

A Special Meeting of the Royal Oak City Commission was held on Monday, July 12, 2010, in Room 309 of City Hall, 211 Williams, Royal Oak. The Meeting was called to order by Mayor Ellison at 6:30 P.M. Present were Mayor Ellison, Commissioner Andrzejak, Commissioner Capello, Commissioner Drinkwine, Commissioner Poulton, Commissioner Rasor and Commissioner Semchena. Also present were City Manager Johnson, City Attorney Gillam, and City Clerk Halas.

Adjourned to Closed Session

Moved by Commissioner Drinkwine
Seconded by Commissioner Capello

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 Semchena, Andrzejak, Capello, Drinkwine and Mayor Ellison

NAYS: None

ABSENT: Commissioners Poulton (6:35 PM), Rasor (6:37 PM)

MOTION ADOPTED

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A Regular Meeting of the Royal Oak City Commission was held on Monday, July 12, 2010, in the City Hall, 211 Williams, Royal Oak. The Meeting was called to order by Mayor Ellison at 7:36 p.m.

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

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

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ANNOUNCEMENTS

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

SPECIAL EVENTS

July 17th & 18th

The Royal Oak Chamber of Commerce is holding their annual Antique and Garage Sale at the parking structure on Lafayette between 5th and 6th. Hours Saturday are 9:30-6 and Sunday 9:30-5.

July 20th

The Mahany/Meininger Senior Center will be holding a fundraiser at the Big Boy Restaurant on John R between 12 and 13 Mile in Madison Heights. From 5:00PM to 8:00PM Big Boy will donate 20% of all food purchases to the Senior Center. There will be raffles throughout the night.

July 22nd through July 25th

Stagecrafters Youth Theatre will be presenting "The Little Mermaid", a fairy tale for the whole family at the Baldwin Theatre, 415 S. Lafayette. Performance times vary. For more information check their website www.stagecrafters.org

July 22nd through August 8th

Water Works Theater celebrates 10 years of Shakespeare in the Park with three weeks of performances. "Two Gentlemen of Verona" performances will be on Thursdays, Fridays and Saturdays at 8 PM and Sundays at 3 PM at Starr Jaycee Park on 13 Mile between Crooks and Main. For additional information check their website www.waterworkstheatre.com/two-gentlemen.html

The summer reading programs continue at the Royal Oak Public Library.

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PUBLIC COMMENT

Mr. Steve McGraw, 1255 Bishop, Grosse Pointe Park, corrected errors in his statements regarding privatization of EMS services made at a previous meeting.

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Ms. Jane Bais-DiSessa, City Manager for the City of Berkley, thanked the Commission for considering the Woodward 5 resolution and briefly explained the purpose of the concept.

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Ms. Corinne Khederian is co-chair of Armenia Fest 2010. They were requesting an amendment to the special event agreement to allow music on the west porch of the Farmer's Market instead of inside the building. This was the first time holding the event in Royal Oak and they weren't certain the capacity of the building was enough for the amount of interest shown. Market Master Ross was agreeable to the change. The event is scheduled for Saturday, July 17th 6:00 PM – 10:00 PM.

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Mr. Brendan Wehrung, 702 Irving, complained that the LCC agenda had not been posted by 6:30 p.m. He was opposed to using Ampco to handle the parking for Arts, Beats and Eats.

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Mr. Robert Harris, 21934 Redmond, Eastpointe, was opposed to the clause in the Arts, Beats and Eats Festival contract regarding no firearms. Openly carried firearms cannot be prohibited. If they didn't remove the clause and someone was inappropriately removed from the festival they were opening themselves up to a lawsuit.

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Mr. Paul Dalrymple, 211 Normandy, stated City Ordinance 251.5 was unenforceable.

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Mr. Scott Webb, 27851 ONeil, Roseville, had issues with the city's ordinances and the clause in the festival contract. They needed to give the officers the correct information for their own protection.

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APPROVAL OF AGENDA

Item 7E was removed from the agenda. Items 17 Amendment to Special Event Permit for Armenia Fest and 18 Proposed Settlement: Gura vs. City of Royal Oak were added to the agenda. Item 7G was removed from the Consent Agenda.

Moved by Commissioner Andrzejak
Seconded by Commissioner Poulton

BE IT RESOLVED that the City Commission hereby approves the agenda for the July 12, 2010 meeting as amended.

