

A Special Meeting of the Royal Oak City Commission was held on Monday, June 21, 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 Capello, Commissioner Drinkwine, Commissioner Poulton and Commissioner Semchena. Also present were City Manager Johnson, City Attorney Gillam, Human Resources Director DiPaolo, Finance Director Rudd (6:31 p.m.) and Labor Attorney Howard Shifman.

Adjourned to Closed Session

Moved by Commissioner Capello
Seconded by Commissioner Semchena

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

ROLL CALL VOTE

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

NAYS: None

ABSENT: Commissioners Andrzejak and Rasor (6:48 p.m.)

MOTION ADOPTED

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A Regular Meeting of the Royal Oak City Commission was held on Monday, June 21, 2010, in the City Hall, 211 Williams, Royal Oak. The Meeting was called to order by Mayor Ellison at 7:42 p.m.

Commissioner Drinkwine gave the Invocation. Everyone present gave the Pledge of Allegiance.

ROLL CALL	PRESENT	ABSENT
Mayor	Ellison	
Commissioners	Capello Drinkwine Poulton Rasor Semchena	Andrzejak

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ANNOUNCEMENTS

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

Tuesday, June 22nd from 5:30 – 8:00 pm Sangria's Sky Bar at 401 S. Lafayette is hosting the 4th annual Royal Oak Animal Shelter Fundraiser and Silent Auction. The \$10 tickets are available at Wild Birds Unlimited on Woodward Ave., at the RO Animal Shelter at 1515 N Edgeworth, or at the door.

Wednesday June 23rd from 6 – 8:00 pm, and again Saturday June 26 from 9:00 – noon, registration for Royal Oak Youth Football and Cheerleading will take place at the Mahany/Meininger Senior/Community Center, 3500 Marais. Check out their webpage at www.royft.com

Saturday, June 26th from 10 am – 4 PM the Royal Oak Woman's Club is hosting a self-guided Home and Garden Tour of eight unique Royal Oak properties. Tickets are \$20 in advance or \$25 on the day of the tour. For specific information, please see their website: www.royaloakwomansclub.org

Saturday and Sunday, July 12 and 13 beginning at 10 am daily, is the 40th Annual Royal Oak Outdoor Art Fair held in Memorial Park (at the northeast corner of 13 Mile and Woodward.) A wonderful selection of juried art placed in a serene setting makes for an inspired weekend.

City Manager Johnson announced that an agreement was reached with the Professional/Technical Employees Association for a one year contract extension with no salary increase for 2010/2011. Effective July 1, 2010 employees in this group will begin working four 9-hour days, which is a reduction of wages and hours of 10%. They will begin paying 10% of their healthcare premium and increase their contribution to the pension fund by 3%. In return the two layoffs notices to this group will be withdrawn. Employees currently eligible to retire under this contract will be allowed to keep current retiree benefits if they retire under this new agreement. The city will save about 17-18% on these employees.

Moved by Commissioner Drinkwine
Seconded by Commissioner Semchena

BE IT RESOLVED that the City Commission hereby approves the proposed tentative agreement (points 1-6) with the Professional/Technical Employees Association with final approval being subject to review and approval of the tentative agreement document by the City Manager and the City's Labor Counsel Shifman.

ADOPTED UNANIMOUSLY

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PUBLIC COMMENT

Ms. Jeanne Sarnacki, 802 W. 4th, Royal Oak Woman's Club tour this Saturday. There will be eight stops. Tickets are \$20 in advance and can be purchased at Ladybug Craft Shoppe and Sullivan Funeral Home. She listed some of the group's projects.

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Mr. Robert Dyer, 915 Wyandotte, is an auxiliary police officer. He was against the layoff of police and firefighters.

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Mr. Jim Russell, 2343 Crooks, had questions regarding Item 7G. Were the contract workers going to be full or part time? The union contract states that they can't replace full time employees with part time employees. He's been the plumbing inspector for 12 years. People asked what was going to happen with the building department. He didn't know what to tell them.

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Mr. Brian Kramer, 62325 Darren Drive, Washington Township, owns Rosie O'Grady's and Diablo's, at the LCC meeting their application was tabled due to sound and how it would affect the neighbors. He requested that the test be specific to the noise coming from the establishment.

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Ms. Jeanne Sarnacki, 802 W. 4th, asked about the noise levels indicated in Item 18. She wanted clarification.

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Mr. Joel Smith, Royal Oak Firefighters Union President, defended the integrity and reputation of the firefighters. Recent statements and press coverage portrayed them as being uncooperative and unwilling to help with the City's financial situation. In reality they've shared the financial burden through contract concessions and attrition of staff while maintaining the same level of service. He enumerated some of the

30 concessions made in their last contract. The City was now seeking concessions similar to those they didn't get during negotiation of that contract. Their concern will always be the service and safety they provide the residents of Royal Oak.

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Mr. Bill Shaw spoke against PA 312. Collective bargaining and binding arbitration were not the same thing. People needed to realize the Commission was not responsible for the legacy costs of public safety. If they were going to ask for a dedicated millage they needed to show where that money was going to go. He didn't see how paying retirees Part B Medicare was going to save the City money.

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APPROVAL OF AGENDA

Item 18 was removed from the agenda and sent back to staff for further study.

Moved by Commissioner Capello
Seconded by Commissioner Razor

BE IT RESOLVED that the City Commission hereby approves the agenda for the June 21, 2010 meeting as amended.

ADOPTED UNANIMOUSLY

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CONSENT AGENDA

Moved by Commissioner Poulton
Seconded by Commissioner Drinkwine

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

- A. BE IT RESOLVED that the claims of June 15, 2010, in the amount of \$995,369.94 and the claims of June 18, 2010, in the amount of \$907,694.54 audited by the Department of Finance are hereby approved.
- B. BE IT RESOLVED that the City Commission hereby approves the Purchase Orders as listed in Commission Letter #209-10, dated June 21, 2010.
- C. BE IT RESOLVED that the City Commission hereby approves the request for Red Run Golf Club to hold its annual fireworks display on July 1, 2010; alternate rain date of July 2, 2010, be approved, contingent on all the necessary details worked out with City Staff.
- D. BE IT RESOLVED that the City Commission hereby approves the actions cited in the Downtown Development Authority minutes of April 21, May 19, June 2, and June 16, 2010.
- E. BE IT RESOLVED that the City Commission hereby approves the proposed 2010 Amendment to the Acorn Foundation Ordinance (See Exhibit A) on Second Reading.
- F. BE IT RESOLVED that the City Commission hereby approves the Interlocal Agreement with Oakland County allowing the use of their hazardous materials response vehicles for the specific purposed outlined in the Interlocal Agreement; and further authorizes the Fire Chief to execute said agreement on behalf of the City.

