

A special meeting of the Royal Oak City Commission was held on Monday, July 25, 2016, 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, Mayor Pro Tem Fournier, Commissioner DuBuc, Commissioner Paruch and Commissioner Poulton. Also present were City Manager Johnson, Interim City Attorney Liss and City Clerk Halas.

Adjourned to Closed Session

Moved by Commissioner Poulton
Seconded by Commissioner Paruch

BE IT RESOLVED that the city commission hereby adjourns to closed session for purposes of attorney/client privilege and collective bargaining.

ROLL CALL VOTE

AYES: Mayor Pro Tem Fournier, Commissioner Paruch, Commissioner Poulton, Commissioner DuBuc and Mayor Ellison

ABSENT: Commissioners Douglas and Mahrle

MOTION ADOPTED

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A regular meeting of the Royal Oak City Commission was held on Monday, July 25, 2016, in the city hall, 211 Williams, Royal Oak. The meeting was called to order by Mayor Ellison at 7:30 p.m.

Mayor Ellison gave the Invocation. Everyone present gave the pledge of allegiance.

ROLL CALL	PRESENT	ABSENT
Mayor	Ellison	
Mayor Pro Tem	Fournier	
Commissioners	DuBuc	Douglas
	Paruch	Mahrle
	Poulton	

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PUBLIC COMMENT

Mr. Steve Atkinson, 2901 N. Wilson, believed the signage for the bicycle lanes on Main needed to be adjusted. Southbound traffic should be given the opportunity to merge left as was northbound traffic.

Mr. Michael Golden, 4147 Normandy, asked that approval for a stop sign on his street be added to the agenda.

Mayor Ellison explained that the stop sign was denied so there wouldn't be further action.

Mr. Andrew Desherlia, 3803 Coolidge, objected to the wording in the proposed noise ordinance. There should be an objective measure used to determine if the sound was above a certain threshold.

Mr. William Harrison, 2729 Trafford, congratulated Commissioner Douglas for pushing not to have office space on the ground floor in the central business district. He noticed parking space count signs were up at the structures but they weren't working. He'd like to see the sidewalks downtown cleaned.

Mr. Keith Howarth, owner of Noir Leather and resident at 707 S. Rembrandt, offered a suggestion to save the oldest tree in Eagle Park that the city was planning to remove.

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APPROVAL OF AGENDA

Item 14 Wendland Park Grant and item 15 Approval of TPOAM Agreement were added to the agenda. Items 6F, 6H, 6K and 6L were pulled from the consent agenda.

Moved by Commissioner Paruch
Seconded by Commissioner DuBuc

BE IT RESOLVED that the city commission hereby approves the agenda for the July 25, 2016 meeting as amended.

ADOPTED UNANIMOUSLY

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CONSENT AGENDA

Moved by Commissioner Poulton
Seconded by Commissioner DuBuc

BE IT RESOLVED that the city commission hereby approves the consent agenda as follows:

- A. BE IT RESOLVED that the city commission minutes of June 27 and July 11, 2016 are hereby approved.
- B. BE IT RESOLVED that the claims of July 19 and 22, 2016 audited by the department of finance are hereby approved.
- C. Be it resolved, the city commission approves the following requisitions/purchase orders for fiscal year 2016-17:

Requisition #	R004290
Vendor:	Environmental Systems Research ESRI
Requesting approval for:	\$50,000
Price Source:	bid by City of Royal Oak
Budgeted:	\$50,000
Department / Fund:	information systems
Description:	GIS enterprise license agreement 16-17

Requisition #	R004297
Vendor:	Mazur Market Management LLC
Requesting approval for:	\$280,000
Price Source:	in a multiyear contract
Budgeted:	\$280,000
Department / Fund:	farmers market
Description:	Contracted market management 16/17

Requisition #	R004298
Vendor:	McCoy Maintenance, Inc
Requesting approval for:	\$35,450
Price Source:	in a multiyear contract
Budgeted:	\$35,450
Department / Fund:	Library
Description:	cleaning services and cleaning supplies

