

A Regular Meeting of the Royal Oak City Commission was held on Monday, August 9, 2010, in the City Hall, 211 Williams, Royal Oak. The Meeting was called to order by Mayor Ellison at 7:34 p.m.

Mayor Ellison gave the Invocation. Everyone present gave the Pledge of Allegiance.

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

\* \* \* \* \*

### ANNOUNCEMENTS

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

#### SPECIAL EVENTS

##### Thursday, August 12

Summer Concert Series, Royal Oak Public Library south lawn. Stewart Fancke beginning at 7 pm.

##### Saturday, August 14

Royal Oak Corn Roast & Country Fair, 9AM to 4PM at the Royal Oak Farmers' Market.

Royal Oak Hockey Moms' Club Hockey Festival, 11AM John Lindell Arena \$5.00 entry for one child, \$10.00 for two or more.

##### Monday, August 16

Book discussion group, Salter Center 10AM to noon, review Mark Salzman's Lying Awake. The story of an elderly Carmelite Sister who experiences dazzling visions but must choose between her spiritual gift and medical establishment that seeks to cure the powerful headaches that accompany her visions.

##### Tuesday, August 17

2<sup>nd</sup> Annual Kids Cruise, 4PM, Visit the DDA website for a map and additional information.

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### PRESENTATIONS VOLUNTEER ROYAL OAK AND ARTS BEATS AND EATS FESTIVAL (ABE) PARKING VOLUNTEERS

Mr. Jay and Mrs. Patty Dunstan, 111 E. Parent, issued a request for volunteers to help in the parking lots and directing people to the shuttles during ABE. They'll receive \$10 per hour towards the charity of their choice, a volunteer t-shirt and a two-day event pass. You must be at least 16 years of age. Register at the website [www.volunteerroyaloak.org](http://www.volunteerroyaloak.org). The furthest lot will be at Hazel Park Race Track. AMPCO will be in charge and handle the money.

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**RISING CRIME RATES  
AND MICHIGAN'S NEW MARIHUANA LAW**

An unidentified man wanted to know for the record if this was a violation of the 10<sup>th</sup> Amendment having a representative of the Federal Government involved in state and local legal affairs.

Mr. Robert Corso, Special Agent In Charge of the D.E.A. in Detroit, stated that no part of Michigan's Medical Marihuana Law was legal under federal law. It does not legalize marihuana, allow for dispensaries, grows or profit. He related figures regarding increased crime around dispensaries in California.

Commissioner Razor challenged some of Mr. Corso's statements.

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**PUBLIC COMMENT**

Ms. Gwen Ross, 1801 Guthrie, invited everyone to the 12<sup>th</sup> Annual Corn Roast at the Farmer's Market from 9AM-4PM Saturday. There will be a dunk tank manned by the police and a beer tent. The proceeds will go to the Boys and Girls Club.

\* \* \*

Mr. William Shaw, 912 Woodslee, was concerned the Commission didn't understand the concept of the public trust. The people voted in medical marihuana. Open carry was federal law. He asked for the Commission's support in requesting the state government enact the following legislation: Carrying A Firearm In A Public Building—Except for law enforcement officers, anyone who goes armed with a firearm in any building owned or leased by the state or any political subdivision of the state is subject to a maximum \$10,000 fine and 9 months in jail. This would generally include police and fire stations, courthouses, city, town and village halls, libraries, in short all buildings where local, state or federal government business is conducted or houses a government agency. State schools and institutions of higher learning should be included also.

Moved by Commissioner Capello  
Seconded by Commissioner Razor

BE IT RESOLVED that the City Commission hereby grants Mr. Shaw an additional minute to finish his comments.

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

NAYS: Mayor Pro Tem Andrzejak

MOTION ADOPTED

Mr. Shaw continued. Rights come with responsibilities, least of which is the responsibility to respect the rights of others. While he would defend the right to bear arms he strongly disagreed with the pending planned confrontation at ABE.

\* \* \*

Mr. Dan Meadows, Auburn Hills, is a stakeholder in Royal Oak. He was concerned about what happens in the city. The Commission took an oath to support the Constitution of the United States and the State of Michigan not just the parts they agreed with.

\* \* \*

Ms. Mary Mataczynski, 28572 Aspen, Warren, is a member of the Royal Oak YMCA. She agreed people had a right to bear arms but there a time and a place for them. ABE was not the place. She was nervous

just being in the room with all these guns. Royal Oak has some great restaurants and was a great place to visit but she didn't want to see people walking around ABE with guns.

\* \* \*

Ms. Shirley Smith and Ms. Lauren Baker were present to answer any questions about the Holiday Magic Parade.

\* \* \*

Mr. Tony Phillips, 12931 Vernon, Huntington Woods, didn't own a gun but supported the rights of those that do.

\* \* \*

Mr. Brendan Wehrung, 702 Irving, stated that while he wasn't in favor of people packing guns he realized they wouldn't be able to use them. There were few uses for guns and hopefully none at ABE. He wanted to know the cost of hiring officers to help during ABE.

\* \* \*

Ms. Sandy Wilkins, 312 S. Maple, was not intimidated by guns or someone who wears a gun. Most gun owners were responsible citizens. She personally would not choose to wear an open sidearm in an event where you are rubbing shoulder to shoulder. It's common sense. It's their right to do that. Maybe they should tweak the law.

\* \* \*

Mr. Paul Dalrymple, 211 Normandy, stated this was not an open carry issue. It was about a "no firearms" clause in a contract. He asked that they honor the laws of the state of Michigan and the rights of individuals. Because the area was for alcohol sales and consumption unattended minors would not be allowed. It was no longer a family event. He didn't want to have to sue the City.