- G. BE IT RESOLVED the City Manager has the authority to approve and execute agreements for electrical, plumbing, and mechanical inspections and plan review services.
- H. BE IT RESOLVED that the City Commission approves Special Assessment Standard Resolution No. 2 (See Exhibit B) and hereby sets the date of July 12, 2010 for the Public Hearing of Necessity for the Special Assessment 31' wide, 6" thick concrete pavement with integral curb and gutter for North Edison Avenue from East University Ave. to the N. Lot Line of Lot 46.
- I. BE IT RESOLVED that the City Commission hereby approves that the following fees shall be required by the City of Royal Oak for wastewater collection system fees, right-of-way, curb cut, sidewalk, contaminated sewage discharge permits, pavement cut, site plan reviews, and reproduction of maps and plans for fiscal year 2010/2011 to take effect July 1, 2010:
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|----|--|--|
| A. | Wastewater Collection System Fees | |
| | 1. District A - | \$1,230.00 per sanitary use factor |
| | 2. District B - | \$1,405.00 per sanitary use factor |
| | 3. District C - | \$1,888.00 per sanitary use factor |
| B. | Right-Of-Way Construction Permit Fees | |
| | 1. Permit Fee | \$130.00 per permit |
| | 2. Inspection Fee- | \$105.00 per hour |
| C. | Curb Cut Permit Fees | |
| | 1. Permit Fee - | \$105.00 for first curb cut (per address)
\$ 46.00 for each additional curb cut (per address) |
| D. | Sidewalk Permit Fees | |
| | 1. Sidewalk Builder's License Fee | \$42.00 per annual license |
| | 2. Permit Fee - | \$0.53 per square foot |
| | 3. Penalty Fee - | \$200.00 per violation |
| E. | Contaminated Sewage Discharge Permit Fees | |
| | 1. Permit Fee - | \$214.00 per permit |
| | 2. Inspection Fee - | \$105.00 per hour |
| F. | Utility Pavement Cut Fees | |
| | 1. First Pavement Cut - | \$515.00 |
| | 2. Each Additional Pavement Cut - | \$300.00 |
| G. | Site Plan Fees | |
| | 1. Work Order Fee | \$107.00 per work order |
| | 2. Site Plan Review Fee | \$107.00 per hour |
| | 3. Easement Preparation/Filing Fee | \$266.00 per easement |
| | 4. License Agreement
Preparation/Filing Fee | \$266.00 per license agreement |
| H. | Paving Permit Fees | |
| | 1. Permit Fee- | \$107.00 per permit |
| | 2. Inspection Fee | \$116.00 per hour |
| I. | Reproduction of Maps and Plans Fees | \$20.00 for first copy
\$ 5.00 for each additional copy |
- J1. 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 35th

Annual Royal Oak Chamber of Commerce Antique and Garage Sale on Saturday, July 17th and Sunday, July 18th, 2010.

J2. BE IT RESOLVED, that the Mayor is hereby authorized to execute the agreement between the City of Royal Oak, the Royal Oak Farmer's Market to hold a Corn Roast & Country Fair on Saturday, August 14, 2010.

K1. BE IT RESOLVED that the City Commission hereby authorizes the City Attorney to prepare a license agreement for Beyond Juice at 313 South Main Street, permitting an encroachment into the public right-of-way of South Main Street for purposes of an outdoor seating area pursuant to the approved plans; and

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

K2. BE IT RESOLVED that the City Commission hereby authorizes the City Attorney to prepare a license agreement for What Crepe at 315 and 317 South Washington Avenue, permitting an encroachment into the public right-of-way of South Washington Avenue for purposes of an expanded outdoor seating area pursuant to the approved plans; and

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

L1. BE IT RESOLVED that the Mayor is hereby authorized to execute the agreement between the City of Royal Oak and Steven Brown for a one-day outdoor private party with classic car parking at Super Car Wash Systems, 31295 Woodward in conjunction with the Woodward Dream Cruise on August 21, 2010.

BE IT RESOLVED that the Mayor is hereby authorized to execute the agreement between the City of Royal Oak and Red Coat Tavern, Inc. for a one-day outdoor food and beverage concession on Saturday, August 21, 2010.

BE IT RESOLVED that the Mayor is hereby authorized to execute the agreement between the City of Royal Oak and Getrag Transmissions Corp. for a one-day, indoor/outdoor associate team building event and car display at Oakwood Retail Center, located at 31313 Woodward, in conjunction with the Woodward Dream Cruise on Saturday, August 21, 2010.

BE IT RESOLVED that the Mayor is hereby authorized to execute the agreement between the City of Royal Oak and Fanatic U / Action Sportswear for a one-day outdoor sale of Sports Apparel (NASCAR Hats, Tees, Bobble Heads, other NASCAR related merchandise) and Official Woodward Dream Cruise merchandise at 27302 Woodward in conjunction with the Woodward Dream Cruise on August 21, 2010.

BE IT RESOLVED that the Mayor is hereby authorized to execute the agreement between the City of Royal Oak and Fanatic U / Action Sportswear for a one-day outdoor sale of Sports Apparel (NASCAR Hats, Tees, Bobble Heads, other NASCAR related merchandise) and Official Woodward Dream Cruise merchandise at 28992 Woodward in conjunction with the Woodward Dream Cruise on August 21, 2010.

BE IT RESOLVED that the Mayor is hereby authorized to execute the agreement between the City of Royal Oak and Fanatic U / Action Sportswear for a one-day outdoor sale of Sports Apparel (NASCAR Hats, Tees, Bobble Heads, other NASCAR related merchandise) and Official Woodward Dream Cruise merchandise at 30875 Woodward in conjunction with the Woodward Dream Cruise on August 21, 2010.

