A special meeting of the Royal Oak City Commission was held on Monday, August 12, 2019, in room 309 of city hall, 211 Williams, Royal Oak. The meeting was called to order by Mayor Fournier at 6:30 p.m. Present were Mayor Fournier, Mayor Pro Tem Douglas, Commissioner DuBuc, Commissioner Gibbs, Commissioner LeVasseur, Commissioner Macey and Commissioner Paruch. Also, present were Acting City Manager/Chief of Police O'Donohue, City Attorney Gillam, and City Clerk Halas.

Adjourned to Closed Session

Moved by Commissioner Gibbs
Seconded by Mayor Pro Tem Douglas

Be it resolved, that the city commission hereby adjourns to closed session for purposes of attorney client privilege.

Roll call vote

Ayes: Commissioner Gibbs, Mayor Pro Tem Douglas, Commissioner Macey, Commissioner Paruch, Commissioner LeVasseur, Mayor Fournier and Commissioner DuBuc

Absent: None

Adopted Unanimously

* * * *

A regular meeting of the Royal Oak City Commission was held on Monday, August 12, 2019, in the city hall, 211 Williams, Royal Oak. The meeting was called to order by Mayor Fournier at 7:41 p.m.

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

ROLL CALL
Mayor Fournier
Mayor Pro Tem Douglas
Commissioners DuBuc

PRESENT

ABSENT
Gibbs
LeVasseur
Macey
Paruch

* * * *

PRESENTATION OF DONATION TO THE ANIMAL SHELTER

Communications Specialist Judy Davids presented a check to Dawne Ripinski, Liz Rivard, and Ilene Krupa of the Royal Oak animal shelter in the amount of $1,070 for the money raised from t-shirt sales in support of the shelter. The shelter is having a dog walk fundraiser on Saturday, September 14th at the Royal Oak Golf Course parking lot. Information can be found on the animal shelter's Facebook page.
PRESENTATION OF POLICE DEPARTMENT
CITIZEN AWARD

Chief Corrigan O'Donohue presented Ms. Amanda Wade with a police department citizen award. She had located a missing child.

PUBLIC COMMENT

Mr. Patrick McGee, 4524 Elmhurst, thanked the city commission for responding to his email regarding his sidewalk replacement. Under the consent agenda, item I, he wondered if the construction had anything to do with the H2S smells that were coming through the sewers in the area in 2017. He spoke about item J and stated he did not like the sidewalk program. Under item M, for the tree planting in that area, he didn't receive notification that he would be able to get a tree and he was curious about the selection process. Additionally, he was in favor of medical marijuana.

Ms. Michelle Spicer, 623 E Sixth Street, was in support of the development on Washington. She believed there are few options for smaller, more affordable condos.

Mr. Alan Ashley, President of Royal Oak Manor, thanked the Royal Oak police department for helping them bag the meters in front of their residence so that the 21 residents could park there while their boilers were being installed at the building. Last Thursday, he could hear the music from 526 from his apartment.

Mr. Jim Hammond, 3415 Benjamin, stated the sharrows on Normandy are worn and it is hard to see them. He rode his bike to Grant Park and saw the workout facility that is there and he was impressed with it. He hoped they would do something like that in Normandy Oaks park.

Mr. Mike Elias, CEO of Common Citizen, stated they have a hybrid greenhouse in Marshall. He spoke about medical marijuana facilities and the different facilities he is running. His company was interested in being in Royal Oak. He was in favor of a very stringent merit-based system. Commoncitizen.com is their website.

Mr. James Campbell, 300 E Fourth Street, is a licensed public accountant. Professional practice is with medical marijuana. The city needs to take special measures with licensing medical marijuana and listed points he thought the city should be looking for.

Ms. Colleen Duffey, 1007 S Washington, was against the proposed apartment development on South Washington.

Mr. Stephen Miller, 115 S Georgetown, spoke about Royal Oak vs. Birmingham regarding the same developer. Birmingham voted on their bond debt, while Royal Oak did not. He felt that millions have been given away.

Mr. Mike Ripinski, 3152 Parker, said he was proud to be a Royal Oaker. He stated they have iron clad agreements and their bond rating has not been affected.

Ms. Paula Mantay, 101 Curry, thanked the mayor and city commissioners for the stewardship they have taken on for the city. She supported the growth in the city, including the diversity of the population. She was disappointed to see daily rhetoric that fosters hate.

