

A regular meeting of the Royal Oak City Commission was held on Monday, August 22, 2016, in the city hall, 211 Williams, Royal Oak. The meeting was called to order by Mayor Ellison at 7:30 p.m.

Commissioner Douglas gave the Invocation. Everyone present gave the pledge of allegiance.

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

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**PROCLAMATION
TURN THE TOWN TEAL MONTH**

Mayor Ellison presented Dane Nielsen with a proclamation recognizing September 2016 as ovarian cancer awareness month.

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ROYAL OAK POLICE DEPARTMENT CITIZEN AWARD

Mr. Michael Callanan was presented with a Royal Oak Police Department Citizen Award, for calling the Royal Oak Police Department and providing information and descriptions of the subjects who robbed the Community Choice Credit Union.

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**PRESENTATION OF CHECK
MIND OVER MATTER**

Julie Farhat, Director of the M.O.M race, gave information on suicide statistics. She presented checks totaling \$45,000 to three different organizations.

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PUBLIC COMMENT

Mr. Ross Gilders, 1525 Genesee, wanted to bring to the commission's attention the explosion of professional people that have migrated to this area. Oak Park and Ferndale were being very competitive to attract these potential residents. He hoped Royal Oak would be proactive as well and wanted to know the status of the project at the old car dealership.

Mr. Ron Wolf, 333 N. Troy, thought they should grant Royal Oak Manor six street parking spaces. He wanted to know if there was a committee appointed for the downtown park like there was for Normandy Oaks.

Mr. Ron Kagan, CEO of Detroit Zoological Society, 8450 W 10 Mile Rd., stated the zoo's case for purchasing the property at 696 and Woodward for a parking garage. They need another entry point for the zoo. He asked that the item be added to the agenda.

Ms. Sue Fabian, 316 Midland, represented several residents. She listed their experiences with the Planning Commission regarding the St. John's Church property. The process needed to change.

Mr. Bob Sheldon, Liberty Center One Data Center, 4815 Delemere, asked for consideration regarding the sidewalk in front of his property. They have underground fiber connections that needed to be handled carefully.

Mr. Steven Munson, 409 Fairgrove, thought Royal Oak police officers were behaving oddly. He wanted to know if there was a committee to speak to if he couldn't solve a problem working with the chief of police.

Ms. Carol Hennessey, 258 E. 12 Mile, invited everyone to a 15th anniversary of 9-11 for a remembrance and appreciation gathering. It will be held on Monday, September 12 at 2:30 p.m. at the Veterans Memorial Plaza. Call 248-543-8420 for more information.

Ms. Alice Reed, Royal Oak Manor, suggested they use three of the parking spaces at the farmers' market to put in swings, slides and a sandbox. Arts, Beats and Eats (ABE) should have a swing set and a bounce house. She suggested they have a contest to dress the Star Dream. ABE should also allow teens to put on puppet shows and get paid. She wanted the city to clean the sidewalks in front of the stores.

Mr. Clyde Esbri, 4135 S. Fulton, thought the bike lanes on Main Street were poorly designed. They should look at a more aggressive timeline and road diets. East/west bike lanes would not be a challenge. The challenge was north/south. He gave suggestions on the bike lanes.

Mr. Steven Munson complained that the light at 11 Mile/Main threw the bikers off. He asked that they waive his impound fees.

Mr. Ron Wolf suggested they add to the charter that all vendors be checked to make sure they don't owe taxes to any city or the state.

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APPROVAL OF AGENDA

Moved by Commissioner Paruch
Seconded by Commissioner Douglas

BE IT RESOLVED that the city commission hereby approves the agenda for the August 22, 2016 meeting as published.

ADOPTED UNANIMOUSLY

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CONSENT AGENDA

Moved by Commissioner Douglas
Seconded by Commissioner Poulton

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

- A. BE IT RESOLVED that the city commission minutes of July 25, 2016 are hereby approved.
- B. BE IT RESOLVED that the claims of August 16 and 19, 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 # change order
Vendor: United Resource LLC
Requesting approval for: additional \$100,000 total \$403,260
Price Source: bid by City of Royal Oak
Budgeted: \$403,260
Department / Fund: sewer maintenance/water & sewer
Description: clean catch basin/storm sewer leads

Requisition # R004382
Vendor: Rauhorn Electric
Requesting approval for: \$18,500
Price Source: quote
Budgeted: \$18,500
Department / Fund: street lighting/general
Description: foundation work & install of owner supplied pole and fixture

Requisition # R004376
Vendor: Harmon Signs Inc
Requesting approval for: \$109,780
Price Source: Bid by City of Royal Oak
Budgeted: \$109,780
Department / Fund: streets parkway maintenance/major roads, parks & forestry/general
Description: new park signage and new median signs