BE IT RESOLVED that the Mayor is hereby authorized to execute the agreement between the City of Royal Oak and Fanatic U / Action Sportswear for a one-day outdoor sale of Sports Apparel (NASCAR Hats, Tees, Bobble Heads, other NASCAR related merchandise) and Official Woodward Dream Cruise merchandise at 31786 Woodward in conjunction with the Woodward Dream Cruise on August 21, 2010.

BE IT RESOLVED that the Mayor is hereby authorized to execute the agreement between the City of Royal Oak and Basha Diagnostics for a one-day outdoor private party and parking space rentals in conjunction with the Woodward Dream Cruise on August 21, 2010.

BE IT RESOLVED that the Mayor is hereby authorized to execute the agreement between the City of Royal Oak and B & SB Inc. for a one-day lease of parking spaces at their business located at 31786 Woodward in conjunction with the Woodward Dream Cruise on August 21, 2010.

BE IT RESOLVED that the Mayor is hereby authorized to execute the agreement between the City of Royal Oak and JAS Gifts & More for a one-day outdoor sale of Sports Apparel (NASCAR Hats, Tees, Bobble Heads, other NASCAR related merchandise) and Official Woodward Dream Cruise merchandise at 31502 Woodward in conjunction with the Woodward Dream Cruise on August 21, 2010.

ADOPTED UNANIMOUSLY

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TRAFFIC COMMITTEE RECOMMENDATIONS

Moved by Commissioner Drinkwine
Seconded by Commissioner Capello

- 5.B. BE IT RESOLVED; the recommendation to remove the "No Parking 9AM-5PM" signs on Oakridge west of Farnum be approved.

Estimated City Cost: \$235.00

- 5.C. BE IT RESOLVED; the recommendation that Linden Terrace Condominium Complex be allowed to remove the post and sign "Linden Terrace" at their own expense from the public right-of-way be approved.

Estimated City Cost: \$0.00

- 5.D. BE IT RESOLVED; the recommendation to remove the "No Outlet" sign 20' east of east right-of-way at 817 Cherokee be approved.

Estimated City Cost: \$135.00

ADOPTED UNANIMOUSLY

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LCC RECOMMENDATION

Moved by Commissioner Drinkwine
Seconded by Commissioner Poulton

BE IT RESOLVED, that the request from Joannlis, Inc., for a new outdoor service (1 area) to be held in conjunction with 2009 Class C licensed business located at 32955 Woodward, Royal Oak,

MI 48073, Oakland County, be considered for approval by the Michigan Liquor Control Commission.

BE IT FURTHER RESOLVED, that the amended Plan of Operation dated June 18, 2010 be approved.

ADOPTED UNANIMOUSLY

Commissioner Drinkwine noted there will be a public hearing on the transfer from Memphis Smoke to Cantina Diablo's at the LCC meeting on July 14, 2010 at 5:30 p.m.

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CONTRACT EXTENSION FOR AUDITING SERVICES

Moved by Commissioner Capello
Seconded by Commissioner Poulton

BE IT RESOLVED, that the City Commission of the City of Royal Oak accepts the Rehmann Robson proposal to provide auditing services of the City's financial statements (including Single Audit work) for fiscal years ending June 30, 2010 through 2014 and authorize the Mayor to sign the five year contract and engagement letter as well as authorize the purchase order in the amount of the five year contract.

ADOPTED UNANIMOUSLY

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MMRMA RENEWAL

Moved by Commissioner Drinkwine
Seconded by Commissioner Semchena

BE IT RESOLVED, that the City Commission hereby accepts the proposal of the Michigan Municipal Risk Management Authority for renewal of risk financing and risk management services for the period of June 1, 2010 to June 1, 2011.

BE IT FURTHER RESOLVED that the City's member representative is authorized to execute the acceptance of the proposal.

ADOPTED UNANIMOUSLY

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**FIRE CIVIL SERVICE COMMISSION
MAYORAL APPOINTMENT**

Moved by Commissioner Drinkwine
Seconded by Commissioner Capello

BE IT RESOLVED, that the City Commission approves the Mayoral appointment of Rick Sage to the Fire Civil Service Commission for a six year term to expire on March 14, 2016.

ADOPTED UNANIMOUSLY

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**TEMPORARY LEASING OF PARK PROPERTY
FOR SEASONAL RETAIL SALES**

Moved by Commissioner Semchena
Seconded by Commissioner Capello

BE IT RESOLVED that the City Commission hereby approves the concept of leasing a portion of Memorial Park for retail sales.

AYES: Commissioners Capello, Rasor, Semchena and Mayor Ellison

NAYS: Commissioner Drinkwine and Poulton

MOTION ADOPTED

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**RESOLUTION IN SUPPORT OF SOCRRA
REGARDING WRC EASEMENTS IN MADISON HEIGHTS**

Moved by Commissioner Semchena
Seconded by Commissioner Capello

WHEREAS, the City of Royal Oak is a standing member of the Southeastern Oakland County Resource Recovery Authority ("SOCRRA"); and

WHEREAS, the City of Royal Oak, by its standing on the SOCRRA Board, is obligated to carry out the business of SOCRRA, including actions to preserve and safeguard SOCRRA assets; and

WHEREAS, SOCRRA has real property and valuable assets, including requisite licenses and State approval at 29470 John R, Madison Heights, MI ("Asset"); and

WHEREAS, the Asset is central to the long term planning of SOCRRA and the ongoing solid waste management goals and objectives of the City of Royal Oak; and

WHEREAS, the City of Royal Oak, by review and adoption of this Resolution, acknowledges that it is aware of attempts by the County of Oakland to secure an Easement over the sole access drive to the asset and the City of Royal Oak opposes such an Easement unless and until terms of an Easement satisfactory to SOCRRA are agreed to in full by the County of Oakland; and

NOW, THEREFORE, BE IT RESOLVED that the City of Royal Oak, as a member of SOCRRA, believes it essential and fundamental to SOCRRA and the City of Royal Oak that access to the Asset be preserved and maintained to accommodate the needs of SOCRRA, now and into the future, and that said access not be infringed upon in any way to the detriment of SOCRRA and the City of Royal Oak. Thus, any access rights granted to any other entity, by Easement or otherwise, must be subject to unilateral termination rights in favor of SOCRRA should the use change or alter and must be consistent with the other terms and conditions put forth by SOCRRA in a prior easement to the City of Madison Heights.

