

A regular meeting of the Royal Oak City Commission was held on Monday, September 12, 2016, in the city hall, 211 Williams, Royal Oak. The meeting was called to order by Mayor Ellison at 7:30 p.m.

Commissioner DuBuc 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  
CHILDHOOD CANCER AWARENESS MONTH**

Mayor Ellison presented Dr. Kate Gowans and Lisa Muma of Beaumont Hospital with a proclamation recognizing September 2016 as Childhood Cancer Awareness Month.

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**DONATION OF POLICE SERVICE DOG PROTECTION VEST**

Chief O'Donohue introduced members of the Professional Law Enforcement Association who raised money for a canine protection vest which was presented to Canine Officer Jesse.

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**2016 ROYAL OAK ART FAIR COMMUNITY PAINTING  
FROM GENISYS CREDIT UNION**

Ms. Linda Zabik, of Genisys Credit Union, presented Mayor Ellison with the official piece of art from the 2016 Outdoor Art Fair-Community Art Action.

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**PRESENTATION**

Mayor Ellison presented City Clerk Melanie Halas with proclamation in recognition of her diligence in maintaining high standards and service.

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**PUBLIC COMMENT**

Mr. Pat McGee, 4524 Elmhurst, expressed concerns about the size of the houses planned for Normandy Oaks. Why was there a change in the square footage and lot width? He thought the garages were inadequate.

Mr. Ron Wolf, 333 N. Troy, attended Arts, Beats and Eats. There weren't enough chairs for caregivers in the handicapped seating area. The music was extraordinarily loud and distorted. They needed more police to handle the crowd at closing time.

Mr. Randall Lim, 500 E. Long Lake, owns Peking House. The Second Street parking lot was vital to his business. If the surface lot was removed it would kill them. He hoped the city would work with him.

Ms. Stephanie McIntyre represented Arts, Beats and Eats. Festival attendance was 415,000. Sixty-three meters were painted during Meters Made Beautiful. Honorable mentions went to Kathleen Rulkowski, Alexa Cavanaugh, Michelle Hurley, Melina Bylow & Corinne Elizabeth, Virginia Naegeli, Kristin Schultz, Spencer Barrer & Alyssa Reimold, Aliya Moore, Marvin Teeples and Francesca Gagliano. Third place went to Katie Hosback, second place to Robin DuFour-Hyden and first place to Alyssa Klash & Alan Ledford.

Mr. Douglas Etkin, 2100 Northwestern Highway, appreciated the city commission's plan to move forward with the parking deck. He believed it met their needs and requirements.

Mr. Alexander Smith, represented Tree of Life Church located at 3118 Greenfield Road. He introduced himself and thanked them for letting them be a part of the community.

Mr. Aaron Land of Troy, commutes by bicycle year round. He appreciated their intentions to make the city safer for cyclists. The sharrows on Main Street were awesome. They've improved the biking experience in the city. He was looking forward to the October meeting.

Mayor Pro Tem Fournier stated the meeting would be Monday, October 3 in the police conference room.

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#### **APPROVAL OF AGENDA**

Item 10H was pulled from the consent agenda.

Moved by Commissioner Poulton  
Seconded by Commissioner Paruch

BE IT RESOLVED that the city commission hereby approves the agenda for the, September 12, 2016 meeting as amended.

ADOPTED UNANIMOUSLY

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#### **CONSENT AGENDA**

Moved by Commissioner Poulton  
Seconded by Commissioner Douglas

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

- A. BE IT RESOLVED that the city commission minutes of August 8 and 22, 2016 are hereby approved.
- B. BE IT RESOLVED that the claims of August 26, 30, 31, September 2 and 13, 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 #	R004372
Vendor:	Truck & Trailer Specialties
Requesting approval for:	\$74,510
Price Source:	bid by another entity/cooperative purchase
Budgeted:	\$74,510

Department / Fund:	motor pool
Description:	equipment for replacement dump truck
Requisition #	R004394
Vendor:	Three Squared, Inc
Requesting approval for:	\$67,580
Price Source:	bid by city of Royal Oak
Budgeted:	\$67,580
Department / Fund:	capital projects/misc grants/restricted
Description:	shipping containers for the 2016 eagle park plaza
Requisition #	R004396
Vendor:	Midwest Collaborative for Libraries
Requesting approval for:	\$13,100
Price Source:	quote
Budgeted:	\$13,100
Department / Fund:	library
Description:	overdrive ebooks and culture grams yearly subscription
Requisition #	R004397
Vendor:	Arts, Beats & Eats
Requesting approval for:	\$100,000
Price Source:	in a multi-year contract
Budgeted:	\$100,000
Department / Fund:	dda/tifa/dda development
Description:	event sponsorship that promotes/organizes arts beats and eats fiscal year 16-17