\* \* \*

Mr. Joel Milinsky, Southfield, noted his 16 year old daughter would be playing at the ABE Festival. He didn't see how guns fit in at a festival for art, food and music. Being able to make a choice and knowing about this, he wouldn't come. He had lived in the Middle East where he really had no choice. His daughter was booked and would play. He would come, supervise and then they'd leave.

\* \* \*

Mr. Jon Witz, Troy, gave an update regarding the festival. They've started meeting with downtown businesses to inform them about parking, admission and logistics. There are meetings scheduled for August 23<sup>rd</sup> at 9AM and 4PM. The entertainment lineup will be announced on Wednesday. There's a parking and police meeting on Thursday. The parking plan will be released to the media for Sunday's paper. He pledged to work closely with City Attorney Gillam to resolve the issues in a way that respects the law.

Mayor Pro Tem Andrzejak verified he was willing to amend the contract if necessary.

Commissioner Poulton discussed parking with Mr. Witz.

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Mr. Alex Sherman, Rochester Hills, stated there seemed to be three things used to consider the festival a pistol free zone, designation as a bar, designation as a stadium and designation as an entertainment facility. None of those applied to this event. The way the promoter wants to sell alcohol would prohibit

minors entering the facility without direct supervision of an adult. Pistol free zone does not apply to this event.

\* \* \*

Commissioner Poulton left the Table at 8:48 p.m.

Mr. John Roshek, Oxford, disagreed with those who believed ABE wasn't the time to exercise the right to carry a gun. The reason they have festivals and the right to make public comment was because they had the right to bear arms.

Commissioner Poulton returned to the Table at 8:51 p.m.

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Mr. Scott Webb, Roseville, brought this issue to their attention July 12<sup>th</sup>. He was disappointed it hadn't been made an agenda item. Mr. Witz was willing to comply with state law. When would they get an answer from the City Attorney?

Commissioner Capello asked City Attorney Gillam for a status update.

Mr. Gillam expected to have an answer by next Monday's meeting.

Commissioner Drinkwine left the Table at 8:54 p.m.

Mr. Webb offered his assistance to the City Attorney's office.

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Mr. Tom Krell, 322 E. Kenilworth, had never been more frightened in the city than when walking into City Hall this evening. It is the law but there has to be a better way. He was excited that ABE was coming to Royal Oak but he couldn't go knowing hundreds of people would be openly carrying firearms. He hoped they could find a way to hold the festival respecting people's rights including the right to be free from fear.

\* \* \*

Mr. Dean Downing, Romeo, had no issue with those who wanted to open carry. His fear was of those who didn't care about the rules, would pack guns and come to the event with bad intentions.

\* \* \*

Mr. Benjamin Shaddick, Pontiac, attended ABE in Pontiac. Having a gun pulled on him at least four times, he carries a gun for self-defense. He plans to attend this year. It was his right. They were just asking them to follow the law.

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#### **APPROVAL OF AGENDA**

Moved by Commissioner Rasor  
Seconded by Commissioner

BE IT RESOLVED that the City Commission hereby allows an addition to the agenda of a presentation by Mr. William Vertis.

Commissioner Drinkwine returned to the Table at 8:59 p.m.

MOTION DIED DUE TO LACK OF SUPPORT

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Item 9F was removed from the Consent Agenda.

Moved by Mayor Pro Tem Andrzejak  
Seconded by Commissioner Capello

BE IT RESOLVED, that the City Commission hereby approves the agenda for the August 9, 2010 meeting as amended.

ADOPTED UNANIMOUSLY

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### **CONSENT AGENDA**

Moved by Commissioner Capello  
Seconded by Commissioner Poulton

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

- A. BE IT RESOLVED that the claims of July 26, 2010 in the amount of \$799,484.73, July 27, 2010 in the amount of \$2,104,632.73, July 30, 2010 in the amount of \$2,244,192.48 and August 10, 2010 in the amount of \$1,004,789.42 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 #241-10 dated 08-05-10.
- C. BE IT RESOLVED that the City Commission Minutes of June 7, 21, July 12, 19, 2010 Regular meetings and the August 2, 2010 Special meeting are hereby approved.
- D. BE IT RESOLVED that the agreement between General Motors Corporation and the City of Royal Oak for the use of space in Memorial Park for the Woodward Dream Cruise be approved in accordance with the contract provided.
- E. BE IT RESOLVED that the City Commission hereby approves "2010 CDBG Paving" Contract SA-1006 work for \$374,793.00 be awarded to Florence Cement Company Inc., of Shelby Twp., Michigan.
- G. BE IT RESOLVED that the Mayor and City Clerk be authorized to execute the Construction Engineering Services Contract with the Nowak & Fraus Engineers of Pontiac, MI to provide MDOT Required Construction Engineering Services for the Federally Funded ARRA East Lincoln Avenue Improvements Project from Campbell Rd. to southbound Stephenson Highway for the estimated proposal price of \$50,573.23.
- H. BE IT RESOLVED the City Commission hereby gives the City Manager or his designee the authority to enter into agreements for shuttle bus services for the 2010 ABE Festival.
- I1. BE IT RESOLVED that the Mayor is hereby authorized to execute the agreement between the City of Royal Oak and Pasquale's, Inc. for an outdoor concession to be held in their restaurant parking lot on Friday, August 20th, 2010.
- I2. BE IT RESOLVED that the Mayor is hereby authorized to execute the agreement between the City of Royal Oak and Momentum NA-Inc. to host The American Express Delta Skymiles PGA Championship experience for American Express on Friday, August 13 through Sunday, August 15, 2010 at Memorial Park.

I3. BE IT RESOLVED that the Mayor is hereby authorized to execute the agreement between the City of Royal Oak and John Decker, Royal Oak High School Student Council Advisor, for an outdoor Royal Oak High School Downtown Rally in the Farmer's Market west side parking lot on Saturday, September 25, 2010.