ADOPTED UNANIMOUSLY

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**MAIN/ELEVEN ROYAL OAK
FIRST AMENDMENT TO SECOND AMENDED
AND RESTATED DEVELOPMENT AGREEMENT**

Moved by Commissioner Drinkwine
Seconded by Commissioner Rasor

BE IT RESOLVED that the City Commission hereby approves the First Amendment to the Second Amended and Restatement Development Agreement-Main/Eleven Mile;

BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby authorized to execute said amendment.

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

NAYS: Commissioner Semchena

MOTION ADOPTED

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**LICENSE AGREEMENT
EMAGINE THEATER PARKING FOR VALET AND EMPLOYEES**

Mr. Johnson noted an error in the agreement and stated what the correct language should be.

Moved by Commissioner Capello
Seconded by Commissioner Rasor

BE IT RESOLVED that the City Commission hereby approves the License Agreement for Valet/Employee with CH Royal Oak LLC and Main Eleven Royal Oak LLC with the change in **Section 2. Number of Permits** deleting the second sentence "Vacant/unoccupied building space shall not generate a parking demand or the need to purchase parking permits.", and

BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby authorized to execute said License Agreement.

AYES: Commissioners Capello, Drinkwine, Rasor and Mayor Ellison

NAYS: Commissioners Poulton and Semchena

MOTION ADOPTED

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SIGN ORDINANCE AMENDMENT, FIRST READING

Building Official Craig noted there were two changes. One allowed temporary banners and inflatables. The other was to set a time limit to remove signs.

Moved by Commissioner Rasor
Seconded by Commissioner Drinkwine

BE IT RESOLVED that the City Commission hereby approves the 2010 Sign Ordinance Amendments (See Exhibit C) on First Reading.

ADOPTED UNANIMOUSLY

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ZONING ORDINANCE AMENDMENTS

This item was removed from the agenda.

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**SETTLEMENT AGREEMENT AND RELEASE OF ALL CLAIMS
RISCH V ROYAL OAK POLICE DEPARTMENT**

City Attorney Gillam gave a brief history of the case.

Moved by Commissioner Semchena
Seconded by Commissioner Capello

BE IT RESOLVED that the City Commission hereby approves the proposed Settlement Agreement and Release of all Claims in Risch v Royal Oak Police Department.

BE IT FURTHER RESOLVED that the Mayor and City Clerk be authorized to sign the settlement and release agreement.

ADOPTED UNANIMOUSLY

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Upon Motion of Commissioner Drinkwine, Seconded by Commissioner Capello, and adopted unanimously, the Regular Meeting was adjourned at 10.01 P.M.

Melanie Halas, City Clerk

The foregoing Minutes of the Regular Meeting held on June 21, 2010, having been officially approved by the City Commission on Monday, August 9, 2010, are hereby signed this ninth day of August.

James B. Ellison, Mayor

Exhibit A

ORDINANCE NO. 2010-09

AN ORDINANCE TO AMEND THE ROYAL OAK CITY CODE AT CHAPTER 26, "CHARITABLE CONTRIBUTIONS FOR PUBLIC PURPOSES", SECTION 26-2, "DEFINITIONS", TO CHANGE THE NAME OF THE ROYAL OAK ACORN FOUNDATION TO THE ROYAL OAK OPPORTUNITY TO SERVE FOUNDATION ("ROOTS")

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 ACORN Foundation Ordinance."

SECTION 2. STATEMENT OF PURPOSE. This is an ordinance to amend the City Code at Chapter 26, "Charitable Contributions for Public Purposes", Section 26-2, "Definitions", to change the name of the Royal Oak Acorn Foundation to the Royal Oak Opportunity to Serve Foundation ("ROOTS").

SECTION 3. AMENDMENT AT SECTION 26-2. The Royal Oak City Code, Chapter 26, "Charitable Contributions for Public Purposes", is hereby amended at Section 26-2, "Definitions", which shall now read as follows:

"Section 26-2. Definitions.

The following terms shall mean as follows for the purposes of this chapter:

CHARITABLE CONTRIBUTION

Any money or property that is received by the City of Royal Oak that is designated by the donor for use by the City for a public purpose and subject to the Rules and Regulations of the United States Department of Internal Revenue, the State of Michigan Department of Treasury or any other applicable statute.

COMMITTEE

The group formed as outlined herein shall be known as the "Royal Oak Opportunity to Serve Foundation ("ROOTS")."

PUBLIC PURPOSE

Any activity as provided within the Charter of the City of Royal Oak, Michigan, as amended, and/or the Home Rule City Act, MCLA §117.1 et seq."

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

SPECIAL ASSESSMENT STANDARD RESOLUTION NO. 2

CITY OF ROYAL OAK-COUNTY OF OAKLAND

At a Regular Meeting of the City Commission of the City of Royal Oak, County of Oakland, Michigan, held on June 21, 2010 at 7:42 o'clock p.m., Eastern Daylight Time.

PRESENT: Commissioners Capello, Drinkwine, Poulton, Rasor, Semchena and Mayor Ellison

ABSENT: Commissioner Andrzejak

The following preamble and resolution were offered by Commissioner Poulton and supported by Commissioner Drinkwine.

