

A Special Meeting of the Royal Oak City Commission was held on Monday, August 16, 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, Mayor Pro Tem Andrzejak, Commissioner Capello, Commissioner Drinkwine, Commissioner Poulton, Commissioner Razor 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 and Attorney/Client Privilege.

#### ROLL CALL VOTE

AYES: Commissioners Capello, Semchena, Poulton, Mayor Pro Tem Andrzejak and Mayor Ellison

NAYS: None

ABSENT: Commissioners Razor (6:36PM) and Drinkwine (6:37 PM)

MOTION ADOPTED

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A Regular Meeting of the Royal Oak City Commission was held on Monday, August 16, 2010, in the City Hall, 211 Williams, Royal Oak. The Meeting was called to order by Mayor Ellison at 7:45 p.m.

Mayor Pro Tem Andrzejak gave the Invocation. Everyone present gave the Pledge of Allegiance.

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

\* \* \* \* \*

#### ANNOUNCEMENTS

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

#### SPECIAL EVENTS

##### Ongoing

Volunteer Royal Oak Program. Raise awareness of opportunities to serve, promote volunteerism and help provide leadership related to volunteerism. [www.volunteerroyaloak.org](http://www.volunteerroyaloak.org) for more information.

##### Tuesday, August 17

2<sup>nd</sup> Annual Kids Cruise, 4PM, Kids can climb in and around police cars, fire trucks, dump trucks and more. Visit the DDA website for a map and additional information.

Wednesday, August 18

Comcast Cable Television Subscribers ONLY, please note that effective this date WROK will now be found on Channel 17 (previously Channel 55). In addition to WROK moving to Channel 17, local community channels for Public, Education and Government (PEG) will move to Channels 18-20. This is part of the re-alignment by the Comcast Cable System, approximately 43 channel changes will occur. Check the City's website under the home page listing "In The News" for all the channel changes, frequently asked questions and a new channel lineup from Comcast Senior Director, Leslie Brogan.

Wednesday, August 18

"Mid Summer Nature Walk". Tenhave Woods, 7PM, take a look at the summer woodland and ferns. At 9PM Naturalists Bob Muller and Jimmy Kipps will set out the white sheets and lanterns to catch nighttime insects.

Thursday, August 19

Summer Concert Series concludes. Royal Oak Public Library south lawn, big band sounds of Johnny Trudell beginning at 7 pm.

Saturday, August 21

Woodward Dream Cruise. For more details on the event, please visit their website [www.woodwarddreamcruise.com](http://www.woodwarddreamcruise.com)

Friday, September 3-6

Ford Arts, Beats and Eats presented by Citizens Bank.

September 3-6

The Royal Oak Public Library will be closed for the Labor Day Holiday Weekend. Materials may still be returned during this time at the outside drop boxes. The Library will reopen Tuesday, September 7 at 10AM.

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**PUBLIC COMMENT**

Mr. Jay Dunstan, 111 E. Parent, was still looking for volunteers to help with Arts, Beats and Eats Festival (ABE) parking. They will earn \$10 an hour towards the cause or charity of their choice, a t-shirt and a two day event pass. Applications are available at [www.volunteerroyaloak.org](http://www.volunteerroyaloak.org).

\* \* \*

Honorable Judge Stephen Cooper, White Lake Township, was appointed receiver for Hawkwater Ltd. with specific direction. He was instructed to sell the assets which included the liquor license for 5<sup>th</sup> Avenue. A lawsuit slowed things down. Those issues have been resolved. It was his intention to make sure the transfer was done in a way that reflects well upon Royal Oak and the Commission. State law allows him to continue operation of the previous operation while proceedings for a final transfer move toward a conclusion. That would give them an opportunity to see how it operates.

\* \* \*

Mr. Alan Kroll, 1050 Iroquois, was not in favor of changing the ABE agreement. While sympathetic to their rights he was sympathetic to everyone else's rights as well. If you weren't planning on using your gun, why have it? They need to send the message that they won't succumb to mob rule. It was going to be a wonderful event with thousands of people from all over. Don't allow this to happen.