J. BE IT RESOLVED that the Mayor is hereby authorized to execute the agreement between the City of Royal Oak and Oberweis Dairy for a one-day, outdoor ice cream and beverage concession at their business located at 32808 Woodward on August 21, 2010.

BE IT RESOLVED that the Mayor is hereby authorized to execute the agreement between the City of Royal Oak and Atlas Copco for a one-day private customer appreciation party at 26212 and 26236 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 Alliance-Marsh, LLC, to lease parking spaces in the parking lot of their property (Normandy Plaza) located at 31805 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 Art Van Furniture for a one-day, outdoor store promotion at their business located at 30402 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 Athens Coney Island for a one-day outdoor food and beverage concession at their business located at 32657 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 Metro Detroit Buick GMC Dealers for a private customer/employee appreciation event and car display the evening of August 20th and all day August 21st, 2010 in conjunction with the Woodward Dream Cruise.

BE IT RESOLVED that the Mayor is hereby authorized to execute the agreement between the City of Royal Oak and Binson's Hospital Supplies, Inc. for a one-day, outdoor private gathering and car display at their business located at 30475 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 BSA Troop 385 for a one-day, outdoor food and beverage concession on August 21, 2010.

BE IT RESOLVED that the Mayor is hereby authorized to execute the agreement between the City of Royal Oak and Chicken Shack Depot for a one-day, outdoor dining cafe at their business located at 30402 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 Connell/Desmond Properties to host the Woodward Tri Five Cruisers club for a one-day classic car display, reserved parking and private event at their business located at 32515 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 D. W. Krane / Beacon Centre for a one-day, outdoor private picnic at their business location, 26862 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 Duggan's Irish Pub, to hold a Boys and Girls Club Charity fund raising event on Friday, August 20, 2010 and private parties, live WXYZ-TV broadcasts, public food concession and beer tent on Saturday, August 21, 2010 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 Hungry Howie's for a one-day, indoor food and beverage concession at Greenfield Printing on August 21, 2010.

BE IT RESOLVED that the Mayor is hereby authorized to execute the agreement between the City of Royal Oak and International House of Pancakes/Trinity Restaurant Group for a one-day, outdoor food and beverage concession on their business property, located at 29202 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 JQ Corp. LLC for a one-day, outdoor product information distribution booth at Woodward/Hunter Shell, 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 Pasquale's, Inc. for a one-day outdoor sale of Official Woodward Dream Cruise merchandise, Pasquale's logoed merchandise and non-alcoholic beverages 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 Ross Mortgage Corp. for a one-day, outdoor private party and car display at their business located at 27862 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 Shrine Parish for the 10th Annual Private Parish Party on the west Shrine Grade School parking lot on Friday, August 20, 2010 and the sale of parking spaces at the church location & church owned lot (currently leased to Radio Shack), the sale of parking spaces, food, soft drinks and official Dream Cruise merchandise at the grade school location and the sale of parking and official Dream Cruise merchandise at the high school location, 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 Soroptimist International of Oakland County for a one-day, outdoor beverage concession on August 21, 2010.

BE IT RESOLVED that the Mayor is hereby authorized to execute the agreement between the City of Royal Oak and St. Mary Catholic Church Men's Club for a one-day, lease of parking spaces and an outdoor candy bar and beverage concession on August 21, 2010.

BE IT RESOLVED that the Mayor is hereby authorized to execute the agreement between the City of Royal Oak and Team Way, Inc./Pei Wei Asian Diner for a one-day, outdoor food and beverage concession at their business located at 30278 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 The Tennis and Golf Co. for a one-day lease of parking spaces, to The Corvette Club of America members, at their business located at 30211 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 Uncle Ed's Oil Shoppes, Inc., to lease parking spaces in the parking lot of their property located at 31717 Woodward.

BE IT RESOLVED that the Mayor is hereby authorized to execute the agreement between the City of Royal Oak and CBS Radio (WOMC) for a one-day, outdoor radio broadcast and promotional event at Pasquale's Restaurant located at 31555 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 CBS Radio (WOMC & WWJ-AM) for one-day of outdoor radio broadcasts, promotional events, a classic car display and lease of parking spaces at CVS Caremark located at 30900 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 The Timken Corp., for a one-day private customer and cookout in conjunction with the Woodward Dream Cruise on Saturday, August 21, 2010.

ADOPTED UNANIMOUSLY

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**TERMINATION OF ESCROW AGREEMENT  
FRESARD INVESTMENTS LIMITED PARTNERS LLC**

Moved by Commission Poulton  
Seconded by Commissioner Drinkwine

BE IT RESOLVED that the City Commission hereby denies the termination of the Escrow Agreement with Fresard Investments Limited Partners LLC.

FRIENDLY AMENDMENT OFFERED BY COMMISSIONER RASOR

BE IT RESOLVED that the motion be amended to include asking for more wells to be drilled; and

BE IT FURTHER RESOLVED that if Fresard refuses, a third environmental consultant be hired to make the decision and the money to clean up the site.

MOTION NOW READS:

BE IT RESOLVED that the City Commission hereby denies the termination of the Escrow Agreement with Fresard Investments Limited Partners LLC.; and

BE IT FURTHER RESOLVED, that the City Commission requests more wells be drilled to determine the extent of the contamination and if Fresard refuses more wells a third environmental consultant be hired to make the decision and the money be used to clean up the site.

AYES: Commissioners Drinkwine, Poulton and Rasor

NAYS: Commissioners Andrzejak, Capello, Semchena and Mayor Ellison

MOTION FAILS

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Moved by Mayor Pro Tem Andrzejak  
Seconded by Commissioner Capello

BE IT RESOLVED that the City Commission hereby directs the City Manager to terminate the Escrow Agreement with Fresard Investments Limited Partners LLC.