Mr. Scott Roberts, 2125 E Hudson, is a cannabis business attorney. He felt it would be good if the city took a smarter approach as opposed to giving out licenses to those who don't have have an interest in the city. He believed that microbusinesses are a better fit with the community and it would lead to more money for the city.

Ms. Terry Myers, 1915 Rowland, part of the ROAR group, isn't against developments. She is against how they are going about them. She congratulated Birmingham for their vote in August. Campbell should have
been changed to one line in each direction after the I-75 project was finished. She hoped the on-street handicap parking would happen at no cost.

Mr. William Harrison, 2729 Trafford, has owned commercial property in the 1980’s and they had a AAA bond rating. It’s been the general consensus not to have the marijuana facilities in the downtown, but why have them in the city at all? Some of the surrounding cities have said no. He didn't have a problem with medical marijuana but put it in the hands of pharmacies. He questioned the run-off disposal rates.

Ms. Carolyn Martz, 918 E 14 Mile, was concerned with landscape companies blowing the grass cuttings going into the drains.

Ms. Ellen Knoppow, 1841 Chester Rd, was happy to hear Commissioner DuBuc on the radio regarding hot button topics in the city, including the road diet. She found out this started ten years ago, prior to the current seated commission. They are lucky to have commissioners that deal with issues on their own time.

Mr. Rick Karowski, 419 Virginia, wanted everyone to see the tree that was planted on his easement. They aren't trying to roll up the sidewalks at ten or looking for a dry downtown. They have problems with the way the money is being spent. They aren't doing the same as what Oakland County did with their pensions and gave examples.

Mr. Ron Wolf, 333 N Troy, stated he was not a racist. If the recreational marijuana shops are going to carry THC oil, if the people who are vaping this, you can't tell they are smoking marijuana.

Mr. William Asher, 1003 Irving, appreciated what the city commission has done with downtown development. He has used the new garage on 11 Mile and thought it was great. He was at the farmer’s market this weekend and it seemed busy and vibrant. He was looking forward to the new park and new developments.

Mr. Rod Niner, 324 Royal Ave, stated that he had to go to other libraries because he didn’t want to pay $5 to go to the one here.

Ms. Sue Kampe, 1011 S Washington, spoke against the proposed apartment development on South Washington.

Ms. Jane Hanna, 1005 S Washington, spoke against the proposed apartment development on South Washington.

Ms. Erika Sykes, 325 Lexington is a member of ROAR. They are dedicated to ensuring their neighbors know the facts. She asked ROAR members in the audience to stand.

Mr. Brandon Kolo, 600 E Hudson, was happy to see the appointment of an interim city manager, discussion of sidewalks and discussion of recreational marijuana. He was glad to listen to the good debate.

Mr. Richard Sulaka, resident of Warren, is an attorney representing the residents next to the proposed South Washington development. He questioned the notification process given.

Mr. Arvind Reddy, 618 S Pleasant, liked that the city has strong and growing property values and that it is safe.

Ms. Laura Harrison, 2729 Trafford, spoke about the city’s bond rating. She believed it is one of the most important assets to the city.

Mr. Eric Schaffer, 723 E 11 Mile Road, has lived in the city for more than 40 years. He said there are many residents and business owners in the city who disagree with the actions of the commission but are afraid to speak out.

Mr. David Alsup, 1018 E 12 Mile, stated that the city is mismanaged.
Mr. Gary Loyd, 432 S Washington, applauded the commission for a job well done.

Ms. Linda Tuomaala, 3021 Helen Court, spoke about how the traffic has shifted from Main to Crooks with the bike lanes. She hoped the study would be reversed.

***

APPROVAL OF AGENDA

Moved by Commissioner Macey
Seconded by Commissioner Paruch

Be it resolved that the city commission hereby approves the agenda for the August 12, 2019 meeting.

