

# Oak Park

# City Council Agenda

November 21, 2016





**AGENDA**  
**REGULAR CITY COUNCIL MEETING**  
**36<sup>th</sup> CITY COUNCIL**  
**OAK PARK, MICHIGAN**  
**November 21, 2016**  
**7:00 PM**

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**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 7, 2016
- B. Corridor Improvement Authority Board Meeting Minutes of August 18, 2016
- C. Public Safety Activity Summary Report for September 2016
- D. Request to advertise for bids for the 2017 Janitorial Services Contract, M-662
- E. Request to advertise for bids for the 2017 Lawn Maintenance Project, M-660
- F. Payment of invoices from Orchard, Hiltz & McCliment (OHM) for CE Oak Park Blvd./ Lincoln Rehab, and Traffic Signal Optimization in the total amount of \$62,591.77
- G. Request to cancel the regularly scheduled Zoning Board of Appeals Meeting of November 22, 2016
- H. Licenses - New and Renewals as submitted for November 21, 2016

**6. RECOGNITION OF VISITING ELECTED OFFICIALS**

**7. SPECIAL RECOGNITION/PRESENTATIONS:** None

**8. PUBLIC HEARINGS:**

- A. Public Hearing to receive public comment on the allocation of the 2017 Community Development Block Grant Funds
- B. Resolution approving the recommended allocations of the 2017 Community Development Block Grant Funds and authorizing the Mayor to sign the Subrecipient Agreement on behalf of the City

**9. COMMUNICATIONS:** None

**10. SPECIAL LICENSES:** None

**11. ACCOUNTING REPORTS:**

- A. Approval for payment of invoices submitted by Garan, Lucow, Miller, P.C. for legal services in the total amount of \$16,745.19
- B. Approval for payment of an invoice submitted by Secrest, Wardle, Lynch, Hampton, Truex & Morley for legal services in the amount of \$2,352.00

**12. BIDS:** None

**13. ORDINANCES:**

- A. Second reading and adoption of an ordinance to amend Section 2-354, Meetings, of Division 8, Ethnic Advisory Commission, of Article III, Boards and Commissions, of Chapter 2, Administration, of The Code of Ordinances of the City Of Oak Park, thereby changing the time for monthly commission meetings from 7:30 P.M. To 7:00 P.M.
- B. Second reading and adoption of a proposed text amendment to the City of Oak Park Zoning Ordinance, Article II Definitions, Sec. 201; Article IV One Family Dwelling District, Sec. 401 Permitted Uses & Sec. 403 Required Conditions; Article V Two Family Dwelling District, Sec. 503 Required Conditions; Article VI Multi-Family Residential District, Sec. 603 Required Conditions. (The proposed text amendments would eliminate boarding houses and bed & breakfasts, prohibit parking and storage in open areas, and limit impervious areas in residential districts)
- C. Second reading and adoption of a proposed ordinance to amend the City's Official Zoning District Map to rezone 13200 Oak Park Boulevard, from R-1, One Family Dwelling District to RM-1, Low-Rise Multi-Family Residential District

**14. CITY ATTORNEY**

**15. CITY MANAGER:**

**Community and Economic Development**

- A. Request to accept the recommendation of the Planning Commission and approve the Final Site Plan for Best Friends Child Care, 8430 Nine Mile Road, subject to conditions
- B. Request to accept the recommendation of the Planning Commission and adopt a six month moratorium on the approval and issuance of any Vehicle Dealer Licenses in the City

**Recreation**

- C. Authorization for the Recreation Department to enter into an agreement with Suburban Mobility Authority for Regional Transportation (SMART) for Municipal and Community Credits
- D. Recap of Boo Bash Event

**Public Works**

- E. Proposal from French Associates, Inc. to perform architectural services for the renovation of Court Room 1 for the total amount of \$15,625.00 subject to final review by the City Attorney

**Finance**

- F. Quarterly Investment Report for period ending 9/30/16

**Public Safety**

- G. Contract for the purchase of Next Generation 9-1-1 Equipment and Services

**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**  
**36<sup>th</sup> OAK PARK CITY COUNCIL**  
**November 7, 2016**  
**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, Mayor Pro Tem Burns, Council Member Radner, Council Member Rich

**ABSENT:** Council Member Speech (Excused due to illness)

**OTHERS**

**PRESENT:** City Manager Tungate, Assistant to the City Manager McLain, City Attorney Duff

**APPROVAL OF AGENDA:**

**CM-11-355-16 (AGENDA ITEM #4) ADOPTION OF THE AGENDA AS SUBMITTED – APPROVED**

Motion by Burns, seconded by Radner, CARRIED UNANIMOUSLY, to approve the agenda as submitted.