AYES: Commissioners Andrzejak, Capello, Semchena and Mayor Ellison

NAYS: Commissioners Drinkwine, Poulton and Rasor

MOTION ADOPTED

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**SPECIAL EVENT PERMIT  
HOLIDAY MAGIC PARADE**

Moved by Commissioner Rasor  
Seconded by Commissioner Poulton

BE IT RESOLVED that the Mayor is hereby authorized to execute the agreement between the City of Royal Oak and Royal Oak Downtown Development Authority to hold the 9th Annual Holiday Magic Parade and Santa Scamper Fun Run event on Saturday, November 20, 2010.

AND BE IT FURTHER RESOLVED parking fees will be waived for the areas and times indicated in paragraph VII, on Saturday, November 20, 2010.

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

NAYS: Commissioner Semchena

MOTION ADOPTED

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**PUBLIC HEARING OF ASSESSMENT  
NORTH EDISON**

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

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**PUBLIC HEARING  
LOT SPLIT 815 EAST FARNUM**

Mayor Ellison opened the Public Hearing.

Mr. Bill Bowman, Great Northern Consulting Group, spoke on behalf of School District regarding the lot splits. They've divided the seven original lots into six lots to make them larger.

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

Moved by Mayor Pro Tem Andrzejak  
Seconded by Commissioner Drinkwine

BE IT RESOLVED, that the request to split the property at 815 E. Farnum; being legally described as Lot 2 except that part re-platted, also all of vacated Moonlight Avenue adjacent to the same of BALDWIN'S REPLAT OF THE WEST PART OF LOT 2 FOREST PARK SUBDIVISION as recorded in Liber 82, Page 29 of Plats, Oakland County Register of Deeds, of the N.E. ¼ of the S.W. ¼ of Section 15, T.1 N., R.11 E., City of Royal Oak, Oakland County, Michigan also Lots 399, 400 and 401 of TOWAR PARK SUBDIVISION as recorded in Liber 19, Page 3 of Plats, O.C.R. of part of the S.E. ¼ of Section 15, T.1 N., R.11 E. Royal Oak Township (now City of Royal Oak) Oakland County, Michigan, also Lots 127 to 130 inclusive of PERKINS PARK SUBDIVISION as recorded in Liber 23, Page 13 of Plats, O.C.R. of a part of the S.E. ¼ of Section 15, T.1 N., R.11 E., Royal Oak Twp. (now City of Royal Oak), Oakland County, Michigan is hereby granted, creating the following described parcels:

- PARCEL "1" Commencing at the South ¼ corner of Section 15, T.1N., R.11E., thence N 01 deg 04'43"E 1517.31 feet along the North-South ¼ line of said Section 15 to the point of beginning, said point being the SE corner of vacated Moonlight Avenue and also lying on the North R.O.W. line of Farnum Avenue; thence along said North R.O.W. line of Farnum Avenue N 88 deg 33'42"W 370.98 feet to the S.W. corner of Lot 2 of Forest Park Sub, thence N 02 deg 28'49"E 316.00 feet to the N.E. corner of Lot 2; thence S 88 deg 34'04"E 363.25 feet; thence S 01 deg 04'43"W 315.99 feet to the point of beginning.
- PARCEL "2" Commencing at the South ¼ corner of Section 15, T.1N., R.11E., thence N 01 deg 04'43"E 1517.31 feet along the North-South ¼ line of said Section 15 to the point of beginning, thence N 01 deg 04'43"E, 58.00 feet; thence S 88 deg 33'42"E, 126.00 feet; thence S 01 deg 04'43"W 58.00 feet; thence N 88 deg 33'42"W 126.00 feet to the point of beginning.
- PARCEL "3" Commencing at the South ¼ corner of Section 15, T.1N., R.11E., thence N 01 deg 04'43"E 1517.31 feet along the North-South ¼ line of said Section 15 to a point, thence N 01 deg 04'43"E, 58.00 feet to the point of beginning; thence N 01 deg 04'43"E 50.00 feet; thence S 88 deg 33'42"E, 126.00 feet; thence S 01 deg 04'43"W 50.00 feet; thence N 88 deg 33'42"W 126.00 feet to the point of beginning.
- PARCEL "4" Commencing at the South ¼ corner of Section 15, T.1N., R.11E., thence N 01 deg 04'43"E 1517.31 feet along the North-South ¼ line of said Section 15 to a point, thence N 01 deg 04'43"E, 108.00 feet to the point of beginning; thence N 01 deg 04'43"E 50.00 feet; thence S 88 deg 33'42"E, 126.00 feet; thence S 01 deg 04'43"W 50.00 feet; thence N 88 deg 33'42"W 126.00 feet to the point of beginning.
- PARCEL "5" Commencing at the South ¼ corner of Section 15, T.1N., R.11E., thence N 01 deg 04'43"E 1517.31 feet along the North-South ¼ line of said Section 15 to a point, thence N 01 deg 04'43"E, 158.00 feet to the point of beginning; thence N 01 deg 04'43"E 50.00 feet; thence S 88 deg 33'42"E, 126.00 feet; thence S 01 deg 04'43"W 50.00 feet; thence N 88 deg 33'42"W 126.00 feet to the point of beginning.
- PARCEL "6" Commencing at the South ¼ corner of Section 15, T.1N., R.11E., thence N 01 deg 04'43"E 1517.31 feet along the North-South ¼ line of said Section 15 to a point, thence N 01 deg 04'43"E, 208.00 feet to the point of beginning; thence N 01 deg 04'43"E 50.00 feet; thence S 88 deg 33'42"E, 126.00 feet; thence S 01

deg 04'43"W 50.00 feet; thence N 88 deg 33'42"W 126.00 feet to the point of beginning.