ADOPTED UNANIMOUSLY

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CONSENT AGENDA

Moved by Commissioner Rasor
Seconded by Commissioner Semchena

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

- A. BE IT RESOLVED that the claims of June 29, 2010 in the amount of \$2,863,220.66, July 2, 2010 in the amount of \$939,006.43 and July 13, 2010 in the amount of \$1,020,112.69 audited by the Department of Finance are hereby approved.
- B. BE IT RESOLVED that the Mayor is hereby authorized to execute the agreement between the City of Royal Oak and Street Legal Customs, Inc., for a one-day, outdoor, live WGPR (107.5) radio broadcast, NOS Energy Drink promotion, and apparel concession at Street Legal Customs, Inc. 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 Central Medical Imaging, for a one-day private party at their business located at 26454 Woodward, 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 City Style, Inc. for a one-day, outdoor sale of "Made in Detroit" t-shirts at The Avenue Restaurant, 31253 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 Cruis'news, Corp. for a one-day, outdoor sale of Cruis'news single issue magazines and magazine subscriptions at Duggan's Irish Pub, 31501 Woodward 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 Cruis'news, Corp. for a one-day, outdoor sale of Cruis'news single magazine issues and magazine subscriptions at Woodward Hunter Shell, 31786 Woodward 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 E. A. Graphics for an outdoor sale of Woodward Dream Cruise and "Cruisen the Motor City" apparel and other Cruise related merchandise at Nello's Restaurant, located at 25994 Woodward, on August 20th through August 22nd, 2010.

BE IT RESOLVED that the Mayor is hereby authorized to execute the agreement between the City of Royal Oak and E. A. Graphics for an outdoor sale of Woodward Dream Cruise and "Cruisen the Motor City" apparel and other Cruise related merchandise at 26862 Woodward on August 20th and August 21st, 2010.

BE IT RESOLVED that the Mayor is hereby authorized to execute the agreement between the City of Royal Oak and E. A. Graphics for an outdoor sale of Woodward Dream Cruise and "Cruisen the Motor City" apparel and other Cruise related merchandise at Rainbow Estates property, located at 27100 Woodward, on August 20th through August 22nd, 2010.

BE IT RESOLVED that the Mayor is hereby authorized to execute the agreement between the City of Royal Oak and E. A. Graphics for an outdoor sale of Woodward Dream Cruise and "Cruisen the Motor City" apparel and other Cruise related merchandise at Walgreens, 30852 Woodward on August 20th and August 21st, 2010.

BE IT RESOLVED that the Mayor is hereby authorized to execute the agreement between the City of Royal Oak and E. A. Graphics for an outdoor sale of Woodward Dream Cruise and "Cruisen the Motor City" apparel and other Cruise related merchandise at Belle Tire, located at 31053 Woodward, on August 20th through August 22nd, 2010.

BE IT RESOLVED that the Mayor is hereby authorized to execute the agreement between the City of Royal Oak and E. A. Graphics for an outdoor sale of Woodward Dream Cruise and "Cruisen the Motor City" apparel and other Cruise related merchandise at the Balmoral Centre, D. W. Krane/MAEDOT LLC property, located at 32121 Woodward, on August 20th through August 22nd, 2010.

BE IT RESOLVED that the Mayor is hereby authorized to execute the agreement between the City of Royal Oak and Events Extraordinaire 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 Hi Tops 10 ½, for a one-day, outdoor dining café with alcohol service at their business located at 25422 Woodward, 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 Magna Powertrain for a one-day, outdoor, private customer event 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 Dr. Michael Schenden for a one-day outdoor private party at Morisette Automotive, located at 30712 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 N & A Oil Co., for a one-day private party 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 Open Hands Food Pantry for a one-day sale (lease) of parking spaces to raise money for the Open Hands Food Pantry, 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 Recreational Diving System Inc. to host Gladiator by Whirlpool for a one-day, outdoor product promotion and display at their business located at 32552 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 Royal Oak Ford to host a one-day, private, outdoor employee gathering at 27550 Woodward 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 Royal Oak Ford to host a one-day, private, outdoor employee gathering at 30002 Woodward 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 Screen Source Media to display two LED display screens, back-to-back, in the Woodward median in conjunction with the Woodward Dream Cruise on Friday, August 20th and Saturday, August 21st, 2010.