- D. Be it resolved, the city commission declares the above property surplus and authorizes the disposal of those items by auction. Any net proceeds from the sale of items listed under "motor pool" will be deposited into the motor pool fund gain on sale of fix assets account 661.000.69301 or miscellaneous revenue account 661.000.67100.
- E. Be it resolved, the city commission hereby approves contract modification 2 to Royal Oak Contract SW1503, 2015 Royal Oak CBD Streetscape Improvement Program with Audia Concrete Construction of Milford, Michigan as shown on table 1 for the amount of \$11,128.55 and directs staff to adjust the purchase order accordingly.
- F. Be it resolved, the city commission hereby approves the contract between the City of Royal Oak and Laurence G. Allen, MAI for professional valuation services for the appraisal of 30807 Woodward Avenue in the City of Royal Oak.
- G. 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 second 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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**APPROVAL OF AMENDED FOURTH RESTATED  
ARTS, BEATS AND EATS FESTIVAL AGREEMENT**

Moved by Commissioner DuBuc  
Seconded by Commissioner Mahrle

Be it resolved, the city commission hereby approves the amended fourth restated Arts, Beats and Eats festival agreement; 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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**CITY ATTORNEY SELECTION COMMITTEE REPORT**

Moved by Commissioner Paruch  
Seconded by Commissioner DuBuc

Be it resolved, the City Commission hereby accepts the request of Interim City Attorney Mark Liss dated September 9, 2016, to withdraw his name from consideration as permanent city attorney and to return to the position of assistant city attorney; and

Be it resolved the City Commission appoints David Gillam, member of the law firm Johnson Rosati, et al., as acting city attorney effective September 13, 2016 at a billing rate of \$150 per hour until such time as a permanent city attorney is chosen by the City Commission; and

Be it resolved, the City Commission confirms that the number of budgeted assistant city attorney positions remains at two assistant attorneys for the remainder of the 2016-2017 budget year; and

Be it further resolved, the city commission requests that the Human Resources Department immediately begin the process of seeking applications for a permanent city attorney from individual attorneys and also to simultaneously begin the process of soliciting proposals from

municipal law firms to perform the duties of a city attorney, advertising the position in as many legal publications and with as many legal organizations as it deems necessary and appropriate.

ADOPTED UNANIMOUSLY

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**PUBLIC HEARING**  
**JIMI'S RESTAURANT AND BANQUET HALL, 714 S. WASHINGTON**  
**REQUEST TO ADD SPACE AND AMEND THE PLAN OF OPERATION**

Mayor Ellison opened the public hearing. There being no one who wished to speak the public hearing was closed.

Moved by Commissioner Mahrle  
Seconded by Mayor Pro Tem Fournier

BE IT RESOLVED, that the City of Royal Oak approves the request of Pallis Restaurants, Inc., doing business as Jimi's Restaurant, 714 S Washington Ave, Royal Oak, MI 48067, to add a Sunday (AM) sales license, its proposed change of business hours, change in dance hours, service in a new outdoor service area as presented in the attached Proposed Plan of Operation.

ADOPTED UNANIMOUSLY

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**RETIREE HEALTHCARE AND PENSION BONDS AUTHORIZATION**  
**AND APPROVE OF COMPREHENSIVE FINANCIAL PLAN**

Moved by Mayor Pro Tem Fournier  
Seconded by Commissioner DuBuc

Whereas, as part of the City of Royal Oak (the "city") Retirement System (the "retirement system"), the city has established a defined benefit plan (the "Royal Oak defined benefit plan") that provides pension benefits to full-time employees of the city; and

Whereas, the city also has implemented a defined contribution plan for employees not eligible to participate in the defined benefit plan; and

Whereas, the city also has established the City of Royal Oak Health Care Fund (the "Royal Oak health care fund"), through which the city provides health care benefits to certain retired employees; and

Whereas, Act 34, Public Acts of Michigan, 2001, as amended ("act 34"), authorizes a city, through December 31, 2018, (i) in connection with the closure of a defined benefit plan to new or existing employees, and the implementation of a defined contribution plan, to issue its bonds to pay all or part of the costs of the unfunded pension liability for that defined benefit plan and the costs of issuing the bonds, and (ii) to issue its bonds to pay all or part of the costs of the unfunded accrued health care liability of a health care trust fund and the costs of issuing the bonds, provided that the amount of taxes necessary to pay the principal of and interest on the bonds for each such purpose, together with the taxes levied for the same year, shall not exceed the limit authorized by law; and

Whereas, the city commission of the city does hereby determine that it is in the best interest of the city to issue its bonds for the foregoing purposes in order to provide better budgetary certainty and other economic benefits to the city; and

Whereas, pursuant to sections 517(2) and 518(3) of act 34, on September 30, 2015, the city caused to be published in the Royal Oak Review a notice of intent to issue bonds in an amount not to exceed \$165,000,000 to pay all or part of the costs of the unfunded pension liability of the Royal Oak defined benefit plan and all or part of the costs of the unfunded accrued health care liability of the Royal Oak health care fund; and

Whereas, the city has prepared a "Comprehensive Financial Plan" relating to its current and future obligations for each of the Royal Oak defined benefit plan and the Royal Oak health care fund (the "comprehensive financial plan"), and the city commission now desires to approve the comprehensive financial plan and to make the same available to the public, all in accordance with section 518(4) of act 34; and

Whereas, the city commission has determined to issue bonds in one or more series and to use the proceeds of the sale of such bonds to pay all or part of the costs of the unfunded pension liability of the Royal Oak defined benefit plan and all or part of the costs of the unfunded accrued health care liability of the Royal Oak health care fund and the costs of issuing the bonds, all as hereinafter provided.

