

A Special Meeting of the Royal Oak City Commission was held on Monday, May 17, 2010, in Room 309 of City Hall, 211 Williams, Royal Oak. The Meeting was called to order by Mayor Ellison at 6:00 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 Drinkwine

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

**ROLL CALL VOTE**

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

NAYS: None

ABSENT: Commissioners Poulton (6:06PM), Rasor (6:04PM)

MOTION ADOPTED

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A Regular Meeting of the Royal Oak City Commission was held on Monday, May 17, 2010, in the City Hall, 211 Williams, Royal Oak. The Meeting was called to order by Mayor Ellison at 7:37 p.m.

Commissioner Andrzejak 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**

**Memorial Day, Monday – May 31st**

Memorial Day Pancake Breakfast hosted by the Royal Oak Historical Society in the Farmers Market. 7:00 a.m. through 12 noon. \$6 for Adults, \$3 for children 10 and under.

Royal Oak Memorial Day Parade, 9:00 a.m., New route! The parade will start at South Main Street and Harrison, head North to 2nd Street, then east to the Veteran's Memorial located on the plaza in front of the Library.

Saturday, June 5, 2010

2010 Oak/Apple Run 7:30 a.m., sponsored by the Royal Oak Optimist Club and First United Methodist Church to benefit the South Oakland County Boys and Girls Club. The Oak Apple Run is for all ages, groups and families. The 10K Race starts at 7:30am, 2 Mile Fun Run/Walk at 8:45am and the 1/4 Mile Kids Run at 9:30am. Check [www.oakapplerun.org](http://www.oakapplerun.org) for more details and enrollment information.

Commissioner Capello noted that recently two skunks in the area tested positive for rabies. One had bitten a dog. All three animals were destroyed. Please vaccinate your pets against rabies. Rabies in animals can only be prevented not treated.

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**PROCLAMATIONS  
POLICE MEMORIAL WEEK**

Chief Jahnke announced that the past week was National Police memorial Week to recognize those officers who lost their lives in service.

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**POLICE OFFICER AWARDS**

Mayor Ellison and Chief Jahnke presented the following awards:

Officer Jacob Theisen	Certificate of Commendation
Officer Matthew Murray	Meritory Service
Police Service Aide Regina Chandler	PSA of the Year
Detective Keith Spencer	Detective of the Year
Officer Richard Chipman	Officer of the Year
Sgt. Christopher Annetta	Command Officer of the Year

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Mayor Ellison read a letter requesting consideration of the transfer of the Class C license from 5<sup>th</sup> Avenue Billiards to Eye of the Tiger be postponed to a later date.

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**PUBLIC COMMENT**

Mr. Russ Fisher, 2732 Glenwood, suggested they charge more for ambulance runs to keep the service. It would be worth it for shorter response times and better care.

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Ms. Jill Ross, 702 S Gainsborough, spoke on behalf of public safety suggesting a millage. She was willing to pay more to retain their services.

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Ms. Nancy Barnett, 506 N. Troy, spoke in favor of preserving public safety. You can't maintain safety with numbers that low.

\* \* \*

Ms. Carol Hennessey, 258 E. 12 Mile, announced the Vietnam Veterans Traveling Memorial will be in Royal Oak from 8 a.m. Saturday, May 22 to 3 p.m. Sunday, May 23. It will be located at the Veterans Memorial Plaza and is a free event. It's sponsored by Chapter 154 of the Vietnam Veterans of America. They were asking for photos of anyone from Michigan killed in Vietnam so they can match them to the names. The Royal Oak Memorial Day Parade will be May 31<sup>st</sup> starting at 9 a.m. at Kenilworth and head

north to the Memorial. On May 29<sup>th</sup> they will meet at 10 a.m. to place flags on graves at Oakview Cemetery.

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Dr. Steve McGraw, Grosse Pointe Park, is the EMS Medical Director for Oakland County. A private provider can't have the in-house real-time response that a fire-based EMS system can have. There is a drop off in response times, quality, availability and accountability.

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Mr. Steve Miller, 4014 Edgeland, wanted to publicly thank the Fire Department and EMS. Due to a lightning strike he lost his art institute/garage. They saved his house and rescued works some of the art. Without public safety they'd pay higher insurance rates. A millage would be cheaper.

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Mr. Matt Blom, 314 Hawthorn, wondered if any of the officers receiving awards tonight were among those under consideration for lay off. In November 2004 18,000 residents voted "yes" on Proposal A. With the current census they should have 71 firefighters. Why do they only have 59? He suggested they use the money in the Parking Fund to pay for more firefighters.

\* \* \*

Mr. Larry Birkett, 223 E. LaSalle, was against staff cuts for the police and fire departments. Lives would be endangered. If people want good services and schools they need to pay for them. He asked the Commission to consider placing a millage proposal on the ballot. Let the residents decide what level of staffing they wanted.

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Mr. Brendan Wehrung, 702 Irving, wanted to know how many mills would needed to get them out of trouble. He was opposed to the Emagine Theater parking agreement that had them parking at the Farmers Market.