WHEREAS, the City Manager and the City Assessor have prepared reports concerning certain public improvements as hereinafter described, which include all of the information required to be included by the provisions of the City's Charter, Chapter 12, Special Assessments: and

WHEREAS, the City Commission has reviewed said reports; and

WHEREAS, the City Commission of the City of Royal Oak determines that it is necessary to acquire and construct the public improvements in the City of Royal Oak more particularly hereinafter described in this resolution.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Commission hereby determines that the public improvements described more particularly hereinafter provided for are necessary.
2. The total cost of said public improvements according to frontage (or benefits) is estimated to be \$17,450.00:
 - \$9,450 of which shall be spread over the special assessment district as hereinafter described.
 - \$8,000 of which shall be paid by the City.
3. Said special assessment district shall consist of all the lots and parcels of land as herein described:
 - Lots 46 and 79 of the Bassett & Smith's First Street Sub; Lot 6 of the Supervisor's Replat of Roszel & Taylor Sub. as platted.
4. The estimated life of such improvements is not less than 30 years.
5. The aforesaid reports shall be placed on file in the office of the City Clerk where the same shall be available for public examination.
6. The City Commission will meet on July 12, 2010, at 7:30 o'clock p.m., Eastern Daylight Time, at the City Hall, for the purpose of hearing objections to the making of said public improvements.
7. The City Clerk is hereby directed to cause notice of said hearing to be published in The Royal Oak Review, Warren, Michigan, a newspaper of general circulation in the City of Royal Oak, at least five (5) full days before the date of such hearing, and is further directed to cause notice of

such hearing to be mailed by first class mail to each owner of or person in interest in the property in the special assessment district more particularly described in the following notice at the addresses shown on the last general tax assessment roll of the City, at least ten (10) full days prior to the date of such hearing.

8. The notice of said hearing to be published and mailed shall be in substantially the following form:

**NOTICE OF SPECIAL ASSESSMENT HEARING TO HEAR
OBJECTIONS TO PROPOSED PUBLIC IMPROVEMENTS AND TO
THE INCLUSION OF PROPERTY WITHIN THE PROPOSED DISTRICT**

CITY OF ROYAL OAK-COUNTY OF OAKLAND

TAKE NOTICE, that the City Commission of the City of Royal Oak, Oakland County, Michigan, has determined it to be necessary to make the following described public improvement in the City of Royal Oak:

**31' WIDE, 6" THICK CONCRETE PAVEMENT WITH INTEGRAL CURB AND
GUTTER FOR NORTH EDISON AVENUE FROM EAST UNIVERSITY AVE. TO THE
N. LOT LINE OF LOT 46.**

The City Commission has determined that the cost of the above described public improvements, which is estimated to be \$18,450.00, shall be assessed against all lots and parcels of property abutting the above described improvements which properties are described as follows:

25-14-353-070 25-14-353-066 25-14-351-044

TAKE FURTHER NOTICE, that the City Commission has caused reports concerning said public improvements to be prepared, which reports include necessary plans, profiles, specifications and estimates of costs of such public improvements, a description of the assessment district, and other pertinent information, and these reports are on file in the office of the City Clerk and are available for public examination.

TAKE FURTHER NOTICE, THAT THE CITY COMMISSION WILL MEET ON JULY 12, 2010, AT 7:30 O'CLOCK P.M., EASTERN DAYLIGHT TIME, AT THE CITY HALL IN THE CITY OF ROYAL OAK, FOR THE PURPOSE OF HEARING OBJECTIONS TO THE NECESSITY OF MAKING SUCH PUBLIC IMPROVEMENTS AND THE INCLUSION OF THE PROPERTY WITHIN THE PROPOSED SPECIAL ASSESSMENT DISTRICT.

This Notice is given by order of the City Commission of the City of Royal Oak, Oakland County, Michigan.

Melanie Halas, City Clerk

9. All resolutions and parts of resolution insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

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

NAYS: None

RESOLUTION DECLARED ADOPTED.

City Clerk

I hereby certify that the foregoing constitutes a true and complete copy of a resolution duly adopted by the City Commission of the City of Royal Oak, County of Oakland, Michigan, at a Regular Meeting held on June 21, 2010, and that public notice of said meeting was given pursuant to and in full conformity with Act No. 267, Public Acts of Michigan, 1976, as amended.

City Clerk

Exhibit C

ORDINANCE NO. 2010-10

AN ORDINANCE TO AMEND THE ROYAL OAK CITY CODE AT CHAPTER 607, "SIGNS", ARTICLE II, "SIGN REGULATIONS", TO PROVIDE FOR TEMPORARY SIGNAGE AND TO REDUCE THE LENGTH OF TIME THAT SIGNAGE RELATED AN ACTIVITY THAT HAS BEEN DISCONTINUED MAY REMAIN IN PLACE

THE CITY OF ROYAL OAK ORDAINS:

SECTION 1. SHORT TITLE. This Ordinance shall be known as and may be cited as the "2010 Sign Ordinance Amendments."

SECTION 2. STATEMENT OF PURPOSE. This is an ordinance to amend the City Code at Chapter 607, "Signs", Article II, "Sign Regulations", to provide for temporary signage and to reduce the length of time that signage related to an activity that has been discontinued may remain in place.

SECTION 3. AMENDMENT AT SECTION 607-8. The Royal Oak City Code, Chapter 607, "Signs", Article II, "Sign Regulations", is hereby amended at Section 607-8, "Definitions", which shall now read as follows:

"§ 607-8. Definitions.

Words and phrases used in this article shall have the meaning(s) set forth in this section. Words and phrases not defined in this section but defined in other City of Royal Oak ordinances shall be given the meanings set forth in such ordinance(s). All other words and phrases shall be given common, ordinary meaning, unless the context clearly requires otherwise.

ABANDONED SIGN -- A sign which, by reason of neglect, damage or deterioration requires repair and for which the owner or other party responsible for maintenance thereof, fails to undertake and complete such repairs within 30 days after having received written notice to do so from the City.

ABANDONED SIGN STRUCTURE -- A sign structure which, by reason of neglect, damage or deterioration requires repair and for which the owner, or other party responsible for maintenance thereof, fails to undertake and complete such repairs within 30 days after written notice to do so from the City.

ANIMATED SIGN -- A sign with action, motion or the appearance of action or motion, such as flashing lights, color changes, moving parts or reflective materials. This definition does not include revolving signs or time-and-temperature displays.

AWNING -- An ornamental overhanging structure or frame covered with cloth or metal or other material, designed to provide shelter from sunlight or the elements, and which structure or frame is affixed to an exterior wall of a building in such a manner that the structure or frame may be raised or retracted to a position against the building or retracted so as to be within a container or device for storage.

BACKGROUND AREA -- The area of a sign face upon which copy could be placed.

BALLOON -- Any device capable of being inflated with air, helium, or other gas and mounted, tied or tethered in such a manner as to hold such balloon from being carried away by the wind.