Now, therefore, be it resolved by the City Commission of the City of Royal Oak, Oakland County, Michigan, as follows:

1. Authorization of Bonds – Purpose.

(a) Bonds of the city (the "pension obligation bonds") shall be issued and sold for the purpose of defraying all or part of the costs of the unfunded pension liability (as defined in act 34) of the Royal Oak defined benefit plan and the costs of issuance of the pension obligation bonds. The pension obligation bonds shall be issued in the aggregate principal amount determined by order of the city manager or the finance director of the city (each an "authorized officer" and, together, the "authorized officers") at the time of sale, but not in an amount in excess of the lesser of (i) \$25,000,000 or (ii) the amount necessary to defray all of the costs of the unfunded pension liability of the Royal Oak defined benefit plan and the costs of issuing the pension obligation bonds.

(b) Bonds of the city (the "health care obligation bonds" and, together with the pension obligation bonds, the "bonds") shall be issued and sold for the purpose of defraying all or part of the costs of the unfunded accrued health care liability (as defined in act 34) of the Royal Oak health care fund and the costs of issuing the health care obligation bonds. The health care obligation bonds shall be issued in the aggregate principal amount determined by order of an authorized officer at the time of sale, but not in an amount in excess of the lesser of (i) \$110,000,000 or (ii) the amount necessary to defray all of the costs of the unfunded accrued health care liability of the Royal Oak health care fund and the costs of issuing the health care obligation bonds.

2. Bond Details. The pension obligation bonds shall be designated "General Obligation Limited Tax Bonds, Series 2016A" (with appropriate alternative or additional series designations or descriptive terms of the bonds) and the health care obligation bonds shall be designated "General Obligation Limited Tax Bonds, Series 2016B" (with appropriate alternative or additional series designations or descriptive terms of the bonds). The bonds shall be numbered from 1 upwards; shall be fully registered; shall be in the denomination of \$5,000 each or any integral multiple thereof not exceeding the aggregate principal amount for each maturity at the option of the purchaser thereof; and shall be dated such date, shall bear interest at a rate or rates not exceeding 7% per annum, shall be payable on such dates, and shall be serial bonds and/or term bonds and mature in such amounts, on such dates and in such years as shall be determined by an authorized officer at the time of sale.

3. Payment of Principal and Interest. The principal of and interest on the bonds shall be payable in lawful money of the United States. Principal shall be payable upon presentation and surrender of the bonds to the paying agent (as defined in section 6 below) as they severally mature. Interest shall be paid to the registered owner of each bond as shown on the registration books at the close of business on the 15th day of the calendar month preceding

the month in which the interest payment is due. Interest shall be paid when due by check or draft drawn upon and mailed by the paying agent to the registered owner at the registered address.

4. Book-Entry System. Initially, one fully-registered bond for each maturity, in the aggregate amount of such maturity, shall be issued in the name of Cede & Co., as nominee of The Depository Trust Company ("DTC") for the benefit of other parties (the "participants") in the book-entry-only transfer system of DTC. In the event the city determines that it is in the best interest of the city not to continue the book-entry system of transfer or that the interests of the holders of the bonds might be adversely affected if the book-entry system of transfer is continued, the city may notify DTC and the paying agent, whereupon DTC will notify the participants of the availability through DTC of bond certificates. In such event, the paying agent shall deliver, transfer and exchange bond certificates as requested by DTC and any participant or "beneficial owner" in appropriate amounts in accordance with this resolution. DTC may determine to discontinue providing its services with respect to the bonds at any time by giving notice to the city and the paying agent and discharging its responsibilities with respect thereto under applicable law or the city may determine that DTC is incapable of discharging its duties and may so advise DTC. In either such event, the city shall use reasonable efforts to locate another securities depository. Under such circumstances (if there is no successor securities depository), the city and the paying agent shall be obligated to deliver bond certificates in accordance with the procedures established by this Resolution. In the event bond certificates are issued, the provisions of this resolution shall apply to, among other things, the transfer and exchange of such certificates and the method of payment of principal of and interest on such certificates. Whenever DTC requests the city and the paying agent to do so, the city and the paying agent shall cooperate with DTC in taking appropriate action after reasonable notice to make available one or more separate certificates evidencing the bonds to any participant having bonds credited to its DTC account or to arrange for another securities depository to maintain custody of certificates evidencing the bonds.

Notwithstanding any other provision of this resolution to the contrary, so long as any bond is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to the principal of, interest on and redemption premium, if any, on the bonds and all notices with respect to the bonds shall be made and given to DTC, as provided in the Blanket Issuer Letter of Representations between DTC and the city.

5. Prior Redemption. The bonds shall be subject to mandatory and/or optional redemption prior to maturity upon such terms and conditions as shall be determined by an authorized officer at the time of sale; provided, however, that the redemption premium to be payable in connection with any optional redemption of the bonds shall not exceed 3% of the principal amount of any bond to be redeemed.

6. Bond Registrar, Transfer and Paying Agent. The Huntington National Bank, Grand Rapids, Michigan, is hereby designated as the bond registrar, transfer and paying agent (the "paying agent") for the bonds. The finance director may, as may be necessary or appropriate under the circumstances, designate an additional or successor paying agent, which shall be a bank or trust company located in the State of Michigan which is qualified to act in such capacity under the laws of the United States of America or the State of Michigan.