Requisition #	R004299
Vendor:	Baker & Taylor Companies
Requesting approval for:	\$123,000
Price Source:	cooperative purchase
Budgeted:	\$123,000
Department / Fund:	Library
Description:	purchase of books and media
Requisition #	R004300
Vendor:	The Library Network
Requesting approval for:	\$120,775
Price Source:	bid by another entity/cooperative purchase
Budgeted:	\$120,775
Department / Fund:	Library
Description:	variety of services from the library cooperative purchase agreement
Requisition #	R004313
Vendor:	Ports Petroleum Company, Inc
Requesting approval for:	\$250,000
Price Source:	bid by another entity/cooperative purchase
Budgeted:	\$250,000
Department / Fund:	motor pool
Description:	diesel as needed
Requisition #	R004314
Vendor:	RKA Petroleum Companies
Requesting approval for:	\$250,000
Price Source:	bid by another entity/cooperative purchase
Budgeted:	\$250,000
Department / Fund:	motor pool
Description:	gas as needed
Requisition #	R004315
Vendor:	Rowley Bros, Inc
Requesting approval for:	\$20,000
Price Source:	preferred vendor
Budgeted:	\$26,000
Department / Fund:	motor pool
Description:	lubricants & solvents as needed
Requisition #	R004316
Vendor:	Bell Equipment Company
Requesting approval for:	\$219,320
Price Source:	bid by another entity/cooperative purchase
Budgeted:	\$219,320
Department / Fund:	motor pool
Description:	purchase new street sweeper, repair parts, blades, & accessories
Requisition #	R004317
Vendor:	Eastern Michigan Kenworth
Requesting approval for:	\$12,000
Price Source:	preferred vendor
Budgeted:	\$12,000
Department / Fund:	motor pool

Description:	parts as needed
Requisition #	R004319
Vendor:	NAPA Auto Parts Madison Heights
Requesting approval for:	\$25,000
Price Source:	bid by another entity/cooperative purchase
Budgeted:	\$25,000
Department / Fund:	motor pool
Description:	repair parts as needed
Requisition #	R004321
Vendor:	TWI Tire Wholesalers
Requesting approval for:	\$15,000
Price Source:	preferred vendor
Budgeted:	\$15,000
Department / Fund:	motor pool
Description:	tires as needed
Requisition #	R004323
Vendor:	Eleven Mile Truck Frame & Axle
Requesting approval for:	\$25,000
Price Source:	preferred vendor
Budgeted:	\$25,000
Department / Fund:	motor pool
Description:	repair services as needed
Requisition #	R004326
Vendor:	Grand Blanc Printing Co. Inc.
Requesting approval for:	\$30,000
Price Source:	bid by City of Royal Oak
Budgeted:	\$30,000
Department / Fund:	community promotion/publicity tax
Description:	printing for four issues of insight magazine (fall, winter, spring & summer)
Requisition #	R004332
Vendor:	Shaw Construction and MGT Co
Requesting approval for:	\$13,144
Price Source:	quote
Budgeted:	\$13,144
Department / Fund:	ice arena
Description:	wall repair, mostly reimbursed by insurance.
Requisition #	R004334
Vendor:	Michigan Supreme Court Finance
Requesting approval for:	\$47,000
Price Source:	sole source/quote
Budgeted:	\$47,000
Department / Fund:	district court/general
Description:	Michigan supreme court JIS case management system fiscal year 16-17
Requisition #	R004335
Vendor:	System Duplicating Comp, Inc
Requesting approval for:	\$15,000
Price Source:	preferred vendor

Budgeted: \$15,000
Department / Fund: district court/general
Description: printing of case files for fy 16-17.

- D. Be it resolved, the city commission hereby approves the attached agreement with AmeriScan, to be executed by the mayor.
- E. Be it resolved, the city commission approves the amendment to the license agreement between General Motors Corporation and the City of Royal Oak for the use of space in Memorial Park for the Woodward Dream Cruise.
- G. Be it resolved, the city commission hereby approves contract modification 1 for contract S1503 2015 Spot Sewer Repairs to Troelsen Excavating Co. of Troy, Michigan for the additional amount of \$123,435 and directs staff to issue a purchase order for the amount of the contract modification. The completion date for contract S1503 shall be extended to Dec. 3, 2016.
- I. Be it resolved, the city commission hereby approves the work of contract modification 4 in the amount of \$10,470.00, for Royal Oak Contract B1102 Underground Storage Tank Release Closure Environmental Consulting Services, which was awarded to AMEC Environmental & Infrastructure, Inc. - formerly BCI Engineers and Scientist, and a purchase order shall be issued for the amount of the contract modification.
- J. Be it resolved, the city commission hereby approves contract modification 1 to Royal Oak Contract CAP1608, 2016 Sidewalk Improvement Program with Audia Concrete Construction of Milford, Michigan as shown on table 1 for the amount of \$14,235.00 and directs staff to adjust the purchase order accordingly.

