

A Special Meeting of the Royal Oak City Commission was held on Monday, May 3, 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 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 Attorney/Client Privilege and Collective Bargaining.

ROLL CALL VOTE

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

NAYS: None

ABSENT: Commissioner Rasor

MOTION ADOPTED

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A Regular Meeting of the Royal Oak City Commission was held on Monday, May 3, 2010, in the City Hall, 211 Williams, Royal Oak. The Meeting was called to order by Mayor Ellison at 7:40 p.m.

Mayor Ellison gave the Invocation. Royal Oak Tiger Cubs, Pack #1607 led the Pledge of Allegiance.

| ROLL CALL     | PRESENT  | ABSENT |
|---------------|--|--------|
| Mayor         | Ellison  |        |
| Commissioners | Andrzejak<br>Capello<br>Drinkwine<br>Poulton<br>Semchena | Rasor  |

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**ANNOUNCEMENTS**

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

SPECIAL EVENTS

Thursday, May 6<sup>th</sup>

Starting at 4:00 p.m.-The Royal Oak High School Lacrosse teams are partnering with Royal Oak Noodles & Co (470 S. Main Street) in a fundraiser. Just mention Royal Oak High School Lacrosse to the cashier when ordering, and 25% of your bill will go to support the junior-varsity and varsity teams.

Saturday, May 8<sup>th</sup>

10:00a.m.-Noon-The Royal Oak Memorial Society needs volunteers to help clean and spruce up Oakwood Cemetery. Also, they are seeking volunteers to place flags next to the graves on May 29th for

Memorial Day. For information on how to get involved, contact Cathy Taylor at: (248) 589-3689 or [cktaylor@comcast.net](mailto:cktaylor@comcast.net)

Sunday May 9<sup>th</sup>

7:00 a.m.–2:00 p.m.-“Royal Oak in Bloom” in the Williams Street parking lot in front of City Hall. The Chamber of Commerce, along with English Gardens, offers an array of perennials, annuals, plants, garden art, furniture and much more. The Royal Oak Garden Club and the Royal Oak Nature Society will be on hand to provide advice on gardening issues. Contact Shelly Kemp at the Chamber, [shellyk@royaloakchamber.com](mailto:shellyk@royaloakchamber.com)

Sunday, May 9<sup>th</sup>

1:00- 4:00p.m.-Rhoda Starr’s Mothers Day Open House presented by the Orson Starr House Guild. Come and learn about two pioneer mothers of Royal Oak, Lydia and Rhoda Starr. The Guild has gifts for all mothers who visit the Starr House on Mothers Day. The Orson Starr House Museum is at 3123 N. Main Street (1 block South of 13 Mile Road). For additional information contact Lois Lance at (248) 546-0138.

Tuesday, May 11<sup>th</sup>

7:00 p.m.-The Royal Oak Historical Society is having a Town Hall Meeting featuring a presentation of "Where Did Annie Get Her Gun?" at the Royal Oak Middle School, 709 N. Washington in the “Gathering Place”. Bess Edwards, Annie’s grandniece, will be showing the DVD she created about Annie Oakley, and will speak and answer questions after the showing.

Wednesday, May 12<sup>th</sup>

5:00 – 9:00 p.m.-The Royal Oak Farmer’s Market will be the location for a Spaghetti Dinner Fundraiser for the Police Department Honor Guard. \$10 for adults, \$5 for children between 5 and 12 years of age, and free for those under 5. This is their first fundraising effort, so let’s enjoy a meal and help support this unit. Saturday and Sunday, May 15th and 16th - The Royal Oak American Cancer Relay for Life is happening at the Royal Oak Middle School. You can support an existing team with donations, or start your very own team and walk for the cause! Join us, or find more information online about Relay for Life at [www.relayforlife.org/royaloakmi](http://www.relayforlife.org/royaloakmi)

Saturday, May 15<sup>th</sup>

Noon-5:00p.m.-The Royal Oak Restaurant Association and Downtown Development Authority team up for the 6th Annual Wine Stroll. The proceeds from this event benefit the Boys & Girls Club of South Oakland and Stagecrafters. For details, check out the Upcoming Events section of the Downtown Royal Oak website, [www.downtownroyaloak.org](http://www.downtownroyaloak.org)

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**YOUTH OF THE YEAR**

Mayor Ellison presented Ms. Rita Maizy with a proclamation in recognition of her Youth of the Year award from the Boys’ and Girls’ Club.