\* \* \*

Mr. Tim Glaros, 2431 Maplewood, asked them not to layoff any more police officers. He and his neighbors would support a dedicated public safety millage.

\* \* \*

Mr. Tom Krell, 322 E. Kenilworth, wanted to make Royal Oak violence free. Why did they need guns at a City Commission meeting or family event? It may be their right but he didn't understand the need.

\* \* \*

Mr. Dan Meadows, Auburn Hills, criticized the use of the phrase "chilling effect" in the resolution in Item #19 on agenda.

\* \* \*

Ms. Susan Victor-McCarthy, 516 Hendrie, gave the Commission a photo of a person wearing a gun that appeared in the paper. She taught four-year-olds in Detroit and heard many stories. If a decision was made based on state law she hoped they would let the state know that people were uncomfortable with people open carrying in such a large crowd.

\* \* \*

Mr. Douglas Holloway, Westland, believed he was responsible enough to carry a gun in public. If they could guarantee his safety he'd leave his gun home. The issue was raised and should have been settled a year ago.

\* \* \*

Mr. Robert Harris, 21934 Redmond, Eastpointe, hoped they voted to amend the agreement for ABE. If the clause wasn't removed they would be in violation of another clause.

\* \* \*

Mr. Paul McCarthy, 516 Hendrie, was nervous about all the guns in the room. He couldn't speak for others but it had a chilling effect on him. If firearms are allowed at the festival he probably wouldn't attend. Others might do the same.

\* \* \*

Mr. Joseph Stevenson, 322 E. Kenilworth, is an active member of NRA. He believed everyone carrying a weapon in the room was responsible. It was a matter of respect.

\* \* \*

Mr. George Kunkle, Clinton Township, stated this was a legal matter. They have the right to carry. If you are carrying you cannot drink alcohol.

\* \* \*

Mr. Brendan Wehrung, 702 Irving, wanted to know if Item B was covered by insurance. Was the condition that caused it taken care of? He wanted to know if he could rent out his driveway during ABE. He estimated the city would spend over \$200,000 on ABE. How many deputies were they hiring from the Sheriff's office?

\* \* \*

Mr. Barry Kneister, Pleasant Ridge, stated the local gun lobby chose its moment very shrewdly. No one sitting where they sat was interested in taking on an expensive, protracted lawsuit, especially assuming that their opponents would be supported by the deep pockets of the NRA. He read a letter that he sent to the Detroit Free Press.

\* \* \*

Mr. John Sweeney, 502 E. Lincoln, stated people do not need guns. They should ban guns. It just wasn't right. They need to protect people even if they had to bring back the officers that were laid off.

\* \* \*

Mr. Alex Sherman, 1220 Oakwood Ct, Rochester Hills, believed that by upholding the 2<sup>nd</sup> amendment to the Constitution they were upholding the other amendments. He respected the opinions of those who believed guns didn't belong at ABE. It takes courage and integrity to set aside personal feelings and uphold the Constitution. The Constitution still means something and needs to be protected.

\* \* \*

Mayor Ellison suspended Public Comment temporarily to move item 6 up on the agenda.

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**PROCLAMATION  
WATER WORKS THEATRE**

The Mayor presented Mr. Ed Nahhat with a proclamation in recognition of the 10<sup>th</sup> anniversary of Water Works Theatre Company.

\* \* \* \* \*

**PUBLIC COMMENT-CONTINUED**

Ms. Jennifer Cortez, Royal Oak, lived about six blocks from the festival site. She wasn't comfortable in a room full of guns and disagreed that they made it safer. Were the sponsors informed about the guns? She would not be attending the festival and urged them not to allow guns.

\* \* \*

Mr. Justin Kaczor, 1687 Hanley Ct., Birmingham, stated many that people that carry do so for self protection. It was their right. The law was clear cut.

\* \* \*

Mr. Tim Binder, 2224 Linwood, was opposed to handguns at the festival. He was thrilled to hear they got the festival but it wasn't worth the baggage. Royal Oak was about families and family values. They heard from someone who felt justified using a handgun at a festival during a robbery. He didn't want to put that kind of decision making in the hands of individuals.