PARCEL "7" Commencing at the South ¼ corner of Section 15, T.1N., R.11E., thence N 01 deg 04'43"E 1517.31 feet along the North-South ¼ line of said Section 15 to a point, thence N 01 deg 04'43"E, 258.00 feet to the point of beginning; thence N 01 deg 04'43"E 57.99 feet; thence S 88 deg 34'04"E, 126.00 feet; thence S 01 deg 04'43"W 58.01 feet; thence N 88 deg 33'42"W 126.00 feet to the point of beginning.

ADOPTED UNANIMOUSLY

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### **DEVELOPMENT AGREEMENT**

Moved by Commissioner Rasor  
Seconded by Commissioner Capello

BE IT RESOLVED, that the City Commission hereby approves the proposed Development Agreement with the School District of the City of Royal Oak for 815 East Farnum Avenue.

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

ADOPTED UNANIMOUSLY

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### **HEARING 2521 TORQUAY MEDICAL MARIHUANA MORATORIUM**

City Attorney Gillam gave background information regarding the Hearing.

Mayor Pro Tem Andrzejak left the Table at 9:50 p.m. and returned at 9:53 p.m.

Zoning of the property and allowable uses were briefly discussed.

Mr. James Canner, is the Managing Partner of AFKF L.L.C. which is the current owner of the property. He gave a brief history of the property. The property is in foreclosure and the redemption period ends November 2010.

Mayor Ellison left the Table at 9:58 p.m. and returned at 9:59 p.m. Mayor Pro Tem Andrzejak ran the meeting in his absence.

Mr. David Greene, First Commercial Realty & Development Co., the proposed tenant gave a presentation.

Mayor Ellison reopened Public Comment.

Mr. Rick Thompson, Center Line, editor of the Michigan Medical Marihuana Magazine, disagreed with some of Mr. Corso's comments. He believed Mr. Corso's appearance on the agenda was an attempt to mislead and deceive. He expected better than that from the Commission.

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Mr. Bill Vertis, Kitch Law Firm, 1 Woodward Avenue, Detroit, stated medical marihuana was legal in Michigan. The question was how to manage it. Dispensaries allow for some management and oversight. It relieves the financial burden of enforcement and prosecution and increases revenue.

Moved by Commissioner Rasor  
Seconded by Commissioner Capello

BE IT RESOLVED that the City Commission grants Mr. Vertis and additional two minutes to finish his comments.

ADOPTED UNANIMOUSLY

Mr. Vertis continued. They would avoid litigation between state and federal law.

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Mr. Bruce Cane, 1029 Amboy, Dearborn Heights, noted that his wife grows plants that happened to be poisonous. He was against dispensaries. Legalize marihuana. Get rid of the zoning laws and let residents grow marihuana. It's a sacred plant and belongs to the people.

\* \* \*

Mr. Frank Rakos, 5085 Crooks, lives at the corner of Torquay and Crooks and has three young children who frequent the park everyday during the school year. He was infuriated about the potential criminal activity. Crime follows illegal drug activity. Mr. Canner and Mr. Greene made note of how many vacant properties there were. Let them use one of them. Do not allow this to happen. There were too many families in the vicinity and many vacancies these people could go to.

\* \* \*

Ms. Rita (no last name given), Royal Oak, is president of her condo association. She, like many others, voted for the law mistakenly thinking that it would be distributed like other drugs. A man with a caretaker's license moved into his mother's condo in the complex and has been dealing marihuana for a year. They are in a drug free zone. The DEA won't help because of the Michigan Medical Marihuana Act, the police won't help because they don't know what to do and the Zoning Board won't help because they have to catch him in the act. They're worried about their safety. They've seen teens and young adults go in and out of his unit.

\* \* \*

Mr. Robert Redden, Ferndale, is a medical marihuana patient trying to get access to his medication. The majority voted for the law.

\* \* \*

Ms. Sandra Shelburg, Leafdale, Royal Oak, stated that when she voted for the law she thought the patients would get prescriptions filled at pharmacies. She regretted her "yes" vote. Their property values had already decreased by half. A medical marihuana dispensary in the neighborhood would not help. She asked the Commission to vote no on the dispensary.

\* \* \*

Ms. Maggie Lopez, Royal Oak, noted that those speaking in favor of the grow facility were non-residents while those against it were residents. The ballot proposal was a bait and switch playing on emotions to help sick people. Once that law was legal they wanted to allow a 25,000 square foot facility be built next to their condos and schools.

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Ms. Michele Brake, Royal Oak, is a medical marihuana patient with a terminal illness. What she does in the privacy of her home should not be decided by a few. She has a right to the medicine that helps her. As president of the Macomb/Oakland Compassion Club she holds meetings to educate the public.

\* \* \*

Mr. Bill Kostrzewa, 5037 Thorncroft, lives two blocks away from the proposed facility. The proximity to the vocational high school was key. He didn't wish to deny needed medicine to anyone. If this is a medicinal agent it needs to be subject to the same guidelines as other drugs. He urged them not to grant this exemption to the moratorium.

\* \* \*

Mr. Brett Tillander, Executive Director for the Boys and Girls Club, stated the decision before them was one of the most important facing Royal Oak. He related the story of how easily a BBC reporter was able to get a medical marihuana prescription in California. Los Angeles gave them the opportunity to learn from history. Royal Oak should not allow itself to become branded in any way that threatens the quality of life they've come to enjoy. Royal Oak needs to refuse to become a billboard for the state of Michigan for marihuana use.

\* \* \*

Ms. Brandie Zink, Detroit, is a medical marihuana patient. She urged them to consider an alternative to a moratorium and enact legislation that would permit and license medical cannabis dispensing collectives. The decision should be based on fact and science. She was also speaking on behalf of Americans for Safe Access. The moratorium benefits no one and caused harm to many. By imposing stricter zoning laws on medical cannabis businesses, they were placing undue burden on patients whose quality of life may depend on safe and reliable access to their medicine. A moratorium may force patients to turn to the criminal market to obtain their medication. Royal Oak should consider imposing a licensing fee instead of a moratorium.