Adopted unanimously

***

CONSENT AGENDA

Moved by Commissioner Paruch
Seconded by Mayor Pro Tem 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 July 22, 2019 are hereby approved.

b. Be it resolved, that the city commission work session minutes of July 22, 2019 are hereby approved.

c. Be it resolved, that the city commission special meeting minutes of July 29, 2019 are hereby approved.

d. Be it resolved, that the claims of July 30, August 2 and August 13, 2019 audited by the department of finance are hereby approved.

e. Be it resolved, the city commission approves the following requisition/purchase orders for fiscal year 2019-2020:

<table>
<thead>
<tr>
<th>Requisition #</th>
<th>Vendor:</th>
<th>Requesting approval for:</th>
<th>Price Source:</th>
<th>Budgeted:</th>
<th>Department / Fund:</th>
<th>Description:</th>
</tr>
</thead>
<tbody>
<tr>
<td>R005061</td>
<td>Spartan Distributors</td>
<td>$50,470 additional for a total of $71,790</td>
<td>bid by another entity - NIPA</td>
<td>$78,800</td>
<td>motor pool / motor pool</td>
<td>Toro Groundmaster (mower), polar trac cab accessory, ploy broom accessory</td>
</tr>
</tbody>
</table>

f. Be it resolved, the city commission declares the above property surplus and authorizes the disposal of the items by auction. Any net proceeds from the sale of items listed under “city attorney’s office” will be deposited into the general fund miscellaneous revenue account 101.000.67100.
g. Be it resolved, the city commission hereby awards police station trade contract work in the following amounts to: Marson Enterprises ($125,770.00); and Hankins Plastering ($28,550.00); and

Be it finally resolved, the city commission directs staff to issue a purchase order in the amount of $154,320.00 to construction manager Colasanti/O'Brien for said police station trade contract work.

h. Be it resolved, the city commission approves the memorandum of understanding for the installation of bicycle sharing stations and authorizes the mayor and city clerk to sign said agreement.

Be it further resolved, the city commission approves the bike share operations agreement with DDP Bikeshare Corporation doing business as MoGo.

Be it finally resolved, the city commission approves the license agreement with DDP Bikeshare Corporation doing business as MoGo for the installation of bike share stations.

i. Notice of Road Closure Delemere Boulevard and Nakota Road for Consumers Energy Corporation Transmission Line Repair

j. Be it resolved, the city commission hereby approves contract modification 4 to Royal Oak Contract CAP1801, 2018 Concrete Replacement and Pre-paid Sidewalk Improvement Program with L’Anthony Construction of Shelby Township, Michigan as shown on Table 1 for $18,200.00 and directs staff to adjust the purchase order accordingly.

k. Be it resolved, the city commission hereby approves contract modification 1 under contract S1802 2018 Sewer Lining to Insituform Technologies USA, LLC of Chesterfield, Missouri for the additional amount of $342,734 and directs staff to issue a purchase order for the amount of the contract modification. The completion date for Contract S1802 shall be extended to December 7, 2019.

l. Be it resolved, the city commission hereby approves contract modification 7 to contract B1302 Heating, Ventilating and Air Conditioning Maintenance for ROPL to extend the contract with ATI Group of Flushing, Michigan for one-year in the amount of $10,805.04, and directs staff to issue a purchase order in the amount of the contract modification. The completion date of the contract shall be extended to Aug. 31, 2020.

m. Be it resolved, the city commission hereby awards contract CAP1846 - street tree planting program to Crimboli Nursery, Inc. of Canton, Michigan for a bid price not to exceed $112,700 and directs staff to issue a purchase order in the amount of the price proposal; and

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

n. Be it resolved, the city commission approves the Royal Oak Commission for the Arts Art Explored agreements and authorizes the mayor and city clerk to execute them.

o. Receive and File Non-action Items
   i. July 2019 Franco Project Activity Report
   ii. Second Quarter Training and Evaluation Reports

Adopted unanimously
PLANNING COMMISSION RECOMMENDATION ON REZONING 1003 SOUTH WASHINGTON AVENUE, SECOND READING

Moved by Commissioner DuBuc  
Seconded by Mayor Pro Tem Douglas

Be it resolved, the city commission allows the petitioners to speak on the proposed development.

Adopted unanimously

Mr. Gabe Rubin of Berkley Realty Group and Royal Oak Development Company spoke regarding the proposed development.

Mr. Brian Howard with HF Architecture also spoke on the proposed development.