\* \* \*

Ms. Lisa Liu, 1102 Montrose, stated that logically, guns and alcohol do not mix. She was not against guns but they don't belong at family friendly events. If there are guns at ABE she will not attend and neither will many others.

\* \* \*

Mr. Paul Dalrymple, 211 Normandy, agreed that guns and alcohol don't mix. They also don't mix with controlled substances. Responsible gun owners do not do so. The city requires people that speak during public comment to give their names and addresses. That allows others to use the information to locate them, phone them, etc. He received a harassing call and filed a police report. If he's able to attend the festival he'll conceal carry. He agreed with the earlier speaker regarding Item 19.

\* \* \*

Ms. Kelly (no last name given), Shine, 629 S. Washington, was disappointed that a public safety millage wasn't on the November ballot. They need to start working on that.

\* \* \*

Mr. Scott Webb, Roseville, was glad they were voting on amending the agreement. He also agreed with the earlier speakers regarding item 19.

\* \* \*

Mr. Jon Witz, Troy, has produced the festival for 12 years. He believed it was the wrong place for open carry. At the same time this was state law and they would go along with it. Those who plan to not attend for safety reasons should trust the police department and the plan in place. Those not attending on principle should realize this is a state law that can be amended. It would be better to use their efforts to make a change.

\* \* \*

Mr. Dave Kies, 3015 N. Altadena, was planning on attending ABE with his family and neighbors. Guns do not belong in a family oriented event. They need to remember who voted for them.

\* \* \*

Mr. Kelly Mankin, 404 Hendrie, understood the resolution was a matter of law. He supported a resolution that would encourage the state to take a look at the issue.

\* \* \*

Mr. Brian Corbett, N. Altadena, noted that most of the people speaking in favor of guns were from outside the city. They need to keep in mind who their constituency is and vote against the amendment.

\* \* \*

Mr. John Cortez, Hendrie Blvd, stated the bad news was that they were losing police officers. The good news was that there'd be guys with guns policing the festival for free. The definition of chilling is not the same as the definition of afraid. He agreed with Mr. Sweeney that it only took one accident for someone to become a statistic.

\* \* \*

Mr. Tom Murphy, Parkview, found it somewhat repugnant that there were firearms present. He respected the 2<sup>nd</sup> amendment right to bear arms but he also believed in the 1<sup>st</sup> amendment right to speak out against it. They had to do what they had to do based on legal standing. If allowing guns was the price of entry then don't hold the event.

\* \* \*

Mr. (inaudible), 333 N Troy, just moved here from Pontiac and has a permit to carry. The only times he felt safe enough to go without his gun in downtown Pontiac was at ABE and the Woodward Dream Cruise.

\* \* \*

Mr. Aaron (no last name given), 419 S Maple, was upset that there was so much fear present on both sides of the issue. They should ask themselves why they are acting the way they are.

\* \* \*

Mr. Jeff French, Taylor, carries a sidearm because he was the victim of a violent crime while his 2 year old daughter watched. He wouldn't let that happen again. He commended them for choosing to follow the law.

\* \* \*

Mr. John French, Coolidge, carries his sidearm wherever he goes. He just wanted to let them know there were people in Royal Oak who support the right to keep and bear arms no matter where they were.

\* \* \*

The Commission took a brief recess at 9:34 PM and reconvened at 9:42 PM.

\* \* \*

Mr. Sean McEllery, 21079 Dunellen, Macomb Township, said the students at Virginia Tech and Columbine probably believed they were safe because they were in a gun free zone. Everyone is safe until they're not. You never know when something will happen. He agreed there was a lot of fear. The best way to overcome fear was to learn about what you fear.

\* \* \*

Mr. Dan Scanlan, Huntington Woods, agreed with the comments of the gentlemen from Pleasant Ridge. He didn't like being told how to feel. Fear and safety were both feelings. He felt safer at ABE in Pontiac than he did in this room. His shaking hands were evidence of the chilling effect of a lot of guns in one room. They didn't need to be here. Royal Oak police did an amazing job on Dream Cruise.

