

Oak Park

City Council Agenda

November 16, 2015





AGENDA
REGULAR CITY COUNCIL MEETING
36th CITY COUNCIL
OAK PARK, MICHIGAN
November 16, 2015
7:00 PM

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. APPROVAL OF AGENDA**
- 5. CONSENT AGENDA**

The following routine items are presented for City Council approval without discussion, as a single agenda item. Should any Council Member wish to discuss or disapprove any item it must be dropped from the blanket motion of approval and considered as a separate item.

- A. Regular Council Meeting Minutes of November 2, 2015
- B. Planning Commission Meeting Minutes of October 12, 2015
- C. Library Board Meeting Minutes of September 15, 2015
- D. Communications Commission Meeting Minutes of September 16, 2015
- E. Arts and Cultural Commission Meeting Minutes of August 2, 2015
- F. Communication Commission Meeting Schedule for Calendar Year 2016
- G. Arts and Cultural Commission Meeting Schedule for Calendar year 2016
- H. Request to cancel the November 18, 2015 Communications Commission meeting in order for members to attend the Master Plan Town Hall Meeting
- I. Request to schedule a Public Hearing for December 7, 2015 to receive public comments on the allocation of the 2016 Community Development Block Grant Funds
- J. Licenses - New and Renewals as submitted for November 16, 2015

6. RECOGNITION OF VISITING ELECTED OFFICIALS:

7. SPECIAL RECOGNITION/PRESENTATIONS:

- A. City Manager Employee Recognition – Leslie Alston

8. PUBLIC HEARINGS: None

9. COMMUNICATIONS: None

10. SPECIAL LICENSES: None

11. ACCOUNTING REPORTS:

- A. Approval for payment of an invoice submitted by Garan, Lucow, Miller, P.C. for legal services in the total amount of \$12,470.95

12. BIDS: None

13. ORDINANCES: None

14. CITY ATTORNEY:

- A. Resolution approving a Metro Act Permit application submitted by WideOpenWest Michigan, LLC

15. CITY MANAGER:

Administration

- A. Resolution reaffirming the creation of the Oak Park Arts and Cultural Commission and increasing the number of Commissioners
- B. Master Plan Update

Technical and Planning

- C. Request to approve a Mutual Release of Purchase Agreement and new Purchase Agreement for Neighborhood Stabilization Program (NSP) home at 13211 Dartmouth subject to conditions

Community and Economic Development, Planning Division

- D. Update on Tax Foreclosed Properties
- E. Request to accept the Planning Commission's recommendation to approve a Special Land Use and Final Site Plan for a pawn shop for Pay Beny, Inc., 21380 Greenfield, subject to conditions
- F. Request to accept the Planning Commission's recommendation to approve a Special Land Use request for a Restaurant that serves alcoholic liquor and Site Plan for Tai Fai Restaurant, 8505 Nine 9 Mile Road, subject to conditions

16. CALL TO THE AUDIENCE

Each speaker's remarks are a matter of public record; the speaker, alone, is responsible for his or her comments and the City of Oak Park does not, by permitting such remarks, support, endorse or accept the content, thereof, as being true or accurate. "Any person while being heard at a City Council Meeting may be called to order by the Chair, or any Council Member for failure to be germane to the business of the City, vulgarity, or personal attacks on persons or institutions." There is a three minute time limit per speaker.

17. CALL TO THE COUNCIL

18. ADJOURNMENT

The City of Oak Park will comply with the spirit and intent of the American with Disabilities Act. We will provide support and make reasonable accommodations to assist people with disabilities to access and participate in our programs, facilities and services. Accommodations to participate at a Council Meeting will be made with 7-day prior notice.



**CITY OF OAK PARK, MICHIGAN
REGULAR COUNCIL MEETING OF THE
35th OAK PARK CITY COUNCIL
November 2, 2015
7:00 PM**

MINUTES

The meeting was called to order at 7:00 PM by Mayor McClellan in the Council Chambers of City Hall located at 14000 Oak Park Boulevard, Oak Park, MI 48237. (248) 691-7544

PRESENT: Mayor McClellan, Council Member Burns, Mayor Pro Tem Levine, Council Member Seligson, Council Member Speech

ABSENT: None

OTHERS

PRESENT: City Manager Tungate, City Clerk Norris, City Attorney Duff

APPROVAL OF AGENDA:

CM-11-419-15 (AGENDA ITEM #4) ADOPTION OF THE AGENDA WITH ADDITIONS – APPROVED

Motion by Burns, seconded by Speech, CARRIED UNANIMOUSLY, to approve the agenda with the addition of the following items:

- Presentation by Dan Hunter from Oakland County as Item #7B
- Lawsuit report from the City Attorney as Item #14B
- Report on a New Business as Item #15I
- Report on the Facade program as Item #15J

Voice Vote:	Yes:	McClellan, Levine, Burns, Seligson, Speech
	No:	None
	Absent:	None

MOTION DECLARED ADOPTED

CONSENT AGENDA:

CM-11-420-15 (AGENDA ITEM #5A-H) CONSENT AGENDA - APPROVED

Motion by Seligson, seconded by Levine, CARRIED UNANIMOUSLY, to approve the Consent Agenda consisting of the following items:

- A. Regular Council Meeting Minutes of October 19, 2015 **CM-11-421-15**
- B. Employees Retirement Board and Public Safety Retirement Board Meeting Minutes of July 27, 2015 **CM-11-422-15**

- C. Recycling & Environmental Conservation Commission Meeting Minutes of August 20, 2015 **CM-11-423-15**
- D. Public Safety Activity Summary for September 2015 **CM-11-424-15**
- E. Recommendation to change the time for the December 15, 2015 Beautification Advisory Commission meeting from 7:00 p.m. to 6:00 p.m. **CM-11-425-15**
- F. Request to approve an agreement with the Road Commission for Oakland County for winter maintenance on Greenfield Road from Eight to Eleven Mile Roads and on Ten Mile Road from Greenfield to Oakdale **CM-11-426-15**
- G. Library Board Meeting Minutes of August 18, 2015 **CM-11-427-15**
- H. Licenses - New and Renewals as submitted for November 2, 2015 **CM-11-428-15**

<u>NEW MERCHANT</u>	<u>ADDRESS</u>	<u>FEE</u>
(Subject to all Departmental Approvals)		
Life Skills Village PLLC	25900 Greenfield Ste 100	\$150
Innovative Tool & Design Corp.	10725 Capital St.	\$150
 <u>RENEWALS</u>		
9 Oaks Grill	22110 Coolidge	\$225
Street Corner Music LTD	26020 Greenfield	\$150
Lee Beauty Supplies Discount	22136 Coolidge	\$450
KFC Take Home of Oak Park, Inc.	22001 Coolidge	\$450
State Farm Insurance, Inc.	10841 Ten Mile	\$450
AP Wireless	2277 Columbia Dr.	\$150
LM Studio	8104 W Nine Mile	\$675
Valley City Linen	13165 Cloverdale	\$450
Trend Express Market	8580 Nine Mile	\$150
Shipway X-Ray Inc.	21840 Wyoming Pl	\$225
Lawton Career Institute	20820 Greenfield	\$450
Dynamite Tax & Financial Services	15401 Nine Mile	\$225

Roll Call Vote: Yes: McClellan, Levine, Burns, Seligson, Speech
 No: None
 Absent: None

MOTION DECLARED ADOPTED

RECOGNITION OF VISITING ELECTED OFFICIALS: None

SPECIAL RECOGNITION/PRESENTATIONS:

(AGENDA ITEM #7A) Special recognition of Council Member Seligson and Mayor Pro Tem Levine for their outstanding service to the City of Oak Park. Mayor McClellan presented the following:

City of Oak Park
In Special Recognition
of
Michael M. Seligson
Years of Service

Council Member 1991-2005; 2007-2009; 2011-2015
Mayor Pro Tem 2005-2007; 2009-2011

The Mayor and Council of the City of Oak Park, Michigan, in testament and tribute to his distinguished public service and lasting contributions to the City of Oak Park and its residents, wish to express their sincere appreciation to Council Member Michael M. Seligson. While confronting a range of community issues and unprecedented challenges you were and always will be an ally and friend of the people of Oak Park. Your sustained commitment to civic participation and providing the best possible services to the citizens while continually seeking to improve their quality of life will always serve as a reminder to city employees and officials to put the people of Oak Park first.

November 2, 2015

Marian McClellan, Mayor

Paul Levine, Mayor Pro Tem

Carolyn Burns, Council Member

Kiesha Speech, Council Member

Erik Tungate, City Manager

City of Oak Park

In Special Recognition

of

Paul H. Levine

Years of Service

Council Member 2007-2013

Mayor Pro Tem 2013-2015

The Mayor and Council of the City of Oak Park, Michigan, in testament and tribute to his distinguished public service and lasting contributions to the City of Oak Park and its residents, wish to express their sincere appreciation to Council Member Michael M. Seligson. While confronting a range of community issues and unprecedented challenges you were and always will be an ally and friend of the people of Oak Park. Your sustained commitment to civic participation and providing the best possible services to the citizens while continually seeking to improve their quality of life will always serve as a reminder to city employees and officials to put the people of Oak Park first.

November 2, 2015

Marian McClellan, Mayor

Michael M. Seligson, Council Member

Carolyn Burns, Council Member

Kiesha Speech, Council Member

Erik Tungate, City Manager

(AGENDA ITEM #7B) Added to the Agenda

Deputy Director of Economic Development and Community Affairs for Oakland County Dan Hunter presented a proclamation on behalf of L. Brooks Patterson to the City of Oak Park saluting their selection by the University of Michigan Dearborn as a 2015 E Cities Best Practices Community.

PUBLIC HEARINGS: None

SPECIAL LICENSES: None

ACCOUNTING REPORTS:

CM-11-429-15 (AGENDA ITEM #11A) APPROVAL FOR PAYMENT OF AN INVOICE AS SUBMITTED BY GARAN, LUCOW, MILLER P.C., FOR LEGAL SERVICES IN THE TOTAL AMOUNT OF \$3,249.80 - APPROVED

Motion by Burns, seconded by Seligson, CARRIED UNANIMOUSLY, to approve payment of invoice #4456706 as submitted by Garan, Lucow, Miller P.C., for legal services in the total amount of \$3,249.80.

Roll Call Vote: Yes: McClellan, Levine, Burns, Seligson, Speech
 No: None
 Absent: None

MOTION DECLARED ADOPTED

BIDS: None

ORDINANCES:

CM-11-430-15 (AGENDA ITEM #13A) SECOND READING AND ADOPTION OF AN ORDINANCE TO AMEND ARTICLE XVIII, SIGNS, APPENDIX A, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK, MICHIGAN - APPROVED

Motion by Burns, Seconded by Seligson, CARRIED UNANIMOUSLY, to approve the second reading and adopt the following ordinance:

**CITY OF OAK PARK, MICHIGAN
ORDINANCE NO.**

AN ORDINANCE TO AMEND ARTICLE XVIII, SIGNS, APPENDIX A, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK, MICHIGAN.

THE CITY OF OAK PARK, MICHIGAN ORDAINS:

SECTION 1. Article XVIII, Signs, Appendix "A", Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to delete Section 1802, R, 17, and re-number the remaining listed items:

Section 1802. Basic requirements – All districts.

R. Prohibited signs and sign features or components. The following signs are prohibited, notwithstanding anything to the contrary in this ordinance:

17. Phone numbers on signs.

SECTION 2. Article XVIII, Signs, Appendix "A", Zoning, of the Code of Ordinances of the City of Oak Park, Section 1805, C, 1, 2, and 3, is hereby amended to the following:

Sec. 1805. - Signs permitted in B-1, B-2, PTRED, PCD, and PUD districts.

C. For planned shopping centers under single ownership and management, one free-standing (pole or monument style) shopping center identification sign per business street providing access to the site and one wall sign per tenant, subject to the following:

1. Free-standing shopping center identification signs shall be permitted in accordance with the following table:

**TABLE OF FREESTANDING SHOPPING CENTER IDENTIFICATION SIGN REQUIREMENTS
 (Shopping center stores in B-1, B-2, PTRED and PCD and PUD only)**

Freestanding Shopping Center Identification Signs	Less than 10,000 square feet in size	Between 10,001 and 99,999 square feet in size	Greater than 100,000 square feet in size
Maximum Height	15 Feet	22 Feet	24 Feet
Maximum Size	40 Square Feet	150 Square Feet	200 Square Feet
Shopping Center Name Minimum % of Display Area	30%	20%	20%
Individual Tenant Maximum % of Display Area	70%	40%	40%
Maximum Number of Tenants on Identification Sign	1	4	5

2. Free-standing monument style shopping center identification signs shall be located so as not to hinder or block ingress or egress to the site and/or restrict the vision of pedestrians or motorists on or near the site.

3. Free-standing shopping center identification signs shall be set back at least five feet from street property lines, 20 feet from adjacent property lines and 100 feet from adjacent residential districts.

SECTION 3. Conflicting Provisions Repealed

All ordinances in conflict with the provisions of this ordinance are repealed only to the extent necessary to give this ordinance full force and effect; provided that all other provisions of the Oak Park Code of Ordinances as heretofore amended shall remain in full force and effect.

SECTION 4. Severability

No other portion, paragraph or phrase of the Code of Ordinances of the City of Oak Park, Michigan shall be affected by this ordinance except as to the above sections, and in the event any portion, section or subsection of this ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this ordinance or of the Code of Ordinances of the City of Oak Park, Michigan.

SECTION 5. Effective Date

This ordinance shall be published as required by the Charter of the City of Oak Park and shall become effective ten (10) days from the date of its passage or upon the expiration of seven (7) days after its publication, whichever is later.

Roll Call Vote: Yes: McClellan, Levine, Burns, Seligson, Speech
 No: None
 Absent: None

MOTION DECLARED ADOPTED

CITY ATTORNEY REPORT:

CM-11-431-15 (AGENDA ITEM #14A) CONSENT JUDGEMENT IN THE TAX TRIBUNAL MATTER OF RITE AID OF MICHIGAN, INC V. CITY OF OAK PARK, MTT DOCKET NO. 14-003552 - APPROVED

Motion by Speech, seconded by Levine, CARRIED UNANIMOUSLY, to approve the following Consent Judgement in the Tax Tribunal matter of Rite Aid of Michigan, Inc v. City of Oak Park, MTT Docket No. 14-003552:

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
MICHIGAN TAX TRIBUNAL

Rite Aid of Michigan, Inc.
Petitioner,

v

MTT Docket No. 14-003552

City of Oak Park,
Respondent.

STIPULATION FOR ENTRY OF CONSENT JUDGMENT

1. The case is pending in the Entire Tribunal.
2. Property Parcel No: 52-25-30-101-040; 24850 Greenfield
3. The values for the property identified above as established by Respondent's Board of Review are:

Tax Year	True Cash Value	Assessed Value	Taxable Value
2014	\$1,781,000	\$890,500	\$882,800
2015	\$1,789,000	\$894,500	\$894,500

4. The values for the property identified above as stipulated by the parties for settlement purposes are:

Tax Year	True Cash Value	Assessed Value	Taxable Value
2014	\$1,450,000	\$725,000	\$725,000
2015	\$1,450,000	\$725,000	\$725,000

Roll Call Vote: Yes: McClellan, Levine, Burns, Seligson, Speech
 No: None
 Absent: None

MOTION DECLARED ADOPTED

(AGENDA ITEM #14B) Lawsuit Update. City Attorney Duff reported that there is now only one remaining tax tribunal matter that she will report on at a future date. She also announced that the City has received notice for two new law suits filed against the City; one regarding a false arrest matter and the other a class action suit with respect to water and sewer rates that is not covered by the City's insurance.

CM-11-432-15 (AGENDA ITEM #14B) CITY REPRESENTATION BY GARAN LUCOW, MILLER P.C. IN ALL LEGAL MATTERS RELATED TO WATER AND SEWER RATE CLASS ACTION LAWSUIT - APPROVED

Motion by Burns, seconded by Seligson, CARRIED UNANIMOUSLY, to approve the representation by Garan Lucow, Miller P.C. in all legal matters related to the water and sewer rate class action lawsuit.

Roll Call Vote: Yes: McClellan, Levine, Burns, Seligson, Speech
 No: None
 Absent: None

MOTION DECLARED ADOPTED

CITY MANAGER:

45th District Court

CM-11-433-15 (AGENDA ITEM #14A) FY 2016 VETERANS TREATMENT COURT GRANT PROGRAM - APPROVED

Motion by Burns, seconded by Seligson, CARRIED UNANIMOUSLY, to approve the FY 2016 Veterans Treatment Court Grant Program.

Roll Call Vote: Yes: McClellan, Levine, Burns, Seligson, Speech
 No: None
 Absent: None

MOTION DECLARED ADOPTED

Administration

CM-11-434-15 (AGENDA ITEM #15B) APPOINTMENT OF MICHAEL SELIGSON TO THE PLANNING COMMISSION AND ZONING BOARD OF APPEALS FOR A TERM ENDING AUGUST 2017 - APPROVED

Motion by Speech, seconded by Levine, CARRIED UNANIMOUSLY, to approve the Appointment of Michael Seligson to the Planning Commission and Zoning Board of Appeals for a term ending August 2017.