ADOPTED UNANIMOUSLY

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**CREDIT CARD PROCESSING
PARKING GARAGE AUTOMATION**

Moved by Mayor Pro Tem Fournier
Seconded by Commissioner Poulton

Be it resolved, the credit card processing agreement with 3C Payment is approved; and

Be it further resolved, the mayor and city clerk are authorized to execute the agreement on behalf of the city.

ADOPTED UNANIMOUSLY

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Moved by Mayor Pro Tem Fournier
Seconded by Commissioner DuBuc

Be it resolved that the city commission directs staff to provide a report on what services can be paid for using a credit card, what rates are being charged and what options are available on current credit card contracts.

ADOPTED UNANIMOUSLY

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**EAGLE PLAZA PRELIMINARY WORK
CONTRACT MODIFICATION CAP1510**

Moved by Commissioner DuBuc
Seconded by Commissioner Paruch

Be it resolved, the city commission hereby approves contract modification 2 to Royal Oak Contract CAP1510 - 2015 Water Main Improvements with F.D.M. Contracting, Inc. of Shelby Township, Michigan as shown on table 1 for the amount of \$39,027 and directs staff to adjust the purchase order accordingly.

ADOPTED UNANIMOUSLY

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**SPECIAL ASSESSMENT, STANDARD RESOLUTION 1
PAVING OF NORTH LAFAYETTE AVENUE**

Moved by Commissioner Poulton
Seconded by Commissioner Paruch

Whereas, pursuant to provisions of Chapter 12, City Charter of Royal Oak, as amended, the Royal Oak City Commission 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 Royal Oak City Commission deems it in the public interest, health, and welfare to make certain public improvements in the city, to wit:

25-foot wide, 7-inch thick concrete pavement with integral curb and gutter of N. Lafayette Avenue from W. Derby Avenue to north lot line of Lot 189

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.

ADOPTED UNANIMOUSLY

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DISORDERLY CONDUCT ORDINANCE 278-35 AMENDMENT, SECOND READING

Moved by Commissioner Paruch
Seconded by Mayor Pro Tem Fournier

Be it resolved, the amendment to the Disorderly Ordinance of the Code of the City of Royal Oak at Chapter 278, Section 35 (Exhibit A), is adopted on second reading and will take effect ten-days from this second reading.

ADOPTED UNANIMOUSLY

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**PUBLIC HEARING
VACATION OF PUBLIC RIGHT-OF-WAY WEST HARRISON AVENUE**

Mayor Ellison opened the public hearing.

Ms. Laura Harrison, 2729 Trafford, spoke about the past blight along Woodward and was in favor of the vacation.

Mr. Alan Kroll, 1050 Iroquois Blvd, mentioned the problems the neighborhood had in the past and was in favor of the vacation.

Mr. Mark Alarie, 512 W. Harrison, stated the street was safer for the neighborhood children and believed that many of the new homeowners purchased there because of the road closure. He was in favor of the vacation.

Mr. Ron Peludat, 519 W. Hudson, was in favor of the vacation but would like to see Hudson and Ninth closed as well.

There being no one else who wished to speak the public hearing was closed.

Moved by Commissioner Paruch
Seconded by Commissioner Poulton

Whereas, a public hearing was held on July 25, 2016, for the purpose of hearing comments and objections to the proposal to vacate a 50-foot wide public street, West Harrison Avenue, adjacent to 25658 Woodward Avenue (parcel number 25-21-410-001) and 25766 Woodward Avenue (parcel number 25-21-409-027); and

Whereas, notice of said public hearing having been given more than two weeks prior to the date of the public hearing by publication in The Royal Oak Review, a newspaper published and circulated in the City of Royal Oak, together with the publication of a copy of the resolution proposing said vacation of a public rights-of-way, as required in section 2 of chapter 12 of the Royal Oak City Charter.

Therefore, be it resolved the city commission deems it necessary for the health, welfare, comfort, and safety of the people of Royal Oak to vacate the following described public rights-of-way: a portion of West Harrison Avenue, a 50-foot wide east/west public street, from the east line of Woodward Avenue to the west line of the public alley and adjacent to Lots 18 and 19, except parts taken for widening Woodward Avenue, Storz and Lawson Subdivision.