Voice Vote:	Yes:	McClellan, Burns, Radner, Rich,
	No:	None
	Absent:	Speech

**MOTION DECLARED ADOPTED**

**CONSENT AGENDA:**

**CM-11-356-16 (AGENDA ITEM #5A-M) CONSENT AGENDA - APPROVED**

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

- A. Regular Council Meeting Minutes of October 6, 2016 **CM-11-357-16**
- B. Special Council Meeting Minutes of October 6, 2016 **CM-11-358-16**
- C. Regular Council Meeting Minutes of October 17, 2016 **CM-11-359-16**
- D. Ethnic Advisory Commission Meeting Minutes of August 11, 2016  
**CM-11-360-16**
- E. Request to advertise for bids for the 2016 Code Ordered Tree Removal Project, M-657 **CM-11-361-16**
- F. Emergency Services Council Meeting Minutes of February 12, 2016  
**CM-11-362-16**
- G. Payment Application No. 2 in the amount of \$244,470.16 to Pro-Line Paving Corp. for the Scotia Resurfacing Project, M-642 **CM-11-363-16**



**PUBLIC HEARINGS:** None

**COMMUNICATIONS:** None

**SPECIAL LICENSES:** None

**ACCOUNTING REPORTS:**

**CM-11-370-16 (AGENDA ITEM #11A) APPROVAL FOR PAYMENT OF INVOICES SUBMITTED BY GARAN, LUCOW, MILLER, P.C. FOR LEGAL SERVICES IN THE TOTAL AMOUNT OF \$14,927.21 - APPROVED**

Motion by Radner seconded by Rich, CARRIED UNANIMOUSLY, to approve payment of invoices #465053, #465054, #465055, #465056 submitted by Garan Lucow Miller P.C. for legal services in the total amount of \$14,927.21.

Roll Call Vote:	Yes:	McClellan, Burns, Radner, Rich
	No:	None
	Absent:	Speech

**MOTION DECLARED ADOPTED**

**CM-11-371-16 (AGENDA ITEM #11B) APPROVAL FOR PAYMENT OF AN INVOICE SUBMITTED BY SECREST, WARDLE, LYNCH, HAMPTON, TRUEX & MORLEY FOR LEGAL SERVICES IN THE TOTAL AMOUNT OF \$3,952.40 - APPROVED**

Motion by Rich, seconded by Radner, CARRIED UNANIMOUSLY, to approve payment of invoice #1295695 submitted by Secrest, Wardle, Lynch, Hampton, Truex & Morley for legal services in the amount of \$3,952.40.

Roll Call Vote:	Yes:	McClellan, Burns, Radner, Rich
	No:	None
	Absent:	Speech

**MOTION DECLARED ADOPTED**

**BIDS:** None

**ORDINANCES:**

**CM-11-372-16 (AGENDA ITEM #13A) SECOND READING AND ADOPTION OF AN ORDINANCE TO AMEND CHAPTER 22, BUSINESSES, BY ADDING A NEW ARTICLE XIV, SMOKING LOUNGES, TO LICENSE AND REGULATE SMOKING LOUNGES AND FACILITIES COMMONLY DESCRIBED AS TOBACCO RETAIL SPECIALTY SHOPS, CIGAR BARS, ZERO NICOTINE ESTABLISHMENTS, HOOKAH LOUNGES AND BARS, AND OTHER SMOKING FACILITIES BY ANY OTHER**

**NAME FOR THE PUBLIC HEALTH, SAFETY AND  
WELFARE OF THE CITY OF OAK PARK AND  
PERSONS WITHIN ITS JURISDICTIONAL  
BOUNDARIES - APPROVED**

Motion by Rich, Seconded by Burns, CARRIED UNANIMOUSLY, to approve the second reading and adopt the following ordinance to amend Chapter 22, Businesses, by adding a new Article XIV, Smoking Lounges, to license and regulate smoking lounges and facilities commonly described as tobacco retail specialty shops, cigar bars, zero nicotine establishments, hookah lounges and bars, and other smoking facilities by any other name for the public health, safety and welfare of the City of Oak Park and persons within its jurisdictional boundaries, of the code of ordinances, City of Oak Park:

CITY OF OAK PARK, MICHIGAN

ORDINANCE NO.