Voice Vote: Yes: McClellan, Levine, Burns, Seligson, Speech
 No: None
 Absent: None

MOTION DECLARED ADOPTED

CM-11-435-15 (AGENDA ITEM #15C) APPOINTMENT OF ELIZABETH FRITZ-COTTLE TO THE ARTS AND CULTURAL COMMISSION FOR A TERM ENDING FEBRUARY 2017 - APPROVED

Motion by Seligson, seconded by Levine, CARRIED UNANIMOUSLY, to approve the Appointment of Elizabeth Fritz-Cottle to the Arts and Cultural Commission for a term ending February 2017.

Roll Call Vote: Yes: McClellan, Levine, Burns, Seligson, Speech
 No: None
 Absent: None

MOTION DECLARED ADOPTED

Department of Public Works

CM-11-436-15 (AGENDA ITEM #15D) PROPOSAL FROM ORCHARD, HILTZ & MCCLIMENT, INC. TO PERFORM A WATER SYSTEM RELIABILITY STUDY AND GENERAL PLAN FOR AN HOURLY, NOT TO EXCEED AMOUNT OF \$22,000 SUBJECT TO FINAL REVIEW BY THE CITY ATTORNEY - APPROVED

Motion by Burns, seconded by Seligson, CARRIED UNANIMOUSLY, to approve a proposal from Orchard, Hiltz & McCliment, Inc. to perform a Water System Reliability Study and General Plan for an hourly, not to exceed amount of \$22,000 subject to final review by the City Attorney.

Roll Call Vote: Yes: McClellan, Levine, Burns, Seligson, Speech
 No: None
 Absent: None

MOTION DECLARED ADOPTED

Finance Department

CM-11-437-15 (AGENDA ITEM #15E) MOTION TO RECEIVE THE QUARTERLY FINANCIAL REPORT - APPROVED

Motion by Levine, seconded by Burns, CARRIED UNANIMOUSLY, to receive the following report highlighting fiscal year-to-date revenue and expenditure activity in the General Fund through the first quarter ending September 30, 2015:

GENERAL FUND

REVENUES

Total revenues for the first quarter total approximately \$12.2 million, representing approximately 60% of the annual budget. Overall revenues are on track with budget (including the minor adjustments included in the proposed amendment) with the following items of note:

- Property Tax Revenue – City property tax levies are billed July 1 and payable in full without penalty by August 31, 2015. As of the end of the first quarter approximately 87% of the taxes billed had been paid. Any unpaid real property taxes will be purchased from the City by Oakland County in May 2016. Property tax revenue is the primary reason the overall revenues are at 59% to date.
- Intergovernmental Revenue (State Revenue Sharing) – The City receives six bi-monthly payments annually for state-shared revenue. The first quarter report reflects no fiscal 2016 payments as the August 31, 2015 payment by statute is included as part of the June 30, 2015 revenues. The City will receive payments on October 31, December 31, February 28, April 30, June 30 and August 31 (2016) related to the current fiscal year. The estimated annual revenue included in the budget totals \$3,309,894.
- The City receives cable franchise fees on a quarterly basis estimated at \$605,876 for the current fiscal year. The first quarter remittances will be received during October 2015 and no amounts are included in the first quarter report.
- Fines and forfeiture revenue received from the district court is budgeted for a total of \$1,788,404 of which \$462,794 or 25.9% was received during the first quarter. The revenue received is used to offset a portion of the court's operating costs.

EXENDITURES

Total expenditures for the first quarter total approximately \$4.4 million, representing approximately 21% of the annual budget. Overall departmental expenditure budgets are on track with the following items of note (departments over 25%):

- City Managers Department has requested a budget amendment to address the human resources consulting project from fiscal 2015 that didn't complete until early fiscal 2016.
- City Attorney Department is incurring costs over and above their annual retainer and has requested a budget amendment to address the additional costs.
- Other Parks Forestry Department is running over budget due to their costs being seasonal in nature as a significant part of their budget includes mowing and park maintenance. The overall budget is in line current annual projections.
- Swimming Pool Facility Department is running over budget due to their costs being seasonal in nature as a significant part of their budget includes summer programming. The overall budget is in line current annual projections.

- Senior Services Department is slightly over budget due to the annual budget for operating supplies was inadvertently reduced in the annual budget. A budget amendment has been requested to restore the budget to previous year's levels which are required to run the scheduled programs.

Overall the General Fund operations are in line with the annual budget (incorporating the first quarter requested amendment). The projected fund balance remains at the targeted level of 15% of annual expenditures and the annual operating budget is balanced which continuing to address the long-term legacy costs of OPEB and pensions.

Voice Vote: Yes: McClellan, Levine, Burns, Seligson, Speech
 No: None
 Absent: None

MOTION DECLARED ADOPTED

CM-11-438-15 (AGENDA ITEM #15F) BUDGET AMENDMENT #2016-1 - APPROVED

Motion by Burns, seconded by Seligson, CARRIED UNANIMOUSLY, to approve Budget Amendment #2016-1 as follows:

NOW, THEREFORE BE IT RESOLVED that the following
 Budget Amendment #2016-1 is authorized:

	INCREASE (DECREASE)
GENERAL FUND	
REVENUES	
Charges of Services	\$ 4,000
Other Revenue	381,541
TOTAL REVENUES	<u>385,541</u>
EXPENDITURES	
LEGISLATIVE	1,482
ADMINISTRATIVE	25,291
COMMUNITY & ECONOMIC DEVELOPMENT	
CITY CLERK - ADMINISTRATIVE AND RECORDS	
CITY CLERK - ELECTIONS	200
FINANCE	10,374
CITY ATTORNEYS - CIVIL AND LABOR	60,000
PROSECUTING ATTORNEY	
PUBLIC SAFETY	248,834
TECHNICAL AND PLANNING	31,416
RECREATION	24,711
PUBLIC WORKS	586
INFORMATION TECHNOLOGY	9,924
PUBLIC INFORMATION	
NON-DEPARTMENTAL	369,927

TRANSFERS OUT	(1,200,000)
TOTAL EXPENDITURES	(417,255)
Net Increase to fund Balance	\$ 802,796

Roll Call Vote: Yes: McClellan, Levine, Burns, Seligson, Speech
 No: None
 Absent: None

MOTION DECLARED ADOPTED

Mr. Johnson indicated the City's annual budget was adopted on May 18, 2015 and was effective July 1st. The budget is adopted at the departmental level and in accordance with the State Budget Act, budget amendments are to be completed throughout the fiscal year in order to reflect the most current information available related to revenue and expenditure budgets. Budget amendments that have a positive or negative impact on fund balance or change the department total require Council approval. The proposed amendments are based on actual and projected activity-to-date.

Community and Economic Development, Planning

CM-11-439-15 (AGENDA ITEM #15G) INTERLOCAL COST-SHARING AGREEMENT FOR WOODWARD NEIGHBORHOOD BICYCLE ROUTE TRANSPORTATION ALTERNATIVES PROGRAM (TAP) 2015 PROJECT - APPROVED

Motion by Burns, seconded by Seligson, CARRIED UNANIMOUSLY, to approve an Interlocal Cost-sharing Agreement for Woodward Neighborhood Bicycle Route Transportation Alternatives Program (TAP) 2015 Project.

Roll Call Vote: Yes: McClellan, Levine, Burns, Seligson, Speech
 No: None
 Absent: None

MOTION DECLARED ADOPTED

City Clerk

(AGENDA ITEM #15H) Election Update. City Clerk Norris encouraged Oak Park registered voters to vote in the November 3rd Election and reminded them the polls will be open from 7:00 AM to 8 P.M.

Added Items

(AGENDA ITEM #15I) New Business Announcement. City Manager Tungate announced that a new research and development business, CNI Futuris, will be locating at 14925 West 11 Mile Rd. Futuris will be bringing its research and development facility to that location immediately along with 60 to 70 employees as well as 15 to 20 program and design engineers in the future.

(AGENDA ITEM #15J) Facade Improvement Program. Community and Economic Development Manager Marrone announced that a \$10,000 grant has been received from PNC Bank for the Facade Improvement Program. Manager Marrone further stated that with that contribution there is now a total

of \$28,500 to help fund façade improvements in the City of Oak Park so businesses should take advantage of the Program and apply for the assistance. City Manager Tungate explained that although \$28,500 may seem like a small amount of money, the availability of those funds often serves as the impetus for other financing being made available for completion of façade improvement projects.

CALL TO THE AUDIENCE:

There was no public comment as no one present in the audience wished to speak.

CALL TO THE COUNCIL:

Council Member Seligson stated that he will have some final remarks to make at the last meeting of the 35th Oak Park City Council in two weeks and wished everyone a good evening.

Council Member Burns thanked everyone for attending the meeting and stated that it has been a pleasure to serve with Mayor Pro Tem Levine and Council Member Seligson. She further stated that her only regret is that she only had two years to work with them.

Council Member Speech echoed the sentiments of Council Member Burns in regards to having had the opportunity to serve with the departing council members, Levine and Seligson. Council Member Speech elaborated by stating that it has been a privilege to serve with both of them.

Mayor Pro Tem Levine announced that he had prepared a written statement and started by thanking Council for the opportunity to serve with all of them and in particular Council Member Seligson who he served with for many years and whether they agreed or disagreed on a matter he always enjoyed their interactions because they always challenged each other to do their best. The Mayor Pro Tem then took a few minutes to share his thoughts on his time on Council. He stated that he grew up in and with Oak Park. He was able to watch a young and vibrant community grow and mature and has enjoyed it as a safe place to live with good schools and neighborly city employees including friendly public safety officers. He recognized the resourceful community library and great recreation programs that reached out into the neighborhoods bringing everyone together. The Mayor Pro Tem explained that he married a fellow Oak Park resident and raised his family in Oak Park. The Mayor Pro Tem further stated that he considered it a great honor to have been asked to run for election to City Council and to have served on that body. He went on to thank former Council Member Yousif and his friend and neighbor Joe Lewis as well as former Mayor Naftaly. He explained that he considers all of the residents of Oak Park to be his neighbors and that he represented all of them to the best of his abilities. The Mayor Pro Tem thanked his source of support and encouragement, his parents, his children and especially his wife, Sharon his partner in life. He also thanked the many deserving members of City staff that he had the opportunity to interact with over the years. He gave a special shout out to the Director of Public Safety, Steve Cooper for his continuing efforts to diversify the Department and improve the service to the community. He also acknowledged City Attorney Ebony Duff and City Manager Tungate. He also thanked his predecessor in the position of Mayor Pro Tem, Angela Jackson and former Council Member Duplessis. Mayor Pro Tem Levine then outlined some of the many improvements to the City and municipal government during his tenure on Council including renovations to the library, the new City Hall, improved community services and a reduction in the City budget by over 1.8 million dollars. He elaborated by stating that it is a continuing task to improve the quality of life in Oak Park and he will continue with those efforts on a grass roots level with his neighbors. He thanked Oak Park and stated that it is his continuing privilege to live in the community.

Mayor McClellan stated that everyone has noticed recently the new energy and momentum building in Oak Park and this Council has taken many needed aggressive steps to move the City forward. The Mayor then outlined many of the programs and projects that have been commenced in an effort to move the City forward and in particular the economic development plan. She further stated that the

municipality's fund balance has increased to 15% this year so City government is better prepared to deal with any unforeseen financial issues that may arise in the future. The legacy costs that weren't being addressed during the economic downturn are now being dealt with. The City has managed its finances very well over the last four years thanks to the City Manager and the staff. For the first time in a generation the City population is increasing and this is an exciting time to be an Oak Park resident. The Mayor concluded by thanking the City Council for its contributions to these accomplishments and successes and reminded everyone that tomorrow was Election Day and encouraged everyone to come out and vote.

ADJOURNMENT:

There being no further business to come before the City Council, Mayor McClellan adjourned the meeting at 8:27 P.M.

T. Edwin Norris, City Clerk

Marian McClellan, Mayor

**CITY OF OAK PARK PLANNING COMMISSION
OCTOBER 12, 2015
MINUTES**

Meeting was called to order at 7:30 p.m., in the City Council Chambers, Oak Park City Hall, 14000 Oak Park Boulevard, Oak Park, Michigan, by Chairperson Torgow and roll call was made.

PRESENT: Chairperson Torgow
Vice Chairperson Brown
Commissioner McClellan
Commissioner Seligson
Commissioner Walters-Gill

ABSENT: Commissioner Eizelman
Commissioner Tkatch
Commissioner Tungate

OTHERS PRESENT: City Planner, Kevin Rulkowski
Community & Economic Development Director, Kimberly Marrone
Recording Secretary, Cherilynn Brown

APPROVAL OF AGENDA OF OCTOBER 12, 2015

No action taken.

APPROVAL OF MINUTES OF AUGUST 10, 2015 - APPROVED

MOTION by Brown, SECONDED by McClellan, to approve the Planning Commission meeting minutes of August 10, 2015, as submitted.

VOTE: Yes: All
No: None

MOTION CARRIED

COMMUNICATIONS/CORRESPONDENCE: None.

PUBLIC HEARINGS:

- A. Public Hearing to receive comments on proposed text amendments to the Sign regulations to allow greater flexibility in permitted signage.**

Chairperson Torgow* referenced City Planner Rulkowski's report, dated October 6, 2015, recommending the Planning Commission approve the proposed text amendments to the sign regulations in the City of Oak Park Zoning Ordinance.

Chairperson Torgow* opened the public hearing at 7:32 p.m.

There being no members of the public wishing to speak, a **MOTION was made by Brown, SECONDED by Seligson**, to close the public hearing.

VOTE: Yes: All
No: None

MOTION CARRIED

Chairperson Turgow Torgow* closed the public hearing at 7:32 p.m.

B. Planning Commission action on proposed text amendments to the Sign regulations to allow greater flexibility in permitted signage.

MOTION by Seligson, SECONDED by McClellan, based on the information presented in the Planning Division Report, and additional findings of fact discussed during the public hearing, to approve the proposed text amendments to the sign regulations as follows (proposed changes are italicized):

1) Modify requirements of freestanding shopping center identification signs to allow for greater flexibility.

C. For planned shopping centers under single ownership and management, one freestanding (*pole or monument style*) shopping center identification sign per business street providing access to the site and one wall sign per tenant, subject to the following:

1. Freestanding *pole* shopping center identification signs shall be permitted in accordance with the following table:

TABLE OF FREESTANDING POLE SHOPPING CENTER IDENTIFICATION SIGN REQUIREMENTS (Shopping center stores in B-1, B-2, PTRED, *PUD* and PCD only)

Freestanding Shopping Center Identification Signs	Less than 10,000 square feet in size	Between 10,001 and 99,999 square feet in size	Greater than 100,000 square feet in size
Maximum Height	15 Feet	22 Feet	24 Feet
Maximum Size	30 <i>40</i> Square Feet	120 <i>150</i> Square Feet	200 Square Feet
Shopping Center Name Minimum % of Display Area	100% <i>30%</i>	40% <i>20%</i>	40% <i>20%</i>
Individual Tenant Maximum % of Display Area	0% <i>70%</i>	40%	40%
Maximum Number of Tenants on Identification Sign	0 <i>1</i>	3 <i>4</i>	3 <i>5</i>

2. Freestanding monument style shopping center identification signs shall ~~not exceed six feet in height (measured from the average ground level within two feet of the base of the sign) and 30 square feet in area. Monument signs shall only display the name of the shopping center. Monument signs shall be located so as~~

not to hinder or block ingress or egress to the site and/or restrict the vision of pedestrians or motorists on or near the site.

3. Freestanding shopping center identification signs shall be set back at least five feet from street property lines, 20 feet from adjacent property lines and 100 feet from adjacent residential districts.

2) Eliminate prohibition of business phone numbers on signs.

R. Prohibited signs and sign features or components. The following signs are prohibited, notwithstanding anything to the contrary in this ordinance:

~~17. Phone numbers on signs.~~

Yes: Brown, McClellan, Seligson, Torgow, Walters-Gill

No: None

MOTION CARRIED 5-0

CONSENT AGENDA: No Items Eligible This Month

OLD BUSINESS: None

NEW BUSINESS:

1) Security Central Protection, 12821 Capital, Final Site Plan Review.

Chairperson Turgow Torgow* referenced City Planner Rulkowski's report, dated October 6, 2015:

At the February 2006 meeting, the Planning Commission approved a Final Site Plan to construct a 4,030 square foot, two-story addition at the Security Central Protection building, 12821 Capital. For whatever reason the applicant did not proceed with the project at that time and the original Site Plan approval has expired. The applicant is now submitting a Site Plan for approval of a similar addition that is slightly larger in size.

The proposed Security Central Protection expansion is to construct a two-story addition with a 3,000 square foot footprint at their building at 12821 Capital. The purpose of the addition is to provide more warehouse space for security products.

The property is zoned LI, Light Industrial District and office/warehouse uses are permitted by right in this district.