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Mr. Mike Byl, 3644 Betsy Ross, was concerned with the loss of EMS and fire personnel. Outsourcing those services would result in loss of quality and longer response times.

\* \* \*

Ms. Kelly Hayden, Shine, 621 S Washington, was opposed to charging to park at meters on Sunday. It might cause visitors to go elsewhere. She was also concerned about proposed public safety layoffs. They need to find a better way to balance numbers than by putting people at risk. The police and fire departments do a wonderful job.

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Sgt. Al Carter, 618 Detroit, congratulated his fellow officers on their awards. He spoke about their fundraiser to send officers to Honor Guard training. Royal Oak is a safe city because of the proactive police department.

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Mr. Jim Craft, 2027 Clawson, presented the 2009 Annual Report for the Historical Commission.

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Ms. Stephanie Koller, 1424 Whitcomb, thanked everyone for their participation in the Wine Stroll. Two weeks ago she spoke against charging for parking on Sundays. She wanted to work with the Commission

regarding creative ideas to help raise more money for the City. She invited the Commission to attend the upcoming retailers meeting.

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Ms. Sylvia Stefanovich, 1509 Millard, as a resident and business owner was concerned with public safety layoffs. The last time she had a theft it took an hour for the police to respond. The merchandise was not recovered.

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Mr. Greg Stanalajczo, 617 Dewey, suggested they look outside the box for solutions to the budget.

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Ms. Lauren Hodson, 2740 Glenwood, had to use the ambulance service two years ago. If she had to wait for an ambulance from another city, she might not have made it.

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### **APPROVAL OF AGENDA**

Items 8B and C were removed from the Consent Agenda. Item 7B Budget Response was added to the Agenda.

Moved by Commissioner Drinkwine  
Seconded by Commissioner Rasor

BE IT RESOLVED that the City Commission hereby approves the agenda for the May 17, 2010 meeting as amended.

ADOPTED UNANIMOUSLY

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### **BUDGET RESPONSE**

City Manager Johnson read a prepared statement.

"I want to make it very clear that this Commission has agonized over the City's financial crisis and the potential layoffs we're facing right now. My office door has been open to the bargaining units to discuss this for about 75 days. We've asked for real concessions from our unions to save as many jobs and services as possible. This City is hurting. Our residents are hurting. There needs to be shared sacrifices from the employees. Regrettably, most but not all of our associations and unions have not reached agreement with us to save jobs and services. These talks continue. This Commission is committed to saving as many jobs and services as possible. I do not think its fair to our employees who have not yet been individually notified of layoffs to discuss those in detail here or to our unions to try to negotiate publicly. Our budget process has been transparent. Our financial crisis is real and it will only get worse. Concessions are absolutely essential to save some jobs and services. By itself they will not solve the problem and they will not eliminate the need for layoffs. The budget gap is too severe. But we remain committed to taking all steps we can to preserve as many jobs and services as possible and we will keep meeting with our unions with that in mind. Thank you."

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## 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 May 3, 2010 and May 10, 2010 are hereby approved.
- D. 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 (see Exhibit A) be approved on Second Reading.

- E1. BE IT RESOLVED that the Mayor is hereby authorized to execute the agreement between the City of Royal Oak and the Steppin' Out Foundation for the 20th Annual Steppin' Out/AIDS Walk Detroit on September 19, 2010.
- E2. BE IT RESOLVED that the Mayor is hereby authorized to execute the agreement between the City of Royal Oak and the Royal Oak Chamber of Commerce for the Sixteenth Annual Royal Oak Clay & Glass Festival on Saturday, June 12th and Sunday, June 13th, 2010.
- E3. BE IT RESOLVED that the Mayor is hereby authorized to execute the agreement between the City of Royal Oak and the Detroit Zoological Society for their annual Sunset at the Zoo fundraising event on Friday, June 18, 2010.
- E4. BE IT RESOLVED that the Mayor is hereby authorized to execute the agreement between the City of Royal Oak and the Detroit Zoological Society for their annual Run Wild for the Detroit Zoo fundraising event on Sunday, September 19, 2010.
- E5. BE IT RESOLVED that the Mayor is hereby authorized to execute the agreement between the City of Royal Oak and Walgreens for a one-day, outdoor beverage concession, sidewalk sale and lease of parking spaces on August 21, 2010.
- F. BE IT RESOLVED that the City Commission hereby accepts the proposal from Chubb Insurance Company for fiduciary liability insurance for the period of June 1, 2010 to June 1, 2011 for the amount of \$9,292.00.

ADOPTED UNANIMOUSLY

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**CLAIMS**

Moved by Commissioner Poulton  
Seconded by Commissioner Drinkwine

BE IT RESOLVED that the claims of May 7, 2010 in the amount of \$889,222.19 and May 18, 2010 in the amount of \$407,585.49 audited by the Department of Finance are hereby approved.