Moved by Mayor Pro Tem Douglas  
Seconded by Commissioner DuBuc

Whereas, the planning commission held public hearings on February 12, 2019 and May 14, 2019, and recommends approval of an amendment to the zoning map for the purpose of rezoning 1003 South Washington Avenue (parcel number 25-21-431-024) from “mixed use 2” to “planned unit development,” and also approval of a final planned unit development site plan (SP 19-02-03) to construct a four-story multiple-family building with 48 upper-level dwelling units and ground-level and underground off-street parking spaces at 1003 South Washington Avenue (parcel number 25-21-431-024); and

Whereas, the city commission has determined that the planned unit development will result in a recognizable and material benefit to the residents of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the planned unit development regulations; and

Whereas, the city commission has determined that the proposed uses will not result in an unreasonable increase in the need for or burden upon public services, facilities, streets, and utilities; and

Whereas, the city commission has determined that the proposed development will be consistent with the public health, safety, and welfare of the city, and will not result in an unreasonable negative economic impact upon surrounding properties; and

Whereas, the city commission has determined that the proposed development is under single ownership and/or control such that there is a single entity having responsibility for completing the project in conformity with the zoning ordinance; and

Whereas, the city commission has determined that the zoning map amendment to planned unit development and associated final planned unit development site plan are consistent with the goals and objectives of the city’s master plan and received the record of public comments taken at the public hearings held at the planning commission meetings of February 12, 2019 and May 14, 2019.

Therefore, be it resolved, that ordinance 2019-##, 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, Public Act 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 rezone 1003 South Washington Avenue (parcel number 25-21-431-024) from “mixed use 2” to “planned unit development,” and the final planned unit
City Commission
August 12, 2019

development site plan (SP 19-02-03) to construct a four-story multiple-family building with 48 upper-level dwelling units and ground-level and underground off-street parking spaces at 1003 South Washington Avenue (parcel number 25-21-431-024), is hereby approved, subject to the associated "development 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 Repeal. 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. A summary of 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 associated development agreement required under article VIII of the zoning ordinance is hereby approved, pending any final revisions from the city attorney, and that the mayor and city clerk are hereby authorized to execute the development agreement.

AMENDMENT TO THE MOTION

Moved by Commissioner DuBuc
Seconded by Mayor Pro Tem Douglas

To amend motion that final approval of the development agreement be contingent upon a green roof feature to be implemented in the final design.

Adopted unanimously

MOTION WITH AMENDMENT

Whereas, the planning commission held public hearings on February 12, 2019 and May 14, 2019, and recommends approval of an amendment to the zoning map for the purpose of rezoning 1003 South Washington Avenue (parcel number 25-21-431-024) from “mixed use 2” to “planned unit development,” and also approval of a final planned unit development site plan (SP 19-02-03) to construct a four-story multiple-family building with 48 upper-level dwelling units and ground-level and underground off-street parking spaces at 1003 South Washington Avenue (parcel number 25-21-431-024); and

Whereas, the city commission has determined that the planned unit development will result in a recognizably and material benefit to the residents of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the planned unit development regulations; and

Whereas, the city commission has determined that the proposed uses will not result in an unreasonable increase in the need for or burden upon public services, facilities, streets, and utilities; and

Whereas, the city commission has determined that the proposed development will be consistent with the public health, safety, and welfare of the city, and will not result in an unreasonable negative economic impact upon surrounding properties; and
Whereas, the city commission has determined that the proposed development is under single ownership and/or control such that there is a single entity having responsibility for completing the project in conformity with the zoning ordinance; and

Whereas, the city commission has determined that the zoning map amendment to planned unit development and associated final planned unit development site plan are consistent with the goals and objectives of the city's master plan and received the record of public comments taken at the public hearings held at the planning commission meetings of February 12, 2019 and May 14, 2019.

Therefore, be it resolved, that ordinance 2019-##, 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, Public Act 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 rezone 1003 South Washington Avenue (parcel number 25-21-431-024) from “mixed use 2” to “planned unit development,” and the final planned unit development site plan (SP 19-02-03) to construct a four-story multiple-family building with 48 upper-level dwelling units and ground-level and underground off-street parking spaces at 1003 South Washington Avenue (parcel number 25-21-431-024), is hereby approved, subject to the associated “development 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 Repeal. 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. A summary of 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 associated development agreement required under article VIII of the zoning ordinance is hereby approved, pending any final revisions from the city attorney, and that the mayor and city clerk are hereby authorized to execute the development agreement.

Be it further resolved, that final approval of the development agreement be contingent upon a green roof feature to be implemented in the final design

Ayes: Commissioners Paruch, DuBuc, Macey, Mayor Pro Tem Douglas, Mayor Fournier

Nays: Commissioner Gibbs and Commissioner LeVasseur

Motion adopted
FUTURE SIDEWALK IMPROVEMENT PROGRAM RECOMMENDATION

Commissioner Gibbs left the table at 9:56 p.m. and returned to the table at 9:58 p.m.