- C. BE IT RESOLVED that the City Commission Minutes of June 3, 2010 Special Meeting are hereby approved.
- D. BE IT RESOLVED, that the City Commission hereby approves the reappointment of City Manager Johnson to the Royal Oak Hospital Finance Authority for a three year term to expire 12/31/2012.
- F. WHEREAS, The Cities of Berkley, Ferndale, Huntington Woods, Pleasant Ridge and Royal Oak met to discuss a mutual and unnamed group in June 2008 upon the suggestion and influence of Dr. Daniel Benton a Councilmember on the Berkley City Council; and

WHEREAS, The motivating purpose for the Cities to meet was to discuss the merit in branding the area as a district of the greater metropolitan area. The five Cities and two school districts represent the very heart of the tri county area;

WHEREAS, The Woodward 5 is a quintet of cities and the school districts of Berkley and Ferndale located and connected by the Woodward Corridor, forming a cultural hot zone in Metro Detroit. This dynamic hub offers a compelling mix of urban sophistication, architectural diversity and cultural drive. Comprised of three thriving downtowns and nationally historic neighborhoods, the area boast strong schools and a distinctive, close-knit community that welcome people with a zest for living out loud; and

WHEREAS, The first small project that the Woodward 5 agreed to work together on and fund was a trolley that would travel through all five communities, promoting the vibrant downtowns, nightlife and sense of pride for being a part of such a dynamic community. This collaboration proved to be successful and ran on five separate occasions; and

WHEREAS, The group of five communities, after much deliberation and thought, adopted a formal brand name that would identify and unify the group as one vital, energetic region; and

WHEREAS, The newly minted Woodward 5 continued to work throughout 2009 to develop a target audience, write a personality, position, story and tagline for the individual Cities, school districts and Woodward 5; and

WHEREAS, The Woodward 5 developed a logo, slogan, guidelines, application examples and a final Guidebook summarizing the project. The slogan - Live Life Here - embodies the message and feeling of the area. The Woodward 5 offers residents a place to plant their roots and to evolve throughout all stages of life; and

WHEREAS, The shared collaborative effort of the Woodward 5 will serve as an example of how communities with varied personalities can work together, maintain their individual identities and create a regional collaboration that is beneficial to all.

NOW, THEREFORE BE IT RESOLVED the City of Royal Oak will support the work of the Woodward 5 and continue to discuss ways to promote southeast Oakland County region, advocate collaborative efforts and explore funding various Woodward 5 initiatives.

- H. BE IT RESOLVED that the City Commission hereby approves the 2010 Sign Ordinance Amendments on Second Reading (Exhibit A).
- I. BE IT RESOLVED that the Mayor is hereby authorized to execute the agreement between the City of Royal Oak and Inn Place Bar & Grill for a Rodney Curtis Fundraiser on Sunday, July 18, 2010.

ADOPTED UNANIMOUSLY

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**MDOT FUNDING AGREEMENT
MAIN STREET**

Commissioner Rasor requested staff look into striping a bicycle lane.

Moved by Commissioner Rasor
Seconded by Commissioner Capello

BE IT RESOLVED that the Mayor and City Clerk be authorized to execute the Construction Funding Agreement with the Michigan Department of Transportation for the Federally Funded Main Street Resurfacing Project from Crooks Road to 13 Mile Road.

ADOPTED UNANIMOUSLY

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**MEDICAL MARIHUANA MORATORIUM
SET HEARING DATE 2521 TORQUAY**

Moved by Commissioner Andrzejak
Seconded by Commissioner Capello

BE IT RESOLVED, that the request from AFKF, L.L.C. to have the opportunity to present its proposal for the use of 2521 Torquay as a marihuana "grow room" to the City Commission is hereby granted.

BE IT FURTHER RESOLVED, that the hearing on AFKF's proposal for 2521 Torquay shall be scheduled for August 9, 2010 at 7:30 p.m.

City Attorney Gillam noted this was not a public hearing and did not require notice.

Commissioner Capello called the question.

ADOPTED UNANIMOUSLY

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**AMENDMENT TO THE AMPCO PARKING AGREEMENT
FOR ARTS, BEATS & EATS**

Moved by Commissioner Capello
Seconded by Commissioner Drinkwine

BE IT RESOLVED that the City Commission hereby approves the letter of understanding and addendum for additional services to be provided by Ampco for Arts, Beats and Eats.

ADOPTED UNANIMOUSLY

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CHARTER REVIEW COMMITTEE RECOMMENDATIONS

Moved by Commissioner Andrzejak
Seconded by Commissioner Capello

BE IT RESOLVED, that the City Clerk shall transmit a copy of the proposals and this resolution to the Governor and to the Attorney General of the State of Michigan for approval, and

BE IT ALSO RESOLVED, that the Clerk shall also publish the current text of the sections of the charter proposed for amendment or deletion and the proposed text of the charter amendments and changes in accordance to Michigan law.