BANNER -- A sign containing a commercial message produced on lightweight flexible fabric, such as canvas, cloth, paper or similar material, ~~that is mounted to a pole or a building at one or more edges, and which is more or less subject to movement by the wind.~~ National, state, or municipal or educational institution flags should not be considered banners.

BEACON -- Any stationary or revolving light which flashes, projects or directs one or more beams of single or multiple-colored light, in any manner which, intended or not, attracts or diverts attention.

BUILDING FAÇADE -- That portion of the front, side or rear exterior wall(s), or any portion thereof, of a building which are exposed to view, including areas of fenestration.

BUILDING MARKER -- Any sign intended as a commemorative message which may provide the name of a building, date of construction, or other incidental information about its construction, and which sign is cut into a masonry surface or made of bronze or other permanent material, which is constructed, affixed or otherwise made an integral part of the building.

CANOPY -- A permanent ornamental overhanging structure or frame, covered with canvas, cloth or other material, affixed to and extending from the exterior wall of a building, designed to provide shelter from sunlight or the elements.

CHANGEABLE-COPY PANEL -- A sign, or portion thereof, which is characterized by changeable copy regardless of method of attachment, without altering the face or the surface of the sign. A sign on which the message changes more than five times per day shall be considered an "animated sign"; a sign on which the only copy that changes is an electronic or mechanical indication of time and temperature shall be considered a "time-and-temperature sign." Neither animated nor time-and-temperature signs shall be considered a changeable-copy sign for purposes of this article.

COMMERCIAL MESSAGE -- Any wording, symbol, image, shape, picture or combination thereof, or other representation that, directly or indirectly, names, advertises, promotes, or calls attention to a business, goods, service, institution, person, activity, location or idea.

COPY AREA -- The actual area occupied by a commercial message, whether or not applied to any background. Copy area is computed by straight lines drawn closest to copy extremities by the appropriate method identified in § [607-9H](#) herein.

DILAPIDATED SIGN -- Any sign which, by reason of neglect, damage, exposure to the elements or other causes, has deteriorated so that the intended message is no longer clearly discernible, or the sign poses a hazard to the public health, safety and general welfare, as determined by the enforcement official.

DIRECTIONAL SIGN -- Incidental on-premises sign, the sole purpose of which is to guide pedestrians or vehicular traffic. A directional sign shall not contain a commercial message.

ELIGIBLE ADVERTISER -- Any person legally entitled to occupy a lot.

ENFORCEMENT OFFICIAL -- The City of Royal Oak Building Official or his or her designated alternate.

EXISTING SIGN -- Any sign which is legally displayed on or before the effective date of this article.

FESTOON SIGN -- A sign consisting of a wreath or garland of flowers, leaves, paper or other material hanging in a loop or curve.

FLAG -- Lightweight flexible fabric, such as canvas, cloth, or similar material, that is mounted to a pole or a building at one or more edges, which is more or less subject to movement by the wind and which is used as a symbol of a national, state or municipal government, political subdivision, educational institution, other noncommercial entity, or noncommercial idea.

FLASHING SIGN -- An illuminated sign which does not have the source of light, be it artificial or natural, maintained stationary or constant in intensity and color at all times when in use.

FREESTANDING SIGN -- A sign not attached to a building or other improvement but instead permanently erected upon or standing in the ground and usually supported from the ground by one or more poles, columns, uprights, braces or cement anchors. Freestanding signs include monument signs but do not include portable signs.

GASOLINE PRICE SIGN -- A changeable-copy sign which is used to advertise the price of gasoline or other fuels. In the event that brand identification material is used or is a part of the sign advertising price, such shall be considered the gasoline price sign.

GRAFFITI -- An inscription or drawing made on a public surface.

ILLUMINATED SIGN -- A sign in which an artificial source of light is employed in order to light the sign or make the message readable. This definition includes internally and externally lighted signs.

INCIDENTAL SIGN -- A sign, generally informational, that has a purpose secondary to the transmission of a commercial message for the lot on which it is located, such as "No Parking," "Entrance," "Loading Only," "Telephone," or other similar directives. No sign with a commercial message shall be considered an "incidental sign."

INFLATABLE SIGN – A temporary or permanent sign consisting of a non-porous bag, balloon, or other object inflated by any means and designed to draw attention to a commercial business, whether it does or does not contain a commercial display, commercial graphics identity, or lettering. Inflatable seasonal display items sold retail to the general public and intended primarily for private home display are not considered inflatable signs.

INSTITUTIONAL BULLETIN BOARD -- A sign upon which is displayed only the name and/or address of a religious institution, school, library, community center, eleemosynary organization or similar institution which occupies the lot, and announcements concerning its services or activities.

LOT -- A parcel of land occupied or to be occupied by a building or buildings and any accessory buildings or any other single activity, and which is under single ownership. A lot may consist of a lot of record, a portion of a lot of record, a combination of complete lots of record, a combination of complete lots of record and portions of lots of record, or a parcel described by metes and bounds.

MAJOR STREET -- Any street with an existing or proposed right-of-way greater than 66 feet.

MARQUEE -- A permanent roof-like structure attached to a building and projecting over an outer entrance door to a building, and which projects over public property.

MARQUEE SIGN -- A sign attached to or constructed on the face of a marquee.

MASTER SIGN PLAN -- A master plan of signage used in a development indicating the maximum square footage and locations of all signs, of any type, for each eligible advertiser on a lot.

MONUMENT SIGN -- A freestanding sign permanently supported from the ground by one or more poles, columns, uprights, braces or cement anchors or a freestanding sign permanently erected to rest on the ground level or monument base designed as an architectural unit with the sign.

MURAL -- A design or representation painted, drawn or sculpted on the exterior surface of a building or other structure which, absent all other signs, does not identify an occupant of a premises or relate solely to the use, business, establishment, or profession conducted, or to a principal product or service sold, offered, provided, or produced.

NONCONFORMING SIGN -- Any sign existing after the effective date of this article which does not comply with one or more of the provisions for signs as contained in this article.

OFF-PREMISES SIGN -- A sign which contains a commercial message unrelated to any business, activity, service or product actually carried or sold upon the lot upon which the sign is located.

ON-PREMISES SIGN -- A sign, which contains a commercial message strictly related to and incidental to a lawful use of the lot on which it is located.