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**PROCLAMATIONS  
MENTAL HEALTH MONTH**

There was no one present to receive the proclamation.

\* \* \*

**NATIONAL MUSIC WEEK**

Mayor Ellison presented members of the Royal Oak Musicale with a proclamation recognizing May 2-9, 2010 as National Music Week.

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**POLICE CITIZENS AWARD  
JORDAN KENNELLY**

Chief Jahnke presented Mr. Jordan Kennelly with a Police Citizens Award for his assistance which led to the capture of the suspect that broke into his family's home.

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**PUBLIC COMMENT**

Mr. Tom Regan, 3126 Glenview, represented the PTSA. They were having an event on Monday, May 10<sup>th</sup> at Royal Oak Middle School at 7 p.m. regarding school funding. State representatives and candidates will be in attendance.

\* \* \*

Mr. Gayle Chinn owns Chinn Jewelry. Last Saturday they celebrated 41 years in Royal Oak. Arts, Beats and Eats Festival looked great but all day festivals cut his revenue by 66%. He could not cover the additional expenses and make a profit. Whether or not he participates in ABE he would need to provide security for his parking lot. He was considering having a promotion in his lot that day. Item 13 would not allow that.

\* \* \*

Mr. Tony Torres is a Royal Oak resident. He was concerned with why the work being done on Washington was contracted to a Macomb County business that contracted it out to a Wayne County business that hired undocumented workers.

\* \* \*

Ms. Carol Hennessey, 258 E. 12 Mile, announced that cleaning of the graves was extended to May 8<sup>th</sup> and May 15<sup>th</sup> at 10 a.m. at Oakview. Volunteers were needed to help in the parade, adults as well as students. Be at 696/Main at 8 a.m. They need at least 60 volunteers just to carry the flag. They also need marshals and people to walk along with the flag in case anyone needs a break. Please call 248-589-3689.

\* \* \*

Mr. Mike Ripinski, 3152 Parker, announced the Royal Oak Optimist Club Jr. Golf Tournament on May 22<sup>nd</sup> at Royal Oak Golf Course. Youths ages 10-18 throughout the south Oakland area could participate. Information is available at [www.royalookoptimists.org](http://www.royalookoptimists.org), at the golf course and on the city's website.

\* \* \*

Mr. Brett Tillander thanked Gwen Ross, Shelly Mazur and Jim Harris for their assistance when they lost power at the Cinco de Mayo event at the Farmers Market this past Saturday. They needed to make this a safe community for children and thanked the Commission for their efforts.

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Mr. Jason Krieger representative of "11 Mile Has It All" spoke in support of Item 16. He thanked the Rehabilitation Board of Appeals for their hard work on this issue.

\* \* \*

Mr. Billy Turell and Ms. Stephanie Koller, 1424 Whitcomb, were against charging for parking on Sundays. Many businesses were open Sundays and thrived because of it. Free parking was a big reason for it. Their salon is open Sundays and it was great because their clients didn't have to worry about the meters.

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Mr. Bill Shaw believed all budget information should be available to the public. Block Grant monies are for the people. He wanted audit results made available to the public. It would be helpful to have a spokesperson from the bargaining units to speak at the budget meetings.

\* \* \*

Ms. Kathleen Fegley, 707 S. Rembrandt, was against charging for parking on Sundays. Retailers don't want it and it sends a negative message to customers. The money from tickets is not worth the risk of losing customers.

\* \* \*

Ms. Sylvia Stefanovich, owner of "Rise" at 525 S. Washington, opposed charging for parking on Sundays. Many of her customers do brunch and then browse around town. If they had to pay for parking they might go to other cities.

\* \* \*

Ms. Nancy Barnett, 506 N. Troy, was concerned about the petition being circulated to get open burning on the ballot. She was against it. They were facing massive layoffs and couldn't afford the enforcement. People will have fires anyway. The smoking ban just went into effect and now people wanted to do this. There's no benefit to it.