7. Execution, Authentication and Delivery of Bonds. The bonds shall be executed in the name of the city by the facsimile signatures of the mayor and the clerk of the city and authenticated by the manual signature of an authorized representative of the paying agent, and the seal of the city (or a facsimile thereof) shall be impressed or imprinted on the bonds. After the bonds have been executed and authenticated for delivery to the original purchaser thereof, they shall be delivered by the finance director to the purchaser upon receipt of the purchase price. Additional bonds bearing the facsimile signatures of the mayor and the clerk and upon which the seal of the city (or a facsimile thereof) is impressed or imprinted may be delivered to the paying agent for authentication and delivery in connection with the exchange or transfer of bonds. The paying agent shall indicate on each bond the date of its authentication.

8. Exchange and Transfer of Bonds. Any bond, at the option of the registered owner thereof and upon surrender thereof to the paying agent with a written instrument of transfer satisfactory to the paying agent duly executed by the registered owner or his duly authorized attorney, may be exchanged for bonds of any other authorized denominations of the same series

and aggregate principal amount and maturity date and bearing the same rate of interest as the surrendered bond.

Each bond shall be transferable only upon the books of the city, which shall be kept for that purpose by the paying agent, upon surrender of such bond together with a written instrument of transfer satisfactory to the paying agent duly executed by the registered owner or his duly authorized attorney.

Upon the exchange or transfer of any bond, the paying agent on behalf of the city shall cancel the surrendered bond and shall authenticate and deliver to the transferee a new bond or bonds of any authorized denomination of the same series and aggregate principal amount and maturity date and bearing the same rate of interest as the surrendered bond. If, at the time the paying agent authenticates and delivers a new bond pursuant to this section, payment of interest on the bonds is in default, the paying agent shall endorse upon the new bond the following: "Payment of interest on this bond is in default. The last date to which interest has been paid is \_\_\_\_\_, \_\_\_\_\_."

The city and the paying agent may deem and treat the person in whose name any bond shall be registered upon the books of the city as the absolute owner of such bond, whether such bond shall be overdue or not, for the purpose of receiving payment of the principal of and interest on such bond and for all other purposes, and all payments made to any such registered owner, or upon his or her order, in accordance with the provisions of section 3 of this resolution shall be valid and effectual to satisfy and discharge the liability upon such bond to the extent of the sum or sums so paid, and neither the city nor the paying agent shall be affected by any notice to the contrary. The city agrees to indemnify and save the paying agent harmless from and against any and all loss, cost, charge, expense, judgment or liability incurred by it, acting in good faith and without negligence hereunder, in so treating such registered owner.

For every exchange or transfer of bonds, the city or the paying agent may make a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer, which sum or sums shall be paid by the person requesting such exchange or transfer as a condition precedent to the exercise of the privilege of making such exchange or transfer.

The paying agent shall not be required to transfer or exchange bonds or portions of bonds which have been selected for redemption.

9. Form of Bonds. The bonds shall be in substantially the following form:

UNITED STATES OF AMERICA  
STATE OF MICHIGAN  
COUNTY OF OAKLAND  
CITY OF ROYAL OAK  
GENERAL OBLIGATION LIMITED TAX  
[PENSION OBLIGATION BOND] [HEALTH CARE OBLIGATION BOND], SERIES 2016

INTEREST RATE      MATURITY DATE      DATE OF ORIGINAL ISSUE      CUSIP

Registered Owner:

Principal Amount:

The City of Royal Oak, County of Oakland, State of Michigan (the "City"), acknowledges itself indebted to and for value received hereby promises to pay to the Registered Owner identified above, or registered assigns, the Principal Amount set forth above on the Maturity Date specified above, unless redeemed prior thereto as hereinafter provided, upon presentation and surrender of this bond at the corporate trust office of \_\_\_\_\_, \_\_\_\_\_, Michigan, the bond registrar and paying agent, or at such successor bond registrar and paying agent as may be designated pursuant to the Resolution (as hereinafter defined), and to pay to the Registered Owner, as shown on the registration books at the close of business on the 15th day of the calendar month preceding the month in which an interest payment is due, by check or draft drawn upon and mailed by the bond registrar and paying agent by first class mail postage prepaid

to the Registered Owner at the registered address, interest on such Principal Amount until the City's obligation with respect to the payment of such Principal Amount is discharged, at the rate per annum specified above. Interest is payable on the first day of \_\_\_\_\_ and \_\_\_\_\_ in each year, commencing on \_\_\_\_\_ 1, 201\_. Principal and interest are payable in lawful money of the United States of America.

This bond is one of a series of bonds aggregating the principal sum of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_) issued by the City under and pursuant to and in full conformity with the Constitution and Statutes of Michigan (especially Act No. 34, Public Acts of 2001, as amended ("Act 34")) and a bond authorizing resolution adopted by the City Commission of the City and an order of the \_\_\_\_\_ of the City (collectively, the "Resolution") for the purpose of defraying the costs of [the unfunded pension liability (as defined in Act 34) of the City's defined benefit plan for employees] [the unfunded accrued health care liability (as defined in Act 34) of the City's postretirement health care fund for retired employees] and the costs of issuance of the bonds. The full faith and credit of the City have been pledged to the prompt payment of the principal of and interest on this bond. The principal and interest are payable as a first budget obligation of the City from its general funds. The ability of the City to raise such funds is subject to applicable constitutional, statutory and charter limitations on the taxing power of the City.