AN ORDINANCE TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE CITY OF OAK PARK BY PROVIDING REQUIREMENTS AND STANDARDS GOVERNING SMOKING LOUNGES AND FACILITIES COMMONLY DESCRIBED AS TOBACCO RETAIL SPECIALTY SHOPS, CIGAR BARS, ZERO NICOTINE ESTABLISHMENTS, HOOKAH LOUNGES AND BARS, AND OTHER SMOKING FACILITIES BY ANY OTHER NAME

AMEND CHAPTER 22. BUSINESSES, BY ADDING A NEW ARTICLE XIV, SMOKING LOUNGES.

THE CITY OF OAK PARK ORDAINS:

SECTION 1. ORDINANCE - Chapter 22, Businesses, of the Code of Ordinances of the City of Oak Park is hereby amended by the addition of a new Article XIV, Smoking Lounges, which shall read as follows:

Sec. 22-527. -- Purpose.

On May 1, 2010, the State of Michigan implemented Public Act 188 of 2009 which bans tobacco smoking in all public places and worksites including, but not limited to, bars, restaurants, hospitals, hotels, shopping malls, and bowling alleys. The Oak Park City Council recognizes the harm caused by smoking tobacco and non-tobacco products (including second hand smoke), the state's mandate to move toward a totally smoke free environment, and the potential for negative impact on commercial development as a result of an area saturated with smoking lounges. Therefore, regulation and licensing of such establishments, and their employees, are necessary in the interest of the public welfare of the citizens of the city. This Article is designed to establish reasonable, objective, and uniform regulations to minimize the potential for adverse community impact relating to these establishments.

Sec. 22-528. -- Definitions.

The following definitions shall apply in the interpretation of this chapter:

*Cigar* shall mean any roll of tobacco weighing three (3) or more pounds per 1,000, which roll has a wrapper or cover consisting of tobacco.

*Cigar bar* shall mean an establishment or area within an establishment that is open to the public and is designated for the smoking of cigars that has a State issued exemption certificate.

*Disqualifying criminal act* shall mean any of the following:

- (1) Any of the following misdemeanor or felony offenses under any of the following statutes, as amended, for which less than seven (7) years elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date:
  - i Michigan Penal Code, Chapter X, Arson and Burning;
  - ii Michigan Penal Code, Chapter XI, Assaults, except MCL 750.81(1) and (2);
  - iii Michigan Penal Code, Chapter XVII, Bribery and Corruption;
  - iv Michigan Penal Code, Chapter XXII, Compounding Offenses;
  - v Michigan Penal Code, Chapter XXVA, Criminal Enterprises;
  - vi Michigan Penal Code, Chapter XXVIII, Disorderly Persons;
  - vii Michigan Penal Code, Chapter XXXI, Embezzlement;
  - viii Michigan Penal Code, Chapter XXXIII, Explosives, Bombs, Harmful Devices;
  - ix Michigan Penal Code, Chapter XXXIV, Extortion;
  - x Michigan Penal Code, Chapter XLIII, Frauds and Cheats;
  - xi Michigan Penal Code, Chapter XLIV, Gambling;
  - xii Michigan Penal Code, Chapter XLV, Homicide;
  - xiii Michigan Penal Code, Chapter XLVIII, Indecency and Immorality;
  - xiv Michigan Penal Code, Chapter LVIII, Mayhem;
  - xv Michigan Penal Code, Chapter LXVII, Prostitution;
  - xvi Michigan Penal Code, Chapter LXVIIA, Human Trafficking;
  - xvii Michigan Penal Code, Chapter LXXVI, Sexual Conduct;
  - xviii Michigan Penal Code, Chapter LXXXVIII, Robbery;
  - xix Michigan Penal Code, Chapter LXXXIII-A, Michigan Anti-Terrorism Act;
  - xx Michigan Compiled Laws, 333, Part 74, Controlled Substances – Offense and Penalties;
  - xxi Michigan Compiled Laws Section 205.27, Taxation-Prohibited Acts, including tax evasion;
- (2) Any attempt, solicitation, or conspiracy to commit one of the foregoing offenses; or
- (3) Any offense enumerated in the City Code of Ordinances which substantially corresponds to one of the foregoing state offenses; or
- (4) Any offense in another jurisdiction that, had the predicate act(s) been committed in Michigan, would have constituted any of the foregoing offenses.