BE IT ALSO RESOLVED, that the proposed charter amendment proposals be placed before the electors at the General Election scheduled for Tuesday, November 2, 2010:

CHARTER AMENDMENT "PROPOSAL A"

Currently, the Charter at Chapter 3, Section 7, does not explicitly state that the Mayor pro tem shall succeed the Mayor should the Mayor resign or suffer permanent disability in office. The proposal, if adopted, would have the Mayor pro tem succeed the Mayor should the Mayor resign from office or suffer permanent disability and to allow the City Commissioners to select a new Commissioner to serve as Mayor pro tem. Shall the proposal be adopted?

YES

NO

ADOPTED UNANIMOUSLY

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Moved by Commissioner Andrzejak
Seconded by Commissioner Poulton

BE IT RESOLVED, that the City Clerk shall transmit a copy of the proposals and this resolution to the Governor and to the Attorney General of the State of Michigan for approval, and

BE IT ALSO RESOLVED, that the Clerk shall also publish the current text of the sections of the charter proposed for amendment or deletion and the proposed text of the charter amendments and changes in accordance to Michigan law.

BE IT ALSO RESOLVED, that the proposed charter amendment proposals be placed before the electors at the General Election scheduled for Tuesday, November 2, 2010:

CHARTER AMENDMENT “PROPOSAL C”

Currently the Charter at Chapter 3, Section 4, requires the term of all elective officers to commence at 12:00 noon on the first Monday in December following their election. The proposal, if adopted, would require the terms of all elective officers to commence at the next scheduled City Commission meeting in November at 7:30 p.m. after the City Board of Canvassers has certified the results of their election. Shall the proposal be adopted?

YES

NO

ADOPTED UNANIMOUSLY

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Moved by Commissioner Andrzejak
Seconded by Commissioner Drinkwine

BE IT RESOLVED that the City Commission hereby denies approval of Charter Amendment “Proposal B”.

CHARTER AMENDMENT “PROPOSAL B”

Currently, the Charter at Chapter 3, section 3, requires mid-term City Commissioners to resign their seat from the City Commission as a condition to run for Mayor. The proposal, if adopted, would allow mid-term City Commissioners to run for mayor without having to submit their resignation from the City Commission. Shall the proposal be adopted?

YES

NO

ADOPTED UNANIMOUSLY

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Commissioner Capello suggested the following language:

Section 9. A vacancy on the City Commission (other than the Mayor) if it occurs in the first year of service shall be filled by the person receiving the next highest number of votes in the preceding election who was not elected but who has received at least ten percent of the total votes cast for the City Commission. If for any reason the person does not qualify for the office, or does not wish to serve, the Commission will select an appropriate candidate for the seat. Such appointee shall hold office until the next biennial municipal election, at which election a successor shall be elected for the unexpired term of the person in whose office the vacancy occurs.

Moved by Commissioner Capello
Seconded by Commissioner Semchena

BE IT RESOLVED, that the City Clerk shall transmit a copy of the proposals and this resolution to the Governor and to the Attorney General of the State of Michigan for approval, and

BE IT ALSO RESOLVED, that the Clerk shall also publish the current text of the sections of the charter proposed for amendment or deletion and the proposed text of the charter amendments and changes in accordance to Michigan law.

BE IT ALSO RESOLVED, that the proposed charter amendment proposals be placed before the electors at the General Election scheduled for Tuesday, November 2, 2010:

CHARTER AMENDMENT "PROPOSAL D"

Shall the Charter be amended at Chapter 3, Section 9, to allow vacancies on the City Commission to be first filled with the person who received the next highest number of votes in the preceding election, so long as they received at least ten percent of the total votes cast for city commissioners?

YES

NO

It was suggested that a vacancy occurring in the second year of service or a second vacancy occurs the Commission would fill the vacancy.

MOTION WITHDRAWN

The item was sent back to the Charter Review Committee for reconsideration and to be brought back before the Commission at the next meeting.

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**PUBLIC HEARING
LOT SPLIT CROOKS ROAD NORTH OF 14 MILE**

Commissioner Razor left the Table at 9:36 p.m.

Mayor Ellison opened the Public Hearing. There being no one who wished to speak the Public Hearing was closed.