Requisition # R004379
Vendor: Canfield Equipment Service Inc
Requesting approval for: \$40,420
Price Source: Bid by City of Royal Oak
Budgeted: \$40,420
Department / Fund: motor pool
Description: new vehicle equipment

Requisition # R004381
Vendor: DRV Contractors
Requesting approval for: \$38,300
Price Source: bid by City of Royal Oak
Budgeted: \$45,000
Department / Fund: farmers market
Description: floor restoration for the farmers market

Requisition # Wolverine Freightliner
Vendor: R004380
Requesting approval for: \$467,660
Price Source: bid by another entity/ cooperative purchase
Budgeted: \$1,000,000
Department / Fund: motor pool
Description: 3 single & 2 tandem axle chassis
This does not include the dump bodies that will be on the trucks

Requisition # R004347
Vendor: Jack Doheny Supplies Inc

Requesting approval for: \$13,500
Price Source: preferred vendor
Budgeted: \$13,500
Department / Fund: solid waste
Description: sewer vector supplies and repair

Requisition # R004383
Vendor: TAPCO
Requesting approval for: \$25,000
Price Source: quote
Budgeted: \$25,000 budget amendment needed, RO school reimburses city for half
Department / Fund: streets traffic control/major streets
Description: 10 solar school speed limit blinker signs

- D. Whereas, substance use recovery is important for individual well-being and vitality, as well as for families, communities and businesses; and

Whereas, approximately 21.5 million Americans ages 12 and older have substance use disorder; and

Whereas, we believe everyone facing substance use disorders deserved the benefit of recovery; and

Whereas, Friday, September 23, 2016, has been designated for Oak County's 9th Annual Substance Use Recovery Celebration and Walk; and

Whereas, stigma and stereotypes associated with substance use disorders often keep people from seeking treatment that could improve their quality of life; and

Whereas, substance use disorders occur when the recurrent use of alcohol and /or drugs causes clinically or functionally significant impairment, such as health problems, disability, and failure to meet major responsibilities at work, school, or home; and

Whereas, substance use disorder recovery is a journey of healing and transformation, enabling people to live in a community of his/her choice while striving to achieve his/her full potential; and

Whereas, substance use disorder recovery benefits individuals with substance use disorders by focusing on their abilities to live, work, learn, and fully participate and contribute to our society, and also enriches the culture of our community; and

Whereas, Oakland County Community Mental Health Authority (OCCMHA) has recognized September 2016 as National Recovery Month and called upon other government agencies to recommit our state to increasing awareness and understanding of substance use, and the need for appropriate and accessible services to promote recovery.

Now, therefore be it resolved, the Royal Oak City Commission joins OCCMHA and communities across the state and country in raising awareness and understanding of substance use and recovery and along with OCCMHA the City of Royal Oak does hereby proclaim September 2016 as "National Recovery Month".

- E. Be it resolved, the city commission authorizes the mayor to sign the Public Safety Answering Point Agreement between Oakland County and the City of Royal Oak.

F. Be it resolved, the city commission authorizes the filling of one police records clerk position.

G. Be it resolved, the city commission hereby approves the filling of the full time librarian III: head of youth services position at the Royal Oak Public Library.

H. Be it resolved, the city commission hereby awards contract CAP1734 – The Purchase and Installation of Park Shelter & Accessories to WCI Contractors, Inc of Detroit, Michigan for a bid price not to exceed \$110,300 and directs staff to issue a purchase order in the amount of the priced proposal; and

Be it further resolved, the mayor and city clerk are authorized to execute the contract documents for the project.

I. Be it resolved, the commission authorizes the mayor and city clerk to execute the license agreement with Harrison Lofts II, LLC of 2200 Genoa Business Park Drive, Suite 200, Brighton, Michigan 48114 for encroachment in the adjacent public right-of-way at 1210 Morse Avenue.

J. Be it resolved, the city commission hereby awards contract S1602 2016 Sewer Lining to Insituform Technologies USA, LLC of Chesterfield, Missouri for the bid price of \$408,722 and directs staff to issue a purchase order in the amount of the priced proposal; and

Be it finally resolved, the mayor and city clerk are authorized to sign the contract for this project.

K. Be it resolved, the city commission hereby approves contract modification 4 for contract B1302 Heating, Ventilating and Air Conditioning Maintenance to extend the contract with ATI Group of Flushing, Michigan for one year in the amount of \$10,490.28, and directs staff to issue a purchase order for the amount of the contract modification. The new completion date of the contract shall be extended to Aug. 30, 2017.

L. Whereas, the city manager and the assessor have prepared reports concerning certain public improvements as hereinafter described, which include all of the information required to be included by the provisions of the city's charter, chapter 12, "Special Assessments"; and

Whereas, the city commission has reviewed said reports; and

Whereas, the city commission determines that it is necessary to acquire and construct the public improvements in the City of Royal Oak more particularly hereinafter described in this resolution.