*Influential interest* shall mean any of the following:

- (1) actual power to operate or control the operation, management, or policies of a current or prospective business; include the manager of the prospective business, or
- (2) ownership of a financial interest in the business, or ownership of an interest that is ten percent (10%) or more of the total interest of a current or prospective business, including such business entities as a firm, partnership, limited partnership, association, limited liability company, or corporation; or
- (3) holding an office, such as president, vice president, secretary, treasurer, managing member, managing director, or similar position in a legal entity which operates a current or prospective business.

*Minor* shall mean any person under eighteen (18) years of age.

*Non-tobacco smoking products or substances* shall include any product or substance that can be consumed by smoking such as, but is not limited to: e-cigarettes, bidis, kreteks, clove cigarettes, herbal cigarettes, electronic and herbal hookah, steam stones, smoking gels or other smoked product.

*Premises* shall mean the location for which a smoking lounge establishment operates under a State issued exemption certificate and includes the land, and all improvements located thereon, including the primary building and all accessory and out-buildings, and is not limited to the smoking area.

*Sale* shall mean, the exchange, barter, traffic, furnishing, or giving away of tobacco products and non-tobacco smoking products and substances which is regulated by the State of Michigan and pursuant to this ordinance.

*Smoking lounge* shall mean an establishment, which has a State issued smoking ban exemption certificate, and that allows smoking of tobacco products or non-tobacco products or substances on the premises. The term "smoking lounge" includes, but is not limited to, facilities commonly described as tobacco specialty stores, cigar bars and lounges, hookah cafés and lounges, tobacco bars and lounges, tobacco clubs or zero nicotine establishments.

*State* shall mean the State of Michigan.

*State issued exemption certificate* shall mean a valid exemption certificate issued by the State of Michigan for the premises, from the Public Act 188 of 2009 smoking in public ban which allows indoor smoking on the premises in compliance with the Act.

*Tobacco product* shall mean a product that contains tobacco and is intended for human consumption, including but not limited to, cigars, cigarettes, non-cigarette smoking tobacco or smokeless tobacco as defined by the Tobacco Products Tax Act, MCL 205.422.

*Tobacco specialty retail store* shall mean an establishment that has a State issued exemption certificate and for which the primary purpose is the retail sale of tobacco products, non-tobacco smoking products and substances, and smoking paraphernalia.

Sec. 22-529. -- License Required.

A person shall not operate a smoking lounge in the City without first obtaining a smoking lounge business license issued pursuant to the provisions of this ordinance.

Sec. 22-530. -- License Procedure.

- (a) Any applicant for a license shall present a fully completed application and a business license fee to the city clerk pursuant to chapter 22, businesses, of this Code. In addition, the city may also charge the applicant any additional out-of-pocket costs incurred in conducting background checks on the applicant and the applicant's employees, including fingerprint review by the department of state police. The applicant shall provide certification that the city will be held harmless in the event of litigation against the city involving the smoking lounge, and proof that the applicant has a policy of liability insurance issued by a company satisfactory to the city clerk, covering the smoking lounge in an amount not less than \$500,000, and proof that the insurance carrier will notify the city if the policy is canceled, suspended, revoked or lapses, and upon such notice the city clerk may at his or her discretion suspend the license pursuant to chapter 22 of this Code until such time as the insurance policy is renewed. The

license issued shall be renewed by the licensee each year, and the business license fee paid, in accordance with the procedures set forth in chapter 22, businesses, of this Code.