OUTDOOR MENU BOARD -- An outdoor sign associated with restaurants, which gives a detailed list of foods, drink or services that are available at the restaurant.

PENNANT -- A sign produced on lightweight flexible fabric such as canvas, cloth or similar material that is mounted to a pole or a building at one or more edges and which is more or less subject to movement by the wind. A pennant is distinguished from a banner in that a pennant does not contain a commercial message and is intended primarily for decorative purposes. A pennant is distinguished from a flag in that it is not used as a symbol of a national, state or municipal government, political subdivision, educational institution, or other noncommercial entity.

PERSON -- An individual person, association of persons, firm, company, corporation, partnership or organization of any kind.

PLAN COMMISSION -- The Plan Commission, with the power, procedures, and duties as described in § [607-22](#) hereof.

PLAZA -- See "shopping center sign."

POLITICAL SIGN -- A sign announcing the candidacy of a person or persons running for public office or issues to be voted upon at an election.

PORTABLE SIGN -- A sign not permanently mounted or affixed to the ground, building or structure, which is designed to be transported or moved, and which may have its commercial message changed, or which may be used by different eligible advertisers, including, but not limited to, the following: signs attached to a support structure with wheels; trailer signs; a-frame or t-frame signs; signs mounted on a vehicle for advertising

purposes, parked and visible from a right-of-way, except signs identifying the related business or activity when the vehicle is being used in normal day-to-day operations; menu and sandwich boards; beacon and searchlight stands; and balloons or inflatable caricatures.

PRINCIPAL BUILDING -- The building in which is conducted the principal use of the lot on which it is located. Lots with multiple principal uses may have multiple principal buildings, but storage buildings, garage and other clearly accessory uses or structures shall not be considered principal buildings.

PROJECTING SIGN -- A sign which is supported by a building wall, and which has its copy area oriented perpendicular to the building wall supporting it; or secondly, a sign, any part of which extends more than 12 inches from the building wall.

REAL ESTATE SIGN -- A temporary sign placed upon a lot for the purpose of advertising to the public the sale or lease of said lot.

REVOLVING SIGN -- A sign or sign structure that rotates or gives the appearance or optical effect of rotating.

ROOF SIGN -- A sign erected upon or above a roof or parapet wall of a building and which is wholly or partially supported by said building.

SETBACK -- The distance from a lot line to the nearest part of the applicable building, structure or sign measured perpendicularly to the lot line.

SHOPPING CENTER SIGN -- A sign which identifies a group of three or more contiguous stores, offices or shops, whether or not under single management, which is served by a common off-street parking facility located on a private lot.

SIDEWALK SIGN -- A sign placed on the ground that is not permanently mounted or affixed, which is not designed to be transported or moved while on display, and which is intended to be used periodically by a single eligible advertiser.

SIGN -- Any structure, material, display, sculpture, flag, banner, pennant, string of lights, image, object or device which advertises or publicizes a business, goods, services, institution, person, activity, location or idea, or is intended to do so, by a word, symbol, image, color, shape, picture, or combination thereof, and which is visible from any public street, right-of-way, sidewalk, alley or other public property.

SIGN FACE -- The background and copy area of a sign which can be seen when viewed from a direction perpendicular to the background and copy area.

SIGN STRUCTURE -- A structure used or intended to be used to support a sign, with or without a sign thereon; provided, however, this definition shall not include a building facade or boundary fence or wall.

STOCK MARKET DISPLAY -- A sign which displays current stock prices, and which displays no commercial message other than the name of the business occupying the lot.

STREET -- The entire width between lot lines of every way publicly maintained when any part thereof is open, or may be opened, to the use of the public for purposes of vehicular travel or as a principal means of access to abutting property.

TEMPORARY SIGN -- A sign not permanently mounted or affixed to the ground, building or structure, and which is intended to be used only periodically by a single eligible

advertiser, and which is not intended or designed to have the commercial message changed.

TIME-AND-TEMPERATURE DISPLAY -- A sign which displays the current time or outdoor temperature, or both, and which displays no commercial message other than the name of the business occupying the lot.

TRAILER SIGN -- A sign with a copy area supported on a mobile chassis, other than a motor vehicle.

UNDER MARQUEE SIGN -- A lighted or unlighted sign attached to the underside of a marquee.

WALL SIGN -- A sign which is affixed to a building facade and which does not extend beyond any horizontal or vertical end of the wall surface on which it is affixed, nor projects more than 12 inches from the building facade, and which has its copy area located so as to be parallel to the wall upon which it is affixed.

WINDOW AREA -- The actual total window square footage, calculated from the summation of individual window panels, taken from all facades of any building or other site improvement.

WINDOW SIGN -- Any sign within a building placed within 12 inches of a window or upon a window pane and that is visible from the exterior of the building.”

SECTION 4. AMENDMENT AT SECTION 607-9. The Royal Oak City Code, Chapter 607, “Signs”, Article II, “Sign Regulations”, is hereby amended at Section 607-9, “General sign regulations”, to include Section 607-9(J), which new section shall read as follows:

“J. A sign shall be removed after the business, product, service, event, or other activity to which it relates has been discontinued for 30 days.”

SECTION 5. AMENDMENT AT SECTION 607-14. The Royal Oak City Code, Chapter 607, “Signs”, Article II, “Sign Regulations”, Section 607-14, “Permitted signs at all locations”, is hereby amended at Section 607-14(Q), which shall now read as follows:

~~“Q. Special event signs. A sign which advertises a grand opening, special event, or similar message, provided the following conditions are met:~~

~~(1) Special event signs are permitted for all nonresidential uses. Within the above referenced zones, special event signs are permitted only upon lots which are used for nonresidential purposes: e.g., churches, schools, community centers, golf courses, and other permitted nonresidential uses.~~

~~(2) A permit is required for a special event sign.~~

~~(3) A permit for a special event shall not be issued more than two times within any twelve-month period per eligible advertiser. A permit for a special event sign shall not be issued for a period longer than seven consecutive days.~~

~~(4) A special event sign shall be located only on the premises of the lot upon which the special event is conducted.~~