\* \* \*

Mr. Rick Karlowski, 419 Virginia, stated the purpose of the moratorium was to allow them to develop a plan of action. That has not been done. They need to keep the moratorium in place until there's a plan.

\* \* \*

Mr. Richard Granke, 3224 Benjamin, noted this was an exclusionary law. It allowed a patient and a caregiver to have medical marihuana. It does not allow dispensaries or large organizations to produce it. The law limits the expense recoupment to what was spent to produce it. The law was to protect the patient and the caregiver. If you violate this law you can be prosecuted under federal law. He was totally opposed to allowing a megalithic operation to provide marihuana in Royal Oak.

\* \* \*

Mr. Ed Metsker, 5093 Thorncroft, noted 2521 Torquay was 50' from a park, 200' from a residential area and within 1000' of a school. They needed to keep that in consideration with regards to the moratorium on these types of facilities. Eventually they would be facing very limited resources and it would be difficult to have routine patrols.

\* \* \*

Mr. Tony Phillips, Huntington Woods, stated the Department of Health and Human Services requested and was granted a patent on cannabinoids as neuro-protectants and antioxidants. There have been a lot of lies over the last 70 years.

\* \* \*

Ms. Christine Davis lives in Bloomfield Hills but owns a property at 5085 Crooks. She was opposed to lifting the moratorium for many reasons but mainly because of the location. When the law passed the

insurance company she works for received numerous calls to see if people could get medical marihuana immediately. Investigation showed the callers had criminal histories and substance abuse problems. A large marihuana facility would not help property values.

\* \* \*

Mr. Joel Milinsky, Southfield, suggested they use this case to perform the study that was anticipated around this issue.

\* \* \*

Mr. Ray Bean, 1614 Sunset Blvd, questioned an earlier comment with regards to Woodward between Catalpa and Webster.

Mayor Ellison explained it was in reference to the original recommendation from the Planning Commission.

\* \* \*

Mr. Sean Shields, 800 N. Connecticut, is a medical marihuana patient and caregiver. He didn't think a grow facility in his neighborhood would effect his property values. His suggestion was to allow the facilities and charge an annual fee to offset some of the costs.

\* \* \*

Ms. Diane Dovico, 307 S. Gainsborough, had questions regarding the plan. She was surprised the principal of Oakland Tech wasn't present. With pending police layoffs this was not the time to suspend the moratorium.

\* \* \*

Mr. Reid Beyerlein, Beverly Hills, is president of the Royal Oak Optimist Club. The group wants to make sure Royal Oak remains a safe place for youth. They want to make sure it stays a great place to raise a family and not send the wrong message to their children.

\* \* \*

Mr. Clyde Esbri, 4135 S. Fulton Place, citing Mr. Greene's comment that there was no template for distribution under the Michigan Medical Marihuana Act believed they shouldn't do anything until Lansing takes action.

\* \* \*

Mr. Neil Yashinsky, Troy, related the story of his aunt who had terminal breast cancer. At the time medical marihuana wasn't legal. Patients need to be able to get their medicine. There are drugstores and liquor stores near parks and schools. Places that have decriminalized marihuana have lower usage rates. They should structure it within the law.

\* \* \*

Mr. Alex Shnaider, Royal Oak, was vehemently opposed to marihuana dispensaries in Royal Oak. The state allows banning them and they should. People spoke about the evils of alcohol. Two wrongs don't make a right. There are a lot of crimes related to alcohol and drug use as well. If it was strictly for medical use that would be fine. If the warehouse remains empty the property tax would remain the same.

\* \* \*

Mr. William Harrison, 2729 Trafford, had no objection to medical marihuana for those who really need it. He objected to the delivery system. The process of getting an ID card was fraught with risk of fraud. The proposed zoning on Woodward from Catalpa to Webster was where they spent years getting rid of sleazy hotels and massage parlors where drug trafficking took place. The Torquay property is outside the

proposed zone on Woodward. Once a business was approved outside the zone it would open the whole city to such businesses. They should be pushing state and federal lawmakers to authorize medical marihuana delivery through licensed pharmacists. The professed hardship of finding a tenant is not a reason for allowing a marihuana growing facility in Royal Oak.

\* \* \*

Ms. Laura Harrison, 2729 Trafford, stated they should continue the moratorium. Royal Oak is only 12 square miles and fully developed. She would not want to see that type of business in her neighborhood.

\* \* \*

Mr. Dan Fullmer, Batavia, is the father of three young girls. He would have no problem with a dispensary. They need businesses in the city. There might be the normal issues with traffic and noise but they would learn to live with it.

\* \* \*

Mr. Mark Gorge, Bloomfield Hills, said they should keep in mind that they have a fiduciary and elected duty to the residents, businesses and property owners and the taxes they generate. He had heard no compelling argument that this would be a problem. Just because someone was growing marihuana in a building didn't mean they were selling or using marihuana there. They had an obligation to see it complied with Royal Oak's ordinances.

\* \* \*

Ms. Kathy Nasrey, Elmhurst, lives two streets from the building in question. She was concerned about what it would do to the neighborhood. She's no longer able to walk to Meijer and might even consider getting a gun permit.

\* \* \*

Mr. Ed Anderson, 2056 Parmenter, is vice president of the Coventry Park Homes Condo Associations. They are about ¼ mile from the proposed dispensary. Royal Oak doesn't need this type of facility anywhere, but especially not here. He urged them to listen to Chief Jahnke who recommended the city adopt an ordinance that prohibits any business in violation of city ordinance, state law or federal law.