- (b) Each application shall contain the information in subsections (b)(1)—(20). (Note: All provisions which refer to applicant include an applicant which may be a corporation or partnership. If an applicant is a corporation, the application requirements of this section shall apply to all the corporation officers and directors. In addition, shareholders owning more than ten percent of the stock of such corporation shall comply with these requirements unless otherwise provided. If an applicant is a partnership, the application requirements of this section shall apply to all the partners, both general and limited.)
- (1) The business name, business address, zoning classification, legal description, parcel identification number, and all telephone numbers of the establishment or proposed establishment;
  - (2) A statement of the services to be provided;
  - (3) The true name, home address and telephone number of each applicant and whether the applicant is a sole proprietorship, partnership or corporation;
    - a. If applicant is a corporation, it shall set forth the name, residence address and telephone number of each of its officers and directors of said corporation and of each stock holder owning more than ten percent of the stock of the corporation. In addition, the address of the corporation itself, if different from the address of the establishment.
    - b. If applicant is a partnership, it shall set forth the name, residence address and telephone number of each of the partners, including both general and limited partners. In addition, the address of the partnership itself, if different from the address of the establishment.
  - (4) Proof that the applicant is at least 18 years of age, except that if the applicant is a corporation such proof shall apply only to the directors and officers of said corporation;
  - (5) The name and address of each person who is a secured or unsecured debtor and/or creditor of the applicant;
  - (6) The principal business of the proprietor of the proposed establishment if a sole proprietorship; if a partnership, the principal occupation of all partners; if a corporation, the principal enterprise of such corporation;
  - (7) The business name and address of any establishment, owned or operated by any person whose name is required to be given in subsection (b)(3) of this section wherein the business or profession of a smoking lounge is carried on;
  - (8) The smoking lounge or similar business license history of the applicant, whether the applicant is previously operating in this or another county or state has had a business license denied, revoked or suspended and the reason therefor. In the event the applicant has had a business license denied, revoked or suspended, the name and address of the agency denying, revoking or suspending the license;
  - (9) The business, occupation or employment of the applicant for the five years immediately preceding the date of application;
  - (10) How long the applicant has resided at its principal residence in the city. If not a resident of the city continuously for the last five years, previous principal residence addresses during that period. If the applicant is a partnership or corporation, the principal address for the partnership or corporation for the last five years;
  - (11) A description of any other business to be operated on the same premises or adjoining premises owned or controlled by the applicant;

- (12) Whether the applicant or anyone owning an interest in the business or proposed business has ever been convicted of or forfeited bail to any crime, excluding minor traffic offenses. If so, state the charge and nature of the crime, the name and location of the court in which the case was filed, and if different, the name and location of the convicting court and the disposition thereof;
  - (13) A copy of the State issued exemption certificate for the premises; or if a transfer has been applied for, a copy of the application filed with the State;
  - (14) The name and business address of the designated local agent who is responsible to supervise the premises and activities and who is authorized to receive service of process.
  - (15) Authorization for the city, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the license;
  - (16) The names, current addresses and written statements of at least three bona fide permanent residents of the United States that the applicant is of good moral character. If applicant is able, the statements must be furnished from the residents of the city, then the state, and lastly from the rest of the United States. These references must be persons other than relatives and business associates;
  - (17) All assumed names or aliases which have been or are used by any person whose name appears on an application;
  - (18) Such other relevant identification and information necessary as the city clerk may reasonably require to discover the truth of the matters herein specified as required to be set forth in the application;
  - (19) A statement of whether any applicant has been convicted of or has plead guilty or nolo contendere to a disqualifying criminal act as defined in this article, and if so, specify each criminal act involved, including the date, place, and jurisdiction of each, as well as, the dates of conviction and release from confinement, where applicable.
  - (20) A statement as to whether any business in which an applicant has had an influential interest, has, in the previous seven (7) years, and at the time during which the applicant had the influential interest:
    - i. Been declared by a court of law to be a nuisance, as defined under the Revised Judicature Act, MCL 600.3801; or
    - ii. Been subject to a court order of closure or padlocking;
- (c) *Signature required.* If a person who wishes to operate the business is an individual, the person shall sign the application. If a person who wishes to operate a business is other than an individual, each person with an influential interest in the business shall sign the application or a license as applicant.
- (d) *Disclosure.* The information provided by an applicant in connection with an application for a license under this article shall be maintained by the City Clerk's Office and all personal information shall be deemed confidential and may be disclosed only as required by law or by court order.
- (e) *Pre-existing businesses.* All smoking lounges operating pursuant to a valid certificate of occupancy on the effective date of this ordinance are hereby granted a de facto temporary license to continue operating for a period of one hundred and eighty (180) days following the effective date. During this period all smoking lounge businesses shall apply for a license pursuant to this article; and by the expiration date of the one hundred and eighty (180) days shall conform to all requirements for issuance of a license.