ADOPTED UNANIMOUSLY

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**PURCHASE ORDERS**

Moved by Commissioner Semchena  
Seconded by Commissioner Razor

BE IT RESOLVED that the City Commission hereby postpones approval of the Purchase Orders as listed in Commission Letter #162-10 dated 5-14-10 until the June 7, 2010 meeting.

ADOPTED UNANIMOUSLY

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**APPOINTMENT  
EMPLOYEE RELATIONS AND SUGGESTION COMMITTEE**

Moved by Commissioner Semchena  
Seconded by Commissioner Capello

BE IT RESOLVED that the City Commission hereby appoints Mayor Ellison to the Employee Relations and Suggestion Committee.

ADOPTED UNANIMOUSLY

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**SPECIAL EVENT ORDINANCE AMENDMENT, SECOND READING**

City Attorney Gillam went over the changes made to the ordinance since the First Reading.

The language regarding tent permits was removed.

Moved by Commissioner Semchena  
Seconded by Commissioner Capello

BE IT RESOLVED that the City Commission hereby approves the 2010 Amendment to the Special Event Ordinance (see Exhibit B) on Second Reading.

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

NAYS: Commissioners Poulton and Razor

MOTION ADOPTED

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**DOWNTOWN DEVELOPMENT AUTHORITY AGREEMENTS  
DEBT SERVICE ON PARKING STRUCTURE  
DEBT SERVICE ON 44<sup>TH</sup> DISTRICT COURT  
POLICE SERVICE AGREEMENT**

Moved by Commissioner Andrzejak  
Seconded by Commissioner Semchena

BE IT RESOLVED that the City Commission hereby approves the First Amendment to the Fifth & Lafayette Debt Service Agreement with the Downtown Development Authority, DDA, and

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

BE IT FURTHER RESOLVED that the City Commission hereby approves the First Amendment to the 44th District Court Debt Service Agreement with the Downtown Development Authority, DDA, and

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

BE IT FURTHER RESOLVED that the City Commission hereby approves the Second Amendment to the Extra Police Service Agreement with the Downtown Development Authority, DDA, and

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

ADOPTED UNANIMOUSLY

Commissioner Razor left the Table at 9:38 p.m.

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**DOWNTOWN DEVELOPMENT AUTHORITY ORDINANCE  
REVISION IMPLEMENTATION**

The Commission preferred an Executive Summary rather than the minutes.

Commissioner Razor returned to the Table at 9:42 p.m.

Moved by Commissioner Capello  
Seconded by Commissioner Andrzejak

BE IT RESOLVED that the City Commission hereby approves the inclusion of an Executive Summary of actions taken by the Downtown Development Authority at their meetings in the "consent" portion of the City Commission agendas, thereby approving the actions, unless specifically pulled from consent for discussion and action.

ADOPTED UNANIMOUSLY

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**PARKING AGREEMENT EMAGINE THEATER  
VALET AND EMPLOYEE PARKING**

Mayor Ellison left the Table at 9:44 p.m. and returned at 9:46 p.m.

Planning Director Thwing went over the details of the agreement.

Several members of the Commission expressed concerns regarding allowing use of the Farmers Market lot, the fees and valet parking.

Commissioner Drinkwine left the Table at 10:46 p.m. and returned at 10:48 p.m.

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**LCC RECOMMENDATION  
EYE OF THE TIGER, 215 W. FIFTH**

This item was removed at the request of the petitioner.

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**BUDGET AMENDMENTS  
GENERAL FUND**

The Commission requested additional information.

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**DISCUSSION  
ROYAL OAK ACORN FOUNDATION  
NAME CHANGE PROPOSAL**

Moved by Commissioner Capello  
Seconded by Commissioner Poulton

BE IT RESOLVED, the Royal Oak City Commission concurs with the Acorn Committee's recommendation and directs the City Attorney to prepare an appropriate revision to the Acorn ordinance changing for City Commission consideration.

ADOPTED UNANIMOUSLY

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**DISCUSSION  
PROPOSED HOUSE AND SENATE BILLS  
TO IDENTIFY DISTRESSED RETIREMENT SYSTEMS**

Moved by Commissioner Capello  
Seconded by Commissioner Poulton

BE IT RESOLVED, the City Commission or the City of Royal Oak concurs with the Retirement Board's assessment of the Distressed Municipal Pension System Act and directs the City Clerk to prepare a resolution opposing this legislation. Furthermore, copies of this resolution should be sent to all surrounding municipalities.

ADOPTED UNANIMOUSLY

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Upon Motion of Commissioner Drinkwine, Seconded by Commissioner Capello, and adopted unanimously, the Regular Meeting was adjourned at 11:19 P.M.

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Melanie Halas, City Clerk

The foregoing Minutes of the Regular Meeting held on May 17, 2010, having been officially approved by the City Commission on Monday, June 7, 2010, are hereby signed this seventh day of June.

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James B. Ellison, Mayor

Exhibit A

**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 § 82-13, 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 of 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 with this ordinance are 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 its final passage.

Exhibit B

**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 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, special (one-day) liquor license, transient merchant license, or peddler's license 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 increased 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 prior to the event of the costs anticipated to be incurred by 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.