The new addition meets the height, and setback requirements of the Zoning Ordinance. The applicant received a variance from the Zoning Board of Appeals in February of 2006 to allow for a 12 foot rear yard setback. This setback variance is still valid. The variance-approved reduced setback is reflected on the proposed Site Plan.

A new drive for deliveries is shown on the west side of the building at the location of two new overhead doors. The Site Plan does not provide adequate details regarding the dimensions of this drive. In addition, a new 12 parking space parking lot is shown on the west side of the building. The new drive and parking lot will have to meet all the Engineering Division

requirements for driveways, parking lot pavement design and storm water management. Preliminary engineering plans for the parking lot and drive will need to be submitted to the Engineering Division for review and approval.

Based on the proposed square footage of the existing building and proposed addition, the facility is required to provide parking for 29 vehicles. The Site Plan shows 30 parking spaces. The circulation pattern of both parking lots is acceptable.

The Site Plan indicates new landscaping areas will be installed in various locations on the property to meet the minimum landscaping requirement but insufficient detail is shown regarding these landscape areas. The Site Plan does not indicate that these landscape areas will be irrigated with an in-ground water irrigation system. A separate detailed landscape plan for this area including an irrigation method will need to be submitted.

The site plan does not indicate any details regarding mechanical equipment or building lighting. The Zoning Ordinance requires all roof top and ground level equipment to be screened. All proposed exterior lighting will need to be shielded downward and away from adjacent properties and positioned as to not create a nuisance to automobile traffic.

The Security Central property is currently two individual tax parcels that have not been combined. Approval of the proposed Site Plan should be contingent on the combination of two parcels into one by the City Assessor.

There is no indication that any new signage is proposed.

Based on the above considerations, the Planning Division recommends approval of the Final Site Plan, with the following conditions:

- 1) Engineering plans for the new west entrance drive and west side parking lot (with storm water management) need to be submitted and approved by the Engineering Division.*
- 2) A separate detailed landscape plan for this area including an irrigation method will need to be submitted and approved by the City Planner.*
- 3) Exterior lighting to be shielded downward and positioned as to not create a nuisance to adjacent properties and automobile traffic.*
- 4) All roof top and ground level equipment must be screened as required by the Zoning Ordinance.*
- 5) A request by the applicant to the City Assessor for the combination of the two individual tax parcels that comprise the proposed project into one tax parcel.*
- 6) No signs are approved as part of the Site Plan Review. A separate permit must be requested for the inclusion of any signs at this site.*

The petitioner, Michael Duda, indicated the conditions recommended by Planner Rulkowski were acceptable.

MOTION by Brown, SECONDED by Seligson, based on the information presented in the Planning Division Report, and additional findings of fact discussed during the review of the site plan, to approve the Final Site Plan for Security Central Protection, 12821 Capital, with the following conditions:

- 1) Engineering plans for the new west entrance drive and west side parking lot (with storm water management) need to be submitted and approved by the Engineering Division.

- 2) A separate detailed landscape plan for this area including an irrigation method will need to be submitted and approved by the City Planner.
- 3) Exterior lighting to be shielded downward and positioned as to not create a nuisance to adjacent properties and automobile traffic.
- 4) All roof top and ground level equipment must be screened as required by the Zoning Ordinance.
- 5) A request by the applicant to the City Assessor for the combination of the two individual tax parcels that comprise the proposed project into one tax parcel.
- 6) No signs are approved as part of the Site Plan Review. A separate permit must be requested for the inclusion of any signs at this site.

Yes: Brown, McClellan, Seligson, Torgow, Walters-Gill

No: None

MOTION CARRIED 5-0

2) 1-800 Self Storage.com, 13631 Ten Mile, Final Site Plan Review.

Chairperson Turgow Torgow* referenced City Planner Rulkowski's report, dated October 6, 2015:

At the September 2013 meeting, the Planning Commission approved a Special Land Use to renovate an existing building at 13631 Ten Mile Road into a self-storage facility. As part of the Special Land Use review a Site Plan was also approved. The Site Plan approved in September of 2013 has expired. The applicant has resubmitted the original Site Plan for approval.

The applicant is proposing to renovate an existing 5,490 square foot building currently being utilized for auto servicing, into a 71 unit self-storage facility. The existing 25 foot-high single story building will be internally converted into building with two floors.

The property is zoned B-1, Neighborhood Business District and the proposed use is permitted by virtue of a Use Variance being granted by the Zoning Board of Appeals in February of 2013. The existing building meets the setback and height requirements with the exception of the rear yard setback which has an existing non-conforming status.

Based on the number of storage units, the proposed facility is required to provide seven parking spaces. The Site Plan indicates seven parking spaces will be provided. The proposed use utilizes the existing traffic circulation pattern which has parking and loading area being accessed by way of the alley that comes off of the Ten Mile service drive and exits onto Coolidge Highway. There are some hard surfaced parking areas that are in need of some repair and should be addressed during the renovation of the site.

The Site Plan indicates a proposed six foot high concrete wall with a brick pattern at the rear of the property, adjacent to a residentially zoned property, as required by the Zoning Ordinance.

The Site Plan shows a new dumpster enclosure in the southeast corner of the site. The site plan does not include a construction detail for the dumpster enclosure. The dumpster enclosure should be constructed consistent in design to the screen wall.

The site plan does not indicate any existing or proposed exterior lighting. All exterior lighting should be shielded and downward casting to eliminate the possibility of nuisance to the adjoining properties.

The building elevations do not indicate whether there will be new mechanical equipment on the roof or ground. The Zoning Ordinance requires all roof top and ground level equipment to be screened.

There are two wall signs indicated on the site plan. The Sign regulations only allow for one sign on the front face of the building. A separate sign application will have to be submitted and therefore no signage is approved as part of the site plan review.

Staff Recommendation

It is the recommendation of the Planning Division to approve the Special Land Use and Site Plan for the proposed self-storage facility with the following conditions:

- 1) Existing hard surfaced areas in driveways and parking areas to be repaired as necessary.*
- 2) Proposed or existing lighting should be shielded and downward casting to eliminate the possibility of nuisance.*
- 3) All proposed roof top or ground level equipment must be screened as required by the Zoning Ordinance.*
- 4) The proposed dumpster enclosure to be constructed consistent with the design of the proposed screen wall.*
- 5) No signs are approved as part of the Site Plan Review. A separate permit must be requested for the inclusion of any signs at this site.*

The petitioner, Edward Hirsch, noted the original site plan approval expired because Security Central Protection was unable to purchase the property until recently. Mr. Hirsch indicated the conditions recommended by Planner Rulkowski were acceptable.

MOTION by McClellan, SECONDED by Brown, to approve the Special Land Use and Site Plan for the proposed self-storage facility, 1-800 Self Storage, 13631 Ten Mile Road, with the following conditions:

- 1) Existing hard surfaced areas in driveways and parking areas to be repaired as necessary.
- 2) Proposed or existing lighting should be shielded and downward casting to eliminate the possibility of nuisance.
- 3) All proposed roof top or ground level equipment must be screened as required by the Zoning Ordinance.
- 4) The proposed dumpster enclosure to be constructed consistent with the design of the proposed screen wall.
- 5) No signs are approved as part of the Site Plan Review. A separate permit must be requested for the inclusion of any signs at this site.

Yes: Brown, McClellan, Seligson, Torgow, Walters-Gill

No: None

MOTION CARRIED 5-0

3) Master Plan revision

Director of Community and Economic Development Marrone reported that surveys and public comment meetings for all of the City's master plans are being combined into the same process, and she outlined the proposed schedule.

PLANNING COMMISSION MATTERS FOR DISCUSSION – from members only

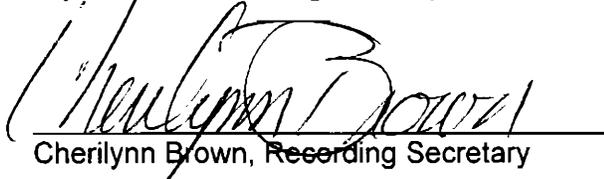
Chair Torgow commended City staff, Mayor McClellan and Council Member Seligson for moving the City forward in terms of development and leadership. He expressed special appreciation to Council Member Seligson as he retires from his career on City Council.

PUBLIC COMMENTS:

None.

ADJOURNMENT

Chairperson Torgow announced that there was no further business for the Commission and adjourned the meeting at 7:45 p.m.



Cherilynn Brown, Recording Secretary

**As corrected on November 9, 2015.*



**OAK PARK PUBLIC LIBRARY
BOARD of DIRECTORS MEETING**

September 15, 2015 at 6:30 P.M.
in Room 4 of the Oak Park Community Center

MINUTES

PRESENT: Councilmember Burns, Comm. Francisco, Comm. Rice, Director Bowman.
ABSENT : Comm. Barton, Comm. Chudnow (Excused)

Meeting called to order at 6:30 P.M. Adjourned: 7:14 pm
Minutes from last month's meeting read & approved.

CORRESPONDENCE & CALL TO PUBLIC: None

LIBRARY DIRECTOR'S REPORT: last month's Monthly Statistics & Monthly Report approved.

OLD BUSINESS:

- A. Computers – The new computers have arrived and will be installed on Monday, October 12th by Director Schefke and Matt Brandimarte.
- B. SAM to Envisionware – Installation of the new time management software will take place on Tuesday, October 13th.
- C. Strategic Planning – Director Bowman informed the board of the plan of cooperating with Recreation Director Hall and Community Development Director Marrone to combine our Strategic Plan process with their Master Plan process. This will save us money which will allow us to purchase the Envisionware software. Part of this process will include a Public Open House on November 18th, which will take the place of our November library board meeting.

NEW BUSINESS:

- A. Teen Area Remodeling – Plans are moving forward on the remodel of the teen area. We are awaiting bids on shelving, and have laid out a basic floor plan. Charli Osborne, our youth services librarian, will be spear heading this project. We are planning on moving Youth Services to the current storage area as part of this remodel.

OTHER: none.

Meeting Adjourned at 7:14 PM.

Next meeting: Tuesday, October 20, 2015 at 6:30 P.M. in the Room 4 of the Recreation Center.

Respectfully submitted,
Brandon Bowman, Library Director



CITY OF OAK PARK

COMMUNITY ENGAGEMENT AND PUBLIC INFORMATION

Paul Levine
Council Members
 Michael M. Seligson
 Carolyn Burns
 Kiesha Speech
City Manager
 Erik Tungate

Regular Meeting of the COMMUNICATIONS COMMISSION Wednesday, September 16, 2015, 7:00 p.m. Meeting Minutes

CALL TO ORDER: The meeting was called to order at 7:07 p.m. in the Oak Park Community Center at 14300 Oak Park Blvd., Oak Park, MI 48237.

PRESENT: City Council Member Kiesha Speech, Chairperson Steven Gold, Commissioner Julie Edgar, Commissioner Nathan Peiss, Commissioner Cheryl Weiss, Community Engagement Director Denise DeSantis

ABSENT: None

APPROVAL OF AGENDA: Motion was made to approve the agenda with an amendment to include City Council Member Speech to the Agenda by Commissioner Edgar, seconded by Commissioner Peiss. Motion carried.

APPROVAL OF MINUTES: Motion to approve Meeting Minutes from June 17, 2015 Meeting was made by Commissioner Peiss, seconded by Commissioner Weiss. Motion carried.

OLD BUSINESS: The Communication Commission Ordinance and Strategy Review was presented to the Oak Park City Council on August 27, 2015 for the 1st reading. There were minor questions, which were answered. The 2nd reading was in September at the City Council Meeting, and it passed. Community Engagement Director Denise DeSantis shared that City Attorney Ebony Duff indicated that the change was to Commission Function only. Changes to what was submitted are in our packet.

NEW BUSINESS:

- a. Chairman Gold opened a discussion questioning the frequency and time of Communication Commission meetings. The Communication Commission must vote on a 2016 meeting schedule that will be included in the upcoming newsletter and calendar. Discussion centered around quarterly meetings, monthly meetings, or other options. If we schedule meetings monthly, and need to cancel a meeting, we must request a variance of the Oak Park City Council, according to Council Member Speech. She also shared that we can have a meeting if there is no quorum; but we cannot take actions without a quorum. It is easier to cancel meetings than add them. Commissioner Weiss asked if our date/time could be changed so that it is not immediately following the Summerfest Committee meetings, which are held the 3rd Wednesday of each month at 6:00 pm. Chairman Gold asked if meetings can last longer than one hour. City Council Member Speech answered that we are not limited to how long our meetings can last. Commissioner Peiss suggested that we meet quarterly. Commissioner Weiss suggested that we meet monthly because it is easier to cancel a meeting than it is to add a meeting. Director DeSantis shared that she has been given the responsibility of being the staff liaison to more committees, including the Oak Park Arts and Cultural Commission and the Emergency Services Board, so we will have to set a date/time that does not conflict with her new responsibilities, as

well. Commissioner Edgar suggested that we wait until our new member(s) are added in October before we set a 2016 schedule so that we set times that are convenient for everyone. Motion to table the 2016 calendar made by Commissioner Edgar, seconded by Commissioner Peiss. Motion carried.

- b. Communication Commission Projects. We were asked by Kim Marrone, Brandon Bowman, and Julie Hall to add questions for the survey. This would be a great time to ask how people would like to receive communications from the City of Oak Park. Commissioners are encouraged to send suggestions and ideas to Director DeSantis for this packet.
- c. Discussion continued regarding communication methods. Newsletters are expensive, but we may be able to do them quarterly with other city departments, possibly as an insert to newspaper distribution. Commissioner Peiss asked how we are handling sharing information with people who do not go online. It was shared that there is a list of senior citizens who receive information via U.S. mail. People can sign up for this at the senior center. Commissioner Weiss stated that she is against eliminating mailed newsletters; seniors want to be included. Director DeSantis shared that as Director of Community Engagement, her job is to engage the community. She encouraged us to consider ways in which we collaborate with other departments with quarterly magazines that contain more information, library computer classes and community socials. We don't want to leave out the elderly or non-technical residents in our community. Commissioner Edgar suggested that we brainstorm how to best reach residents who do not use computers or smartphones. Newsletters, by the time they reach residents, have outdated information compared to online techniques. We as a commission need to talk about how we can reach everyone. Council Member Speech suggested that we think outside the box. How can we work with other commissions? How can we report out in a way that does not get old? Blogs might be one way to reach people. Chairman Gold added there are two categories of information that need to be shared: time sensitive news, and information about what happens in our community.

COUNCIL LIASON REPORT: (Council Member Speech) The Corridor Improvement Authority has been approved! This corridor includes businesses on 9 Mile from Greenfield to Forest and Coolidge South of 9 Mile to 11 Mile. Businesses are eligible for façade improvements. They need to apply for this. The area will become a walkable, livable space for the community. There will be board members appointed to the Corridor Improvement Authority. Also, Council Member Speech shared that there will be new commissioners added to city boards and commissions, including this commission, in October.

STAFF LIASON REPORT: (Director DeSantis) We need to set the calendar next month, and we are encouraged to recruit residents to apply for boards and commissions. She also distributed flyers for upcoming events around the city.

GENERAL DISCUSSION: Chairman Gold shared that he was recently at a conference and someone asked him what's going on in Oak Park (in regards to embezzlement case)? He wanted to remind everyone that we are not the media; all inquiries should go to the City Manager's office. Director DeSantis added that people are aware of our status as Commissioners, but that it is important that we be careful not to be perceived as speaking for the City. Be mindful not to answer for the City.

Chairman Gold expressed that he is pleased everyone was able to be in attendance tonight and hopes we can all be here next month. If not, please give 2 week's notice.

CALL TO THE AUDIENCE: No audience members present.

CALL TO THE MEMBERSHIP: Commissioner Gold thanked everyone for coming and staying later than our usual one hour time. Council Member Speech suggested that we do not put times on the agenda, as we have been doing. Director DeSantis said that the times are meant for us to be productive and mindful of the Commissioner's time and of the Recreation Department's in ability to stay later than our scheduled 8 p.m. time. Edgar – nothing to share. Peiss – nothing to share. Weiss – nothing to share.

ADJOURNMENT:

Motion to adjourn was made at 8:18 p.m. by Commissioner Edgar, seconded by Commissioner Peiss. Motion carried.

NEXT MEETING: The next meeting of the Communication Commission is scheduled for Wednesday, October 21, 2015 at 7:00 p.m. at the Oak Park Community Center.



