

A Special Meeting of the Royal Oak City Commission was held on Monday, July 19, 2010, in Room 309 of City Hall, 211 Williams, Royal Oak. The Meeting was called to order by Mayor Ellison at 6:00 p.m. Present were Mayor Ellison, Commissioner Andrzejak, Commissioner Capello, Commissioner Drinkwine, Commissioner Poulton, Commissioner Rasor and Commissioner Semchena. Also present were City Manager Johnson, City Attorney Gillam, and City Clerk Halas.

Adjourned to Closed Session

Moved by Commissioner Capello
Seconded by Commissioner Semchena

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

ROLL CALL VOTE

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

NAYS: None

ABSENT: Commissioners Andrzejak (6:05 PM) and Rasor (6:19 PM)

MOTION ADOPTED

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A Regular Meeting of the Royal Oak City Commission was held on Monday, July 19, 2010, in the City Hall, 211 Williams, Royal Oak. The Meeting was called to order by Mayor Ellison at 7:39 p.m.

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

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

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ANNOUNCEMENTS

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

SPECIAL EVENTS

Tuesday, July 20th, The Mahany/Meininger Senior Center will hold 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.

Thursday, July 22nd through Sunday, July 25 Stagecrafters Youth Theatre will present "The Little Mermaid", a fairy tale for the whole family at the Baldwin Theatre, 415 S. Lafayette. Curtain Times: Thursday, July 22 at 7 pm, Friday, July 23 at 7 pm, Saturday, July 24 at 3 pm and 7 pm, Sunday, July 25 at 1 pm. 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

Thursday, July 29th 10:30AM to 12:30PM, The Summer Readers' Fair will take place on the Library lawn on the south side of the Library. It's open to all children who participated in the Summer Reading Program

Thursday, August 5th, at 7:00 PM the Teen Summer Reading Program Grand Finale at the Library.

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PUBLIC COMMENT

Mr. Frank Arvan, 326 E. Fifth Street, believed the city needed a central park. He'd been pushing the idea for a few years. Many large cities have them. It would be an asset to the city and bring people downtown. It could be a place for events, ceremonies, a splash park and an ice rink. He hoped they would consider it seriously and pass it along to the appropriate committee.

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Mr. Robert Harris, Eastpointe, stated the law cited at the last meeting only prohibits concealed carry. His goal was to help them avoid violation of a citizen's rights. He was offended by comments made last week. He was responsible for the safety of his family. Open carry was a deterrent to crime.

Mayor Ellison apologized if he gave the impression that Mr. Harris' call was harassing.

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Mr. Paul Dalrymple, 211 Normandy, stated he was not required to give his name or address but chose to do so. He was concerned with the conduct of the City Commission at the July 12, 2010 meeting. Their reaction to his carrying a pistol was the worst he'd experienced. He sent the Commission his analysis of the Arts, Beats and Eats Festival contract and hoped they would act upon it. This was a denial of rights.

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Mr. Sean (inaudible), 21079 (inaudible), Macomb Township, was dismayed by comments made at the July 12th meeting. Many who open carry are former military. He was no longer in the army but he still carries his firearm. A CPL holder may open carry in gun free zones. He will attend Arts, Beats and Eats and be legally armed.

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Mr. Jason Harrison, Hadley Township, stated they were trying to help them comply with state law. The clause in the Arts, Beats and Eats contract is unlawful. If the police were to try and enforce it they would be open to civil action. They were requesting the city follow state law. They would be exercising their rights and it was in the Council's best interest to make certain the city complied with state and federal law.

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Mr. Ronald Halstead, 1211 Irving, spoke regarding the 2010/2011 budget amendments and cutting library employees' to 32 hours a week. The library millage funds cannot be used for other purposes. He asked them to reconsider their action.

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Mr. Alan Kroll, 1050 Iroquois, was against dedicating the properties in Item 12. He had faith in the ability of the Commission to make those decisions. You would have a minority of voters making decisions for the majority. The system works as it is. At the garage sale someone told him they don't come to Royal Oak because they heard there was no parking. The city has enough parking. There had never been a day when all the parking spaces in the city were full.

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Mr. Alex Schnaider, 1011 Knowles, disagreed with the idea that the city needed downtown park. The city was struggling to keep up with the parks it has. Removing parking to put in a park made no sense. Where would they get the money?