Subject, however, to the following agreements, uses, reservations and regulations which shall be binding upon the grantees, their successors and assigns, to wit: the city shall be granted full easement for access to any public utilities on the aforesaid public rights-of-way and the sign(s) shall be operated pursuant to the operating agreement.

Be it further resolved, the aforesaid public rights-of-way are hereby vacated.

AYES: Commissioner Poulton and Mayor Ellison

NAYS: Commissioners DuBuc, Paruch and Mayor Pro Tem Fournier

MOTION FAILS

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**CENTRAL PARK DEVELOPMENT GROUP
EXCLUSIVITY AGREEMENT SECOND AMENDMENT**

Moved by Commissioner Poulton
Seconded by Commissioner DuBuc

Be it resolved, the city commission hereby approves executing the attached Second Amendment to Mutual Non-Disclosure and Exclusivity Agreement; and

Be it further resolved, city staff shall be prohibited from marketing the city hall site during this additional three-month period; and

Be it further resolved, after expiration of the additional three-month period (November 14, 2016), this resolution is rescinded and the City of Royal Oak and Central Park Development Group, LLC, shall have no obligations to each other with respect to the City Hall Site.

ADOPTED UNANIMOUSLY

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**ETKIN ACQUISITION L.L.C. DEVELOPMENT AGREEMENT
EXTEND DUE DILIGENCE PERIOD**

Moved by Commissioner Paruch
Seconded by Commissioner DuBuc

Be it resolved, the Royal Oak City Commission hereby approves an extension of the "Due Diligence Period" until the Royal Oak Downtown Development Authority's regular meeting date of May 17, 2017.

ADOPTED UNANIMOUSLY

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**CONDITIONAL REZONING OF 1722 TO 1740 CROOKS ROAD, SECOND READING
AND APPROVAL OF CONDITIONAL ZONING AGREEMENT**

Mayor Ellison recused himself from the discussion and vote. Mayor Pro Tem Fournier ran the meeting in his absence.

Moved by Commissioner Paruch
Seconded by Commissioner DuBuc

Whereas, the planning commission held a public hearing on April 12, 2016, and recommended approval of a proposed amendment to the zoning map of the City of Royal Oak for the purpose of conditionally rezoning 1722-1740 Crooks Road (parcel nos. 25-16-204-001 and 25-16-204-004) from mixed use 2 to neighborhood business; and

Whereas, the city commission has determined that the zoning map amendment is consistent with the goals and objectives of the master plan and has received the record of public comments taken at the public hearing held at the planning commission meeting of April 12, 2016.

Therefore, be it resolved, ordinance 2016-06, entitled an ordinance to amend the zoning map of the City of Royal Oak, is hereby adopted on second reading.

The City of Royal Oak ordains:

Section 1 ordinance. Pursuant to the provisions of the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, and pursuant to all applicable provisions of law, the zoning map of the City of Royal Oak is hereby amended to conditionally rezone 1722-1740 Crooks Road, being parcel numbers 25-16-204-001 and 25-16-204-004, from mixed use 2 to neighborhood business, and sp 16-04-06, a site plan to construct a financial institution with a drive-through automated teller machine at 1722-1740 Crooks Road, being parcel numbers 25-16-204-001 and 25-16-204-004, is hereby approved, subject to the associated “conditional zoning agreement.”

Section 2 severability. If any section, subsection, clause, phrase or portion of this ordinance is for any reason held invalid 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 3 savings. As 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 4 repealer. All ordinance or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 5 effective date. This ordinance shall be published in a newspaper of general circulation in the City of Royal Oak and shall become effective ten (10) days after publication, as provided by law.

Be it further resolved that the city commission hereby approves the associated “conditional zoning agreement” as part of the required second reading of ordinance 2016-06, subject to any final revisions required by the city attorney, and that the mayor and city clerk are authorized and directed to sign said agreement.

ADOPTED UNANIMOUSLY

The commission took a brief recess and returned to the table at 9:40 p.m.

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COMMUNITY COMMUNICATION STRATEGY PLAN

Moved by Mayor Pro Tem Fournier
Seconded by Commissioner DuBuc

Be it resolved, the city commission accepts the community communication strategy as presented by the community engagement specialist and authorizes staff to implement the strategic actions of said plan to better inform, educate and engage the citizens of Royal Oak.