Now, therefore, be it resolved that:

1. The city commission hereby determines that the public improvements described more particularly hereinafter provided for are necessary.

2. The total cost of said public improvements according to frontage (or benefits) is estimated to be \$107,822:

\$50,460 of which shall be spread over the special assessment district as hereinafter described.

\$57,362 of which shall be paid by the city.

3. Said special assessment district shall consist of all the lots and parcels of land as herein described:

25-16-276-028	25-16-276-024	25-16-276-020
25-16-276-027	25-16-276-023	25-16-276-019
25-16-276-026	25-16-276-022	25-16-276-040
25-16-276-025	25-16-276-021	

4. The estimated life of such improvements is not less than 30 years.

5. The aforesaid reports shall be placed on file in the office of the city clerk where the same shall be available for public examination.

6. The city commission will meet on September 26, 2016 at 7:30 o'clock p.m., Eastern Time, at the city hall, for the purpose of hearing objections to the making of said public improvements.

7. The city clerk is hereby directed to cause notice of said hearing to be published in The Royal Oak Review, Warren, Michigan, a newspaper of general circulation in the City of Royal Oak, at least five (5) full days before the date of such hearing, and is further directed to cause notice of such hearing to be mailed by first class mail to each owner of or person in interest in the property in the special assessment district more particularly described in the following notice at the addresses shown on the last general tax assessment roll of the city, at least ten (10) full days prior to the date of such hearing.

8. The notice of said hearing to be published and mailed shall be in substantially the following form:

Notice of Hearing of Necessity
Special Assessment Paving of N. Lafayette Avenue
from W. Derby Avenue to north lot line of lot 189

City of Royal Oak - County of Oakland

Take notice that the city commission of the City of Royal Oak, Oakland County, Michigan, has determined it to be necessary to make the following described public improvement in the City of Royal Oak:

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

The city commission has determined that the cost of the above described public improvements, which is estimated to be \$107,822, shall be assessed against all lots and parcels of property abutting the above described improvements which properties are described as follows:

25-16-276-028	25-16-276-027	25-16-276-026
25-16-276-025	25-16-276-024	25-16-276-023
25-16-276-022	25-16-276-021	25-16-276-020
25-16-276-019	25-16-276-040	

\$50,460 of which shall be spread over the special assessment district

\$57,362 of which shall be paid by the city.

Take further notice that the city commission has caused reports concerning said public improvements to be prepared, which reports include necessary plans, profiles, specifications and estimates of costs of such public improvements, a description of the assessment district, and other pertinent information, and these reports are on file in the office of the city clerk and are available for public examination.

Take further notice that the city commission will meet on September 26, 2016 at 7:30 o'clock p.m., Eastern Time, at the city hall in the City of Royal Oak, for the purpose of hearing objections to the necessity of making of such public improvements and the inclusion of the property within the proposed special assessment district.

This notice is given by order of the city commission of the City of Royal Oak, Oakland County, Michigan.

Melanie Halas, City Clerk

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

M. Whereas, the planning commission held a public hearing on July 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 3506 Rochester Road (parcel nos. 25-03-378-001 and 25-03-377-030) from one family residential and neighborhood business to mixed use 2; 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 July 12, 2016.

Therefore, be it resolved, that ordinance 2016-10, 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 3506 Rochester Road, being parcel numbers 25-03-378-001 and 25-03-377-030, from one family residential and neighborhood business to mixed use 2, and sp 16-07-18, a site plan to construct 28 multiple-family dwelling units in seven buildings at 3506 Rochester Road, being parcel numbers 25-03-378-001 and 25-03-377-030, 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, the city commission hereby approves the associated "conditional zoning agreement" as part of the required second reading of ordinance 2016-10, 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.

N. Be it resolved, the city commission hereby approves the attached license agreement with Pieology at 323 South Main Street permitting an encroachment into the public right-of-way of East Fourth Street for purposes of an outdoor seating area; and

Be it further resolved, the mayor and city clerk are authorized to execute said license agreement when prepared.

O. Whereas, the city has obtained the deed to real property commonly known as 900 N. Edgeworth Avenue (parcel id. 25-14-326-007) and legally described as Lot 340 of J.A. Berridge Super Subdivision according to the plat thereof recorded in Liber 34 of Plats, Page 27 of Oakland County records; and

Whereas, the acquisition of the aforementioned real property resulted from the failure of the homeowner to fulfill the terms and conditions of their August 5, 2011 home improvement mortgage.

Now therefore be it resolved, the city commission accepts the offer to purchase 900 North Edgeworth Avenue from C.E. Watson Co., Inc. of Royal Oak, Michigan in the amount of \$118,500; and

Be it further resolved; that the mayor, city clerk and staff are authorized to execute all documents necessary to complete the sale.