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Mr. Benjamin Shaddick, Pontiac, dealt with Arts, Beats and Eats before in Pontiac. Criminals don't pay attention to signs or gun free zones. He would be at the festival.

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Mr. William Shaw pointed out that about 66% of the budget goes to public safety. He had several questions about a millage. He didn't want to see them rush to put a millage on the November ballot and not give residents time to study it.

Commissioner Capello verified that the deadline for the November ballot was August 10.

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An unidentified man approached the podium and stated that he preferred to remain anonymous unless the Commissioners were willing to state their names and addresses. Since 2 members chose not to identify themselves he remained anonymous. If they were going to set a policy for the public they should be willing to follow it themselves. How do they think people feel having to approach them about a subject they might not like and state their name and address. There was also Michigan law.

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Mr. John Witz, Troy, stated laws have gray areas. With regards to safety, Arts, Beats and Eats had taken place for 12 years without an incident. They were in effect leasing the grounds from the city. As a private event they had the right to set restrictions. People would not be allowed to bring in outside food or drink. The entire festival area is a liquor license. If there were to be an altercation there would be more likelihood of a bystander being injured if someone was carrying a weapon.

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APPROVAL OF AGENDA

Item 7B was removed from the Consent Agenda.

Moved by Commissioner Drinkwine
Seconded by Commissioner Poulton

BE IT RESOLVED that the City Commission hereby approves the agenda for the July 19, 2010 meeting as amended.

ADOPTED UNANIMOUSLY

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CONSENT AGENDA

Moved by Commissioner Capello
Seconded by Commissioner Rasor

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

- A. BE IT RESOLVED that the claims of July 16, 2010 in the amount of \$1,484,831.86 audited by the Department of Finance are hereby approved.

ADOPTED UNANIMOUSLY

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**ABE AGREEMENT WITH
OAKLAND COUNTY SHERIFF'S OFFICE**

Moved by Commissioner Capello
Seconded by Commissioner Semchena

BE IT RESOLVED that the City Commission hereby approves the ABE Agreement with the Oakland County Sheriff's Office; and

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

ADOPTED UNANIMOUSLY

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CHARTER REVIEW COMMITTEE RECOMMENDATIONS

Moved by Commissioner Andrzejak
Seconded by Commissioner Semchena

BE IT RESOLVED, that the City Clerk shall transmit a copy of the proposal 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 once approved by the governor, 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 9, allows the City Commission to fill vacancies on the City Commission. The proposal, if adopted, would add a provision to fill vacancies of a Commissioner, in the first year of their two year term, with a 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. If that person was unable or unwilling to serve, then the City Commission would fill the vacancy as currently provided by the Charter.

Shall the proposal be adopted?

YES

NO

AYES: Commissioners Andrzejak, Capello, Semchena and Mayor Ellison

NAYS: Commissioners Drinkwine, Poulton, Rasor

MOTION FAILED DUE TO LACK OF SUPER MAJORITY

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**HOURS OF OPERATION
CITY HALL AND DEPARTMENT OF PUBLIC SERVICES**

Moved by Commissioner Rasor
Seconded by Commissioner Drinkwine

BE IT RESOLVED the City Manager has the authority to close City Hall and the Department of Public Service offices one day per week.

ADOPTED UNANIMOUSLY

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**LCC RECOMMENDATIONS
CANTINA DIABLO'S, 100 SOUTH MAIN
TRANSFER OF CLASS C LICENSE**

Moved by Commissioner Drinkwine
Seconded by Commissioner Semchena

BE IT RESOLVED that the request to transfer ownership of 2009 Resort Class C License issued under MCL 436.1531(4) with Dance Permit, Outdoor Service (1 area), 2 Bars, located at 100 S. Main, Royal Oak, MI 48067, Oakland County from 100 South Main, Inc. to Royal Oak Good Times Food & Drink, Inc., with Entertainment Permit and Expanded Outdoor Service, be considered for approval, for the following reasons:

- Amount invested in the facility/establishment,
- Substantial renovation of an existing building,
- Business history,
- Business experience,
- Overall benefit of the plan to the City, and
- Other unspecified factors having a positive effect on the health, safety and welfare, or the best interests of the community.

BE IT FURTHER RESOLVED, that the proposed Plan of Operation, including the soundproofing measures as discussed, for Cantina Diablo's dated July 15, 2010 is hereby approved.