- (f) *Application review.* Upon the filing of a completed application for a smoking lounge business, the City Clerk will accept the application for necessary investigations and for compliance with the requirements of all applicable ordinances and codes. The holder of a smoking lounge license shall notify the city clerk of each change in any of the data required to be furnished by this section within ten (10) days after such change occurs.
- (g) The application shall be referred to the Department of Public Safety and Department of Technical and Planning Services for certification pursuant to chapter 22, and for recommendations as to the approval or denial of the license. Their recommendations will be forwarded to the City Council and City Clerk.
  - (1) The Public Safety Director shall recommend denial of an application for a license if the character, reputation, integrity, or physical or mental condition of the applicant or his/her employees is found to be inimical to the health, safety, moral or general welfare of the public. In making his determination hereunder, the Director of Public Safety shall consider:
    - a. Criminal history: All applicant's convictions, the reasons therefor, and the demeanor of the applicant subsequent to his release. A conviction of a felony or crime of moral turpitude shall be sufficient grounds to recommend denial.
    - b. License and permit history: The license and permit history of the applicant; whether such person has previously operated in this city or state or in another city or state under a license or permit; whether such person has had such license or permit revoked or suspended; the reasons therefor; and the demeanor of the applicant subsequent to such action.
    - c. Any information set forth in the application.
  - (2) The Department of Technical and Planning Services and the Department of Public Safety shall inspect the premises proposed to be devoted to the smoking lounge and shall make within a reasonable time separate recommendations to the City Manager concerning compliance with the requirements of this Code.
- (h) No license shall be issued until approval of the application therefor by the City Council and upon certification from the Department of Public Safety and the Department of Technical and Planning Services.

Sec. 22 – 531. -- License fee, annual expiration.

The business license fee for a smoking lounge shall be in the amount prescribed by the city council by ordinance or resolution. The license year shall be the period from the date of license issuance to December 31 next, inclusive, unless otherwise provided. All licenses issued for the license year shall expire on the thirty-first day of December unless suspended or revoked.

Sec. 22 – 532. -- License renewal.

Application to renew a license to operate a smoking lounge shall be filed at least thirty (30) days prior to the date of expiration. The application to renew a license shall be accompanied by a sworn affidavit by the applicants that the matters contained in the original application have not changed. The application shall be referred to the director of public safety, who shall investigate the criminal history of the applicant and any employees since the grant of the original license.

Sec. 22 – 533. -- License grounds for suspension or revocation.

The following shall be grounds for suspension or revocation of a license issued under the provisions of this chapter:

- (1) The license was procured by fraud or false representation of facts; or
- (2) The knowing violation of or failure to comply with the provisions of this chapter by the licensee or any of his servants, agents or employees and the conviction or bail forfeiture thereof; or
- (3) The conviction or bail forfeiture of a licensee for violation of a federal, state or local law, subsequent to the date of issuance of the license, relating to:
  - a. An offense involving the use of force or violence upon the person of another that amounts to a felony or misdemeanor; or
  - b. An offense involving sexual misconduct; or
  - c. An offense involving possession, use or sale of narcotics, dangerous drugs or alcoholic beverages; or
  - d. An offense involving dangerous weapons which amounts to a felony; or
  - e. An offense involving moral turpitude or the conviction or bail forfeiture of any of the licensee's servants, agents or employees of an offense involving moral turpitude committed on the premises in which the licensed establishment is located.
- (4) It is determined that the further operation of such establishment would be detrimental to the public health or welfare of the citizens of the city.

Sec. 22 – 534. -- Denial.

In the event the City Clerk issues a written notice to deny for failure to comply with the requirements of this Ordinance, the provisions of section 22-537 providing for an appeal hearing shall apply.

Sec. 22 – 535. -- Suspension.

The City Clerk shall suspend the license for a period of thirty (30) days if the licensee has knowingly violated this Ordinance or has knowingly allowed an employee to violate this Ordinance. Upon receiving notice of a violation, the Clerk shall issue a written notice to suspend, which shall include the grounds for suspension, the effective date of the suspension, and that the licensee may within twenty (20) days, request in writing, an appeal hearing before the City Council pursuant to the provisions of section 22-537. The suspension shall take effect twenty-one (21) days after the date of the notice of suspension.

Sec. 22 – 536. -- Revocation, non-renewal.

- (a) *Violation after previous suspension.* The City Clerk shall issue a written notice of revocation if the licensee knowingly violates this Ordinance or has knowingly allowed an employee to violate this Ordinance and the licensee's license has been suspended within the previous twelve (12) month period.
- (b) *Grounds for revocation/non-renewal.* The City Clerk shall issue written notice to revoke or non-renewal of the license if:
  - (1) The licensee would not meet the standards set forth in this Ordinance if the licensee were an applicant for a new license.