\* \* \*

Mr. John Geletka, 402 Royal, stated this is an emotional issue and people did not want guns at ABE. Many would boycott the event whether individually or as an organized group. Guns would not help the city's image. There wasn't a mechanism in place to keep people from drinking. It was unnecessary to have guns at a family event.

\* \* \*

Mr. Steve Kalinowski, was thankful laws weren't made based on an arbitrary notions of common sense and that the Bill of Rights wasn't a bill of needs. This wasn't about guns. It wasn't about emotions. It was about law.

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#### **APPROVAL OF AGENDA**

Item 8F was removed from the Consent Agenda. Item 15 was held over and Item 9 was removed from the agenda.

Moved by Commissioner Drinkwine  
Seconded by Commissioner Razor

BE IT RESOLVED that the City Commission hereby approves the agenda for the August 16, 2010 meeting as amended.

ADOPTED UNANIMOUSLY

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#### **CONSENT AGENDA**

Moved by Commissioner Drinkwine  
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 August 13, 2010 in the amount of \$792,973.17 audited by the Department of Finance are hereby approved.
- B. BE IT RESOLVED, that the City Commission hereby approves the proposed General Release and Settlement Agreement in Bertrand v. City of Royal Oak, Oakland County Circuit Court Case No. 2007-087971-NO.
- C. BE IT RESOLVED that the Mayor is hereby authorized to execute the agreement between the City of Royal Oak and Arts, Beats & Eats Foundation to hold Arts du Jour on Thursday, August 26, 2010 at the Royal Oak Farmer's Market.
- D. BE IT RESOLVED that the Mayor is hereby authorized to execute the agreement between the City of Royal Oak and Snookers Pool & Pub for a one-day, out-door food and non-alcoholic beverage concession, at their business located at 30295 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 / MAEDOT, LLC for a one-day lease of parking spaces, an outdoor private party and a WCSX/Greater Media / Bombardier/BRP, Inc. public event at 32121 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 Go Dogs Go! 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 Mickey Shorr's to hold a one-day, outdoor vendor demonstration vehicle display and promotional event at their business located at 25920 Woodward, on Saturday, August 21, 2010.

- E. BE IT RESOLVED, that the City Commission hereby authorizes the City Attorney to prepare a license agreement for Hookah Joe's at 734 South Washington Avenue, permitting an encroachment into the public right-of-way of South Washington Avenue for purposes of an outdoor seating area pursuant to the approved plans; and

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

- G. BE IT RESOLVED that the Mayor and City Clerk are hereby authorized to sign the 2010-11 winter maintenance agreement with the Road Commission for Oakland County covering snow removal and ice control on specified county roads.

ADOPTED UNANIMOUSLY

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**BROWNFIELD PLAN-3380 GREENFIELD**

Moved by Mayor Pro Tem Andrzejak  
Seconded by Commissioner Rasor

Whereas, the City of Royal Oak has a Brownfield Redevelopment Authority pursuant to Public Act 381 of 1996, the Brownfield Redevelopment Financing Act, as amended; and

Whereas, the Brownfield Redevelopment Authority has determined that it is necessary for the achievement of the purposes of Act 381 to adopt a brownfield plan for 3380 Rochester Road; and

Whereas, in accordance with Act 381, the Brownfield Redevelopment Authority has recommended adoption of a brownfield plan attached hereto as "BROWNFIELD PLAN FOR 3380 GREENFIELD ROAD – ROYAL OAK, MICHIGAN," dated January 25, 2010, to the City Commission for approval following a public hearing; and

Whereas, the proposed brownfield plan is now presented to the City Commission.