- ~~(5) A special event sign shall not be located within, or project into or overhang, any public right-of-way.~~
- ~~(6) The location of a special event sign shall not impede on-site or off-site vehicular or pedestrian traffic.~~
- ~~(7) A special event sign shall not be permanently fastened to a building or structure; however, it shall be securely installed to the satisfaction of the building official.~~
- ~~(8) The maximum area of a special event sign is 32 square feet.~~
- ~~(9) The maximum height of a special event sign is eight feet.~~
- ~~(10) A special event sign shall be removed from the premises conducting the special event not later than 24 hours after expiration of the sign permit.~~

Temporary signage. Banners, inflatable signs, and other temporary signs, provided the following conditions are met:

- (1) A permit is required for a temporary sign.
- (2) Permits for temporary signage shall be limited to eight (8) per calendar year per eligible advertiser for a duration not to exceed fifteen (15) consecutive days per sign.
- (3) A temporary sign shall be located only on the premises of the eligible advertiser, shall not be located within or project into or overhang any public right-of-way, and shall not impede on-site or off-site vehicular or pedestrian traffic.
- (4) A temporary sign shall be securely installed to the satisfaction of the enforcement official.
- (5) A temporary sign shall be removed from the premises not later than 24 hours after expiration of the sign permit.
- (6) Banners and other temporary signs shall be wall-mounted, shall not extend beyond the top or ends of the wall surface upon which they are mounted, and shall not exceed thirty two (32) square feet.
- (7) Placement and location of inflatable signs shall be approved by the enforcement official."

SECTION 6. AMENDMENT AT SECTION 607-16. The Royal Oak City Code, Chapter 607, "Signs", Article II, "Sign Regulations", is hereby amended at Section 607-16, "Prohibited signs", which shall now read as follows:

"§ 607-16. Prohibited signs.

The following signs shall not be permitted, erected or maintained at any location within the City, notwithstanding any other provision of this article:

- A. A sign not expressly permitted is prohibited.
- B. Signs which incorporate, in any manner, flashing or moving lights, except as otherwise permitted in this article.

- C. Banners, spinners, and streamers except as permitted in § 607-14(C) and § 607-14(Q).
- D. String lights used in connection with or to promote a commercial purpose, but specifically excluding seasonal decorative displays.
- E. Any sign which has any visible moving part, visible revolving parts or visible mechanical movement of any description, or other apparent visible movement, including intermittent electrical pulsations, or by action of normal wind currents, but automatic change-of-message with cycle time of not less than 30 seconds is permissible, except as otherwise permitted in this article.
- F. Roof signs.
- G. Beacons, except as may be authorized by a special event permit.
- H. Signs projecting over or located in the public right-of-way, other than as may be permitted in Sign Area 3.
- I. Portable signs, except as otherwise permitted in this article.
- J. Any sign or sign structure which:
 - (1) Is structurally unsafe; or
 - (2) Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation or abandonment; or
 - (3) Is not kept in good repair; or
 - (4) Is capable of causing electrical shocks to persons likely to come in contact with it.
- K. Any sign which, by reason of its size, location, color, or manner of illumination, constitutes a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers, or by obstructing or detracting from the visibility of any traffic sign or control device on public streets.
- L. Any sign which obstructs free ingress to or egress from a door, window, fire escape or other exitway.
- M. Signs which make use of words such as "STOP," "LOOK," "DANGER," or any characters or shapes generally used as public safety symbols; or other words, phrases, symbols or characters used in such a manner as to interfere with, mislead or confuse traffic.
- N. Any sign or other advertising structure containing any obscene or indecent commercial message, pursuant to state statute.
- O. Any sign unlawfully installed, erected or maintained.
- P. ~~Any nonconforming sign used or allowed to remain in place after the business, product, service, event or other activity to which it relates has been discontinued for 90 days.~~

Any sign painted upon the wall of a building, fence or screening wall.

- Q. Off-premises signs, other than those which may be permitted in Chapter [770](#), Zoning.
- R. Any sign which is attached to a tree, utility pole or other structure not intended to support a sign as defined in this article.
- S. Inflatable signs and tethered balloons, except as permitted in § 607-14(C) and § 607-14 (Q)."

SECTION 7. AMENDMENT AT SECTION 607-21. The Royal Oak City Code, Chapter 607, "Signs", Article II, "Sign Regulations", is hereby amended at Section 607-21, "Nonconforming signs", which shall now read as follows:

"§ 607-21. Nonconforming signs.

It is the legislative intent to recognize that the eventual elimination of existing signs that are not in conformity with the provisions of this article is a valid objective of the police power, but it is also the legislative intent that such elimination of nonconforming signs shall be brought about over a period of time and in such manner as to avoid the invasion of vested rights of owners of nonconforming signs and the infliction of unnecessary hardship. The provisions of this Section shall be construed to that end.

- A. Maintenance of nonconforming signs. Signs rendered nonconforming by the provisions of this article shall be maintained in a condition of good repair until removed pursuant to the provisions of this article, but no such nonconforming sign shall:
 - (1) Be changed to another nonconforming sign.
 - (2) Have its commercial message changed so as to name, advertise, or call attention to a business, product, service, event or other commercial activity not existing upon the lot on which the nonconforming sign(s) is located at the time of enactment of this article.
 - (3) Be structurally altered or changed in shape, size, type or design.
 - (4) ~~Continue to be used or allowed to remain in place after the business, product, service, event, or other activity to which it relates has been discontinued for 90 days or longer.~~

Be repaired or replaced after damage or destruction if the expense of repair exceeds 50% of the cost of replacing or duplicating the existing sign.
 - (5) Continue to be used or allowed to remain in place following any activity that requires site plan review by the Plan Commission, according to Chapter [770](#), Zoning.
 - (6) Continue to be used or allowed to remain in place following any application for a sign permit on the same premises following the effective date of this article.
- B. Due to their demonstrated historical significance and considering their integral nature to the building on which they are attached, the provisions of § [607-21A\(4\)](#) through [\(6\)](#) shall not apply to any of the following signs which may have become nonconforming with the adoption of this article:
 - (1) Building markers.

(2) Marquee signs for theaters.”

SECTION 8. 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 9. 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 10. 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 11. EFFECTIVE DATE. This ordinance shall take effect ten (10) days after the final passage thereof.