\* \* \*

Mr. Keith Howarth, Noir Leather, 124 W. Fourth, opposed charging for parking on Sundays. He opened his business in 1983 when parking was free weekday evenings and all day Sunday. A group of retailers got together to advertise the free parking to attract shoppers. Over the years they lost that edge. They didn't want to lose free Sundays.

\* \* \*

Ms. Esther Tocco, Fitness Unlimited, 408 S. Lafayette, opposed charging for parking on Sundays. They have a small lot but on Sundays when they have a class it's nice that those attending can park for free.

\* \* \*

Ms. Kellie Hayden, Shine, 621 S. Washington, opposed charging for parking on Sundays. Her shop was open seven days a week and it was nice to have one day that they don't have to pay the meters.

\* \* \*

Mr. Kent Albertson, Lift Designer Toys, 228 W. Fourth, opposed charging for parking on Sundays. People spend more time downtown when they don't have to worry about the meters. They need to do everything they can to help businesses succeed. No other destination city charges for parking on Sunday. It would cause negative publicity and alienate customers.

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Mr. Jim Thienel, "11 Mile Has It All", announced that all their handouts were available online at [www.11mileisamainstreet.com](http://www.11mileisamainstreet.com). He spoke about the benefits of a revitalized district.

\* \* \*

Mr. Dave Woodward, 1718 W. Farnum, spoke about Oakland County launching a micro loan program. Information is available at [www.oakgov.com](http://www.oakgov.com) or call 248-460-3973. He encouraged support of Item 16.

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Ms. Laura Harrison, 2729 Trafford, opposed charging for parking on Sundays. They have a great Sunday business that took a lot of work to build. The past year and a half have been rough.

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### **APPROVAL OF AGENDA**

Item 9E 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 May 3, 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 April 19, 2010 are hereby approved.
- B. BE IT RESOLVED that the claims of April 23, 2010 in the amount of \$1,095,142.44; April 30, 2010 in the amount of \$875,748.95 and May 4, 2010 in the amount of \$818,752.38 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 #145-10 dated 04-30-10.
- D. BE IT RESOLVED that the City Commission hereby approves the 2010 Amendment to the International Property Maintenance Code (Exhibit A) on Second Reading.
- F. BE IT RESOLVED that the Mayor is hereby authorized to execute the agreement between the City of Royal Oak and Richard J. Lomas, "Shrine High School Alumni Relations", for a 5K run and 1 Mile run/walk on Saturday, June 26, 2010.
- G. BE IT RESOLVED that the City Commission hereby approves the agreement between the City of Royal Oak and the Michigan Chapter of the Leukemia and Lymphoma Society for the 12th Annual Light the Night Leukemia Walk on Friday, September 24, 2010.
- H. BE IT RESOLVED that the City Commission hereby approves the First Amendment to Development Agreement between the City and the Village of Royal Oak Limited Dividend Housing Limited Partnership.

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby authorized to execute the First Amendment on behalf of the City.

- I. BE IT RESOLVED that the agreements between Consumer's Energy Corporation and the City of Royal Oak for the use of parking lot at the Royal Oak Service Center be approved in accordance with the contract provided.
- J. BE IT RESOLVED that the City Commission hereby approves the Client Application and Agreement with Delta Dental for the DeltaPreferred Option USA Point-of-Service (Passive PPO) Plan.
- BE IT FURTHER RESOLVED that the Mayor and City Clerk are authorized to execute the Agreement on behalf of the City.
- K. 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 East Lincoln Avenue Improvements Project from Campbell Rd. to southbound Stephenson Highway.
- L. BE IT RESOLVED that the City Commission hereby approves that the Royal Oak Memorial Day Parade Committee may display the Michigan Vietnam Veteran Traveling Memorial on May 22 and May 23, 2010 in Barbara Hallman Plaza. The City Manager is authorized to rescind this approval if he is not satisfied with all arrangements for this display.
- M. BE IT RESOLVED the City Commission declares the above surplus and authorizes the sale of those items at the Auction on June, 2009. All net proceeds for equipment to be deposited into Motor Pool revenue account #661.000.69301.