CITY OF OAK PARK

DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT

Paul Levine
Council Members
 Michael M. Seligson
 Keisha Speech
 Carolyn Burns
City Manager
 Erik Tungate

Meeting of the Arts and Cultural Commission of Oak Park Wednesday, August 26, 2015, 7:00 p.m. Community Center Room 4 **MINUTES- No Quorum**

1. Call to Order 7:18 pm
 - A. **Present:** Chairperson: Michele Stevenson, Secretary: Dawn Sketch, Denise Rome, Terri McQueen, City Liaison Kimberly Marrone, Mayor Marian McClellan
 - B. **Absent:** Vice-Chairperson: Jeff Beyer, Ron Clegg, Sudha Chandra Sekhar, DeLashea Strawder
 - C. **Guests:** Heidi Bisson
 - D. **Approval of Agenda** - Motion: Mayor McClellan Second: McQueen
2. Old Business
 - A. OPAACC Events Recap and Upcoming–
 - i. Third Thursday in July Concerts at Shepherd Park, Shelter 1 - The concerts were very well received. Suggestion was made for next year to have children's groups perform for approx. 15-20 minutes as part of the evening's entertainment.
 - ii. Second Sunday Art Making – September 13 and October 11: Dawn Sketch
 - B. Summerfest updates – August 8-9, 2015
 - i. This year's Summerfest was very successful in terms of attendance and enjoyment; people seemed to really enjoy themselves.
 - ii. A volunteer "Thank You" party will be held at 5 p.m. on Wed., September 16 at Sahara Restaurant. Kim needs an RSVP from those who can attend. We will not be having a September OPAACC meeting.
 - iii. Art vendors, for the most part, were not very successful in sales.
 - iv. Food vendors were busy and did "okay" in sales, but a suggestion was made that we need more vendors next year
 - v. Camp Casey, beer tent sponsor, fared poorly, due possibly to 1) not enough time to promote, 2) only two, not very popular beer choices, and 3) this is the first time Oak Park has served any alcohol in the park, so it was very new.
3. New Business/Voting
 - A. Change date of OPAACC monthly meetings back to the 4th Wednesday of each month beginning in 2016 (was always on 4th Wednesday until 2015 due to incorrect info.). It was agreed by all – no voting is necessary for this.
 - B. Flower demonstration/class with Deni Rome and her mom, Sharon Rome, a professional florist, to be held in October at the Comm. Center, date to be decided
 - C. Event banner – it was decided we would revisit this issue at next meeting, on October 21.
4. Finances report: OPAACC account is \$
5. Members' and local upcoming art and cultural events
 - A. Terri McQueen to D.J. at the Downtown Synagogue at 11 p.m. on Sat. Aug. 29.
 - B. Arts, Beats & Eats, Sun. Sept. 6, Boys & Girls Club needs volunteers from 4-10:30 pm, sign up at 545 E. Lincoln (at Campbell), Royal Oak.
 - C. Dance program at 3 p.m., Oct. 3, Lamphere High School in Madison Heights (13 Mile and John R.) to include Sudha's 101st student.
6. Adjournment: 8:10 pm

~ Next meeting Wednesday, **October 21, 2015** at 7:00 pm in the Community Center ~
Guest Speaker: Dennis Nordmoe, Director Strategic Development, Urban Neighborhood Initiatives

c



CITY OF OAK PARK
COMMUNITY ENGAGEMENT
DEPARTMENT OF PUBLIC INFORMATION

Council Members
 Kiesha Speech
 Solomon Radner
 Ken Rich
City Manager
 Erik Tungate

BUSINESS OF THE CITY COUNCIL
OAK PARK, MICHIGAN

AGENDA OF: November 16, 2015 **AGENDA:** _____

SUBJECT: Request to accept the 2016 Communications Commission Meeting Dates.

DEPARTMENT: Department of Community Engagement and Public Information

SUMMARY:

The Chairperson of the Communications Commission is requesting City Council approve the 2016 Communications Commission Meeting Dates. The Communications Commission voted to approve these dates at their October 28, 2015 meeting.

FINANCIAL STATEMENT:

RECOMMENDED ACTION:

The City Council consider accepting the request of the Chairperson of the Communications Commission to approve the 2016 Communications Commission meeting dates, as follows:

Communication Commission
2016 Meeting Dates

Third Wednesday of the Month, 7 p.m., Community Center

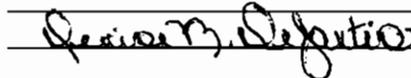
Wednesday, January 20, 2016
 Wednesday, February 17, 2016
 Wednesday, March 16, 2016
 Wednesday, April 20, 2016
 Wednesday, May 18, 2016
 Wednesday, June 15, 2016
 Wednesday, July 20, 2016
 Wednesday, August 17, 2016
 Wednesday, September 21, 2016
 Wednesday, October 19, 2016
 Wednesday, November 16, 2015
 Wednesday, December 21, 2016

APPROVALS:

City Manager:

Community Engagement Director:

EXHIBITS: None.





CITY OF OAK PARK
COMMUNITY ENGAGEMENT
DEPARTMENT OF PUBLIC INFORMATION

Council Members
Kiesha Speech
Solomon Radner
Ken Rich
City Manager
Erik Tungate

BUSINESS OF THE CITY COUNCIL
OAK PARK, MICHIGAN

AGENDA OF: November 16, 2015 **AGENDA:** _____

SUBJECT: Request to accept the 2016 Oak Park Arts and Cultural Commission Meeting Dates.

DEPARTMENT: Department of Community Engagement and Public Information

SUMMARY:

The Chairperson of the Oak Park Arts and Cultural Commission is requesting City Council approve the 2016 Oak Park Arts and Cultural Commission Meeting Dates. The Oak Park Arts and Cultural Commission voted to approve these dates at their October 21, 2015 meeting.

FINANCIAL STATEMENT:

RECOMMENDED ACTION:

The City Council consider accepting the request of the Chairperson of the Oak Park Arts and Cultural Commission to approve the 2016 Oak Park Arts and Cultural Commission meeting dates, as follows:

Oak Park Arts & Cultural Commission
2016 Meeting Dates

4th Wednesdays at 7:00 pm, Community Center

- Wednesday, January 27, 2016
- Wednesday, February 24, 2016
- Wednesday, March 23, 2016
- Wednesday, April 27, 2016
- Wednesday, May 25, 2016
- Wednesday, June 22, 2016
- Wednesday, July 27, 2016
- Wednesday, August 24, 2016
- Wednesday, September 28, 2016
- Wednesday, October 26, 2016

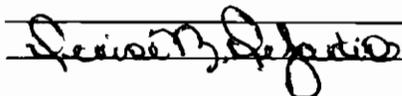
November – No Meeting due to holiday schedule

Wednesday, December 7, 2016 (First Wednesday, due to holiday schedule)

APPROVALS:

City Manager:

Community Engagement Director:



EXHIBITS: None.



5H

CITY OF OAK PARK
COMMUNITY ENGAGEMENT
DEPARTMENT OF PUBLIC INFORMATION

Council Members
Kiesha Speech
Solomon Radner
Ken Rich
City Manager
Erik Tungate

BUSINESS OF THE CITY COUNCIL
OAK PARK, MICHIGAN

AGENDA OF: November 16, 2015 **AGENDA:** _____

SUBJECT: Request to cancel the November 18, 2015 Communications Commission meeting.

DEPARTMENT: Department of Public Information, Community Engagement

SUMMARY:

The Chairperson of the Communications Commission is requesting the November 18, 2015 Communications Commission meeting be cancelled. The Communications Commission voted in the October 28th meeting to cancel the Communications Commission meeting so members could participate in the two-hour Master Plan Meeting to be held on the same night. The City Liaison for the Communication Commission also has a conflict with the meeting date as she is also the City Liaison for the Oak Park Arts and Cultural Commission that will be holding a meeting on the same date and on the same time, November 18 at 7 p.m.

FINANCIAL STATEMENT:

RECOMMENDED ACTION:

The City Council consider accepting the request of the Chairperson of the Communications Commission and cancel the November 18, 2015, regularly scheduled Communications Commission meeting.

APPROVALS:

City Manager:

Community Engagement Director:

[Handwritten Signature]

EXHIBITS: None.



BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN

AGENDA OF: November 16, 2015

AGENDA #

SUBJECT: Schedule Public Hearing for allocation of 2016 CDBG Funds.

DEPARTMENT: Technical and Planning Services

SUMMARY: The City of Oak Park is expected to receive \$110,528 in Community Development Block Grant Funds (CDBG) for the 2015 Program Year. The funds must be allocated to specific projects and the dollar amount identified for each project. One of the conditions of the acceptance of these funds is that the community conducts a Public Hearing to solicit public comment as to how the funds should be allocated.

FINANCIAL STATEMENT: No funds required at this time.

RECOMMENDED ACTION: It is recommended that City Council schedule a Public Hearing for December 7, 2015, to receive public comment on the allocation of the 2016 Community Development Block Grant Funds.

APPROVALS:

City Manager: _____

Director: _____

Finance Director: _____

EXHIBITS:

None

MERCHANT'S LICENSES – NOVEMBER 16, 2015

(Subject to All Departmental Approvals)

<u>NEW MERCHANT</u>	<u>ADDRESS</u>	<u>FEE</u>
Family Dentistry DDS, PC	13741 Eleven Mile	\$150
Eurogame	21700 Greenfield 133	\$150
Nik Necessities Emporium	22041 Coolidge	\$225
Motor City Appliance Sales & Service	24695 Coolidge	\$150
Orthopedic Medical Building	12990 Eight Mile	\$150
Futuris/CNI	14925 Eleven Mile	\$150

<u>RENEWALS</u>	<u>ADDRESS</u>	<u>FEE</u>
Oak Park Barbers	26003 Coolidge	\$375
Alfa Medical Equipment Supplies	13181 Ten Mile	\$225
Dance D'Amour Dance Studio	8670 Nine Mile	\$225
Midwest Laundry	13221 Ten Mile	\$225
Unique Lady	13645 Nine Mile	\$225
Oak Park Donuts, Inc.	25170 Greenfield	\$150
Xquisite Stylz LLC	22111 Coolidge	\$225

**GARAN
LUCOW
MILLER P.C.**
GREAT LAKES LAW FIRM SERVING CLIENTS NATIONALLY

1155 Brewery Park Blvd, Ste 200
Detroit, Michigan 48207
313-446-1530
Tax I.D. 38-1879991

Invoice 447467**November 9, 2015**

Erik Tungate
City of Oak Park
14000 Oak Park Blvd.
Oak Park, MI 48327

Re: In Re: City of Oak Park

*Client 7406
Matter 1*

Statement for City Attorney Legal Services

For Legal Services Rendered Through Saturday, October 31, 2015

\$11,667.00**Fee Total****Costs Advanced:**

Date	Description	Amount
09/28/15	Reproduction Charges 17 @ 0.15	2.55
10/02/15	Fee to BBC Title Agency, L.L.C. for current owner residential search of ten units within a condominium complex	750.00
10/27/15	Oakland County Case Look Up, Copy of Complaint.	50.50
10/28/15	Reproduction Charges 6 @ 0.15	0.90
	Total Costs Advanced	\$803.95

Total Fees and Disbursements: \$12,470.95



MEMORANDUM

TO: Mayor Marian McClellan
Hon. City Council
City Manager Tungate

FROM: Ebony L. Duff, Esq.

DATE: November 10, 2015

SUBJECT: **WideOpenWest Michigan, LLC's Application for METRO Act Permit**

Honorable Mayor and Council:

On October 14, 2015, the City received a request by WideOpenWest Michigan, LLC ("WOW") for a METRO Act Permit in the City of Oak Park for access to, and ongoing use of public rights-of-way within the City for the purpose of constructing a fiber optic network extension to service its customers. WOW submitted an Application and proposed Permit along with the required \$500 one-time Application fee. The applicable statute requires the City to approve or deny access to the Permit within 45 days from the date a provider files an Application for a Permit.

I have undertaken a review of WOW's Permit to ensure that it has met the statutory requirements of Public Act No. 48 of 2002 as well as the City of Oak Park Code of Ordinances Chapter 71 regarding Telecommunication Services. WOW's application states that they do not currently service the residents of Oak Park, however they have a new request to service a commercial account at the address of Futuris, 14925 W 11 Mile Rd, Oak Park, MI 48237 via fiber optic cable. All facilities will be installed aerial on the existing DTE pole line approximately 1200' within the city boundaries through existing public right of way/easement. They are required to present certificates of insurance covering the proposed work and naming the City as an additional insured on their policies before construction begins. The Permit is requested for a term of 5 years which is consistent with the City Ordinance.

As the documents submitted by WOW comply with the statutory requirements, I recommend approval of their application. I have attached a proposed Resolution approving the WOW Application along with a copy of the application and proposed permit for your review and approval at the City Council Meeting on November 16, 2015.

Thank you for your consideration of this recommendation.

Ebony L. Duff

**CITY OF OAK PARK
RESOLUTION REGARDING WIDOPENWEST MICHIGAN LLC's
APPLICATION FOR METRO ACT PERMIT**

WHEREAS, the City of Oak Park has received a request from WideOpenWest Michigan, LLC ("WOW") for a METRO Act Right-of-Way telecommunications permit for a term of five years; and

WHEREAS, WOW has submitted an application for the permit, and the application is now complete; and

WHEREAS, the City is aware of no reason to deny the permit.

NOW, THEREFORE, BE IT RESOLVED, by the City Council for the City of Oak Park, Oakland County, Michigan, that:

1. The request by WOW for the City to grant a five year METRO Act Permit is hereby approved.
2. The Mayor, City Manager, and City Clerk are authorized and directed to execute the METRO Act Right-of-Way Permit, in substantially the form attached hereto.
3. All resolutions inconsistent with this Resolution be and hereby are rescinded to the extent of such inconsistency.

Roll Call Vote: Yes,
 No,
 Absent,

**RIGHT-OF-WAY
TELECOMMUNICATIONS PERMIT**

This permit issued this ___ day of _____, 20__ by _____ **City of Oak Park.**

1 Definitions

- 1.1 Date of Issuance shall mean the date set forth above.
- 1.2 Manager shall mean Municipality's **City Manager** or his or her designee.
- 1.3 METRO Act shall mean the Metropolitan Extension Telecommunications Right-of Way oversight Act, Act No. 48 of the Public Acts of 2002, as amended.
- 1.4 Municipality shall mean **City of Oak Park**, a Michigan municipal corporation.
- 1.5 Permit shall mean this document.
- 1.6 Permittee shall mean **WideOpenWest Michigan, LLC** organized under the laws of the State of **Delaware** whose address is **32650 North Avis Drive, Madison Heights MI 48071.**
- 1.7 Public Right-of-Way shall mean the area on, below, or above a public roadway, highway, street, alley, easement, or waterway, to the extent Municipality has the ability to grant the rights set forth herein. Public Right-of-Way does not include a federal, state, or private right-of-way.
- 1.8 Telecommunications Facilities or Facilities shall mean the Permittee's equipment or personal property, such as copper and fiber cables, lines, wires, switches, conduits, pipes, and sheaths, which are used to or can generate, receive, transmit, carry, amplify or provide telecommunication services or signals. Telecommunication Facilities or Facilities do not include antennas, supporting structures for antennas, equipment shelters or houses, and any ancillary equipment and miscellaneous hardware used to provide federally licensed commercial mobile service as defined in Section 332(d) of Part I of Title III of the Communications Act of 1934, Chapter 652, 48 Stat. 1064, 47 U.S.C. 332 and further defined as commercial mobile radio service in 47 CFR 20.3, and service provided by any wireless, two-way communications device.
- 1.9 Term shall have the meaning set forth in Part 7.

2 Grant

- 2.1 Municipality hereby issues a permit under the METRO Act to Permittee for access to and ongoing use of the Public Right-of-Way identified on Exhibit A to construct, install and maintain Telecommunication Facilities on the terms set forth herein.
- 2.1.1 Exhibit A may be modified by Manager upon written request by Permittee.
- 2.1.2 Any decision of Manager on a request by Permittee for a modification may be appealed by Permittee to Municipality's legislative body.
- 2.2 Overlapping. Permittee shall not allow the wires or any other facilities of a third party to be overlapped to the Telecommunication Facilities without Municipality's prior written consent. Municipality's right to withhold written consent is subject to the authority of the Michigan Public Service Commission under Section 361 of the Michigan Telecommunications Act, MCL § 484.2361.
- 2.3 Nonexclusive. The rights granted by this Permit are nonexclusive. Municipality reserves the right to approve, at any time, additional permits for access to and ongoing usage of the Public Right-of-Way by telecommunications providers and to enter into agreements for use of the Public Right-of-Way with and grant franchises for use of the Public Right-of-Way to telecommunications providers, cable companies, utilities and other providers.