- (2) The licensee has knowingly or recklessly allowed two (2) or more violations of the regulations of this Ordinance in the preceding twelve (12) month period.
  - (3) The licensee has knowingly or recklessly allowed a nuisance, as defined under the Revised Judicature Act, MCL 600.3801, to be maintained upon the premises.
  - (4) The subject premises have existing violations of building, zoning, plumbing, mechanical, electrical, health or fire prevention codes.
  - (5) The operation of the licensed establishment has resulted in a pattern of patron conduct in the neighborhood of the establishment that substantially disturbs the peace, order, and tranquility of the neighborhood.
  - (6) The licensee has failed to maintain the grounds and exterior of the licensee's establishment by allowing litter, debris, and/or refuse to unreasonably remain on the property or adjoining properties.
  - (7) The licensee knowingly or recklessly operated the business during a period of time when the license was suspended.
  - (8) The licensee has knowingly or recklessly engaged in illegal activity or allowed any illegal activity to occur in or on the licensed premises.
- (c) *Effect of appeal of conviction.* The fact that any relevant conviction is being appealed shall have no effect on the revocation/non-renewal of the license, provided that, if any conviction which serves as a basis of a license revocation/non-renewal is overturned or reversed on appeal, that conviction shall be treated as null and of no effect and the license shall be reinstated.
- (d) *Effective date.* The revocation/non-renewal shall not take effect for twenty-one (21) days from the date of the notice of revocation/non-renewal.
- (e) *Appeal.* The written notice to revoke/non-renewal, shall include the grounds for the revocation/non-renewal, the effective date of the revocation/non-renewal, and that the licensee may request in writing, within twenty (20) days of the date of the notice of suspension, or revocation/non-renewal, an appeal hearing before the City Council pursuant to the provisions of section 22-537. If not appealed, the suspension shall take effect twenty-one (21) days after the date of the notice of suspension.

Sec. 22 – 537. -- Appeal hearing.

- (a) *Notice of hearing.* Upon receipt of a request for appeal, the City Council shall provide the licensee with notice and an opportunity to be heard. The City Council shall serve notice upon the licensee by certified mail, no less than twenty (20) days prior to the hearing date. The notice shall state:
- (1) The date, time and place of the hearing.
  - (2) A statement that the licensee may present evidence and testimony, and may be represented by an attorney.
- (b) *Hearing and decision.* The hearing shall be conducted by the City Council and shall be open to the public. The City Council shall submit to the licensee a written statement of its findings, decision, specific grounds for its decision, and a statement that the decision may be appealed to a court of competent jurisdiction.

Sec. 22 – 538. -- Inspections.

- (a) A licensee or any employee, servant or agent shall make the licensed premises available for inspection by the director of public safety or his designees during regular business hours or when the licensed premises are occupied by the licensee or a servant, agent or employee of the licensee for the purpose of enforcing this chapter or other ordinances, or regulations of the city relating to the public health, safety and welfare. No duly authorized representative of the city shall be denied or refused entry to the premises for the purpose of making lawful inspections as authorized herein.
- (b) The person conducting any inspection shall have immediate access to the following information and shall have the right to inspect and copy the same:
  - (1) The list of all names and addresses of current employees including any other names for which that employee is known or may have used.
  - (2) Social security numbers of all current employees.
  - (3) All financial records showing current receipts and expenditures, specifically indicating daily and weekly receipts, type of expenditure made, bank account numbers in which all deposits are made, check register statements, bank statements and any other financial information kept and maintained in the normal and ordinary course of business.
- (c) To the extent permitted by law, copies of any information obtained hereunder and any information received by the city shall be kept confidential and is assumed to be privileged and not subject to public disclosure except however, as evidence in the commencement of any civil or criminal judicial proceeding or administrative hearing against the licensee or any agent, operator or manager.
- (d) Copies of any inspection report kept and maintained by the city arising from any inspection authorized hereunder, shall be provided to the licensee or any owner, operator or manager.

Sec. 22 – 539. -- Mechanical ventilation required.