\* \* \*

Mr. Martin Khemmor, West Bloomfield, noted that Royal Oak had many liquor licenses. If they were really concerned they should ban cigarettes and alcohol. What this man was trying to do was within the law. They could track and tax the marihuana being grown in the city.

\* \* \*

Mr. Robert Jurva, 5090 Thorncroft, lives about two blocks from the facility. He was opposed to the dispensary. It was too close to the school and park.

\* \* \*

Mr. Matthew Able, 2930 E. Jefferson, Detroit, stated this was a grow facility not a retail operation. The city could restrict the signage on the building. If done properly it would be a gated lot. He urged them to lift the moratorium.

\* \* \*

Mr. Rick Thompson, Center Line, stated using a federal statute as the basis to ban a medical marihuana facility was unenforceable. There is litigation pending against Bloomfield Township and Birmingham for their total ban.

\* \* \*

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

Mr. Greene responded to issues raised during Public Comment. This was a locked facility with 10 caregivers. No one would be in the facility that wasn't legally allowed. The facility would be built to code. Everything he was proposing was legal in Michigan. Caregivers should register with the city. There should be an application fee and an annual licensing fee.

Moved by Commissioner Semchena  
Seconded by Mayor Pro Tem Andrzejak

BE IT RESOLVED, the City Commission requests the City Attorney bring forth findings of fact for support of denial of application;

BE IT FURTHER RESOLVED, the City Commission requests the item be brought back before the City Commission for a vote at the next City Commission meeting scheduled for August 16, 2010.

Several Commissioners stated they would support the resolution because the petitioner hadn't shown sufficient evidence of hardship.

ADOPTED UNANIMOUSLY

\* \* \* \* \*

#### **DISCUSSION OF ZONING ORDINANCE AMENDMENTS**

Moved by Commissioner Semchena  
Seconded by Commissioner Drinkwine

BE IT RESOLVED that the City Commission hereby refers the issue of Medical Marijuana Facilities back to the Plan Commission for a Public Hearing; and

BE IT FURTHER RESOLVED that the Plan Commission be directed to consider the City of Livonia's Zoning Ordinance with regards to land use and commercial production and recommend amendments to Royal Oak's Zoning Ordinance to ban facilities that are illegal under local, state or federal law to the City Commission before October 18, 2010.

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

NAYS: Commissioner Rasor

MOTION ADOPTED

\* \* \* \* \*

#### **MEDICAL MARIHUANA MORATORIUM REQUEST HEARING DATE FOR MARY JANE'S FLOWERS**

Moved by Commissioner Rasor  
Seconded by Commissioner Capello

BE IT RESOLVED, that the request from Mary Jane's Flowers for a hearing to request relief from the City's April 19, 2010 moratorium on approvals related medical marijuana facilities is hereby granted.

BE IT FURTHER RESOLVED, that the hearing on the request from Mary Jane's Flowers shall be scheduled for September 20, 2010 at 7:30 p.m.

FRIENDLY AMENDMENT OFFERED BY COMMISSIONER RASOR

BE IT RESOLVED that the motion be amended to require the applicant to provide proof of property interest within two weeks or the hearing will be canceled.

MOTION NOW READS:

BE IT RESOLVED, that the request from Mary Jane's Flowers for a hearing to request relief from the City's April 19, 2010 moratorium on approvals related medical marihuana facilities is hereby granted.

BE IT FURTHER RESOLVED, that the hearing on the request from Mary Jane's Flowers shall be scheduled for September 20, 2010 at 7:30 p.m.; and

BE IT FURTHER RESOLVED that if Mary Jane's Flowers fails to provide proof of property interest within two weeks the hearing shall be canceled.

AYES: Commissioners Capello, Poulton, Rasor and Mayor Ellison

NAYS: Commissioners Andrzejak, Drinkwine and Semchena

MOTION ADOPTED

\* \* \* \* \*

**DESIGNATED RECREATION PROPERTIES  
FOR CONTINUED RECREATIONAL USE ORDINANCE**

Moved by Mayor Pro Tem Andrzejak  
Seconded by Commissioner Drinkwine

BE IT RESOLVED that the City Commission hereby approves the proposed Royal Oak Golf Course Ordinance (See Exhibit A) for placement on the ballot for the election to be held on Tuesday, November 2, 2010.

BE IT FURTHER RESOLVED, that the City Commission hereby approves the proposed Normandy Oaks Golf Course Ordinance (See Exhibit B) for placement on the ballot for the election to be held on Tuesday, November 2, 2010.

BE IT FURTHER RESOLVED, that the City Commission hereby approves the proposed Memorial Park Parking Lot Ordinance (See Exhibit C) for placement on the ballot for the election to be held on Tuesday, November 2, 2010.

BE IT FURTHER RESOLVED, that the City Clerk shall publish the text of the proposed ordinances in accordance with Michigan law and the City Charter.

It was agreed that the short title and statement of purpose of each ordinance will appear on the ballot.

ADOPTED UNANIMOUSLY

\* \* \* \* \*

**MONTHLY REVENUE AND EXPENSE UPDATE**

Commissioner Capello requested that an executive summary be provided on a monthly basis and that it be brought back at the August 16<sup>th</sup> meeting.

\* \* \* \* \*

Upon Motion of Commissioner Capello, Seconded by Commissioner Poulton, and adopted unanimously, the Regular Meeting was adjourned at 1:41 A.M.

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Melanie Halas, City Clerk

The foregoing Minutes of the Regular Meeting held on August 9 and 10, 2010, having been officially approved by the City Commission on Monday, September 13, 2010, are hereby signed this thirteenth day of September.