3 Contacts, Maps and Plans

- 3.1 Permittee Contacts. The names, addresses and the like for engineering and construction related information for Permittee and its Telecommunication Facilities are as follows:
- 3.1.1 The address, e-mail address, phone number and contact person (title or name) at Permittee's local office (in or near Municipality) is **Robert DiNardo (Regional General Manager & SVP), 32650 N. Avis Dr. Madison Heights MI 48071 Phone: 248-677-9030 Fax: 248-677-9021 Email: Robert.dinardo@wowinc.com.**
- 3.1.2 If Permittee's engineering drawings, as-built plans and related records for the Telecommunication Facilities will not be located at the preceding local office, the location address, phone number and contact person (title or department) for them is **Same as Listed in 3.1.1.**
- 3.1.3 The name, title, address, e-mail address and telephone numbers of

Permittee's engineering contact person(s) with responsibility for the design, plans and construction of the Telecommunication Facilities is **Keith Kirby (Director of Maintenance & Construction); 32650 North Avis Dr. Madison Heights MI 48071, Desk Phone (248) 677-9056 Cell Phone (586) 453-3501 Fax (248) 677-9021 Email: keith.kirby@wowinc.com.com and Kenny Parson (Executive Customer Advocate) 32650 North Avis Dr. Madison Heights MI 48071, Desk Phone(248) 677-9050 Cell Phone(586)894-3811 Fax(248)677-9021 Email ken.parson@wowinc.com**

3.1.4 The address, phone number and contact person (title or department) at Permittee's home office/regional office with responsibility for engineering and construction related aspects of the Telecommunication Facilities is **Same as listed in 3.1.3**

3.1.5 Permittee shall at all times provide Manager with the phone number at which a live representative of Permittee (not voice mail) can be reached 24 hours a day, seven (7) days a week, in the event of a public emergency.

3.1.6 Permittee shall immediately notify Municipality in writing as set forth in Part 12 of any inaccuracies or changes in the preceding information.

3.2 **Route Maps.** Within ninety (90) days after the substantial completion of new Facilities in a Municipality, a provider shall submit route maps showing the location of the Telecommunication Facilities to both the Michigan Public Service Commission and to the Municipality, as required under Section 6(7) of the METRO Act, MCLA 484.3106(7).

3.3 **As-Built Records.** Permittee, without expense to Municipality, shall, upon forty-eight (48) hours notice, give Municipality access to all "as-built" maps, records, plans and specifications showing the Telecommunication Facilities or portions thereof in the Public Right-of-Way. Upon request by Municipality, Permittee shall inform Municipality as soon as reasonably possible of any changes from previously supplied maps, records, or plans and shall mark up maps provided by Municipality so as to show the location of the Telecommunication Facilities.

4 **Use of Public Right-of-Way**

4.1 **No Burden on Public Right-of-Way.** Permittee, its contractors, subcontractors, and the Telecommunication Facilities shall not unduly burden or interfere with the present or future use of any of the Public Right-of-Way. Permittee's aerial cables and wires shall be suspended so as to not endanger or injure persons or property in or about the Public Right-of-Way. If Municipality reasonably determines that any portion of the Telecommunication Facilities constitutes an undue burden or interference, due to changed circumstances, Permittee, at its sole

expense, shall modify the Telecommunication Facilities or take such other actions as Municipality may determine is in the public interest to remove or alleviate the burden, and Permittee shall do so within a reasonable time period. Municipality will attempt to require all occupants of a pole or conduit whose facilities are a burden to remove or alleviate the burden concurrently.

- 4.2 No Priority. This Permit does not establish any priority of use of the Public Right-of-Way by Permittee over any present or future permittees or parties having agreements with Municipality or franchises for such use. In the event of any dispute as to the priority of use of the Public Right-of-Way, the first priority shall be to the public generally, the second priority to Municipality, the third priority to the State of Michigan and its political subdivisions in the performance of their various functions, and thereafter as between other permit, agreement or franchise holders, as determined by Municipality in the exercise of its powers, including the police power and other powers reserved to and conferred on it by the State of Michigan.
- 4.3 Restoration of Property. Permittee, its contractors and subcontractors shall immediately (subject to seasonal work restrictions) restore, at Permittee's sole expense, in a manner approved by Municipality, any portion of the Public Right-of-Way that is in any way disturbed, damaged, or injured by the construction, installation, operation, maintenance or removal of the Telecommunication Facilities to a reasonably equivalent (or, at Permittee's option, better) condition as that which existed prior to the disturbance. In the event that Permittee, its contractors or subcontractors fail to make such repair within a reasonable time, Municipality may make the repair and Permittee shall pay the costs Municipality incurred for such repair.
- 4.4 Marking. Permittee shall mark the Telecommunication Facilities as follows: Aerial portions of the Telecommunication Facilities shall be marked with a marker on Permittee's lines on alternate poles which shall state Permittee's name and provide a toll-free number to call for assistance. Direct buried underground portions of the Telecommunication Facilities shall have (1) a conducting wire placed in the ground at least several inches above Permittee's cable (if such cable is nonconductive); (2) at least several inches above that, a continuous colored tape with a statement to the effect that there is buried cable beneath; and (3) stakes or other appropriate above ground markers with Permittee's name and a toll-free number indicating that there is buried telephone cable below. Bored underground portions of the Telecommunication Facilities shall have a conducting wire at the same depth as the cable and shall not be required to provide the continuous colored tape. Portions of the Telecommunication Facilities located in conduit, including conduit of others used by Permittee, shall be marked at its entrance into and exit from each manhole and handhole with Permittee's name and a toll-free telephone number.

- 4.5 Tree Trimming. Permittee may trim trees upon and overhanging the Public Right-of-Way so as to prevent the branches of such trees from coming into contact with the Telecommunication Facilities, consistent with any standards adopted by Municipality. Permittee shall dispose of all trimmed materials. Permittee shall minimize the trimming of trees to that essential to maintain the integrity of the Telecommunication Facilities. Except in emergencies, all trimming of trees in the Public Right-of-Way shall have the advance approval of Manager.
- 4.6 Installation and Maintenance. The construction and installation of the Telecommunication Facilities shall be performed pursuant to plans approved by Municipality. The open cut of any Public Right-of-Way shall be coordinated with the Manager or his designee. Permittee shall install and maintain the Telecommunication Facilities in a reasonably safe condition. If the existing poles in the Public Right-of-Way are overburdened or unavailable for Permittee's use, or the facilities of all users of the poles are required to go underground then Permittee shall, at its expense, place such portion of its Telecommunication Facilities underground, unless Municipality approves an alternate location. Permittee may perform maintenance on the Telecommunication Facilities without prior approval of Municipality, provided that Permittee shall obtain any and all permits required by Municipality in the event that any maintenance will disturb or block vehicular traffic or are otherwise required by Municipality.
- 4.7 Pavement Cut Coordination. Permittee shall coordinate its construction and all other work in the Public Right-of-Way with Municipality's program for street construction and rebuilding (collectively "Street Construction") and its program for street repaving and resurfacing (except seal coating and patching) (collectively, "Street Resurfacing").
- 4.7.1 The goals of such coordination shall be to encourage Permittee to conduct all work in the Public Right-of-Way in conjunction with or immediately prior to any Street Construction or Street Resurfacing planned by Municipality.
- 4.8 Compliance with Laws. Permittee shall comply with all laws, statutes, ordinances, rules and regulations regarding the construction, installation, and maintenance of its Telecommunication Facilities, whether federal, state or local, now in force or which hereafter may be promulgated. Before any installation is commenced, Permittee shall secure all necessary permits, licenses and approvals from Municipality or other governmental entity as may be required by law, including, without limitation, all utility line permits and highway permits. Permittee shall comply in all respects with applicable codes and industry standards, including but not limited to the National Electrical Safety Code (latest edition adopted by Michigan Public Service Commission) and the National Electric Code (latest edition). Permittee shall comply with all zoning and land use

ordinances and historic preservation ordinances as may exist or may hereafter be amended.

- 4.9 Street Vacation. If Municipality vacates or consents to the vacation of Public Right-of-Way within its jurisdiction, and such vacation necessitates the removal and relocation of Permittee's Facilities in the vacated Public Right-of-Way, Permittee shall, as a condition of this Permit, consent to the vacation and remove its Facilities at its sole cost and expense when ordered to do so by Municipality or a court of competent jurisdiction. Permittee shall relocate its Facilities to such alternate route as Municipality, applying reasonable engineering standards, shall specify.
- 4.10 Relocation. If Municipality requests Permittee to relocate, protect, support, disconnect, or remove its Facilities because of street or utility work, or other public projects, Permittee shall relocate, protect, support, disconnect, or remove its Facilities, at its sole cost and expense, including where necessary to such alternate route as Municipality, applying reasonable engineering standards, shall specify. The work shall be completed within a reasonable time period.
- 4.11 Public Emergency. Municipality shall have the right to sever, disrupt, dig-up or otherwise destroy Facilities of Permittee if such action is necessary because of a public emergency. If reasonable to do so under the circumstances, Municipality will attempt to provide notice to Permittee. Public emergency shall be any condition which poses an immediate threat to life, health, or property caused by any natural or man-made disaster, including, but not limited to, storms, floods, fire, accidents, explosions, water main breaks, hazardous material spills, etc. Permittee shall be responsible for repair at its sole cost and expense of any of its Facilities damaged pursuant to any such action taken by Municipality.
- 4.12 Miss Dig. If eligible to join, Permittee shall subscribe to and be a member of "MISS DIG," the association of utilities formed pursuant to Act 53 of the Public Acts of 1974, as amended, MCL § 460.701 et seq., and shall conduct its business in conformance with the statutory provisions and regulations promulgated thereunder.
- 4.13 Underground Relocation. If Permittee has its Facilities on poles of Consumers Energy, Detroit Edison or another electric or telecommunications provider and Consumers Energy, Detroit Edison or such other electric or telecommunications provider relocates its system underground, then Permittee shall relocate its Facilities underground in the same location at Permittee's sole cost and expense.
- 4.14 Identification. All personnel of Permittee and its contractors or subcontractors who have as part of their normal duties contact with the general public shall wear on their clothing a clearly visible identification card bearing Permittee's name, their name and photograph. Permittee shall account for all identification cards at

all times. Every service vehicle of Permittee and its contractors or subcontractors shall be clearly identified as such to the public, such as by a magnetic sign with Permittee's name and telephone number.

5 Indemnification

- 5.1 Indemnity. Permittee shall defend, indemnify, protect, and hold harmless Municipality, its officers, agents, employees, elected and appointed officials, departments, boards, and commissions from any and all claims, losses, liabilities, causes of action, demands, judgments, decrees, proceedings, and expenses of any nature (collectively "claim" for this Part 5) (including, without limitation, attorneys' fees) arising out of or resulting from the acts or omissions of Permittee, its officers, agents, employees, contractors, successors, or assigns, but only to the extent such acts or omissions are related to the Permittee's use of or installation of facilities in the Public Right-of-Way and only to the extent of the fault or responsibility of Permittee, its officers, agents, employees, contractors, successors and assigns.
- 5.2 Notice, Cooperation. Municipality will notify Permittee promptly in writing of any such claim and the method and means proposed by Municipality for defending or satisfying such claim. Municipality will cooperate with Permittee in every reasonable way to facilitate the defense of any such claim. Municipality will consult with Permittee respecting the defense and satisfaction of such claim, including the selection and direction of legal counsel.
- 5.3 Settlement. Municipality will not settle any claim subject to indemnification under this Part 5 without the advance written consent of Permittee, which consent shall not be unreasonably withheld. Permittee shall have the right to defend or settle, at its own expense, any claim against Municipality for which Permittee is responsible hereunder.

6 Insurance

- 6.1 Coverage Required. Prior to beginning any construction in or installation of the Telecommunication Facilities in the Public Right-of-Way, Permittee shall obtain insurance as set forth below and file certificates evidencing same with Municipality. Such insurance shall be maintained in full force and effect until the end of the Term. In the alternative, Permittee may satisfy this requirement through a program of self-insurance, acceptable to Municipality, by providing reasonable evidence of its financial resources to Municipality. Municipality's acceptance of such self-insurance shall not be unreasonably withheld.
- 6.1.1 Commercial general liability insurance, including Completed Operations Liability, Independent Contractors Liability, Contractual Liability coverage, railroad protective coverage and coverage for property damage

from perils of explosion, collapse or damage to underground utilities, commonly known as XCU coverage, in an amount not less than Five Million Dollars (\$5,000,000).

- 6.1.2 Liability insurance for sudden and accidental environmental contamination with minimum limits of Five Hundred Thousand Dollars (\$500,000) and providing coverage for claims discovered within three (3) years after the term of the policy.
- 6.1.3 Automobile liability insurance in an amount not less than One Million Dollars (\$1,000,000).
- 6.1.4 Workers' compensation and employer's liability insurance with statutory limits, and any applicable Federal insurance of a similar nature.
- 6.1.5 The coverage amounts set forth above may be met by a combination of underlying (primary) and umbrella policies so long as in combination the limits equal or exceed those stated. If more than one insurance policy is purchased to provide the coverage amounts set forth above, then all policies providing coverage limits excess to the primary policy shall provide drop down coverage to the first dollar of coverage and other contractual obligations of the primary policy, should the primary policy carrier not be able to perform any of its contractual obligations or not be collectible for any of its coverages for any reason during the Term, or (when longer) for as long as coverage could have been available pursuant to the terms and conditions of the primary policy.

6.2 Additional Insured. Municipality shall be named as an additional insured on all policies (other than worker's compensation and employer's liability). All insurance policies shall provide that they shall not be canceled, modified or not renewed unless the insurance carrier provides thirty (30) days prior written notice to Municipality. Permittee shall annually provide Municipality with a certificate of insurance evidencing such coverage. All insurance policies (other than environmental contamination, workers' compensation and employer's liability insurance) shall be written on an occurrence basis and not on a claims made basis.

6.3 Qualified Insurers. All insurance shall be issued by insurance carriers licensed to do business by the State of Michigan or by surplus line carriers on the Michigan Insurance Commission approved list of companies qualified to do business in Michigan. All insurance and surplus line carriers shall be rated A+ or better by A.M. Best Company.

6.4 Deductibles. If the insurance policies required by this Part 6 are written with retainages or deductibles in excess of \$50,000, they shall be approved by Manager in advance in writing. Permittee shall indemnify and save harmless Municipality

from and against the payment of any deductible and from the payment of any premium on any insurance policy required to be furnished hereunder.

- 6.5 Contractors. Permittee's contractors and subcontractors working in the Public Right-of-Way shall carry in full force and effect commercial general liability, environmental contamination liability, automobile liability and workers' compensation and employer liability insurance which complies with all terms of this Part 6. In the alternative, Permittee, at its expense, may provide such coverages for any or all its contractors or subcontractors (such as by adding them to Permittee's policies).
- 6.6 Insurance Primary. Permittee's insurance coverage shall be primary insurance with respect to Municipality, its officers, agents, employees, elected and appointed officials, departments, boards, and commissions (collectively "them"). Any insurance or self-insurance maintained by any of them shall be in excess of Permittee's insurance and shall not contribute to it (where "insurance or self-insurance maintained by any of them" includes any contract or agreement providing any type of indemnification or defense obligation provided to, or for the benefit of them, from any source, and includes any self-insurance program or policy, or self-insured retention or deductible by, for or on behalf of them).

7 Term

- 7.1 Term. The term ("Term") of this Permit shall be until the earlier of:
- 7.1.1 **Five (5) Years** from the Date of Issuance; or 2020.
- 7.1.2 When the Telecommunication Facilities has not been used to provide telecommunications services for a period of one hundred and eighty (180) days by Permittee or a successor or an assignee of Permittee; or
- 7.1.3 When Permittee, at its election and with or without cause, delivers written notice of termination to Municipality at least one-hundred and eighty (180) days prior to the date of such termination; or
- 7.1.4 Upon either Permittee or Municipality giving written notice to the other of the occurrence or existence of a default by the other party under Sections 4.8, 6, 8 or 9 of this Permit and such defaulting party failing to cure, or commence good faith efforts to cure, such default within sixty (60) days (or such shorter period of time provided elsewhere in this Permit) after delivery of such notice; or
- 7.1.5 Unless Manager grants a written extension, one year from the Date of Issuance if prior thereto Permittee has not started the construction and installation of the Telecommunication Facilities within the Public Right-

of-Way and two years from the Date of Issuance if by such time construction and installation of the Telecommunication Facilities is not complete.

8 Performance Bond or Letter of Credit

8.1 Municipal Requirement. Municipality may require Permittee to post a bond (or letter of credit) as provided in Section 15(3) of the METRO Act, as amended [MCL § 484.3115(3)].

9 Fees

9.1 Establishment; Reservation. The METRO Act shall control the establishment of right-of-way fees. The parties reserve their respective rights regarding the nature and amount of any fees which may be charged by Municipality in connection with the Public Right-of-Way.

10 Removal

10.1 Removal; Underground. As soon as practicable after the Term, Permittee or its successors and assigns shall remove any underground cable or other portions of the Telecommunication Facilities from the Public Right-of-Way which has been installed in such a manner that it can be removed without trenching or other opening of the Public Right-of-Way. Permittee shall not remove any underground cable or other portions of the Telecommunication Facilities which requires trenching or other opening of the Public Right-of-Way except with the prior written approval of Manager. All removals shall be at Permittee's sole cost and expense.

10.1.1 For purposes of this Part 10, "cable" means any wire, coaxial cable, fiber optic cable, feed wire or pull wire.

10.2 Removal; Above Ground. As soon as practicable after the Term, Permittee, or its successor or assigns at its sole cost and expense, shall, unless waived in writing by Manager, remove from the Public Right-of-Way all above ground elements of its Telecommunication Facilities, including but not limited to poles, pedestal mounted terminal boxes, and lines attached to or suspended from poles.