ADOPTED UNANIMOUSLY

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**SPECIAL EVENT PERMIT  
NEW YEAR'S EVE BALL DROP, DECEMBER 31, 2010**

Moved by Commissioner Andrzejak  
Seconded by Commissioner Capello

BE IT RESOLVED that the Mayor is hereby authorized to execute the agreement between the City of Royal Oak and Citadel Broadcasting for a Rockin' Royal Oak New Year's Eve event on Friday, December 31, 2010/Saturday, January 1, 2011.

AND BE IT FURTHER RESOLVED all parking fees for reserved event areas and City provided Police and security service fees over the amount of \$ 2,500, will not be waived for the event on Friday, December 31, 2010/Saturday, January 1, 2011.

ADOPTED UNANIMOUSLY

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**APPOINTMENTS COMMITTEE ROTATION**

Moved by Commissioner Andrzejak  
Seconded by Commissioner Poulton

BE IT RESOLVED that the Appointments Committee members rotate to Commissioner Capello, Commissioner Drinkwine and Commissioner Semchena effective immediately.

ADOPTED UNANIMOUSLY

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**REAPPOINTMENT OF HOUSING COMMISSION MEMBER**

Moved by Commissioner Semchena  
Seconded by Commissioner Drinkwine

BE IT RESOLVED that the City Commission hereby approves the following reappointment:

| <u>Name</u>    | <u>Appointment</u> | <u>Term Expires</u> |
|----------------|--------------------|---------------------|
| Michelle Chind | Housing Commission | 4/15/2012           |

ADOPTED UNANIMOUSLY

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**HISTORIC DISTRICT ORDINANCE  
STAUCH HOUSE, 4620 ELMHURST, FIRST READING**

Moved by Commissioner Semchena  
Seconded by Commissioner Drinkwine

WHEREAS, the Royal Oak Historic District Study Committee has completed its study of the proposed Stauch House Historic District; and

WHEREAS, the Study Committee has determined that buildings within the proposed historic district merit preservation and restoration; and

WHEREAS, based on a thorough review of the Study Committee's report, public comments and statements of interested parties, the Royal Oak City Commission determines that the property described above is eligible for local historic designation under the guidelines established by City of Royal Oak Code of Ordinances § 82-1, *and sequence*, the Historic District Study Committee Ordinance:

THEREFORE, BE IT RESOLVED, that the Stauch House Historic District Ordinance (Exhibit B) be approved on First Reading.

ADOPTED UNANIMOUSLY

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

Moved by Commissioner Capello  
Seconded by Commissioner Drinkwine

BE IT RESOLVED, that the City Commission hereby approves the First Amendment to Festival Agreement with the Downtown Development Authority and Arts, Beats and Eats, Inc.

ADOPTED UNANIMOUSLY

Commissioner Andrzejak left the table at 9:10 p.m. and returned at 9:11 p.m.

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**AMENDMENT TO THE SPECIAL EVENT ORDINANCE, FIRST READING**

Moved by Commissioner Andrzejak  
Seconded by Commissioner Capello

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

MOTION ADOPTED

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

NAYS: Commissioner Poulton

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**POLICY ON LOCAL CIVIC ORGANIZATION QUALIFICATION**

Mayor Ellison left the Table at 10:02 p.m. and returned at 10:05 p.m.

Commissioner Drinkwine left the Table at 10:02 p.m. and returned at 10:06 p.m.

Commissioner Semchena stated they should be receiving recommendations from administration and demonstration that due diligence has been performed in analyzing the raw information presented to verify its veracity and accuracy.

Commissioner Drinkwine requested staff find out if the State has a mechanism for a city to pull back their endorsement and if there's a way to find out if another city had already done so.

Commissioner Poulton left the Table at 10:24 p.m. and returned at 10:27 p.m.

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**REHABILITATION BOARD OF APPEALS RECOMMENDATION  
FOR THE CDBG CONSOLIDATION PLAN/ANNUAL ACTION PLAN**

Moved by Commissioner Semchena  
Seconded by Commissioner Capello

BE IT RESOLVED that the City Commission hereby approves the Community Development Block Grant Program's Program Year 2010-2015 Consolidated Plan and the Program Year 2010-2011 Annual Action Plan and directs staff to process the documents in accordance with program requirements.

ADOPTED UNANIMOUSLY

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**EASEMENT AGREEMENT FOR FORMER STARR SCHOOL SITE**

Commissioner Capello left the Table at 10:29 PM.