Now, Therefore, Be It Resolved That:

1. The City Commission concurs with the resolution adopted by the Brownfield Redevelopment Authority on December 1, 2009, and hereby approves the brownfield plan attached hereto as "BROWNFIELD PLAN FOR 3380 GREENFIELD ROAD – ROYAL OAK, MICHIGAN," dated January 25, 2010.
2. The brownfield plan for 3380 Greenfield Road constitutes a public purpose, and that:
  - a. The brownfield plan meets the requirements set forth in Public Act 381 of 1996, as amended.
  - b. The proposed method of financing costs of eligible activities in the brownfield plan are feasible and the Brownfield Redevelopment Authority has the ability to arrange financing.
  - c. The costs of eligible activities in the brownfield plan are reasonable and necessary to carry out the purposes of Act 381 of 1996, as amended.
  - d. The amount of captured taxable value estimated to result from the adoption of the brownfield plan is reasonable.
  - e. The brownfield plan is in reasonable accord with the Master Plan for the City of Royal Oak.
3. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution shall be and the same are hereby rescinded.

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

NAYS: Commissioner Capello

MOTION ADOPTED

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#### **MEDICARE PART B REPORT**

This item was removed from the Agenda.

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#### **APPOINTMENT TO LIBRARY BOARD**

Moved by Mayor Pro Tem Andrzejak  
Seconded by Commissioner Rasor

BE IT RESOLVED, that the City Commission hereby accepts the Mayor's recommendation of appointing Michael Fournier to fill the resident position on the Library Board with a term expiring 12/31/2012.

ADOPTED UNANIMOUSLY

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**TRAFFIC COMMITTEE RECOMMENDATIONS**

Moved by Commissioner Drinkwine  
Seconded by Commissioner Capello

5.A. BE IT RESOLVED; the request to install "Pedestrian Cross-walk" signs for eastbound Fourth St. between Kayser St. and Alexander Ave. on the south side of Fourth Street be denied.

Estimated City Cost: \$0.00

5.B. BE IT RESOLVED; the request to install a "Stop" sign for Glenwood at Oliver be denied. (2) The request to install a "No Right Turn for Through Traffic" sign for southbound Crooks at Oliver be denied. (3) The request to install a "No Left Turn for Through Traffic" sign for eastbound Webster at Oliver be denied.

Estimated City Cost: \$0.00

ADOPTED UNANIMOUSLY

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**SPECIAL ASSESSMENT-PAVING OF UNIVERSITY  
STANDARD RESOLUTION #1**

Mr. Jan Choike, 300 N. Edison, spoke in favor of the special assessment paving on University. The street floods when it rains posing impediments to parking and safety. It's also a breeding ground for mosquitoes. Plowing in the winter is ineffective. A properly paved and sewered street would be more appealing should they decide to sell.

Ms. Jean Williams, 301 N. Edison, lives across the street from Mr. Choike. They are effected by the flooding. Other neighbors wanted to come but were prohibited by the length of the agenda. She urged them to consider it because it does effect more than the abutting properties.

Moved by Commissioner Semchena  
Seconded by Commissioner Capello

Special Assessment Standard Resolution No. 1

BE IT RESOLVED, that the City Assessor be and is hereby directed to cause to be prepared reports which shall include necessary plans, profiles, specifications and detailed estimates of cost, an estimate of the life of the improvement, and a description of the public improvement described above and to prepare a Special Assessment District and such other pertinent information as will permit the Commission to decide the cost of paving of East University Avenue from North Edison Ave. to the E. Lot Line of Lot 79, with 27' wide, 6" thick concrete pavement including integral curb, and the extent and necessity of the improvement proposed and what part of proportion thereof should be paid by special assessments upon the property especially benefited and what part, if any, should be paid by the City.

BE IT FURTHER RESOLVED, that when the aforesaid reports are completed, the City Assessor shall file the same with the City Clerk for presentation to the Commission.

BE IT FURTHER RESOLVED, that all Resolutions and part of Resolutions insofar as they conflict with the provisions of this Resolution be and the same hereby are rescinded.