10.3 Schedule. The schedule and timing of removal shall be subject to approval by Manager. Unless extended by Manager, removal shall be completed not later than twelve (12) months following the Term. Portions of the Telecommunication Facilities in the Public Right-of-Way which are not removed within such time period shall be deemed abandoned and, at the option of Municipality exercised by written notice to Permittee as set forth in Part 12, title to the portions described in

such notice shall vest in Municipality.

11 Assignment. Permittee may assign or transfer its rights under this Permit, or the persons or entities controlling Permittee may change, in whole or in part, voluntarily, involuntarily, or by operation of law, including by merger or consolidation, change in the ownership or control of Permittee's business, or by other means, subject to the following:

11.1 No such transfer or assignment or change in the control of Permittee shall be effective under this Permit, without Municipality's prior approval (not to be unreasonably withheld), during the time period from the Date of Issuance until the completion of the construction of the Telecommunication Facilities in those portions of the Public Right-of-Way identified on Exhibit A.

11.2 After the completion of such construction, Permittee must provide notice to Municipality of such transfer, assignment or change in control no later than thirty (30) days after such occurrence; provided, however,

11.2.1 Any transferee or assignee of this Permit shall be qualified to perform under its terms and conditions and comply with applicable law; shall be subject to the obligations of this Permit, including responsibility for any defaults which occurred prior to the transfer or assignment; shall supply Municipality with the information required under Section 3.1; and shall comply with any updated insurance and performance bond requirements under Sections 6 and 8 respectively, which Municipality reasonably deems necessary, and

11.2.2 In the event of a change in control, it shall not be to an entity lacking the qualifications to assure Permittee's ability to perform under the terms and conditions of this Permit and comply with applicable law; and Permittee shall comply with any updated insurance and performance bond requirements under Sections 6 and 8 respectively, which Municipality reasonably deems necessary.

11.3 Permittee may grant a security interest in this Permit, its rights thereunder or the Telecommunication Facilities at any time without notifying Municipality.

12 Notices

12.1 Notices. All notices under this Permit shall be given as follows:

12.1.1 If to Municipality, to **City of Oak Park 14000 Oak Park Boulevard, Oak Park MI. 48237**

12.1.2 If to Permittee, to **Robert DiNardo (Regional General Manger & SVP), 32650 N. Avis Dr. Madison Heights MI 48071 Phone: 248-677-**

**9030 Fax: 248-677-9021 Email: Robert.dinardo@wowinc.com
with a Copy to **Kenny Parson (Executive Customer Advocate) 32650
North Avis Dr. Madison Heights MI 48071, Desk Phone(248) 677-9050
Cell Phone(586)405-6091 Fax(248)677-9021 Email
ken.parson@wideopenwest.com.****

12.2 Change of Address. Permittee and Municipality may change its address or personnel for the receipt of notices at any time by giving notice thereof to the other as set forth above.

13 Other items

13.1 No Cable, OVS. This Permit does not authorize Permittee to provide commercial cable type services to the public, such as “cable service” or the services of an “open video system operator” (as such terms are defined in the Federal Communications Act of 1934 and implementing regulations, currently 47 U.S.C. §§ 522 (6), 573 and 47 CFR § 76.1500).

13.2 Effectiveness. This Permit shall become effective when Permittee has provided any insurance certificates and bonds required in Parts 6 and 8, and signed the acknowledgement of receipt, below.

13.3 Authority. This Permit satisfies the requirement for a permit under Section 5 of the METRO Act [MCL 484.3105].

13.4 Interpretation and Severability. The provisions of this Permit shall be liberally construed to protect and preserve the peace, health, safety and welfare of the public, and should any provision or section of this Permit be held unconstitutional, invalid, overbroad or otherwise unenforceable, such determination/holding shall not be construed as affecting the validity of any of the remaining conditions of this Permit. If any provision in this Permit is found to be partially overbroad, unenforceable, or invalid, Permittee and Municipality may nevertheless enforce such provision to the extent permitted under applicable law.

13.5 Governing Law. This Permit shall be governed by the laws of the State of Michigan.

City of Oak Park

By: _____
Its: _____
Date: _____

Acknowledgement of Receipt: Permittee acknowledges receipt of this Permit granted by Municipality.

WideOpenWest Michigan, LLC

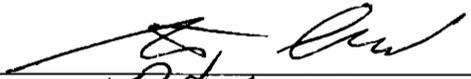
By: 
Its: IP & CM
Date: 10/12/15

Exhibit A

Public Right-of-Way to be Used by Telecommunication Facilities

See Attached



CITY OF OAK PARK

OFFICE OF THE CITY CLERK

Mayor
 Marian McClellan
Mayor Pro Tem
 Paul Levine
Council Members
 Michael Seligson
 Carolyn Burns
 Kiesha Speech

NAME: Wide Open West MI (now)
 ADDRESS: _____

(Highlight fee to be charged)

Day Care Registration	\$ 25.00
FOIA Request	\$ _____
Garage Sale Permit	\$ 5.00
Handbill - 1 day	\$ 10.00
Handbill - 1 week	\$ 25.00
Handbill - 3 months	\$ 50.00
Handbill - 1 year	\$ 100.00
Handbill - name change	\$ 10.00
Mechanical Amusement Distributor License	\$ 250.00
Mechanical Amusement Device License	
1 Machine	\$ 250.00
2 machines - \$200 per machine	\$ 400.00
3-4 machines - \$175.00 per machine	\$ _____
5-6 machines - \$150.00 per machine	\$ _____
7-10 machines - \$125.00 per machine	\$ _____
Notary Fee	\$ 5.00
Pawnbroker License	\$ 400.00
Precious Metals License	\$ 50.00
Sidewalk Sale	\$ 10.00
Special Event Fee	\$ 100.00
Tavern License -	
New On-Premises Consumption or transfer of owner	\$ 800.00
Adding additional owners (Per Owner)	\$ 200.00
Background Check (Per applicant)	\$ 75.00
Annual Renewal	\$ 250.00
Vendor License - Food	\$ 50.00
Vendor License - Taxi (Per Driver)	\$ 75.00
Vendor License Lawn Care / Snow Removal	\$ 50.00
Voter List	\$ _____
Other: <u>METRO ACT PERMIT FEE</u>	\$ <u>500.00</u>

N:\Cityclerk\2015 Receipt For Services.Doc

WIDEPENWEST MICHIGAN LLC 03-03
 32650 N AVIS DR.
 MADISON HEIGHTS, MI 48071

PAY TO THE ORDER OF City of Oak Park

Five hundred and 00/100

CHASE
 JPMorgan Chase Bank, N.A.
 www.chase.com

FOR Permit

⑆005000⑆ ⑆0?2000328⑆ 63696277⑆

DATE 12.13.2015

\$ 500.00

DOLLARS

9-32 14
720

5000

[Signature]

RESOLUTION REAFFIRMING THE CREATION OF THE
OAK PARK ARTS AND CULTURAL COMMISSION
AND INCREASING THE NUMBER OF COMMISSIONERS

WHEREAS, the Oak Park City Council recognizes the desirability and potential of providing the community with an advocate for the arts and aesthetics in City life; therefore, the Council resolves to create an advisory body **pursuant to Section 4.18. – Independent boards and commissions of the Home Rule Charter for the City of Oak Park** to be known as the Oak Park Arts and Cultural Commission; and

WHEREAS, the Oak Park Arts and Cultural Commission shall be created for the following purposes and functions:

- (A) The Commission shall act solely as an advisory commission to the City Council
- (B) The Commission shall consider, study and recommend plans for the development of city-wide cultural programs
- (C) The Commission shall promote, coordinate and develop the performing and creative arts with the objective of bringing together the arts and the community
- (D) The Commission shall make recommendations for programs for cultural opportunities and experiences for the citizens of Oak Park and further to facilitate communications with the Michigan Council for the Arts
- (E) The Commission shall investigate possibilities of obtaining grants to aid its programs and make recommendations on available resources to Council, who shall **request that the City Manager supervise City staff in the preparation of the necessary applications**; and

WHEREAS, the Oak Park Arts and Cultural Commission shall consist of **eleven (11)** members to be appointed by the Council. All appointments to the Commission shall be for three (3) year terms **expiring on February 28 pursuant to Sec. 2-244. – Terms of the Code of Ordinances of Oak Park, Michigan**. Vacancies on the Commission occurring before the expiration of any term shall be reported by the Commission to the Council and filled by appointment as set forth above. Members of the Commission shall be registered electors of the City of Oak Park upon appointment and remain so during the term of their office. **In addition to the eleven (11) Commission members, two (2) Councilmembers and a City staff liaison shall serve as non-voting members of the Commission**; and

WHEREAS, the Oak Park Arts and Cultural Commission shall not incur any expenses or create any obligation or liability upon the City. In the event any expenditure of City funds may be required in connection with the functioning of the Arts and Cultural Commission, prior approval of such expenditures shall first be obtained from the City Council; and

WHEREAS, **the Commission members shall by election appoint one of their members as Chairman** and other officers as the Commission as a whole deems necessary. The Commission shall adopt by-laws and rules of procedures, establish a method by which proper notice shall be given to members of the Commission and City Council regarding dates of meetings and various functions and decide upon the regularity of the Commission meetings.

NOW, THEREFORE, BE IT RESOLVED that the Oak Park City Council **reaffirms the creation** of the advisory body known as the Oak Park Arts and Cultural Commission **as described above.**



BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN

AGENDA OF: November 16, 2015 **AGENDA #**

SUBJECT: Approval of Mutual Release of Purchase Agreement and new Purchase Agreement for Neighborhood Stabilization Program (NSP) home to a qualified homebuyer according to HUD regulations.

DEPARTMENT: Technical & Planning Services, *RMB*

SUMMARY: Home Renewal Systems, the City's marketing and sales consultants for NSP homes, is reporting that Mr. Hall did not meet all HUD regulations for the purchase of a NSP home. HRS is further recommending the Mutual Release of Purchase Agreement with Mr. Hall and approval of a new Purchase Agreement with Mr. Issa for the following NSP home:

13211 Dartmouth Avenue \$82,000.00

RECOMMENDED ACTION: It is recommended that the Mutual Release of Purchase Agreement and new Purchase Agreement for 13211 Dartmouth Avenue be approved subject to the following:

- 1) Final approval of Mutual Release of Purchase Agreement, the new Purchase Agreement and Closing documents by the City Attorney as to form.
- 2) Final Sales Agreement home value meeting HUD regulations.
- 3) Homebuyers currently meeting and continuing to meet all HUD regulations for the purchase of NSP homes.

APPROVALS:

City Manager:

A handwritten signature in black ink, appearing to be "Curtis R.", written over a horizontal line.

Department Director:

A handwritten signature in black ink, appearing to be "RMB", written over a horizontal line.

Finance Director: _____

EXHIBITS: Purchase Agreement
Mutual Release of Purchase Agreement

PURCHASE AGREEMENT

MLS# 215084008

DATE 10/30/15

LISTING BROKER Home Renewal Realty, LLC SELLING BROKER Creative R E Agency Inc
LISTING AGENT Leonard B Goudy SELLING AGENT Diane Almaleh Mage
AGENT ID# 302267 OFFICE ID# 362518 AGENT ID# 371742 OFFICE ID# 357110
EMAIL LeonardG@homerenewalrealty.com EMAIL dianamago@yahoo.com

1. PROPERTY DESCRIPTION: The undersigned Buyer hereby offers and agrees to purchase Property located in Michigan, City/Township/Village of Oak Park County of Oakland Tax ID# 2529154003
Legal description FIN. R11E, SEC 29 HUNTINGTON FARMS SUB LOT 63
Also commonly known as 13211 DARTMOUTH ST Zip 48237

Property described above shall include all available sub surface and mineral rights, all fixtures, improvements and appurtenances now in or on Property, including all built-in appliances/equipment, shelving, cabinets, all lighting fixtures, ceiling fans, attached carpeting, all window treatments and hardware, attached mirrors, hard-wired telephone system and instruments designed for the system, television antennas, satellite dishes (if owned) and complete rotor equipment, storm doors, storm windows, screens, awnings, garage door openers and transmitters, water softeners and security systems (if owned), mailboxes, fences, fireplace inserts, doors, screens, gas logs, grates, gas attachments and equipment, attached humidifiers, all landscaping, fuel in tanks, central vacuum and attachments, and stove, refrigerator, dishwasher, micro-wave

Items specifically excluded in the Listing Agreement or MLS publication must be listed hereafter, or they will be deemed included in the sale:

F.I

2. PRICE: Buyer agrees to pay the sum of Eighty-Two Thousand Dollars (\$82,000.00) in consideration for which Seller will provide a warranty deed subject to existing building and use restrictions and easements and rights of way of record. COVENANT

3. METHOD OF PAYMENT: All money must be paid in U.S. funds by cashier's check, wired funds, or such other funds acceptable to the closing agent. Sale shall be completed by the following method: (Mark only the box that applies.)

- [] A. CASH SALE. Delivery of the Warranty Deed conveying marketable title and payment of the purchase price.
[X] B. CASH SALE WITH NEW MORTGAGE. Agreement contingent upon Buyer securing a FRA mortgage, not contingent upon sale or closing of other assets, in the amount of \$ and paying \$ down plus mortgage costs, prepaid items, adjustments and flood insurance (if required) by lender. Buyer agrees to apply for such mortgage at buyer's own expense within 5 calendar days from final acceptance of this Agreement. If a mortgage commitment conditioned only upon marketable title and satisfactory survey (if required) is not delivered to Listing Broker within 60 calendar days from date of agreement, the Seller may declare Agreement void. Buyer further agrees that in connection with application to lender, Buyer will promptly comply with lender's requirements and requests for true and accurate information required to process loan application.

[] C. SALE BY LAND CONTRACT/MORTGAGE ASSUMPTION/SELLER FINANCING. (See appropriate land contract financing addendum attached and made a part hereof.)

4. EARNEST MONEY DEPOSIT: Buyer is depositing with broker \$500.00 in the form of a check, money order, cashier's check or certified funds. An additional sum of \$0.00 shall be deposited within 0 calendar days of acceptance by Seller, making the total earnest money deposit \$500.00. Total sums deposited will be deemed the Earnest Money Deposit to be held in accordance with the laws of the State of Michigan and applied to the purchase price at closing. The Earnest Money Deposit shall be disbursed ONLY in accordance with either: (a) the terms hereof; (b) a fully executed mutual release; or (c) until a civil action has determined to whom the deposit must be paid. If offer made is not accepted by Seller, the Earnest Money Deposit shall be returned to Buyer.

5. ACKNOWLEDGEMENT OF EARNEST MONEY DEPOSIT: Received by: Reputation First Title Agency, LLC
Shannon Morgan

6. CLOSING: Subject to all conditions herein, closing shall take place on or before 01/01/16 at Listing Office or other mutually agreed-upon location. Seller shall pay all state and county transfer taxes and other costs required to convey clear title. Buyer shall not be deemed in default of this Agreement for any delay beyond the agreed upon

F.I Buyer's Initials

Seller's Initials



closing date due to reasons associated with Truth in Lending and/or federal disclosure requirements related to Buyer's Good Faith Estimate.

7. **POSSESSION:** Seller shall deliver possession to Buyer at closing or by 12:00 Noon 0 days after closing (closing to apply if no choice is made.) If possession is not delivered at closing, from and including day of closing, through date of vacating property, SELLER SHALL PAY the sum of \$ 0.00 per day. Designated escrow agent shall retain from amount due Seller the sum of 1 1/2 times daily fee, times total days for occupancy. Designated escrow agent shall disburse occupancy fee due Buyer every 30 days, upon written request from Buyer. Seller shall be entitled to any unused portion of occupancy fee as determined by date Property is vacated and keys surrendered to Buyer Listing Broker Selling Broker. Seller is legally obligated to deliver possession as specified herein. If Seller FAILS to deliver possession as specified herein, Seller shall pay TWICE the daily occupancy fee per day and may be liable for cost of eviction, actual attorney fees, damages and other costs incurred by Buyer in obtaining possession and collecting any amount due. Brokers have no obligation, implied or otherwise, as to condition of premises or for seeing that premises are vacated on date specified.
8. **AVAILABILITY OF HOME PROTECTION PLANS:** Buyer and Seller acknowledge having been advised of availability of home protection plans.
9. **SEWER AND WATER CHARGES:** Seller agrees to pay for all sewer and water charges to date of CLOSING POSSESSION (possession will apply if no choice has been made.) Designated escrow agent shall retain from amount due Seller at closing \$300.00, or more if needed for final water and sewer charges. After water and sewer bills are verified paid, any unused portion shall be returned to Seller.
10. **TITLE EVIDENCE AND SURVEY:** Seller agrees to order title insurance upon acceptance of offer and to furnish Buyer a commitment of Title Insurance to be issued without standard exceptions. Buyer to secure and pay for a survey, if required by the title company to remove the standard exceptions. After closing, a Policy of Title Insurance, at seller's sole cost, without standard exceptions will be issued in the amount of purchase price, bearing date of closing or later guaranteeing title in condition required for performance of Agreement. Title Commitment shall be "marked up" at closing insuring through date of recording.

