Drinkwine  
Seconded by Commissioner Semchena

BE IT RESOLVED, that the City Commission hereby approves the 2010 Amendment to the Downtown Development Authority Ordinance (Exhibit B) on Second Reading.

Commissioner Razor returned to the Table at 10:01 p.m.

Commissioner Poulton left the Table at 10:10 p.m. and returned at 10:11 p.m.

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

NAYS: Commissioner Razor and Mayor Ellison

MOTION ADOPTED

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**ZONING ORDINANCE TEXT AMENDMENTS-  
MEDICAL MARIHUANA, FIRST READING**

Moved by Commissioner Andrzejak  
Seconded by Commissioner Semchena

WHEREAS, on November 4, 2008, Michigan voters approved a ballot initiative that legalized medical marihuana; and

WHEREAS, on December 4, 2008, Michigan's Medical Marihuana Act (MMMA), MCL 333.2641 et seq., took effect; and

WHEREAS, on April 4, 2009, the Michigan Department of Community Health adopted rules to implement the MMMA; and

WHEREAS, on March 9, 2010, the City's Planning Commission offered a recommendation that medical marihuana facilities be permitted as a special land use in the General Business District; and

WHEREAS, there continues to be a great deal of uncertainty among municipalities across the State as to how best to regulate the dispensing of medical marihuana; and

WHEREAS, the City Commission has determined that it is necessary to give further study to the Planning Commission's recommendation, in order to insure consistent, cohesive and sensible land use and development in the City; and

WHEREAS, the City Commission has determined that during this further study, it would be counterproductive if applications for approvals related to medical marijuana facilities were allowed to move forward; and

WHEREAS, the City Commission also recognizes that deferring review of applications for approvals related to medical marijuana facilities could result in hardship to some applicants;

THEREFORE, BE IT RESOLVED, that during the course of the City Commission's deliberations on the Planning Commission's recommendation as to the appropriate zoning for medical marijuana facilities, review of all applications related to medical marijuana facilities should be deferred, and that a moratorium is hereby declared, effective immediately, for a period of 180 days.

BE IT FURTHER RESOLVED, that during the period of this moratorium, there shall be no consideration or action taken by the City, any elected official, any appointed official, or any employee on any request for any approval related to a medical marijuana dispensary.

BE IT FURTHER RESOLVED, that during the period of this moratorium, any entity or property owner alleging that the deferred review resulting from the moratorium will result in the denial of any viable economic use of property or would otherwise result in a violation of applicable federal or state constitution or law shall be entitled to an expedited hearing before the City Commission. At the conclusion of this hearing, the City Commission shall make findings and conclusions with respect to whether or not the Petitioner has demonstrated that all viable economic use of the property has been denied by the deferred review, and/or whether or not his resolution on its face or as applied to the Petitioner violates applicable federal or state constitution or law. If it is demonstrated and found that the deferral has the effect of denying all viable economic use of the property, or that the deferral violates applicable federal or state constitution or law, the City Commission shall grant relief from the moratorium to the extent necessary to cure the violation.

Moved by Commissioner Rasor  
Seconded by Commissioner

BE IT RESOLVED, that the motion be amended to include directing staff to gather information about the types of businesses that want to locate in Royal Oak, what store fronts they are interested in and what regulations and user fees would have to be charged to properly police these businesses.

MOTION FAILED FOR LACK OF SUPPORT

#### ORIGINAL MOTION BACK ON THE TABLE

WHEREAS, on November 4, 2008, Michigan voters approved a ballot initiative that legalized medical marijuana; and

WHEREAS, on December 4, 2008, Michigan's Medical Marijuana Act (MMMA), MCL 333.2641 et seq., took effect; and

WHEREAS, on April 4, 2009, the Michigan Department of Community Health adopted rules to implement the MMMA; and

WHEREAS, on March 9, 2010, the City's Planning Commission offered a recommendation that medical marijuana facilities be permitted as a special land use in the General Business District; and

WHEREAS, there continues to be a great deal of uncertainty among municipalities across the State as to how best to regulate the dispensing of medical marijuana; and