P. Be it resolved, the city commission hereby awards 2016 Eagle Plaza Park Contract CAP1609 to Warren Contractors and Development, Inc. of Shelby Township, Michigan for the modified bid price of \$315,496 and directs staff to issue a purchase order in the amount of the bid price.

ADOPTED UNANIMOUSLY

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JULY 2016 TRAFFIC COMMITTEE RESOLUTIONS

Moved by Commissioner Poulton
Seconded by Commissioner Paruch

Be it resolved, the city commission denies the request to install "Stop" signs on Normandy Road at Fulton Place as denoted on the traffic committee agenda number 5A; and

Be it finally resolved, the city commission approves the request to install "Stop" signs on Buckingham Rd where it tees into Cooper Avenue from the west.

ADOPTED UNANIMOUSLY

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LEGACY COSTS FUNDING OPTIONS

Moved by Commissioner Paruch
Seconded by Commissioner Mahrle

Be It Resolved, the city commission hereby authorizes the administration to proceed with; completing a proposed comprehensive financial plan, preparing documents for an healthcare trust, preparing applicable proposed retiree healthcare trust board ordinance language and prepare a proposed bond authorizing resolution.

ADOPTED UNANIMOUSLY

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STRATEGIC PLANNING GOALS AND OBJECTIVES UPDATE

No action was necessary.

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**NORTH/SOUTH BICYCLE ROUTE
STAFF RECOMMENDATION**

Moved by Commissioner Mahrle
Seconded by Commissioner Poulton

Be it resolved, the city commission schedules a work session to discuss the progress and future of the non-motorized plan on Monday, October 3 at 6:30 p.m. at a venue to be determined.

ADOPTED UNANIMOUSLY

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ARTS, BEATS AND EATS FESTIVAL AGREEMENT

Moved by Commissioner DuBuc
Seconded by Commissioner Poulton

Be it resolved, the city commission approves the Fourth Restated Festival Agreement including extending the agreement to 2021 and escape clause for Arts, Beats and Eats In. with Arts, Beats and Eats, Inc. and the Royal Oak Downtown Development Authority and authorizes the mayor and the city clerk to execute the agreement on behalf of the City of Royal Oak.

FRIENDLY AMENDMENT OFFERED BY COMMISSIONER DUBUC TO REMOVE THE EXTENSION TO 2021 AND THE ESCAPE CLAUSE

Be it resolved, the city commission approves the Fourth Restated Festival Agreement with Arts, Beats and Eats, Inc. and the Royal Oak Downtown Development Authority and authorizes the mayor and the city clerk to execute the agreement on behalf of the City of Royal Oak.

ADOPTED UNANIMOUSLY

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Moved by Commissioner Poulton
Seconded by Commissioner DuBuc

Be it resolved that the city commission directs staff to bring back a fifth restated festival agreement extending the agreement to 2021 and providing an escape clause for Arts, Beats and Eats.

ADOPTED UNANIMOUSLY

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PARKING ORDINANCE §115 SECTION 6 AMENDMENT, FIRST READING

Moved by Commissioner Paruch
Seconded by Commissioner Poulton

Be It Resolved, that the following amendment to add the following language to the Parking Citation Ordinance of the Code of the City of Royal Oak at Chapter 115, Section 3, is adopted on first reading:

ORDINANCE NO. 2016-11

An Ordinance to amend the Chapter 115, Section 3, the Parking Citation Ordinance of the Code of the City of Royal Oak, prohibiting parking on private property without consent.

IT IS ORDAINED BY THE CITY OF ROYAL OAK:

SECTION 1. Chapter 115, Section 3 is amended to add:

K. On any private property in the City of Royal Oak without the express or implied consent, authorization or ratification of the owner, holder, occupant, lessee, agent or trustee of such property. Complaint for violation of this Section shall be made by the owner, holder, occupant, lessee, agent or trustee of such property.

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.

ADOPTED UNANIMOUSLY

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**AGREEMENT TO PURCHASE
WIRELESS LEASE TOWER POINT**

Moved by Commissioner Mahrle
Seconded by Commissioner Paruch

Be It Resolved, that the attached letter agreement between the City of Royal Oak and TowerPoint Capital is approved and the city attorney's office is authorized to all the steps necessary to finalize the agreement.

ADOPTED UNANIMOUSLY

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Upon motion of Commissioner Mahrle, seconded by Commissioner Paruch, and adopted unanimously, the regular meeting was adjourned at 10:26 p.m.

Melanie Halas, City Clerk

The foregoing minutes of the regular meeting held on August 22, 2016, having been officially approved by the city commission on Monday, September 12, 2016 are hereby signed this twelfth day of September 2016.

James B. Ellison, Mayor