Moved by Commissioner Capello
Seconded by Commissioner Poulton

BE IT RESOLVED, that the request to split the property at 4849 Crooks; being legally described as Lots 1129 through 1134, both inclusive and Lots 1138 through 1144, both inclusive, CUMMINGSTON PARK SUBDIVISION NO. 1, as recorded in Liber 41, Page 9 of Plats, Oakland County Records. Also a portion of Lingeman Boulevard in said CUMMINGSTON PARK SUBDIVISION NO. 1 described as: Beginning at the Northeast corner of Lot 1144 of said subdivision; thence along the Easterly line of said Lot produced Northerly 90 feet; thence West 114.8 feet to a point on the Southwesterly line of said boulevard, said point being 10 feet Southeasterly from the Northwest corner of Lot 1142 of said subdivision; thence Southeasterly along said Southwesterly line, 152.3 feet to the point of beginning is hereby granted, creating the following described parcels:

PARCEL "1"

Lots 1138 through 1144, inclusive, part of Lots 1131 through 1134, inclusive, and a portion of Lingeman Boulevard, CUMMINGSTON PARK SUBDIVISION NO. 1, as recorded in Liber 41, Page 9 of Plats, Oakland County Records described as: Commencing at the Northwest corner of Lot 1129 of said CUMMINGSTON PARK SUBDIVISION NO. 1, thence South 54 degrees 14'22" East 148.09 feet along the Southerly right of way line of said Parmenter Boulevard to the Point of Beginning; thence continuing South 54 degrees 14'22" East 261.83 feet along said Southerly right of way line; thence North 89 degrees 42'23" East 114.80 feet; thence South 05 degrees 35'09" East 156.57 feet along the West right of way line of Crooks Road to the Southeast corner of said Lot 1144; thence South 89 degrees 31'35" West 406.03 feet along the Southerly line of Lots 1139 through 1144; thence North 00 degrees 28'25" West 220.89 feet along the West line of Lots 1138 and 1139 extended; thence North 35 degrees 45'38" East 111.80 feet to the point of beginning.

PARCEL "2"

Lots 1129 and 1130, and also part of Lots 1131 through 1134, inclusive, CUMMINGSTON PARK SUBDIVISION NO. 1, as recorded in Liber 41, Page 9 of Plats, Oakland County Records described as: Beginning at the Northwest corner of Lot 1129, CUMMINGSTON PARK SUBDIVISION NO. 1; thence South 54 degrees 14'22" East 148.09 feet along the Southerly right of way line of said Parmenter Boulevard; thence South 35 degrees 45'38" West 111.80 feet; thence South 00 degrees 28'25" East 100.89 feet to the Southeast corner of said Lot 1134; thence South 89 degrees 31'35" West 150.00 feet along the South line of said Lot 1134; thence along the Easterly right of way line of Sedgemoor Avenue; North 00 degrees 28'25" West 116.80 feet, 57.98 feet along the arc of a 91.65 radius curve to the right, chord bearing North 17 degrees 38'57" East 57.02 feet and North 35 degrees 46'19" East 133.44 feet to the point of beginning.

Commissioner Razor returned to the Table at 9:39 p.m.

ADOPTED UNANIMOUSLY

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**LIBRARY LABOR SHARING AGREEMENT 2010
CLAWSON BLAIR MEMORIAL LIBRARY RENOVATIONS**

Mayor Ellison left the Table at 9:39 p.m. Mayor Pro Tem Andrzejak ran the meeting in his absence.

Moved by Commissioner Drinkwine
Seconded by Commissioner Capello

BE IT RESOLVED, the Mayor and City Clerk are authorized to sign the Library Labor Sharing Agreement with the City of Clawson.

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

NAYS: None

ABSENT: Mayor Ellison

MOTION ADOPTED

Mayor Ellison returned to the Table at 9:41 p.m.

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**RDS/CORNERSTONE AGREEMENT
EARLY RETIREE REINSURANCE PROGRAM SERVICES**

Moved by Commissioner Drinkwine
Seconded by Commissioner Rasor

BE IT RESOLVED that the City Commission hereby approves the Agreement and purchase order with RDS/Cornerstone Group for Early Retiree Reinsurance Program Services in an amount not to exceed \$40,000.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are authorized to execute the Agreement on behalf of the City.

ADOPTED UNANIMOUSLY

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AMENDMENT TO FENCE ORDINANCE, FIRST READING

Moved by Commissioner Poulton
Seconded by Commissioner Rasor

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

AYES: Commissioners Capello and Poulton

NAYS: Commissioners Andrzejak, Drinkwine, Rasor, Semchena and Mayor Ellison

MOTION FAILED

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**PUBLIC HEARING OF NECESSITY
NORTH EDISON**

Mayor Ellison opened the Public Hearing.