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James B. Ellison, Mayor

Exhibit A

**ORDINANCE 2010-12**

**“AN ORDINANCE TO DESIGNATE ROYAL OAK GOLF COURSE FOR CONTINUED USE AS A PUBLIC RECREATIONAL FACILITY”**

THE CITY OF ROYAL OAK ORDAINS:

Section 1. SHORT TITLE. This ordinance shall be known and may be cited as the “Royal Oak Golf Course Ordinance”.

Section 2. STATEMENT OF PURPOSE. This is an ordinance to designate Royal Oak Golf Course, including the nearby driving range and miniature golf course, for continued use as a public recreational facility.

Section 3. FINDINGS. The Royal Oak City Commission hereby makes the following findings:

- A. The Royal Oak Golf Course (including the nearby driving range and miniature golf course), has been used as a public recreational facility by a significant number of residents of the City of Royal Oak and their guests for a number of years.
- B. The Royal Oak Golf Course (including the nearby driving range and miniature golf course) is a valuable recreational resource for the City and its residents.
- C. The designation of Royal Oak Golf Course (including the nearby driving range and miniature golf course) for continued use as a public recreational facility would be in the best interest of the City and its residents.
- D. The designation of Royal Oak Golf Course (including the nearby driving range and miniature golf course) for continued use as a public recreational facility should be formalized by way of ordinance.

Section 4. DESIGNATION. The following property is hereby designated for continued use as a public recreational facility:

T1N, R11E, Sec 5 Woodwardside Sub No 1 E 10 ft of vac Woodslee Dr, Lots 683 to 738 incl & Lots 765 to 943 incl & lots 956 to 999 incl & Lots 1095 to 1137 incl & Lots 1168 to 1179 incl & adj vac streets & ½ vac alley adj Lots 723 & 738 & ½ vac alley adj Lot 1122 & all vac alley adj Lots 1123 & 1137, exc those parts of Lots 989 to 999 incl re-platted to 'Memorial Parksub', also exc those parts of Lots 817 & Lots 871 to 876 & Lot 956 & Lots 1136 & 1137 & Lots 1168 to 1171 incl taken for RR r/w, also exc W vac Fernlee Ave adj Lot 1180

Parcel No. 63-72-25-05-376-015, commonly known as Royal Oak Golf Course, 3417 Don Soper Drive

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 B

**ORDINANCE 2010-13**

**“AN ORDINANCE TO DESIGNATE NORMANDY OAKS GOLF COURSE FOR CONTINUED USE AS A PUBLIC RECREATIONAL FACILITY”**

THE CITY OF ROYAL OAK ORDAINS:

Section 1. SHORT TITLE. This ordinance shall be known and may be cited as the “Normandy Oaks Golf Course Ordinance”.

Section 2. STATEMENT OF PURPOSE. This is an ordinance to designate Normandy Oaks Golf Course for continued use as a public recreational facility.

Section 3. FINDINGS. The Royal Oak City Commission hereby makes the following findings:

- A. The Normandy Oaks Golf Course has been used as a public recreational facility by a significant number of residents of the City of Royal Oak and their guests for a number of years.
- B. The Normandy Oaks Golf Course is a valuable recreational resource for the City and its residents.
- C. The designation of Normandy Oaks Golf Course for continued use as a public recreational facility would be in the best interest of the City and its residents.
- D. The designation of Normandy Oaks Golf Course for continued use as a public recreational facility should be formalized by way of ordinance.

Section 4. DESIGNATION. The following property is hereby designated for continued use as a public recreational facility:

T1N, R11E, Sec 5 Nordwood Estates Sub, Lots 65 to 78 incl, also Lots 93 to 113 incl, also lots 132 to 154 incl, also Lots 173 to 190 incl, also Lots 209 to 225 incl, also all of vac Nakota, Massoit, Leafdale and Elmhurst Roads adj thereto, also ½ vac Woodland Ave adj Lots 67 to 70 incl

Part of Parcel No. 63-72-25-05-251-002, commonly known as Normandy Oaks Golf Course, 4234 Delemere Boulevard

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

**ORDINANCE 2010-14**

**“AN ORDINANCE TO DESIGNATE THE MEMORIAL PARK PARKING LOT FOR CONTINUED USE IN SUPPORT OF PUBLIC RECREATION”**

THE CITY OF ROYAL OAK ORDAINS:

Section 1. SHORT TITLE. This ordinance shall be known and may be cited as the “Memorial Park Parking Lot Ordinance”.

Section 2. STATEMENT OF PURPOSE. This is an ordinance to designate Memorial Park Parking Lot for continued use as a public recreational facility.

Section 3. FINDINGS. The Royal Oak City Commission hereby makes the following findings:

- A. Memorial Park is dedicated park property that has been used as a public recreational facility by a significant number of residents of the City of Royal Oak and their guests for a number of years.
- B. Memorial Park is a valuable recreational resource for the City and its residents.
- C. The Memorial Park Parking Lot, which is located east of Memorial Park, is an important accessory use to the Park.
- D. The designation of the Memorial Park Parking Lot for continued use in support of public recreation would be in the best interest of the City and its residents.
- E. The designation of the Memorial Park Parking Lot for continued use in support of public recreation should be formalized by way of ordinance.

Section 4. DESIGNATION. The following property is hereby designated for continued use in support of public recreation:

Being a part of the S/W ¼ of Sec 5, T1N, R11E, and desc as: Beg at the NE corner of Coolidge Highway and Thirteen Mile Rd., thn N'ly alg the E line of Coolidge Highway 1090.16' to the S line of Starr Rd. Thence SE'ly alg the S line of Starr Rd. 252.58' to the W line of vacated Edgar Ave.; thn S alg the W line of vacated Edgar Ave 1054.61' to the N line of Thirteen Mile Rd; thn W alg the N line of Thirteen Mile Rd 250' to the point of beginning, containing 6.13 acres of land

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.