Title Insurance has been recommended by the real estate broker(s).
11. **TITLE OBJECTIONS:** If objection to title is made, based upon written notice that title is not in the marketable condition required for performance hereunder, Seller shall have 30 calendar days from date notified in writing of particular defects claimed, to either: (a) remedy title; or (b) obtain title insurance satisfactory to Buyer. Buyer agrees to complete sale within 10 calendar days of written notification that the title has been remedied or by date specified in this Agreement if later. If Seller is unable or unwilling to remedy title within time specified, Buyer will waive requirement in writing within 10 calendar days of written notification thereof, or Agreement may be declared null and void at Buyer's option.
12. **TAXES:** All property taxes due and payable on or before date of closing shall be paid by Seller. Current taxes shall be prorated and adjusted as of date of closing in accordance with due date of municipality or taxing unit(s) in which Property is located. Buyer acknowledges that Property taxes are subject to change. If taxes are not paid in advance, see addendum made a part hereof. Seller shall pay transfer taxes and other costs required to convey title. Buyer shall pay all costs for recording the warranty deed.
13. **ASSESSMENTS:** Seller shall discharge in full all public authority charges confirmed by municipality or taxing unit(s) (special assessments, water, sewer, paving charges, etc.) which are currently due and payable. Buyer is responsible for other assessments including, but not limited to, capital and lateral charges (assessed, but value not yet determined) which are confirmed and become due and payable after closing.
14. **CONDOMINIUM/HOMEOWNERS ASSOCIATION ASSESSMENTS:** Current dues shall be prorated to date of closing. Any delinquent condominium/homeowner association dues/assessments/liens shall be paid by Seller at closing. Any and all dues/assessments/liens confirmed and becoming due and payable after closing will be paid by Buyer. (See Condominium Addendum made a part hereof if applicable)
15. **MAINTENANCE OF PROPERTY:** Seller is responsible for keeping Property in substantially the same condition as of date of Agreement. Seller is responsible to maintain grounds and keep all systems in working order until Property is vacated and keys are surrendered by Seller except for conditions disclosed in Seller's Disclosure Statement or conditions discovered by Buyer as part of inspections. In the event Property has been winterized, it shall be the obligation and expense of Seller to de-winterize Property prior to closing. Seller agrees to leave Property broom-clean and free of debris and personal property.
16. **UTILITIES:** Seller shall order final billings on all utilities (gas, electric, etc.) as of the day of possession and Seller shall pay final billings. Seller shall not direct any utilities to be disconnected. Buyer agrees to inform all utility companies of ownership and to assume and pay all billings from day of taking possession.
17. **RISK OF LOSS:** Seller is responsible for any damage to the Property, except for normal wear and tear until the closing or possession, whichever is later. If there is damage that Seller is unable or unwilling to repair or to arrange and pay to be repaired, Buyer has the option to cancel this Agreement and the Earnest Money Deposit shall be immediately refunded to Buyer or Buyer

FI
Buyer's Initials

Page 2 of 5

MLS # 215084008

Seller's Initials

This contract is for use by Realcomp subscribers. Use by any other party is illegal and voids the contract.

**Instant
Forms**

inspection(s). If Buyer notifies Seller, in writing and within specified time, that, in Buyer's sole judgment, Buyer is dissatisfied with results of due diligence, Buyer shall do one, or a combination, of the following within the contingency period stated above.

- A. Present to Seller an amendment for mutual agreement that cites a list of repairs and/or conditions to be remedied.
- B. Present to Seller an amendment for mutual agreement with a credit to be applied against the purchase price, and/or a price reduction, in full satisfaction of inspection contingency.
- C. Present to Seller a Notice of Dissatisfaction with due diligence which shall render Agreement null and void, in which case Seller agrees to authorize Broker to return all earnest monies to Buyer.
- D. In the event Seller and Buyer are unable to reach an Agreement to Buyer's proposals made under A or B, Buyer shall either elect to proceed with transaction by waiving this contingency in writing, or declare Agreement void by election of C within 3 calendar days of receipt of Seller's written responses to A or B above.

Buyer: Does _____ Does Not F.I. desire to have Property Inspection.
Buyer initials Buyer initials

- 27. **LIABILITY OF BUYER FOR DAMAGE:** Buyer shall be solely responsible for any and all damage to Property as a result of any and all inspection(s) of Property authorized by or conducted by Buyer. Buyer shall pay for any and all necessary repairs to restore Property to its condition prior to inspection(s) or shall reimburse Seller for actual cost of such restoration.
- 28. **MUNICIPAL INSPECTIONS:** If a municipal inspection and/or certification of premises are required by local ordinance, state or federal law, or Buyer's lending institution, Seller agrees to pay for inspections. Seller agrees to complete any and all repairs required by municipality, provided repairs do not exceed \$ 500.00. If Seller does not complete all repairs required by municipality, Buyer may assume the additional costs to complete repairs, or Buyer may declare this Agreement void.
- 29. **BUYER ACCEPTANCE OF CONDITION: AS IS CONDITION -** By closing this transaction, Buyer shall be deemed to have accepted the Property in "AS IS" condition and it shall be deemed by closing this transaction that Buyer is satisfied with the condition of the Property.
- 30. **TIME FOR LEGAL ACTION:** Buyer and Seller agree that any legal action against either party or against Broker(s) or their agents related to the condition of the Property or arising out of the provisions of this Agreement or any services rendered or not rendered must be brought within the shorter of (a) the time provided by law, or (b) one (1) year after the Closing, or be forever barred.
- 31. **SHOWINGS:** Seller agrees not to allow the Property to be shown after the inspection contingency is removed or has expired.
- 32. **FOREIGN INVESTMENT IN REAL PROPERTY TAX ACT (FIRPTA):** If the sale price of the Property exceeds \$300,000.00, the parties to this Agreement will be bound by FIRPTA requirements and must complete the addendum for FIRPTA.
- 33. This is a legal and binding document, and both Buyer and Seller acknowledge that they have been advised to consult an attorney to protect their interests in this transaction. Where the transaction involves financial and tax consequences, the parties acknowledge that they have been advised to seek the advice of their accountant or financial adviser.
- 34. **DISCLAIMER OF BROKER(S) AND RELEASE:** Broker(s) and Broker(s)' agents specifically disclaim responsibility for the condition of Property and/or for performance of Agreement by the parties. Parties acknowledge that they are not relying on any representation or warranties that may have been made other than those in writing, and the parties waive and release and relinquish any and all claims or causes of action against the Broker(s), their officers, directors, employees and/or their agents for the condition of the Property or the performance of this Agreement by the parties. Broker(s) and its agents are not experts in the areas of law, tax, financing, surveying, structural conditions, hazardous conditions, or engineering, and Buyer acknowledges that Buyer has been advised to seek professional advice from experts in these areas.
- 35. **FINAL WALK-THROUGH PRIOR TO CLOSING:** Buyer reserves the right to walk through Property within 48 hours prior to closing to determine whether terms of Agreement have been met.
- 36. **ENTIRE AGREEMENT:** This Agreement supersedes any and all understandings and agreements and constitutes the entire agreement between the parties and no oral representations or statements shall be considered a part hereof.
- 37. **TIME IS OF THE ESSENCE:** Buyer and Seller understand that no extensions of time limits contained herein are expected or agreed to unless specified in writing and signed by both Buyer and Seller. Time is of the essence.
- 38. **SUCCESSORS AND ASSIGNS:** This Agreement shall bind the personal representatives, administrators, successors and assigns of the parties.
- 39. **FACSIMILE/ELECTRONIC AUTHORITY:** As an Alternative to physical delivery, the parties agree that this Agreement, any amendment or modification of this agreement and/or any written notice of communication in connection with the agreement may be delivered to the Seller in care of the Listing Agent and the Buyer in care of the Seller Agent via electronic mail or by facsimile via the contact information set forth above. Any such communication shall be deemed delivered at the time it is sent or transmitted. Seller represents and warrants that an electronic email address has been provided to the Listing Agent from which

F.I.
Buyer initials

Seller may receive electronic mail. Buyer represents and warrants that an electronic email address has been provided to Selling Agent from which Buyer may receive electronic mail. The parties agree that the electronic signatures and initials shall be deemed to be valid and binding upon the parties as if the original signatures or initials were present in the documents in the handwriting of each party. All electronic means of signature or initials by any party must be accompanied with a certificate.

40. **MISCELLANEOUS:**

- A. **Amendment:** The parties agree that this Agreement may not be altered, amended, modified, or otherwise changed, except by a duly executed written agreement between the parties.
- B. **Headings:** The headings contained in this Agreement are for reference purposes only and shall not affect in any way the meaning or interpretation of this Agreement.
- C. **Grammar and Syntax:** The grammar and syntax used in this Agreement shall be construed to give proper meaning and consistency to its content. Thus, "or" means "and/or," the singular may be construed to include the plural, the plural the singular, and the use of any gender or tense may be construed to include all genders and tenses.
- D. **Governing Law:** This Agreement shall be governed by and construed according to the laws of the State of Michigan, the state in which the Property is located.

41. **OTHER TERMS AND CONDITIONS:**

This home is part of the City Of Oak Park's Neighborhood Stabilization Program. Buyer must meet affordability and eligibility guidelines as determined by HUD. Buyer must receive 8 hours counseling through Oakland County. Buyer can get up to \$20,000.00 down payment assistance once all qualifications are met.

BUYER SIGNATURE AND ACKNOWLEDGMENT OF RECEIPT: Buyer hereby makes this offer with terms and conditions contained herein and acknowledges receiving a copy of this Agreement.

BUYER Falah Issa BUYER Falah Issa
Please Print Signature

BUYER _____ BUYER _____
Please Print Signature

WITNESS [Signature] DATE 10/30/2015

SELLER SIGNATURE: Seller hereby agrees to terms and conditions contained herein. Seller acknowledges receiving a copy of this Agreement.

SELLER _____ SELLER _____
Please Print Signature

SELLER _____ SELLER _____
Please Print Signature

WITNESS _____ DATE _____

BUYER ACKNOWLEDGMENT OF ACCEPTANCE: Buyer's signature below acknowledges receipt of Seller's signed acceptance of this Agreement and constitutes a final acceptance of Seller's counteroffer (if any changes were made by the Seller, thereby making this Agreement a counteroffer).

BUYER Falah Issa BUYER _____
Please Print Signature

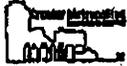
BUYER _____ BUYER _____
Please Print Signature

WITNESS _____ DATE _____

DISCLAIMER: This form is provided as a service of the Greater Metropolitan Association of REALTORS® to its members. Those who use this form are expected to review both the form and details of this particular transaction to ensure that each provision of this form is appropriate for the transaction. The Greater Metropolitan Association of REALTORS® is not responsible for the use or misuse of this form, for misrepresentation, or warranties made in connection with this form.

MLS # 215084008





MUTUAL RELEASE OF PURCHASE AGREEMENT



The UNDERSIGNED Buyers, Sellers and Brokers, individually and collectively, parties to a certain purchase agreement dated September 23rd 2015 for the sale of property described as _____

T1N, R11E, SEC 29 HUNTINGTON FARMS SUB LOT 63

and more commonly known as 13211 Dartmouth Street
Oak Park, Michigan 48237

In consideration of the mutual undertakings set forth herein, each for himself and for his heirs, executors, administrators, successors and assigns, agree to and do hereby mutually release and discharge any and all claims, actions, causes of action, suits, debts, sums of money, accounts or demands, arising from or by virtue of said purchase agreement and the said parties further acknowledge and agree to the disbursement of the sum of One Hundred Dollars (\$ 100.00) deposited in escrow in accordance with the laws of the State of Michigan and pursuant to said purchase agreement as follows:

<u>Robert Hall</u>	\$	<u>100.00</u>
BUYER		
_____	\$	<u>0.00</u>
SELLER		
<u>Home Renewal Realty, LLC</u>	\$	<u>0.00</u>
LISTING BROKER		
<u>Home Renewal Realty, LLC</u>	\$	<u>0.00</u>
SELLING BROKER		

IN THE PRESENCE OF:

[Signature]
WITNESS Leonard Goudy DATE _____

WITNESS _____ DATE _____

[Signature] (L.S.)
BUYER Robert Hall

_____ (L.S.)
BUYER

_____ (L.S.)
SELLER

_____ (L.S.)
SELLER

[Signature] (L.S.)
LISTING BROKER
Home Renewal Realty, LLC

_____ (L.S.)
FIRM

[Signature] (L.S.)
SELLING BROKER
Home Renewal Realty, LLC

_____ (L.S.)
FIRM

Revised 11/98



BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN

AGENDA OF: November 16, 2015

AGENDA #

SUBJECT: Update on Tax Foreclosed Properties**DEPARTMENT:** Community & Economic Development

SUMMARY: Global Realty purchased all commercial and residential properties received through tax foreclosure. To date, a majority of the homes that were purchased will be completed by the end of November. Global Realty will make a presentation on their progress.

The tenants in the three commercial buildings have been retained and many new businesses have expressed interest in renting the additional available space.

FINANCIAL STATEMENT: None**RECOMMENDED ACTION:** None**APPROVALS:**

City Manager: _____

Director: _____

Finance Director: _____

EXHIBITS:

PARCEL ID	ADDRESS	CITY	
25-19-233-025	13670 TALBOT	OAK PARK	Exterior clean up and landscaping completed. Interior renovation started and will be complete by November 27th. New driveway going in now.
25-9-352-019	13380 WOODVALE	OAK PARK	Exterior clean up and landscaping completed. Interior renovation started and will be complete by November 27th. New driveway going in now. New roof and windows installed.
25-29-478-017	23040 MAJESTIC	OAK PARK	Exterior clean up and landscaping completed. Interior renovation started and will be complete by November 27th. New driveway going in now. New roof installed.
25-30-204-016	24670 CLOVERLAWN	OAK PARK	Exterior clean up and landscaping completed. Interior renovation started and will be complete by November 27th. Sanitary sewer line replaced. New driveway going in now.
25-31-101-018	22141 BEVERLY	OAK PARK	Exterior clean up and landscaping completed. House was fire damaged and interior renovations are started. New driveway. New roof with new truss', new windows.
25-31-275-075	21921 COOLIDGE HWY	OAK PARK	Mold and fire restoration is started. New driveway. New roof with new truss', new windows.
25-32-129-008	22170 CONDON	OAK PARK	Exterior clean up and landscaping completed. Interior renovation started and will be complete by November 27th. Exterior clean up and landscaping completed. Interior renovation started and will be complete by November 27th.
25-32-151-033	13240 CAPITAL STE A	OAK PARK	New driveway going in now. New roof installed.
25-32-151-034	13200 CAPITAL	OAK PARK	Exterior clean up and landscaping completed. Cleaned up parking lot and had all old cars and trash removed. Exterior of building has been painted. Parking lot has been refinished. Roof has been ordered for area over office space.
			Exterior clean up and landscaping completed. Cleaned up parking lot and had all old cars and trash removed. Exterior painting of building is being completed now. Resurfacing of parking lot is scheduled.



BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN

AGENDA OF: November 16, 2015

AGENDA #

SUBJECT: Recommendation of Planning Commission for Pay Beny Pawn Shop, 21380 Greenfield, Special Land Use.

DEPARTMENT: Community & Economic Development, Planning Division

SUMMARY: At the November 9, 2015 meeting, the Planning Commission conducted a Public Hearing on a Special Land use request by Pay Beny Inc., for a pawn shop at 21380 Greenfield. The Planning Commission voted to recommend to the City Council approval of the Special Land Use and Final Site Plan with conditions.

RECOMMENDED ACTION: The City Council consider accepting the recommendation of the Planning Commission for approval of the Special Land Use and Final Site Plan for a pawn shop for Pay Beny Inc., 21380 Greenfield, subject to the following conditions:

- 1) All outdoor lighting will be properly shielded so it does not create a nuisance to traffic or the nearby residential areas.
- 2) If conditions change and a dumpster becomes necessary, the dumpster will need to be screened according to the requirements of the Zoning Ordinance.
- 3) Any future roof top or ground level equipment must be screened as required by the Zoning Ordinance.
- 4) Termination of the pawn shop functions at 21700 Greenfield once all the necessary approvals for the location at 21380 Greenfield are completed.

APPROVALS:

City Manager: *[Signature]*

Director: *[Signature]*

Finance Director: _____

EXHIBITS: Memorandum.



CITY OF OAK PARK

DEPARTMENT OF COMMUNITY &
ECONOMIC DEVELOPMENT

MEMORANDUM

TO: Planning Commission members DATE: November 3, 2015
FROM: Kevin Rulkowski, AICP, City Planner FILE: Planning/PayBenySLU
SUBJECT: Special Land Use Public Hearing, Pay Beny Pawn Shop, 21380 Greenfield

A Public Hearing is scheduled for the November Planning Commission meeting to receive public comments on a request submitted by Pay Beny Inc., for Special Land Use approval for a pawn shop at 21380 Greenfield. The Planning Commission approved the current location of Pay Beny pawn shop at 21700 Greenfield through a Special Land Use process in January of 2012. The applicant would like to move the pawn shop function from 21700 Greenfield to the location at 21380 Greenfield.