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

NAYS: Commissioner Capello

MOTION ADOPTED

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BUDGET AMENDMENTS

Moved by Commissioner Drinkwine
Seconded by Commissioner Capello

BE IT RESOLVED that the City Commission hereby approves the fiscal year 2010/11 adjusted budgets for the following funds:

General Fund

General Government	8,665,930
Community and Economic Development	159,410
Health and Welfare	452,440
Public Safety	22,457,750
Public Works	1,044,100
Recreation and Culture	1,043,710
Transfers Out	100,000

Expenditures Total 33,923,340

Taxes	16,948,440
Licenses and Permits	1,206,800
Grants	4,591,500
Charges for Services	2,548,362
Fines and Forfeitures	3,212,500
Interest and Rentals	439,040
Contributions and Donations	16,500
Reimbursements	463,320
Other Revenues	65,000
Transfers In	2,945,000
Use of Fund Balance	1,486,878

Revenues, Transfers and Use of Fund Balance 33,923,340

Major Streets Fund

Expenditures Total	3,501,440
Revenues, Transfers and Use of Fund Balance	3,501,440

Local Streets Fund

Expenditures Total	2,230,160
Revenues, Transfers and Use of Fund Balance	2,230,160

Publicity Tax Fund

Expenditures Total	70,300
Revenues, Transfers and Use of Fund Balance	70,300

Brownfield Redevelopment Authority

Expenditures Total	65,700
Revenues Total	65,700

DDA - Development Fund

Expenditures Total	2,778,540
Revenues, Transfers and Use of Fund Balance	2,778,540

DDA - Operating Fund

Expenditures Total	49,410
Revenues, Transfers and Use of Fund Balance	49,410

Library Millage Fund

Expenditures Total	2,221,090
Revenues, Transfers and Use of Fund Balance	2,221,090

State Construction Code Fund

Expenditures Total	1,021,800
Revenues, Transfers and Use of Fund Balance	1,021,800

Senior Citizen Services Fund

Expenditures Total	574,280
Revenues, Transfers and Use of Fund Balance	574,280

Police Grants Fund

Expenditures Total	164,610
Revenues, Transfers and Use of Fund Balance	164,610

ADOPTED UNANIMOUSLY

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DEDICATING PROPERTIES/RECREATIONAL ASSETS

Moved by Commissioner Drinkwine
Seconded by Commissioner Capello

BE IT RESOLVED that the City Attorney be directed to draft ordinance language regarding the dedication of the properties known as the Memorial Park parking lot, Elks Park, Royal Oak Golf Course, the driving range, the miniature golf course, and the batting cages for recreational use to be brought back at the August 9, 2010 meeting for approval to be placed on the ballot for the November 2, 2010 election.

ADOPTED UNANIMOUSLY

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CITY CENTER PARK

Commissioner Razor suggested they make all the land between the Library and City Hall, from the alley to Troy Street, a park. It could contain a band shell, splash park and ice rink. Funding could come from the private foundations or commercial ventures.

It was noted that a portion of the park was already dedicated for the War Memorial. Grant Park was suggested as an alternate site but rejected as being too far to walk to and surrounded by residential properties.

Mayor Ellison was willing to look into a park but not spending a lot of time or money on it. The War Memorial and Star Dream would have to remain where they were. He would like to hear if the Parks and Recreation Advisory Board considered a downtown park viable and if so where should it be.

Commissioner Andrzejak wasn't interested in pursuing a park. It was more important to find a way to replace City Hall and the Police Station.

Commissioner Poulton was willing to have the Parks and Recreation Committee look at this.

Commissioner Capello was interested in the idea but thought it would be cost prohibitive. There were more important places to spend money.

Commissioner Drinkwine wasn't interested in the idea. It would cost them too many parking spaces.

Mr. Johnson liked the idea but saw two major problems. They didn't have the staff or the money to do it and it would take away too much parking.

Commissioner Semchena was content with maintaining the parks they have. This was not a priority. It wasn't practical in the current financial crisis.

There was no opposition to Commissioner Razor discussing this with the Board as long as it didn't involve any staff time.

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Upon Motion of Commissioner Capello, Seconded by Commissioner Poulton, and adopted unanimously, the Regular Meeting was adjourned at 10:21 P.M.

Melanie Halas, City Clerk

The foregoing Minutes of the Regular Meeting held on July 19, 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