This bond is transferable, as provided in the Resolution, only upon the books of the City kept for that purpose by the Bond registrar and paying agent, upon the surrender of this bond together with a written instrument of transfer satisfactory to the bond registrar and paying agent duly executed by the Registered Owner or his attorney duly authorized in writing. Upon the exchange or transfer of this bond a new bond or bonds of any authorized denomination, in the same aggregate principal amount and of the same interest rate and maturity, shall be authenticated and delivered to the transferee in exchange therefor as provided in the Resolution, and upon payment of the charges, if any, therein provided. Bonds so authenticated and delivered shall be in the denomination of \$5,000 or any integral multiple thereof not exceeding the aggregate principal amount for each maturity.

The bond registrar and paying agent shall not be required to transfer or exchange bonds or portions of bonds which have been selected for redemption.

#### MANDATORY PRIOR REDEMPTION

Bonds maturing in the year \_\_\_\_ are subject to mandatory prior redemption at par and accrued interest as follows:

<u>Redemption Date</u>	<u>Principal Amount of Bonds to be Redeemed</u>
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Bonds or portions of bonds to be redeemed by mandatory redemption shall be selected by lot.

(REPEAT IF MORE THAN ONE TERM BOND)

#### OPTIONAL PRIOR REDEMPTION

Bonds maturing prior to \_\_\_\_\_ 1, 20\_\_, are not subject to optional redemption prior to maturity. Bonds maturing on and after \_\_\_\_\_ 1, 20\_\_, are subject to redemption prior to maturity at the option of the City, in such order as shall be determined by the City, on any date on and after \_\_\_\_\_ 1, 20\_\_. Bonds of a denomination greater than \$5,000 may be partially redeemed in the amount of \$5,000 or any integral multiple thereof. If less than all of the Bonds maturing in any year are to be redeemed, the Bonds or portions of Bonds to be redeemed shall be selected by lot. The redemption price shall be the par value of the Bond or portion of the Bond called to be redeemed plus [a redemption premium of \_\_% of the Bond or portion of the Bond to be redeemed and] interest to the date fixed for redemption.

Not less than thirty days' notice of redemption shall be given by first-class mail to the registered owners of bonds called to be redeemed at their registered addresses. Failure to receive notice of redemption shall not affect the proceedings for redemption. Bonds or portions of

bonds called for redemption shall not bear interest after the date fixed for redemption, provided funds are on hand with the bond registrar and paying agent to redeem the same.

It is hereby certified, recited and declared that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of the bonds of this series, existed, have happened and have been performed in due time, form and manner as required by law, and that the total indebtedness of the City, including the series of bonds of which this bond is one, does not exceed any constitutional, statutory or charter limitation.

IN WITNESS WHEREOF, the City of Royal Oak, Oakland County, Michigan, by its City Commission, has caused this bond to be executed in its name by facsimile signatures of the Mayor and the Clerk and its corporate seal (or a facsimile thereof) to be impressed or imprinted hereon. This bond shall not be valid unless the Certificate of Authentication has been manually executed by an authorized representative of the bond registrar and paying agent.

CITY OF ROYAL OAK  
(SEAL)

By: \_\_\_\_\_  
Clerk

By: \_\_\_\_\_  
Mayor

CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds described in the within mentioned Resolution.

\_\_\_\_\_  
Bond Registrar and Paying Agent

By: \_\_\_\_\_  
Authorized Representative

AUTHENTICATION DATE:

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto \_\_\_\_\_  
(please print or type name, address and taxpayer identification number of transferee) the within bond and all rights thereunder and hereby irrevocably constitutes and appoints \_\_\_\_\_ attorney to transfer the within bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

Signature Guaranteed: \_\_\_\_\_

Signature(s) must be guaranteed by an eligible guarantor institution participating in a Securities Transfer Association recognized signature guarantee program.

10. Security. The bonds shall be limited tax general obligations of the city. The full faith and credit of the city are pledged for the prompt payment of the principal of and interest on the bonds as the same shall become due. Each year the city shall be obligated, as a first budget obligation, to advance moneys from its general funds or to levy ad valorem property taxes on all taxable property within its corporate boundaries to pay such principal and interest as the same become due. The ability of the city to raise funds to pay such amounts is subject to applicable constitutional, statutory and charter limitations on the taxing power of the city.

11. Defeasance. In the event cash or direct obligations of the United States or obligations the principal of and interest on which are guaranteed by the United States, or a combination thereof, the principal of and interest on which, without reinvestment, come due at times and in amounts sufficient to pay, at maturity or irrevocable call for earlier optional redemption, the principal of, redemption premium, if any, and interest on the bonds, or any portion thereof, shall have been deposited in trust, this resolution shall be defeased with respect to such bonds, and the owners of such bonds shall have no further rights under this resolution except to receive payment of the principal of, redemption premium, if any, and interest on such bonds from the cash or securities deposited in trust and the interest and gains thereon and to transfer and exchange bonds as provided herein.