Moved by Commissioner Andrzejak  
Seconded by Commissioner Drinkwine

BE IT RESOLVED, that the Mayor and City Clerk be authorized to execute the Grant of Easement agreements with Village of Royal Oak, Limited Dividend Housing Association, Limited

Partnership, of Southfield, Michigan for the new public utilities and storm water detention basin at the Village of Royal Oak Development site.

**MOTION ADOPTED**

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

NAYS: None

ABSENT: Commissioner Capello

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**BUDGET PRESENTATION**

City Manager Johnson presented the City Commission with copies of the budget.

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**APPOINTMENT OF COMMISSION MEMBERS TO CITY/DDA LIAISON**

Moved by Commissioner Andrzejak  
Seconded by Commissioner Poulton

BE IT RESOLVED that the City Commission hereby appoints Mayor Ellison, Commissioner Capello and Commissioner Semchena to serve as the City Commission's representatives to the City/DDA Liaison Committee.

**MOTION ADOPTED**

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

NAYS: None

ABSENT: Commissioner Capello

Commissioner Capello returned to the Table at 10:32 PM

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By unanimous decision the Commission adjourned to Closed Session at 10:33 P.M.

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Melanie Halas, City Clerk

The foregoing Minutes of the Regular Meeting held on May 3, 2010, having been officially approved by the City Commission on Monday, May 17, 2010, are hereby signed this seventeenth 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. 2010-08**

AN ORDINANCE TO CREATE THE STAUCH HOUSE HISTORIC DISTRICT UNDER THE GUIDELINES ESTABLISHED BY THE CITY OF ROYAL OAK CODE OF ORDINANCES, § 82-1 *AND SEQUENCE*, THE HISTORIC DISTRICT STUDY COMMITTEE ORDINANCE.

THE CITY OF ROYAL OAK ORDAINS:

Section 1. TITLE. This ordinance shall also be known as the "Stauch House Historic District Ordinance."

Section 2. PURPOSE. The purpose of this ordinance is to provide for the preservation and/or rehabilitation of the buildings and property at the historic sites of the former Stauch House at 4620 Elmhurst Avenue, in the City of Royal Oak, Michigan, also known more specifically as:

**T1N, R11E, Sec 5 Norwood Estates Sub N 8.50 ft of Lot 118 & 99 ft of Lot 119**

Section 3. ELIGIBILITY. The Royal Oak City Commission determines that the properties described above are eligible for local historic designation under the guidelines established by City of Royal Oak Code of Ordinances § 82-1, *and sequence*, the Historic District Study Committee Ordinance.

Section 4. DESIGNATION. The Royal Oak City Commission hereby designates the properties described in Section 2 as historic districts pursuant to City of Royal Oak Code of Ordinances § 82-1, *and sequence*, the Historic District Study Committee Ordinance.

Section 5. CERTIFICATE OF APPROPRIATENESS. The owner or owners of the property or portions of the property described in Section 2 are required to apply for and obtain a certificate of appropriateness before commencing any work in the historic site. When considering an application, the Historic District Commission will be guided by the standards for rehabilitation set forth by the United States Secretary of the Interior at 26 CFR part 67 and the City of Royal Oak Code of Ordinances § 82-1, *and sequence*.

Section 6. 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 7. 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 8. 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 9. EFFECTIVE DATE. This ordinance takes effect ten (10) days after the final passage.

Exhibit C

**ORDINANCE NO. 2010-06**

AN ORDINANCE TO AMEND THE ROYAL OAK CITY CODE AT CHAPTER 312, "EVENTS, SPECIAL", TO LIMIT SPECIAL EVENTS AND OTHER COMMERCIAL ACTIVITY DURING THE ARTS, BEATS AND EATS FESTIVAL, AND TO REQUIRE AN APPLICANT FOR A SPECIAL EVENT PERMIT RELATED TO THE FESTIVAL TO MAKE APPLICATION AT LEAST 60 DAYS PRIOR TO THE EVENT

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 Special Event Ordinance."

SECTION 2. STATEMENT OF PURPOSE. This is an ordinance to amend the Royal Oak City Code at Chapter 312, "Events, Special", to limit special events and other commercial activity during the Arts, Beats and Eats Festival, and to require an applicant for a special event permit related to the Festival to make application at least 60 days prior to the event.