AYES: Commissioners Capello, Poulton, Razor, Semchena, Mayor Pro Tem Andrzejak and Mayor Ellison

NAYS: Commissioner Drinkwine

MOTION ADOPTED

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**PROPOSED FINDINGS OF FACT  
2521 TORQUAY**

Moved by Commissioner Semchena  
Seconded by Commissioner Razor

BE IT RESOLVED, that the City Commission hereby approves and adopts the proposed findings of fact and conclusions of law from the August 9, 2010 hearing on the request from AFKF, L.L.C., for relief from the City's April 10, 2010 moratorium on consideration or action on any request for any approval related to a medical marijuana facility.

BE IT FURTHER RESOLVED, that for the reasons stated in those findings of fact and conclusions of law, the request from AFKF, L.L.C., is hereby denied.

SUPPORT WITHDRAWN

ORIGINAL MOTION BACK ON THE TABLE

Moved by Commissioner Semchena  
Seconded by Mayor Pro Tem Andrzejak

BE IT RESOLVED, that the City Commission hereby approves and adopts the proposed findings of fact and conclusions of law from the August 9, 2010 hearing on the request from AFKF, L.L.C., for relief from the City's April 10, 2010 moratorium on consideration or action on any request for any approval related to a medical marijuana facility.

BE IT FURTHER RESOLVED, that for the reasons stated in those findings of fact and conclusions of law, the request from AFKF, L.L.C., is hereby denied.

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

NAYS: Commissioner Razor

MOTION ADOPTED

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**LCC RECOMMENDATIONS  
ROYAL OAK DINING D/B/A SANGRIA, 401 S. LAFAYETTE**

Moved by Commissioner Semchena  
Seconded by Commissioner Drinkwine

BE IT RESOLVED, that the City Commission hereby approves the August 11, 2010 Temporary Amendment to Plan of Operation for Royal Oak Dining, L.L.C., d/b/a Sangria at 401 S. Lafayette.

ADOPTED UNANIMOUSLY

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**CHARTER REVIEW AMENDMENT**

This item was held over to another meeting.

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**RATIFY AFSCME AGREEMENT**

City Attorney Gillam noted the members agreed to a wage freeze, 13 unpaid furlough days, 5 unpaid holidays, paying 10% of the monthly health care premium, reduce longevity pay by 1 tier and increase their pension contribution.

Moved by Commissioner Drinkwine  
Seconded by Commissioner Capello

BE IT RESOLVED, that the City Commission hereby approves the proposed Tentative Agreement with Local #2396, Michigan AFSCME Council #25, American Federation of State, County and Municipal Employees, AFL-CIO for the period of July 1, 2010 to June 30, 2011.

ADOPTED UNANIMOUSLY

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**FIRST AMENDMENT TO DEVELOPMENT AGREEMENT  
303 MAXWELL**

Mayor Pro Tem Andrzejak left the Table at 10:38 p.m. and returned at 10:40 p.m.

Commissioner Rasor left the Table at 10:40 p.m.

Moved by Commissioner Drinkwine  
Seconded by Commissioner Capello

BE IT RESOLVED, that the City Commission hereby approves the proposed First Amendment to Development Agreement with the School District of the City of Royal Oak for 303 Maxwell, subject to the final approval of the City Attorney.

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

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

NAYS: None

ABSENT: Commissioner Rasor

MOTION ADOPTED

Commissioner Rasor returned to the Table at 10:45 p.m.

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**ARTS, BEATS AND EATS FESTIVAL  
SECOND AMENDMENT TO FESTIVAL AGREEMENT**

City Attorney Gillam explained this language was a carryover from the ABE agreement with Pontiac. It was not a simple issue. Based upon review of all applicable state law the recommendation was to amend the festival agreement to take that restriction out.

Moved by Mayor Pro Tem Andrzejak  
Seconded by Commissioner Capello

BE IT RESOLVED, that the City Commission hereby approves the Second Amendment to the Festival Agreement.