12. Principal and Interest Fund. There shall be established for each series of bonds a principal and interest fund. From the proceeds of the sale of each series of bonds there shall be set aside in the related principal and interest fund any accrued interest received from the purchaser of such bonds at the time of delivery thereof, as well as any cash then or thereafter contributed by the city in its discretion. Funds of the city to be used to pay the principal and interest on each series of bonds when due shall be placed in the related principal and interest fund and so long as the principal or interest on the bonds of a series shall remain unpaid, no moneys shall be withdrawn from the principal and interest fund of such series except to pay principal and interest on the bonds of such series.

13. Payment of Unfunded Pension Liability and Unfunded Accrued Health Care Liability. The remainder of the proceeds of the sale of the bonds of each series, including original issue premium, if any, and any cash contributed then or thereafter by the city in its discretion, shall be used to pay the costs of issuing such bonds and, as applicable, to pay all or part of the costs of the unfunded pension liability of the Royal Oak defined benefit plan or all or part of the costs of the unfunded accrued health care liability of the Royal Oak health care fund.

14. Approval of Department of Treasury. The issuance and sale of the bonds shall be subject to the city obtaining prior approval from the Department of Treasury of the State of Michigan pursuant to act 34. The finance director is hereby authorized and directed to make application to the department of treasury for such approval to issue and sell the bonds as provided by the terms of this resolution and by act 34. The finance director is further authorized to pay any filing fees required in connection with obtaining prior approval from the department of treasury.

15. Sale, Issuance, Delivery, Transfer and Exchange of Bonds. The bonds of each series shall be sold pursuant to a negotiated sale in accordance with act 34. It is hereby determined that such negotiated sale is in the best interests of the city and is calculated to provide the city with maximum flexibility in the timing of the sale of the bonds. An authorized officer is authorized to select the underwriter (the "underwriter") and to negotiate and enter into a bond purchase agreement (the "bond purchase agreement") with the underwriter at the time of the sale of each series of the bonds, which bond purchase agreement shall set forth the principal amount, principal maturities and dates, interest rates and interest payment dates, redemption provisions, if any, and purchase price to be paid by the underwriter with respect to the bonds, as well as such other terms and provisions as an authorized officer determines to be necessary or appropriate in connection with the sale of the bonds. The bond purchase agreement and the terms of the bonds set forth therein shall be approved by a written order of an authorized officer at the time of the sale of the bonds. The authorized officers and other appropriate city officials are severally authorized to execute and deliver such certificates or documents as bond counsel shall require and to do all other things necessary to effectuate the sale, issuance, delivery, transfer and exchange of the bonds in accordance with the provisions of this resolution. In making the determinations in the order approving the sale of the bonds and in the bond purchase agreement with respect to principal maturities and dates, interest rates, purchase price of the bonds and compensation to be paid to the underwriter, the authorized officers shall be limited as follows:

- (a) The interest rate on any bond shall not exceed 7% per annum.
- (b) The final maturity date of the bonds shall not be later December 1, 2042.
- (c) The purchase price of the bonds shall not be less than 98% of the aggregate principal amount thereof.

(d) The underwriter's discount with respect to the bonds or the compensation to be paid to the underwriter shall not exceed 1% of the aggregate principal amount of the bonds.

16. Replacement of Bonds. Upon receipt by the finance director of proof of ownership of an unmatured bond, of satisfactory evidence that the bond has been lost, apparently destroyed or wrongfully taken and of security or indemnity that complies with applicable law and is satisfactory to the finance director, the finance director may authorize the paying agent to deliver a new executed bond to replace the bond lost, apparently destroyed or wrongfully taken in compliance with applicable law. In the event an outstanding matured bond is lost, apparently destroyed or wrongfully taken, the finance director may authorize the paying agent to pay the bond without presentation upon the receipt of the same documentation required for the delivery of a replacement bond. The paying agent, for each new bond delivered or paid without presentation as provided above, shall require the payment of expenses, including counsel fees, which may be incurred by the paying agent and the city in connection therewith. Any bond delivered pursuant to the provisions of this section 16 in lieu of any bond lost, apparently destroyed or wrongfully taken shall be of the same form and tenor and be secured in the same manner as the bond in substitution for which such bond was delivered.

17. Official Statement; Continuing Disclosure. An authorized officer is authorized to cause the preparation of an official statement for the bonds for the purpose of enabling compliance with Rule 15c2-12 issued under the Securities Exchange Act of 1934, as amended (the "rule"), and to do all other things necessary to enable compliance with the rule. After the city enters into the bond purchase agreement with the underwriter, it will provide copies of a "final official statement" (as defined in paragraph (e)(3) of the rule) on a timely basis and in reasonable quantity as requested by the underwriter to enable the underwriter to comply with paragraph (b)(4) of the rule and the rules of the Municipal Securities Rulemaking Board.

An authorized officer is authorized to execute and deliver in the name and on behalf of the city (i) a certificate of the city to comply with the requirements for a continuing disclosure undertaking of the city pursuant to subsection (b)(5) of the rule and (ii) amendments to such certificate from time to time in accordance with terms of such certificate (the certificate and any amendments thereto being collectively referred to herein as the "continuing disclosure certificate"). The city hereby covenants and agrees that it will comply with and carry out all of the provisions of the continuing disclosure certificate.