Ms. Jeanne Williams, 301 N. Edison, has lived there for six years. Her front yard borders an undeveloped portion of the street. The dirt and gravel create a headache and was hard to get plowed in the winter. That's why she submitted the petition.

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Mr. Joseph Galac, 304 N. Edison, has maintained the area for 25 years. It was a waste of time and money to pave the area.

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Mr. Jan Choike, 300 N. Edison, was in favor of the paving and putting in a gutter. Even if the city didn't plow it, if it was paved he could use a snow blower to clear it. It would improve property values.

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There being no one else who wished to speak the Public Hearing was closed.

It was noted that Mr. Galac's address is on Taylor.

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SPECIAL ASSESSMENT STANDARD RESOLUTION #3 & 4

Moved by Commissioner Andrzejak
Seconded by Commissioner Capello

BE IT RESOLVED, that the City Commission hereby deems it advisable and necessary to proceed with said public improvement 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 and approves Special Assessment Standard Resolution No. 3 (see Exhibit C).

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

NAYS: Commissioner Rasor

MOTION ADOPTED

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Moved by Commissioner Drinkwine
Seconded by Commissioner Semchena

BE IT RESOLVED, that the City Commission hereby sets the Public Hearing of Assessment for August 9, 2010 and approves Special Assessment Standard Resolution No. 4 (see Exhibit D).

ADOPTED UNANIMOUSLY

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**SPECIAL EVENT PERMIT AMENDMENT
ARMENIA FEST**

Moved by Commissioner Semchena
Seconded by Commissioner Rasor

BE IT RESOLVED that the City Commission hereby grants the request to amend the Special Event permit for Armenia Fest to allow use of the west porch of the Farmers Market for live music.

ADOPTED UNANIMOUSLY

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**PROPOSED SETTLEMENT AGREEMENT
GURA VS. CITY OF ROYAL OAK**

Moved by Commissioner Semchena
Seconded by Commissioner Capello

BE IT RESOLVED that the City Commission hereby approves the proposed settlement of \$25,000 in Gura v City of Royal Oak.

ADOPTED UNANIMOUSLY

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Commissioner Drinkwine requested staff prepare a safety procedure regarding carrying of firearms in City Hall prior to the next City Commission meeting.

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Upon Motion of Commissioner Drinkwine, Seconded by Commissioner Rasor, and adopted unanimously, the Regular Meeting was adjourned at 10:49 P.M.

Melanie Halas, City Clerk

The foregoing Minutes of the Regular Meeting held on July 12, 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. 2010-10

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. 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."

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. 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 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) 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.

Exhibit B

ORDINANCE NO. 2010-11

AN ORDINANCE TO AMEND THE ROYAL OAK CITY CODE AT CHAPTER 323, "FENCES", TO PROHIBIT THE ERECTION, CONSTRUCTION, OR RECONSTRUCTION OF A FENCE IN A FRONT YARD OR SIDE YARD ADJACENT TO AN ADJOINING PROPERTY OWNER'S DRIVEWAY, AND TO ESTABLISH A MINIMUM SETBACK REQUIREMENT FOR LANDSCAPE TREATMENTS IN A FRONT YARD OR SIDE YARD ADJACENT TO AN ADJOINING PROPERTY OWNER'S DRIVEWAY.

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 City of Royal Oak Fence Ordinance."

SECTION 2. STATEMENT OF PURPOSE. This is an ordinance to amend the City Code at Chapter 323, "Fences", to prohibit the erection, construction, or reconstruction of a fence in a front yard or side yard adjacent to an adjoining property owner's driveway, and to establish a minimum setback requirement for landscape treatments in a front yard or side yard adjacent to an adjoining property owner's driveway.

SECTION 3. AMENDMENT AT SECTION 323-2. The Royal Oak City Code, Chapter 323, "Fences", is hereby amended at Section 323-2, "Definitions", which shall now read as follows:

"Section 323-2. Definitions.

For the purposes of this chapter, certain words used herein are defined as follows:

FENCE-A barrier erected upon, or immediately adjacent to, a property line for the purpose of separating properties, or for screening, enclosing, and/or protecting the property within its perimeter. A fence shall not include construction site barriers or privacy screens as those terms are defined herein.