In February of this year the Planning Commission held a Public Hearing on this request and tabled action pending a report from the Department of Public Safety on crime associated with the business. Attached is the original February 17th Public Safety Report and an updated report encompassing both business locations for 2015. Also attached is an excerpt from a paper (Markets for Stolen Property: Pawnshops and Crime, Thomas J. Miles) provided by Ken Nanda, K. J. Management, LLC to the Planning Commission at that time.

Shortly before the March Planning Commission meeting it was brought to the City's attention that the method used in determining the amount of residential near the pawn shop was not calculated by staff according to the Special Land Use requirements. Because the amount of residential building and structures exceed 30% in the area around the pawn shop, a petition of the adjacent residents was in fact required as a condition of the Special Land Use. No action was taken by the Planning Commission at the March Planning Commission.

In June of this year Pay Beny submitted an application to begin the petition process for a waiver (as outlined in Section 1929 C of the Zoning Ordinance) from the Zoning Board of Appeals. The petitions for the waiver request were prepared by the City Clerk's office and reviewed by the City Attorney. The Zoning Board of Appeals held a Public Hearing on October 27th to review a petition submitted by Pay Beny Inc. The Zoning Board of Appeals determined a satisfactory number of signatures were collected and granted Pay Beny Inc. a waiver as required as a condition of the Special Land Use.

The Special Land Use section of the Zoning Ordinance (Article XIX) requires the proposed use for a Pawn Shop to meet a number of general standards (Section 1900) as well as use specific standards for Regulated Uses (Section 1929).

Section 1900 General Standards:

- A. The proposed special land use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and/or vicinity and applicable regulations of the zoning district in which it is to be located.
- B. The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location of and access to off-street parking, and provisions for pedestrian safety.
- C. The location, size, intensity, site layout and periods of operation of any such proposed use shall be designed to eliminate any possible nuisance emanating therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights.
- D. The proposed use shall be such that the proposed location and height of building or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.
- E. The proposed use shall relate harmoniously with the physical and economic aspects of adjacent land uses as regards to prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the city.
- F. The proposed use is necessary for the public convenience at the proposed location.
- G. The proposed use is designed, located, planned and to be operated that the public health, safety and welfare will be protected.

The Planning Division finds that the information contained in the application package and on the Site Plan satisfactorily meets the eight general standards identified in Section 1900 Special Land Uses in the Zoning Ordinance.

Section 1929 Regulated Uses

- B. *Requirements.* All proposed regulated uses shall conform to the following requirements:
 - 1. The proposed regulated use is not located within 1,000 feet of any other regulated use, regardless of community boundaries. Establishments with SDD and SDM licenses from the

Michigan Liquor Control Commission, greater than 10,000 square feet of gross floor area, and devoting less than ten percent of the gross floor area to sales regulated by the SDD and SDM license, are exempt from the spacing requirement between regulated uses.

2. The proposed regulated use is not located within 500 feet of a school, park, or place of worship, regardless of community boundaries. Establishments with SDM licenses from the Michigan Liquor Control Commission, greater than 10,000 square feet of gross floor area, and devoting less than ten percent of the gross floor area to sales regulated by the SDM license, are exempt from this spacing requirement.
3. The layout of the site of the proposed regulated use and its relationship to streets providing access to the site shall be in a manner that vehicular and pedestrian traffic to and from such proposed regulated use and the potential assembly of persons connected therewith, will not be hazardous, endangering, or inconvenient to the surrounding neighborhood and commercial district.
4. The proposed regulated use will be compatible with adjacent uses of land, considering the proximity of residential dwellings, churches, schools, public structures, and other places of public gatherings.
5. The proposed regulated use will not be contrary to the public interest or injurious to nearby properties.
6. The proposed regulated use will not have the possible effect of downgrading and blighting the surrounding neighborhood.
7. The proposed regulated use will not be contrary to any program of neighborhood conservation, nor will it interfere with any redevelopment projects.
8. The proposed regulated use will not reasonably be expected to diminish the value of properties in the immediate area.
9. The proposed regulated use will be in compliance with all other applicable regulations, City Codes and state and federal laws.

C. *Pawnbroker and pawnshops and residential areas.*

No pawnbroker or pawnshop use shall be located on a parcel of land which is located such that a radius of 1,000 feet drawn from any point on that parcel contains at least 30 percent residential buildings, dwellings or rooming units of the total number of structures within such radius. This provision may be waived by the zoning board of appeals upon receiving a petition filed by the appellant which indicated approval of the proposed regulated use by 51 percent of all the adults residing within a radius of 1,000 feet of the location of the proposed use.

1. *Petition preparation.* The petitioner shall attempt to contact all adult residents within this radius and shall maintain a list of all addresses at which no contact was made or only a verbal response received. Signatures of a minimum of 51 percent of all the adult residents of the area are required for approval.

2. *Regulations of board.* The zoning board of appeals shall adopt rules and regulations governing the procedure for securing the petition of consent as provided for in this section. The rules shall provide that the circulator of the petition shall subscribe to an affidavit to the fact that the petition was circulated in accordance with the rules of the zoning board of appeals and that the circulator personally witnessed the signatures on the petition by the person whose name appeared therein.

3. *Filing and verification.* The zoning board of appeals shall not consider the waiver of location requirements until the above-described petition shall have been filed and verified.

The proposed location of the Pawn Shop meets the specific spacing requirements of Section 1929 B, 1 and 2. The applicant has also met the additional residential spacing requirement identified in Section 1929 C by collecting a satisfactory number of signatures in a petition prepared by the City and receiving a waiver from the Zoning Board of Appeals on October 27, 2015. The proposed location of the Pawn Shop on a stand-alone parcel on Greenfield Road would be satisfactorily compatible with the commercial uses permitted in the surrounding B-2, General Business District along Greenfield Road.

The Planning Division finds the submitted information demonstrates that the proposed Pawn Shop satisfactorily meets use specific standards for Regulated Uses (Section 1929).

Site Plan Review

The Planning Division has received a Final Site Plan to incorporate a pawn shop function into an existing e-bay store and electronics retailer (also called Pay Beny). Prior to the most recent renovation of the building early this year, the former office building (3,239 square feet) had been vacant for a number of years and before that it was used as a dentist office. The building was constructed in 1958. The rear property line is adjacent to a public alley. The property is zoned B-2, General Business District and the Zoning Ordinance permits retail uses such as pawn shops as a Special Land Use.

The Site Plan shows seven parking spaces and a loading zone on site. The Zoning Ordinance minimum parking space requirement is met using a hybrid calculation of retail (one space per 150 sq. ft.) for the sales area (846 sq. ft.) and household equipment/showroom (one space per 800 sq. ft.) for the remainder of the building (1620 sq. ft.). The parking is provided in two areas one in front (four spaces) of the building and one in the rear of the building (three spaces). The rear parking area is accessed by way of a public alley.

Due to the fact there is another commercial property between the applicant's site and the nearby multi-family residential area; there is no requirement for a screen wall. However, there is existing vegetation along the City alley at the rear of the applicant's property that during most of the year effectively screens the rear parking area and the back of the building.

No building or on-site outdoor lighting is indicated on the Site Plan. A condition should be included that all outdoor lighting will be properly shielded so it does not create a nuisance to traffic or the nearby residential areas.

There is no indication on the Site Plan of the method of waste removal. It is anticipated the use will generate little waste. If conditions change in the future and a dumpster becomes necessary, the dumpster will need to be screened according to the requirements of the Zoning Ordinance.

Although it is not indicated on the Site Plan the existing landscaping along the north side of the building will be retained. This area includes a grass lawn and mature-growth shrubs.

There is no indication on the elevation or Site Plan of any proposed rooftop or ground equipment. Any new ground or rooftop equipment will need to be screened as required by the Zoning Ordinance

Based on the above considerations the Planning Division has determined that the Final Site Plan meets the minimum Zoning Ordinance requirements, with the following conditions:

- 1) All outdoor lighting will be properly shielded so it does not create a nuisance to traffic or the nearby residential areas.
- 2) If conditions change and a dumpster becomes necessary, the dumpster will need to be screened according to the requirements of the Zoning Ordinance.
- 3) Any future roof top or ground level equipment must be screened as required by the Zoning Ordinance.
- 4) Termination of the pawn shop functions at 21700 Greenfield once all the necessary approvals for the location at 21380 Greenfield are completed.

It is the recommendation of the Planning Division to approve the Special Land Use and Site Plan for a Pawn Shop use at 21380 Greenfield.



BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN

AGENDA OF: November 16, 2015

AGENDA #

SUBJECT: Recommendation of Planning Commission for Tai Fai Restaurant, 8505 Nine Mile Road, Special Land Use (Restaurant that serves alcoholic liquor).

DEPARTMENT: Community & Economic Development, Planning Division

SUMMARY: At the November 9, 2015 meeting, the Planning Commission conducted a Public Hearing on a Special Land use request for Tai Fai Restaurant, 8505 Nine Mile Road, for a restaurant that serves alcoholic liquor. The Planning Commission voted to recommend to the City Council approval of the Special Land Use and Final Site Plan with conditions.

RECOMMENDED ACTION: The City Council consider accepting the recommendation of the Planning Commission for approval of the Special Land Use (Restaurant that serves alcoholic liquor) and Site Plan for Tai Fai Restaurant, 8505 Nine Mile Road, subject to the following conditions:

- 1) The proprietor shall make available a varied menu of food items consisting of not less than ten such food items cooked or prepared on the premises.
- 2) During any 90-day period, no more than 50 percent of the gross revenues of the establishment shall be derived from the sale of beer and wine (and alcoholic liquor). Admission charges or cover charges which exceed ten percent of the establishment's gross revenues shall be considered as derived from the sale of beer and wine (and alcoholic liquor) for purposes of determining the percentage of sales of beer and wine. Sales of food or beer and wine to hotel or motel guests for consumption within their private rooms shall not be considered in determining the percentage ratio of sales of beer and wine (and alcoholic liquor).
- 3) Restaurants, serving beer or wine (and alcoholic liquor) are required to stop serving alcoholic beverages no later than 12:00 a.m. (midnight), and otherwise operate consistent with the hours established by the Liquor Control Commission for such establishments.

APPROVALS:

City Manager: _____

Director: _____

Finance Director: _____

EXHIBITS: Memorandum, Site Plan.



CITY OF OAK PARK

DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT

MEMORANDUM

TO: Planning Commission members DATE: November 3, 2015
FROM: Kevin Rulkowski, AICP, City Planner FILE: Planning/Tai Fai
Rest SLURPT1511
SUBJECT: Special Land Use Public Hearing, Tai Fai Restaurant, 8505 Nine Mile
Road.

A Public Hearing is scheduled for the November Planning Commission meeting to receive public comments and review the request of Tai Fai Restaurant, 8505 Nine Mile Road, for approval of a restaurant that serves alcoholic liquor. Tai Fai currently occupies one tenant space (approximately 1,200 square feet) in a four unit shopping center. Their proposal is to expand into two additional tenant spaces to the west and change from a carry-out to a full service restaurant. They are requesting to provide alcoholic liquor (beer, wine and alcoholic spirits by the glass) which by virtue of the election early in the year, is now permitted.

The Special Land Use section of the Zoning Ordinance (Article XIX) requires the proposed use for a Restaurant that serves Beer and Wine (and alcoholic liquor) to meet a number of general standards (Section 1900) as well as use specific standards for Restaurants Serving Beer or Wine (and alcoholic liquor) (Section 1930).

Section 1900 General Standards:

- A. The proposed special land use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and/or vicinity and applicable regulations of the zoning district in which it is to be located.
- B. The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location of and access to off-street parking, and provisions for pedestrian safety.

- C. The location, size, intensity, site layout and periods of operation of any such proposed use shall be designed to eliminate any possible nuisance emanating therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights.
- D. The proposed use shall be such that the proposed location and height of building or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.
- E. The proposed use shall relate harmoniously with the physical and economic aspects of adjacent land uses as regards to prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the city.
- F. The proposed use is necessary for the public convenience at the proposed location.
- G. The proposed use is designed, located, planned and to be operated that the public health, safety and welfare will be protected.
- H. The proposed use shall not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or other permitted land uses in the zoning district.

The Planning Division finds that the information contained in the application package and on the Site Plan satisfactorily meets the eight general standards identified in Section 1900 Special Land Uses in the Zoning Ordinance.

Section 1930 Restaurants Serving Beer or Wine (and alcoholic liquor).

Restaurants, serving beer or wine (and alcoholic liquor) may be permitted in certain districts specified in this ordinance, if the establishment is continually operated according to the following requirements and performance standards:

- A. There shall at all times be maintained and provided culinary facilities to cook or prepare food, and tables and seating areas to accommodate dining on the premises by not fewer than 40 patrons at any time.
- B. The proprietor shall make available a varied menu of food items consisting of not less than ten such food items cooked or prepared on the premises.
- C. Not more than 50 percent of the gross floor area open to the general public shall be used for purposes other than seating for diners, consisting of tables, chairs, booths, and necessary aisle ways. Public restroom facilities shall not be considered in this determination.

- D. During any 90-day period, no more than 50 percent of the gross revenues of the establishment shall be derived from the sale of beer and wine (and alcoholic liquor). Admission charges or cover charges which exceed ten percent of the establishment's gross revenues shall be considered as derived from the sale of beer and wine (and alcoholic liquor) for purposes of determining the percentage of sales of beer and wine. Sales of food or beer and wine (and alcoholic liquor) to hotel or motel guests for consumption within their private rooms shall not be considered in determining the percentage ratio of sales of beer and wine (and alcoholic liquor).
- E. Restaurants, serving beer or wine (and alcoholic liquor) are required to stop serving alcoholic beverages no later than 12:00 a.m. (midnight), and otherwise operate consistent with the hours established by the Liquor Control Commission for such establishments.
- F. The proposed restaurant, serving beer or wine (and alcoholic liquor) is not located within 500 feet of a school, park, or place of worship, regardless of community boundaries. Measurement of distances between restaurants, serving beer and wine (and alcoholic liquor) and a school, park, or place of worship shall be from the outermost boundaries of the parcel or lot of each use.
- G. The layout of the site of the proposed restaurant, serving beer or wine (and alcoholic liquor) and its relationship to streets providing access to the site shall be in a manner that vehicular and pedestrian traffic to and from the proposed restaurant, serving beer or wine (and alcoholic liquor) and the potential assembly of persons connected therewith, will not be hazardous, endangering, or inconvenient to the surrounding neighborhood and commercial district.
- H. The proposed restaurant, serving beer or wine (and alcoholic liquor) will be compatible with adjacent uses of land, considering the proximity of residential dwellings, churches, schools, public structures, and other places of public gatherings.
- I. The proposed restaurant, serving beer or wine (and alcoholic liquor) will not be contrary to the public interest or injurious to nearby properties.
- J. The proposed restaurant, serving beer or wine (and alcoholic liquor) will not have the possible effect of downgrading and blighting the surrounding neighborhood.
- K. The proposed restaurant, serving beer or wine (and alcoholic liquor) will not reasonably be expected to diminish the value of properties in the immediate area.

Specific standards findings:

- a) The location of the Tai Fai Restaurant, 8505 Nine Mile Road, meets the specific spacing requirements of Section 1930 F and is not located within 500 feet of a school, park, or place of worship.
- b) The proposed interior layout of the Tai Fai Restaurant accommodates 56 patrons as indicated on the submitted floor plan.

- c) Not more than 50 percent of the gross floor area open to the general public is used for purposes other than seating for diners, consisting of tables, chairs, booths, and necessary aisle ways.

The Planning Division finds the submitted information demonstrates the Tai Fai Restaurant, 8505 Nine Mile Road, that is proposing to serve beer and wine (and alcoholic liquor) satisfactorily meets the specific standards for Restaurants Serving Beer or Wine (and alcoholic liquor) (Section 1930).

It is the recommendation of the Planning Division to approve the Special Land Use and Site Plan for Tai Fai Restaurant, 8505 Nine Mile Road, as a restaurant serving beer and wine (and alcoholic liquor) with the following conditions:

- 1) The proprietor shall make available a varied menu of food items consisting of not less than ten such food items cooked or prepared on the premises.
- 2) During any 90-day period, no more than 50 percent of the gross revenues of the establishment shall be derived from the sale of beer and wine (and alcoholic liquor). Admission charges or cover charges which exceed ten percent of the establishment's gross revenues shall be considered as derived from the sale of beer and wine (and alcoholic liquor) for purposes of determining the percentage of sales of beer and wine. Sales of food or beer and wine to hotel or motel guests for consumption within their private rooms shall not be considered in determining the percentage ratio of sales of beer and wine (and alcoholic liquor).
- 3) Restaurants, serving beer or wine (and alcoholic liquor) are required to stop serving alcoholic beverages no later than 12:00 a.m. (midnight), and otherwise operate consistent with the hours established by the Liquor Control Commission for such establishments.