18. Covenant with Holders of Pension Obligation Bonds and State of Michigan. The city hereby covenants with the holders of the pension obligation bonds and the State of Michigan that it will not, after the issuance of the pension obligation bonds and while the pension obligation bonds are outstanding, rescind whatever action it has taken to make a partial or complete cessation of accruals to the Royal Oak defined benefit plan or the closure of the Royal Oak defined benefit plan for new or existing employees.

19. Professional Services. The following are appointed to act in the following capacities with respect to the Bonds:

As financial advisor:	Hutchinson, Shockey, Erley & Co. St. Clair Shores, Michigan
As bond counsel:	Dickinson Wright PLLC Troy, Michigan
As paying agent:	The Huntington National Bank Grand Rapids, Michigan

20. Approval of Comprehensive Financial Plan. The comprehensive financial plan, in the form presented to this meeting (upon which the clerk shall indicate the date of adoption of this resolution), is hereby approved. The clerk is directed to publish the comprehensive financial plan on the city's website to be available to the public as soon as practicable after adoption of this resolution.

21. Conflicting Resolutions. All resolutions and parts of resolutions, insofar as they are in conflict herewith, are rescinded.

ROLL CALL VOTE

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

NAYS: None

ADOPTED UNANIMOUSLY

\* \* \* \* \*

## **SECOND STREET PARKING DECK PROJECT**

Moved by Commissioner Mahrle  
Seconded by Mayor Pro Tem Fournier

Be it resolved, the city commission hereby authorizes city staff to issue an RFP for a mixed use development for Center Street and the Post Office lot.

MOTION AMENDED TO INCLUDE RFP'S ON THE ENTIRE SITE AND TO SOLICIT PROPOSALS ONLY ON THE CENTER STREET SITE

MOTION NOW READS:

Be it resolved, the city commission hereby authorizes city staff to issue an RFP to cover the entire lot, including the postal parking lot, the Third Street parking lot and the flat surface lot next to the Center Street deck, and

Be it further resolved that the postal parking lot be excluded and get an RFP on the remaining area.

AYES: Commissioners DuBuc, Mahrle and Mayor Pro Tem Fournier

NAYS: Commissioners Douglas, Paruch, Poulton and Mayor Ellison

MOTION FAILS

\* \* \*

Moved by Commissioner Mahrle  
Seconded by Commissioner DuBuc

Be it resolved, that the city commission hereby authorizes staff to issue an RFP on the Center Street structure site only based on the criteria discussed.

FRIENDLY AMENDMENT OFFERED BY MAYOR PRO TEM FOURNIER AND ACCEPTED BY COMMISSIONERS MAHRLE AND DUBUC TO AMEND THE MOTION BY REMOVING "ISSUE AN RFP" AND REPLACE IT WITH "MARKET"

MOTION NOW READS:

Be it resolved, that the city commission hereby authorizes staff to market the Center Street structure site only based on the criteria discussed.

ADOPTED UNANIMOUSLY

\* \* \*

Moved by Commissioner Douglas  
Seconded by Commissioner Paruch

Whereas, the Royal Oak Downtown Development Authority (DDA), members of the joint parking committee, and city staff have been working with Rich & Associates, Inc. to design a new parking deck.

Be it resolved, the city commission hereby authorizes city staff to solicit bids for the Second Street parking deck project as specified in their memo.

FRIENDLY AMENDMENT OFFERED BY COMMISSIONER DOUGLAS AND ACCEPTED BY COMMISSIONER PARUCH TO INCLUDE LENGTHENING THE DECELERATION LANE AND APPROVE THE ALLOCATION OF AN ADDITIONAL \$5,005 FOR THE REDESIGN

MOTION NOW READS:

Whereas, the Royal Oak Downtown Development Authority (DDA), members of the joint parking committee, and city staff have been working with Rich & Associates, Inc. to design a new parking deck.

Be it resolved, the city commission hereby authorizes city staff to solicit bids for the Second Street parking deck project as specified in their memo including lengthening the deceleration land, and .

Be it further resolved, that the city commission hereby approves the allocation of an additional \$5,005 for the redesign.

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

NAYS: Commissioner Mahrle

MOTION ADOPTED

\* \* \* \* \*

**NOTICE OF INTENT TO ISSUE REVENUE BONDS  
FOR SECOND STREET PARKING DECK PROJECT**

Moved by Commissioner Paruch  
Seconded by Commissioner Douglas

Whereas, the City Commission of the City of Royal Oak (the "city") deems it to be in the best interests of the city to acquire, construct and install certain improvements in the city's downtown area, including, particularly, the construction of a new approximately 75,000 square foot, 550-space parking garage located on the south side of 11 Mile Road, immediately west of S. Center Street, north of and adjacent to the existing center street parking deck, and streetscape improvements along W. Second Street, as well as all work necessary and incidental to these improvements (collectively, the "improvements"), and to finance the improvements by the issuance of revenue bonds pursuant to Act 94, Public Acts of Michigan, 1933, as amended ("act 94"); and

Whereas, pursuant to section 33 of act 94, it is necessary to publish a "notice of intent" to issue bonds for the improvements; and

Whereas, the city may incur substantial capital expenditures for the improvements prior to the issuance of the bonds, and desires to be reimbursed for such expenditures from the proceeds of the bonds.