Moved by Commissioner Macey
Seconded by Commissioner DuBuc

Be it resolved, the city commission hereby directs engineering to begin a new six-year sidewalk program in the spring of 2020, and

Be it further resolved, the city commission endorses the following sidewalks repair and replacement criteria:

1. Sidewalks that exhibit differential sidewalk elevations of one inch or greater would be replaced. A one-inch differential could be shaved or ground to meet city standards
2. Cracked or broken sidewalk with any of the following:
   a. Sidewalks broken into three or more pieces,
   b. Sidewalks where a crack is not tight and well seated,
   c. Severe crazing (alligator cracking),
   d. Deteriorating joints (at least four inches long by one-inch wide at any point)
   e. Spalled areas (at least three inches along any one side).
3. Other Surface condition issues:
   a. Pitted sidewalks with any pit larger than one and a half inch and at least a half inch deep,
   b. Surface deterioration consisting of severe scaling or popping causing a safety issue.
4. More than one issue listed above.

Adopted unanimously

DOWNTOWN DEVELOPMENT AUTHORITY RECOMMENDATION
FREE HANDICAP PARKING

Moved by Mayor Pro Tem Douglas
Seconded by Commissioner DuBuc

Be it resolved, the city commission hereby directs staff to charge the established rates to park at all on-street handicap parking spaces and that all other handicap spaces remain as currently configured.

AMENDMENT TO THE MOTION

Moved by Mayor Pro Tem Douglas
Seconded by Commissioner DuBuc

Be it resolved, that the city commission directs staff that all payment processes are ADA compliant.

Adopted unanimously

ORIGINAL MOTION WITH AMENDMENT

Be it resolved, the city commission hereby directs staff to charge the established rates to park at all on-street handicap parking spaces and that all other handicap spaces remain as currently configured; and

Be it further resolved, that the city commission directs staff that all payment processes are ADA compliant.
Ayes: Mayor Pro Tem Douglas and Commissioner DuBuc
Nays: Commissioner Gibbs, Commissioner LeVasseur, Commissioner Macey, Commissioner Paruch and Mayor Fournier

Motion fails

Moved by Commissioner Paruch
Seconded by Commissioner Macey

Be it resolved, the city commission hereby offers free parking for the new handicap parking spaces for the next 6 months as a promotion; and

Be it further resolved, that staff will evaluate turnover as well as how much each space is used and give a report back.

AMENDMENT TO THE MOTION

Moved by Commissioner LaVasseur
Seconded by Commissioner Paruch

Be it resolved, that surface parking lots be included in the free parking offer for the new handicap parking spaces.

Ayes: Commissioner Gibbs, Commissioner LeVasseur, Commissioner Macey, Commissioner Paruch, Mayor Pro Temp Douglas and Mayor Fournier
Nays: Commissioner DuBuc

Motion Adopted

ORIGINAL MOTION WITH AMENDMENTS

Be it resolved, the city commission hereby offers free parking for the new handicap parking spaces for the next 6 months as a promotion; and

Be it further resolved, that staff will evaluate turnover as well as how much each space is used and give a report back; and

Be it finally resolved, that surface lots be included in the free parking offer for the new handicap parking spaces

Ayes: Commissioner Gibbs, Commissioner LeVasseur, Commissioner Macey, Commissioner Paruch and Mayor Fournier
Nays: Commissioner DuBuc, Commissioner Douglas

Motion adopted

Moved by Commissioner DuBuc
Seconded by Commissioner Paruch

Be it resolved, that the city commission directs staff to ensure that all payment procedures are ADA compliant.

Adopted unanimously
DISCUSSION OF MARIJUANA ESTABLISHMENTS AND MEDICAL MARIHUANA FACILITIES

No action was taken on this item.

APPROVAL OF INTERIM CITY MANAGER EMPLOYMENT AGREEMENT

Moved by Mayor Pro Tem Douglas
Seconded by Commissioner Macey

Be it resolved, the city commission authorizes the mayor and city clerk to sign the Addendum to Employee Agreement to Provide Service as Interim City Manager.

Adopted unanimously

Upon motion of Commissioner Gibbs, seconded by Commissioner Paruch, and adopted unanimously, the regular meeting was adjourned at 11:16 p.m.

Melanie Halas, City Clerk

The foregoing minutes of the regular meeting held on August 12, 2019, having been officially approved by the city commission on Monday, August 26, 2019, are hereby signed this twenty-sixth day of August 2019.

Michael C. Fournier, Mayor