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

AYES: Commissioners Capello, Semchena, Mayor Pro Tem Andrzejak and Mayor Ellison

NAYS: Commissioners Drinkwine, Poulton and Rasor

MOTION ADOPTED

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**RESOLUTION IN SUPPORT OF MAKING  
LOCAL PUBLIC BUILDINGS GUN-FREE ZONES**

Moved by Commissioner Drinkwine  
Seconded by Commissioner Capello

WHEREAS, Michigan law currently provides that with the exception of a security guards, peace officers, persons who are licensed to carry a concealed weapon, and those with the permission of an owner or agent to possess a firearm on his or her premises, firearms are not permitted in depository financial institutions or subsidiaries or affiliates of depository financial institutions; churches or other houses of worship; courts; theatres, sports arenas, day care centers; hospitals; or State-licensed liquor establishments; and

WHEREAS, persons who are licensed to carry a concealed weapon may not, as a general rule, carry a concealed pistol in a school or on school property, in a public or private child care or day care center; in a sports arena or stadium, in a State-licensed bar or tavern; on property or in a facility owned or operated by a church or other place of worship; in an entertainment facility with a seating capacity of 2,500 or more; in a hospital; or in a dormitory or classroom of a community college, college or university; and

WHEREAS, the Michigan Court of Appeals ruled in the 2003 case of *Michigan Coalition for Responsible Gun Owners v. City of Ferndale* that under existing State law, local units of government are precluded from enacting and enforcing ordinances that make local public buildings gun-free zones; and

WHEREAS, the inability of a local unit of government to enact and enforce ordinances that make local public buildings gun-free zones has a chilling effect upon the general public's interest in attending open meetings in those buildings, and upon the exercise of the general public's First Amendment rights at those meetings;

NOW, THEREFORE, BE IT RESOLVED, that the Royal Oak City Commission hereby encourages our elected representatives to amend State law to give local units of government the discretion to enact and enforce ordinances that make local public buildings gun-free zones.

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to forward a copy of this resolution to Governor Jennifer Granholm, State Senator John Pappageorge and State Representative Marie Donigan.

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to forward a copy of this resolution to all cities, townships and villages located in Oakland County.

ADOPTED UNANIMOUSLY

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Moved by Commissioner Drinkwine  
Seconded by Commissioner Capello

BE IT RESOLVED that the City Commission hereby agrees to reconsider the previous motion.

ADOPTED UNANIMOUSLY

\* \* \*

Moved by Commissioner Drinkwine  
Seconded by Commissioner Capello

WHEREAS, Michigan law currently provides that with the exception of a security guards, peace officers, persons who are licensed to carry a concealed weapon, and those with the permission of an owner or agent to possess a firearm on his or her premises, firearms are not permitted in depository financial institutions or subsidiaries or affiliates of depository financial institutions; churches or other houses of worship; courts; theatres; sports arenas; day care centers; hospitals; or State-licensed liquor establishments; and

WHEREAS, persons who are licensed to carry a concealed weapon may not, as a general rule, carry a concealed pistol in a school or on school property; in a public or private child care or day care center; in a sports arena or stadium; in a State-licensed bar or tavern; on property or in a facility owned or operated by a church or other place of worship; in an entertainment facility with a seating capacity of 2,500 or more; in a hospital; or in a dormitory or classroom of a community college, college, or university; and

WHEREAS, the Michigan Court of Appeals ruled in the 2003 case of Michigan Coalition For Responsible Gun Owners v. City of Ferndale that under existing State law, local units of government are precluded from enacting and enforcing ordinances that make local public buildings gun-free zones; and

WHEREAS, the inability of a local unit of government to enact and enforce ordinances that make local public buildings gun-free zones has a chilling effect upon the general public's interest in attending open meetings in those buildings, and upon the exercise of the general public's First Amendment rights at those meetings;

NOW, THEREFORE, BE IT RESOLVED, that the Royal Oak City Commission hereby encourages our elected representatives to amend State law to make local public buildings gun-free zones.

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to forward a copy of this resolution to Governor Jennifer Granholm, State Senator John Pappageorge and State Representative Marie Donigan.

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to forward a copy of this resolution to all cities, townships and villages located in Oakland County.

ADOPTED UNANIMOUSLY

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### **MONTHLY REVENUE AND EXPENSE UPDATE**

Mayor Ellison left the Table at 11:29 p.m. Mayor Pro Tem Andrzejak ran the meeting in his absence.