SECTION 3. AMENDMENT AT SECTION 312-3. The Royal Oak City Code, Chapter 312, "Events, Special", is hereby amended at Section 312-3, "Permit required; restrictions during Woodward Dream Cruise", which shall now read as follows:

**"Section 312-3. Permit required; restrictions during Woodward Dream Cruise and Arts, Beats and Eats Festival.**

- A. It shall be unlawful for any person, organization, group, or entity to stage or hold a special event without first obtaining a permit therefore from the Clerk of the City of Royal Oak.
- B. No special event permit(s) shall be issued for any use of a rooftop for any activity during, and for the two-week period immediately preceding, the Woodward Dream Cruise.
- C. No special event permit(s) or special (one-day) liquor license(s) shall be issued for any activity other than activities produced and operated by Arts, Beats and Eats, Inc. during the Arts, Beats and Eats Festival in the following area: on the north, Catalpa Drive/Gardenia Avenue from Woodward Avenue to Alexander Avenue/Longfellow Avenue; on the east, Alexander Avenue/Longfellow Avenue from Gardenia Avenue to I-696; on the south, I-696 from Longfellow Avenue to Woodward Avenue; and on the west, Woodward Avenue from I-696 to Catalpa Drive. For purposes of this Chapter, this area shall be known as, and may be referred to as the Festival Zone."

SECTION 4. AMENDMENT AT SECTION 312-6. The Royal Oak City Code, Chapter 312, "Events, Special", is hereby amended at Section 312-6, "Criteria for issuing permit", which shall now read as follows:

**"Section 312-6. Arts, Beats and Eats Festival.**

- A. Approved outdoor service areas within the Festival Zone shall be allowed to continue to operate, but may not be increase or expanded during the Arts, Beats and Eats Festival.
- B. Arts, Beats and Eats, Inc., is hereby granted the exclusive right to hang temporary banners recognizing Festival sponsors on any public property (with the prior approval of the City) and any private property (with the prior approval of the property owner) within the Festival footprint during, and for the one day immediately preceding, the Arts, Beats and Eats Festival. During those dates, an owner or lessee of private property within the Festival footprint may not hang any commercial signage related to any other entity other than its own business on its building, or in or on its storefront.
- C. Every applicant for a permit to stage or hold a special event associated with the Arts, Beats and Eats Festival outside the Festival Zone shall file an application at least 60 days prior to

the event with the City Clerk's Office upon a form provided by the City of Royal Oak. The applicant will otherwise comply with the provisions of Section 312-4 of this chapter."

SECTION 5. AMENDMENT AT SECTION 312-7. The Royal Oak City Code, Chapter 312, "Events, Special", is hereby amended at Section 312-7, "Violations and penalties", which shall now read as follows:

**"Section 312-7. Criteria for issuing permit.**

A permit shall be issued by the City Commission if the following criteria are met:

- A. The application was fully and accurately completed.
- B. Adequate provisions have been made for the protection of the health, safety and welfare of the community.
- C. The special event will not unreasonably affect the use or enjoyment of private or public property and will not cause unreasonable traffic hazards or delays.
- D. The special event will not constitute a public nuisance.
- E. The applicant makes payment to the City in assigning personnel to the special event to assure the health, safety and welfare of the community, as determined by evaluating the information submitted in the application. In addition, said payment shall also include the cost incurred by the City in notifying area property owners, if such notification is determined necessary by the City Commission. The final billing will be adjusted to reflect the actual utilization of City personnel and equipment.
- F. The special event will not adversely impact or unreasonably affect the use or enjoyment of the private property in the vicinity of the event."

SECTION 6. AMENDMENT AT SECTION 312-8. The Royal Oak City Code, Chapter 312, "Events, Special", is hereby amended to include a new Section 312-8, which shall read as follows:

**"Section 312-8. Violations and penalties.**

Any person who violates any provision of this chapter shall be deemed guilty of a misdemeanor upon conviction and shall be punished by the imposition of a fine not to exceed \$500 and/or by imprisonment for a period not to exceed 90 days within the discretion of the court."

SECTION 7. 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 8. 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 9. 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 10. EFFECTIVE DATE. This ordinance shall take effect ten (10) days after the final passage thereof.