FRONT YARD-A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the principal building and the front lot line, and measured perpendicular to the building at the closest point to the front lot line. In all cases, the front lot line shall be considered to be that portion of the lot which abuts a public road right-of-way or private road easement. (See Chapter 770, Zoning, Section 770-8, Definitions, Figure 3.)

LANDSCAPE TREATMENTS-A landscaped area composed of living material, wall, berm, or combination thereof, established and/or maintained to provide visual screening, noise reduction, and transition between properties.

PRIVACY SCREEN-A barrier erected within the interior of a parcel of property and not upon, or immediately adjacent to, a property line for the purpose of obscuring patios, decks, courtyards, swimming pools, and other similar outdoor features, from observation by persons outside the perimeter of the property. Privacy screens shall not include landscape treatments.

SIDE YARD-A yard between any building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the nearest point of principal building. (See Chapter 770, Zoning, Section 770-8, Definitions, Figure 3.)

SIGHT-OBSCURING-Opaque or having such qualities as to constitute an effective visual barrier in the determination of the City's Chief Building Inspector. A chain-link fence, in the absence of slats, shall not be considered sight-obscuring."

SECTION 4. AMENDMENT AT SECTION 323-3. The Royal Oak City Code, Chapter 323, "Fences", is hereby amended at Section 323-3, "Maximum height and permitted locations of fences and privacy screens", which shall now read as follows:

"Section 323-3. Maximum height and permitted locations of fences, landscape treatments and privacy screens.

The respective owners or lessees of property in the City of Royal Oak may construct fences, landscape treatments and privacy screens in such a manner as hereinafter stated:

A. No fence shall be erected, constructed, or reconstructed to a height of more than six feet above the adjoining ground level of the owner's or lessee's property unless otherwise provided by the State Building Code or §326-6 herein. On property zoned for residential use, no fence shall be erected, constructed, or reconstructed to a height of more than four feet above the adjoining ground level of the owner's or lessee's property when placed in a front yard as defined by Chapter 770, Zoning. On any corner lot, no sight-obscuring fence or landscape treatment shall rise over three feet in height above the established lowest level of the adjacent roadways, within the triangle formed by the two property lines which meet at the street intersection and a line drawn between points located on said property lines and 20 feet away from the point of intersection. No sight-obscuring fence, landscape treatment, or privacy screen that is located within 10 feet of the intersection of any driveway with a public sidewalk shall rise over three feet in height above said sidewalk, in order that the visibility of a driver of a vehicle using said driveway shall not be obstructed.

B. No privacy screen shall be erected, constructed, or reconstructed to a height of more than six feet above the adjoining level of the owner's or lessee's property, when located between a property line and the required minimum side yard setback for the dwelling pursuant to Chapter 770, Zoning. Privacy screens may be erected, constructed, or reconstructed to a maximum height of eight feet when set back from a side or rear property line a distance equal to the minimum side yard setback required for the dwelling pursuant to Chapter 770, Zoning. Privacy screens are permitted only within a rear yard as defined by Chapter 770, Zoning.

C. No fence shall be constructed so as to encroach into the public right-of way, provided that such encroachment may be permitted by the Royal Oak City Commission upon request and a showing that a necessity exists for such encroachment. The decision of the City Commission shall be final and binding.

D. On property zoned for residential use, no fence shall be erected, constructed, or reconstructed in a front yard or side yard adjacent to an adjoining property owner's driveway. On property zoned for residential use, a set back of not less than two feet (2') shall be maintained when landscape treatments are installed in a front yard or side yard adjacent to an adjoining property owner's driveway."

SECTION 5. 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 6. 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 7. 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 8. EFFECTIVE DATE. This ordinance shall take effect ten (10) days after the final passage thereof.

Exhibit C

SPECIAL ASSESSMENT STANDARD RESOLUTION NO. 3

**CITY OF ROYAL OAK
COUNTY OF OAKLAND, MICHIGAN**

A Regular Meeting of the Royal Oak City Commission was held in City Hall, 211 Williams Street, on July 12, 2010, at 7:30 o'clock p.m., Eastern Time.

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

ABSENT: None

The following preamble and resolution were offered by Commissioner Andrzejak and supported by Commissioner Capello.