Moved by Commissioner Capello  
Seconded by Commissioner Rasor

BE IT RESOLVED. The Administration shall prepare a monthly one page summary financial report which will be posted on the City web site and appear on the agenda as a non-action report.

Mayor Ellison returned to the Table at 11:31 p.m.

ADOPTED UNANIMOUSLY

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### **STORM WATER DETENTION ORDINANCE**

Commissioner Semchena wanted to send this back to the Committee for discussion.

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### **LIQUOR ORDINANCE AMENDMENT**

Moved by Commissioner Semchena  
Seconded by Commissioner Poulton

BE IT RESOLVED that the City Commission hereby directs the City Attorney to prepare amendments to the Liquor License Ordinance to prohibit the reopening of a closed establishment without City Commission approval for consideration at a future meeting.

AYES: Commissioners Capello, Poulton, Semchena, Mayor Pro Tem Andrzejak and Mayor Ellison

NAYS: Commissioners Drinkwine and Rasor

MOTION ADOPTED

\* \* \* \* \*

### **LCC RECOMMENDATION DENY REQUEST TRANSFER CLASS C LIQUOR LICENSE HAWKWATER LTD. TO EYE OF THE TIGER**

Moved by Commissioner Semchena  
Seconded by Commissioner Poulton

BE IT RESOLVED that the City Commission hereby denies the pending transfer of the Class C Liquor License from Hawkwater Ltd. to Eye of the Tiger.

Mr. Gillam suggested they bring back a specific resolution to deny with findings at the next meeting.

MOTION WITHDRAWN

\* \* \* \* \*

Upon Motion of Commissioner Drinkwine, Seconded by Commissioner Razor, and adopted unanimously, the Regular Meeting was adjourned at 11:58 P.M.

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Melanie Halas, City Clerk

The foregoing Minutes of the Regular Meeting held on August 16, 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

**SPECIAL ASSESSMENT STANDARD RESOLUTION NO. 1  
CITY OF ROYAL OAK - COUNTY OF OAKLAND**

At a Regular Meeting of the City Commission (the "Commission") of the City of Royal Oak, County of Oakland, Michigan, held on August 16, 2010, at 7:30 o'clock p.m., Eastern Time.

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

ABSENT: None

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

WHEREAS, pursuant to provisions of Chapter 12, City Charter of Royal Oak, as amended, the City Commission of the City of Royal Oak may commence proceedings for the making of local public improvements within the City and determine the tentative necessity thereof without a petition; and

WHEREAS, the Commission of the City of Royal Oak deems it in the public interest, health, and welfare to make certain public improvements in the City, to wit:

**SPECIAL ASSESSMENT 27' WIDE, 6" THICK CONCRETE PAVING WITH INTEGRAL CURB  
& GUTTER OF EAST UNIVERSITY AVENUE FROM NORTH EDISON AVE. TO THE E. LOT  
LINE OF LOT 79**

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Assessor be and is hereby directed to cause to be prepared a report which shall include necessary plans, profiles, specifications and detailed estimates of costs, an estimate of the life of the improvements, and a description of the public improvements, and to prepare a Special Assessment of the District and such other pertinent information as will permit the Commission to decide the cost, extent, and necessity of the improvement proposed and what part or proportion thereof should be paid by special assessments upon the property especially benefited and what part, if any, should be paid by the City.
2. When the aforesaid report is completed, the City Assessor shall file the same with the City Clerk for presentation to the Commission.
3. 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 Capello, Poulton, Rasor, Semchena, Mayor Pro Tem Andrzejak and Mayor Ellison

NAYS: Commissioner Drinkwine

RESOLUTION DECLARED ADOPTED.

\_\_\_\_\_  
Melanie Halas, City Clerk

I hereby certify that the foregoing constitutes a true and complete copy of a resolution duly adopted to the City Commission of the City of Royal Oak, County of Oakland, Michigan, at a Regular Meeting held on August 16, 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.

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Melanie Halas, City Clerk