ADOPTED UNANIMOUSLY

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**NORMANDY OAKS MEETING WITH
OAKLAND COUNTY OFFICIALS**

Mayor Pro Tem Fournier reported on the meeting with Oakland County officials regarding a partnership for Normandy Oaks. The next step was for each group to take it back to their commission.

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**STATUS OF THE CITY ATTORNEY'S OFFICE
DETERMINE NEXT STEPS**

Moved by Commissioner DuBuc
Seconded by Mayor Pro Tem Fournier

Be it resolved that the city commission approves Commissioner Paruch replacing Mayor Ellison on the City Attorney Selection Committee.

**FRIENDLY AMENDMENT OFFERED BY COMMISSIONER DUBUC TO ADD THAT THE COMMITTEE
MEET WITHIN THE NEXT TWO WEEKS**

MOTION NOW READS:

Be it resolved that the city commission approves Commissioner Paruch replacing Mayor Ellison on the City Attorney Selection Committee; and

Be it further resolved that the committee meet within the next two weeks.

ADOPTED UNANIMOUSLY

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WENDLAND PARK GRANT REQUEST

Moved by Mayor Pro Tem Fournier
Seconded by Commissioner Poulton

Be it resolved that the city attorney's office is authorized to take necessary action to quiet title the Wendland Park in order to satisfy the requirements of a federal grant to improve the park.

ADOPTED UNANIMOUSLY

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APPROVAL OF AGREEMENT WITH TPOAM

Moved by Commissioner Paruch
Seconded by Mayor Pro Tem Fournier

BE IT RESOLVED, that the City Commission hereby approves the proposed Tentative Agreement with TPOAM for the period of July 1, 2016 to June 30, 2019.

ADOPTED UNANIMOUSLY

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Upon motion of Commissioner DuBuc, seconded by Mayor Pro Tem Fournier, and adopted unanimously, the regular meeting was adjourned at 10:46 p.m.

Melanie Halas, City Clerk

The foregoing minutes of the regular meeting held on July 25, 2016, having been officially approved by the city commission on Monday, August 22, 2016, are hereby signed this twenty-second day of August 2016.

James B. Ellison, Mayor

Exhibit A

ORDINANCE NO. 2016-09

AN ORDINANCE TO AMEND THE CHAPTER 278, SECTION 35, THE DISORDERLY CONDUCT ORDINANCE OF THE CODE OF THE CITY OF ROYAL OAK, PROHIBITING SOUND EQUIPMENT IN MOTOR VEHICLES FROM GENERATING NOISE THAT IS AUDIBLE AT 50 FEET WHILE THE VEHICLE IS IN A PUBLIC AREA.

IT IS ORDAINED BY THE CITY OF ROYAL OAK:

SECTION 1. Chapter 278, Section 35 is amended to add:

P. Vehicle sound equipment noise and vibration. It shall be unlawful for any person to be in possession or control of a parked or moving vehicle with a stereo, disc player, cassette player, speakers, or other similar equipment that is producing sound on a street, driveway, publicly patrolled parking lot or public place at or with a level, volume, intensity, frequency, or other attribute that is perceptible at a distance of fifty (50) feet or more, either by hearing the sound by the human ear or by feeling the sound in the form of vibrations associated therewith. This section shall not be applicable to sound emanating from emergency vehicles, vending vehicles, or publicly sponsored or permitted concerts, sporting events, activities, or gatherings. A violation of this subsection is a civil infraction punishable by a fine of \$100.00.

Q. Loud Vehicles. The operation of any automobile, truck, motorcycle or other vehicle so out of repair or so loaded or constructed as to cause loud and unnecessary grating, grinding, rattling or other unreasonable noise, including the noise resulting from exhaust, which is plainly audible at a distance of 50 feet from the vehicle and unreasonably disturbing to the quiet, comfort or repose of other persons. A violation of this subsection is a civil infraction punishable by a fine of \$100.00.

SECTION 2. 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, that portion shall be deemed a separate, distinct and independent portion of this ordinance, and such holding shall not affect the validity of the remaining portion of this ordinance.

SECTION 3. 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 4. REPEALER.

All or parts of other ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 5. EFFECTIVE DATE.

This ordinance shall take effect ten days after its final passage.