WHEREAS, the City Commission, after due and legal notice, has met and heard all interested persons to be affected by the proposed public improvements hereinafter described; and

WHEREAS, the City Commission deems it advisable and necessary to proceed with said public improvements:

**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.**

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Commission hereby determines make the public improvements described above and to defray the cost by special assessment upon the property specially benefited in proportion to the benefits to be derived.
2. The City Assessor is directed to prepare and finalize the profiles, plans and specifications for the public improvements.
3. The Commission tentatively determines that of said total estimated cost the sum of **\$9,450.00** be paid by special assessment upon the properties specially benefited, as more particularly hereinafter described, and that the sum of **\$8,000.00** shall be the obligations of the City by reason of general benefit to the City.
4. The City Commission hereby designates the following lots and parcels of land as the property to comprise the special assessment district upon which the special assessments shall be levied:

25-14-351-070 25-14-351-066 25-14-351-044
5. When the City Assessor shall have completed the Special Assessment Roll, he shall report the same to the Commission and the same shall be filed with the City Clerk, such report shall be signed by the City Assessor and may be in the form of a Certificate as provided for in Chapter Twelve Section Seven of the Charter of the City of Royal Oak, Michigan, indicating that he has conformed in all things to the directions contained in this Resolution and the Charter of the City of Royal Oak, Michigan relating to such assessment.
6. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

Melanie Halas, City Clerk

I hereby certify that the foregoing constitutes a true and complete copy of a resolution duly adopted by the City Commission for the City of Royal Oak, County of Oakland, Michigan, at a Regular Meeting held on July 12, 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.

Melanie Halas, City Clerk

Exhibit D

SPECIAL ASSESSMENT STANDARD RESOLUTION NO. 4

**CITY OF ROYAL OAK
COUNTY OF OAKLAND, MICHIGAN**

SPECIAL ASSESSMENT DISTRICT NO. 2382

At a Regular Meeting of the City Commission for the City of Royal Oak, County of Oakland, Michigan, held on July 12, 2010, at 7:30 o'clock p.m., Eastern Time.

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

ABSENT: None

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

WHEREAS, the City Assessor has prepared a Special Assessment Roll for the purpose of specifically assessing that portion of the costs of the public improvement more particularly hereinafter described to the properties specially benefited by said public improvement, and the same has been presented to the City Commission by the City Clerk.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said Special Assessment Roll No. 2382 is hereby accepted and shall be filed in the office of the City Clerk for public examination.
2. The City Commission shall meet at the City Hall at 7:30 o'clock p.m., Eastern Daylight Time, on August 9, 2010, for the purpose of hearing all persons interested in said Special Assessment Roll and reviewing the same, and at said meeting all interested persons shall be afforded an opportunity to be heard.
3. The City Clerk is directed to publish the notice of said hearing once in The Royal Oak Review, Warren, Michigan, a newspaper of general circulation in the City of Royal Oak, said publication to be not less than five (5) full days prior to the date of said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of or person in interest in property to be assessed as shown by the last general tax assessment roll of the City, at least ten (10) full days before the time of said hearing, and said notice to be mailed to the addresses shown on said general tax rolls of the City.
4. The notice of said hearing to be published and mailed shall be in substantially the following form:

**NOTICE OF HEARING TO REVIEW
SPECIAL ASSESSMENT ROLL
CITY OF ROYAL OAK
COUNTY OF OAKLAND, MICHIGAN**

TO THE OWNERS OF ALL PROPERTY WITHIN THE FOLLOWING DESCRIBED SPECIAL ASSESSMENT DISTRICT:

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

TAKE NOTICE, that a Special Assessment Roll has been prepared for the purpose of defraying the Special Assessment District's share of the cost of the following described public improvement:

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 Special Assessment District is comprised of the following described property:

25-14-351-070

25-14-351-066

25-14-351-044

THE SAID SPECIAL ASSESSMENT ROLL IS ON FILE FOR PUBLIC EXAMINATION WITH THE CITY CLERK AND ANY OBJECTIONS TO SAID SPECIAL ASSESSMENT ROLL MAY BE MADE IN WRITING PRIOR TO THE CLOSE OF THE HEARING TO REVIEW SAID SPECIAL ASSESSMENT ROLL.

TAKE FURTHER NOTICE, that the City Commission and the City Assessor will meet at the City Hall, 211 Williams Street, at 7:30 o'clock p.m., Eastern Daylight Time, on August 9, 2010, for the purpose of reviewing said special assessment roll and hearing any objections thereto.

Melanie Halas
City Clerk

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

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

NAYS: None

RESOLUTION DECLARED ADOPTED

Melanie Halas, City Clerk

I hereby certify that the foregoing constitutes a true and complete copy of a resolution duly adopted by the City Commission for the City of Royal Oak, County of Oakland, Michigan, at a Regular Meeting held on July 12, 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.

Melanie Halas, City Clerk