Now, therefore, be it resolved that:

1. The city commission determines to acquire, construct, and install the improvements and to pay the cost through the issuance of one or more series of revenue bonds pursuant to act 94 for the improvements in an amount not to exceed \$13,500,000 (the "bonds").
2. A notice of intent to issue the bonds be published in accordance with section 33 of act 94, and the clerk of the city is authorized and directed to publish the notice of intent to issue bonds in the Royal Oak Review, a newspaper of general circulation within the boundaries of the city, determined to be the newspaper reaching the largest number of persons to whom such notice is directed, which notice shall be substantially in the form of attached Exhibit A, with such changes as may be approved by the city clerk or the finance director of the city.
3. The city may proceed to acquire and construct the improvements using available funds of the city.
4. At such time as the city issues the bonds for the long-term financing of the improvements, the city shall be reimbursed for its expenditures for the improvements out of the proceeds of the bonds.
5. This resolution and the expression of intent to seek reimbursement from future proceeds of the bonds is intended to satisfy the requirements of section 150 of the Internal Revenue Code of 1986, as amended.
6. All resolutions and parts of resolutions in conflict with the foregoing are hereby rescinded.
7. This resolution shall become effective immediately upon its adoption and shall be recorded in the minutes of the city as soon as practicable after adoption.

ROLL CALL VOTE:

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

NAYS: None

ADOPTED UNANIMOUSLY

Mayor Ellison called for a short break at 10:04 p.m. He reconvened the meeting at 10:13 p.m.

\* \* \* \* \*

**PROFESSIONAL SERVICES CONTRACT  
FOR HOUSING TARGET MARKET ANALYSIS**

Moved by Commissioner Poulton  
Seconded by Commissioner Douglas

Be it resolved, the mayor and city clerk are authorized to execute a professional services contract with LandUseUSA, LLC of Laingsburg, Michigan to prepare a housing target market analysis as outlined in the request-for-proposals dated August 11, 2016 (Attachment 1 RFP-SBP-RO-17-007), and directs staff to issue a purchase order in the amount of \$30,000 but continue to research matching funding opportunities with MSHDA.

ADOPTED UNANIMOUSLY

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**PRE-DISASTER MITIGATION GRANT AGREEMENT  
FOR POLICE DEPARTMENT GENERATOR**

Moved by Commissioner Poulton  
Seconded by Commissioner Paruch

Be it resolved, the mayor be authorized to execute the "Hazard Mitigation Assistance Grant Agreement for 4195-DR-MI Hazard Mitigation Grant Program."

ADOPTED UNANIMOUSLY

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**JULY 2016 TRAFFIC COMMITTEE RESOLUTIONS**

Moved by Commissioner Mahrle  
Seconded by Commissioner Paruch

Be it resolved, the city commission approves the request to install "No Parking" signs on the south side of Normandy Road between Kent and Elmhurst as denoted on the traffic committee agenda number 5A.

ADOPTED UNANIMOUSLY

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**OAKLAND COUNTY LOCAL ROAD IMPROVEMENT MATCHING FUND  
PILOT PROGRAM COST PARTICIPATION AGREEMENT FOR MEIJER DRIVE**

Moved by Commissioner DuBuc  
Seconded by Commissioner Mahrle

Be it resolved, the city commission authorizes the mayor and city clerk to execute the construction funding agreement with the Oakland County Board of Commissioners for the Oakland County Local Road Improvement Matching Fund Pilot Program, and directs staff to amend the budget funding sources for this project accordingly.

ADOPTED UNANIMOUSLY

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**ROYAL OAK POLICE DEPARTMENT DESIGN DEVELOPMENT**

Moved by Commissioner Mahrle  
Seconded by Mayor Pro Tem Fournier

Be it resolved, the Royal Oak City Commission hereby approves entering into a professional services contract with Partners in Architecture, pending final negotiation by Plante Moran CRESA and the city attorney, under the terms and scope of services presented in PIA's proposal; and

Be it further resolved, the Royal Oak City Commission approves issuance of a purchase order in an amount not to exceed \$888,500 for said services.

ADOPTED UNANIMOUSLY

\* \* \* \* \*

**SNOW REMOVAL ORDINANCE AMENDMENT STATUS REPORT**

Moved by Commissioner Mahrle  
Seconded by Commissioner Douglas

Be it resolved, that the city commission hereby directs staff to draft an ordinance based on the combination clearance model city-wide.

AYES: Commissioners Douglas, DuBuc, Mahrle, Mayor Pro Tem Fournier and Mayor Ellison

NAYS: Commissioners Paruch and Poulton

MOTION ADOPTED

\* \* \* \* \*

Upon motion of Commissioner Douglas, seconded by Commissioner DuBuc, and adopted unanimously, the regular meeting was adjourned at 10:59 p.m.

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Melanie Halas, City Clerk

The foregoing minutes of the regular meeting held on September 12, 2016, having been officially approved by the city commission on Monday, September 26, 2016, are hereby signed this twenty-sixth day of September 2016.

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James B. Ellison, Mayor