WHEREAS, the City Commission has determined that it is necessary to give further study to the Planning Commission's recommendation, in order to insure consistent, cohesive and sensible land use and development in the City; and

WHEREAS, the City Commission has determined that during this further study, it would be counterproductive if applications for approvals related to medical marihuana facilities were allowed to move forward; and

WHEREAS, the City Commission also recognizes that deferring review of applications for approvals related to medical marijuana facilities could result in hardship to some applicants;

THEREFORE, BE IT RESOLVED, that during the course of the City Commission's deliberations on the Planning Commission's recommendation as to the appropriate zoning for medical marihuana facilities, review of all applications related to medical marihuana facilities should be deferred, and that a moratorium is hereby declared, effective immediately, for a period of 180 days.

BE IT FURTHER RESOLVED, that during the period of this moratorium, there shall be no consideration or action taken by the City, any elected official, any appointed official, or any employee on any request for any approval related to a medical marihuana facility.

BE IT FURTHER RESOLVED, that during the period of this moratorium, any entity or property owner alleging that the deferred review resulting from the moratorium will result in the denial of any viable economic use of property or would otherwise result in a violation of applicable federal or state constitution or law shall be entitled to an expedited hearing before the City Commission. At the conclusion of this hearing, the City Commission shall make findings and conclusions with respect to whether or not the Petitioner has demonstrated that all viable economic use of the property has been denied by the deferred review, and/or whether or not his resolution on its face or as applied to the Petitioner violates applicable federal or state constitution or law. If it is demonstrated and found that the deferral has the effect of denying all viable economic use of the property, or that the deferral violates applicable federal or state constitution or law, the City Commission shall grant relief from the moratorium to the extent necessary to cure the violation.

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

NAYS: Commissioner Rasor

MOTION ADOPTED

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Upon Motion of Commissioner Drinkwine, Seconded by Commissioner Rasor, and adopted unanimously, the Regular Meeting was adjourned at 10:52 P.M.

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Melanie Halas, City Clerk

The foregoing Minutes of the Regular Meeting held on April 19, 2010, having been officially approved by the City Commission on Monday, May 3, 2010, are hereby signed this third day of May.

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James B. Ellison, Mayor

Exhibit A

**ORDINANCE NO. 2010-07**

AN ORDINANCE TO AMEND THE ROYAL OAK CITY CODE AT CHAPTER 556, "PROPERTY MAINTENANCE", SECTION 556-4, "ADDITIONAL AMENDMENTS TO STANDARDS", SECTION 104.8(C), "LICENSES AND INSPECTIONS", TO ESTABLISH A LATE CHARGE ON AN INITIAL APPLICATION FOR A RESIDENTIAL RENTAL LICENSE, AND TO PROVIDE FOR A LIEN ON REAL PROPERTY FOR ALL UNPAID FEES AND CHARGES ON RESIDENTIAL RENTAL LICENSES

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 International Property Maintenance Code."

SECTION 2. STATEMENT OF PURPOSE. This is an ordinance to amend the City Code at Chapter 556, "Property Maintenance", Section 556-4, "Additional Amendments to Standards", Section 104.8(c), "Licenses and Inspections", to establish a late charge on an initial application for a residential rental license, and to provide for a lien on real property for all unpaid fees and charges on residential rental licenses.

SECTION 3. AMENDMENT AT SECTION 556-4. The Royal Oak City Code, Chapter 556, "Property Maintenance", is hereby amended at Section 556-4, "Additional Amendments to Standards", Section 104.8(c), "Licenses and Inspections", which shall now read as follows:

- "(c) A license shall be in effect until the expiration date indicated on the license unless revoked for cause by the City. Failure to secure or renew a license in accordance with the provisions of this chapter or failure to pay such inspection fee is a violation of this chapter. A late charge of \$1 per day, per dwelling unit, with a minimum of \$5 shall be charged on all payments received after the due date, which is 30 days after the expiration of an existing license or 30 days after notification that an initial license is required. All fees and charges shall be paid by the owner. If the owner fails to pay the City as provided within 30 days of demand by the City, the City shall have a lien on the property for all unpaid fees and charges and may enforce such lien in the manner prescribed by State law for the enforcement of tax liens."

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.

Exhibit B

**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.