Mechanical ventilation shall be supplied in compliance with the Michigan Mechanical Code to ensure sufficient ventilation of the smoking lounge. The recirculation and the natural ventilation of air from the smoking lounge is prohibited; and the air supplied to the smoking lounge shall be exhausted and discharged to an approved location in compliance with the Michigan Mechanical Code.

Sec. 22 – 540. -- Storage lockers prohibited.

Storage lockers shall be prohibited on the premises of a smoking lounge, except that onsite humidors may be permitted in the smoking area of a cigar bar.

Sec. 22 – 541. -- Outdoor activities prohibited.

There shall not be any outdoor activities, outdoor public admission events, or outdoor seating. The business activities shall be conducted wholly indoors. In no event shall designated onsite parking areas be used for any other purpose than parking of passenger vehicles. To ensure that the smoke is contained within the smoking area, all windows and doors shall remain closed to ensure that the smoke does not infiltrate nonsmoking areas and is not emitted to passersby.

Sec. 22 – 542. -- Prohibited activities.

It is unlawful for a licensee or local agent to knowingly violate the following regulations or to knowingly allow an employee, patron or any other person to violate the following regulations. The license or local agent shall remove anyone violating the following regulations:

- (a) *Minors prohibited.* No one shall be allowed on the premises of a smoking lounge business unless the individual is eighteen (18) years of age or older. The licensee and local agent shall ensure that identifications of individuals on the premises have been checked to determine that every individual is eighteen (18) years of age or older before entry into the premises. The exit doors shall be monitored to ensure that no one has attempted to gain secret entry into the premises. A sign shall be posted near the entrance stating "No one under the age of eighteen (18) allowed."
- (b) *Alcoholic liquor.* No person shall sell, offer for sale, trade, provide, allow, possess, consume or attempt to consume any alcoholic liquor on the premises unless the licensee has obtained the appropriate license from the Liquor Control Commission pursuant to MCL 436.1101 *et seq.*, as amended, and this Code of Ordinances.
- (c) *Nudity prohibited.* No one shall be allowed on the premises of a smoking lounge business to appear nude or in a state of nudity as defined in section 6-125 of this article.
- (d) *Controlled substances prohibited.* It shall be unlawful to permit sales, offer for sale, trade, provide, allow, possession, consumption or attempt to consume any controlled substance on the premises in violation of Article 7 of the Public Health Code, MCL 333.1101 *et seq.*

Sec. 22 – 543. -- Name of business.

No person licensed to do business as provided in this chapter shall operate under any name or conduct his business under any designation not specified in his license.

Sec. 22 – 544. -- Hours of operation.

No smoking lounge shall be open to the public for business between the hours of 12:00 midnight and 8:00 a.m. No one shall be allowed on the premises except employees after 12:30 a.m. Only employees and/or contractors shall remain on the premises after closing and shall carry proof of employment.

Sec. 22 – 545. -- Local agent on premises.

The licensee, or the local agent designated in the application, shall remain on the premises while open for business to supervise the activities and shall be responsible to ensure compliance with the regulations of this article. In the event a licensee changes the local agent, the licensee shall immediately notify the Clerk in writing of the name and business address of the new local agent. All managers or local agents shall be over the age of twenty-one (21) years old.

Sec. 22 – 546. -- Sale or transfer.

(a) A licensee shall not transfer the license to another, nor shall a licensee operate a smoking lounge under the authority of a license at any place other than the address designated in the smoking lounge license application. Any transfer shall be grounds for suspension and revocation. A proposed transfer shall require a new application be filed and shall be subject to the same procedures, standards and fees required for a new license. Each location operated by a licensee requires a separate license.

(b) Approval of the transfer of a State issued exemption certificate by the State of Michigan shall not abrogate the requirement to apply for and obtain a smoking lounge license as required by this article. There shall be no transfer into the City of Oak Park of a State of Michigan Exemption Permit under the Dr. Ron. L. Davis Act of 2009; MCL 333.12601, *et seq.*, as amended.

Sec. 22 – 547. -- Change of location.

A change of location of any licensed premises shall be approved by the city clerk provided the requirements set forth herein as well as all other provisions of this code and state law are complied with.

Sec. 22 – 548. -- Extension or expansion.

Any extension or expansion of the licensed premises shall require inspection and shall require compliance with section 22-404 of this chapter.

Sec. 22 – 549. -- Applicability of regulations to existing facilities.

The provisions of this chapter shall be applicable to all persons and facilities described herein, whether the herein described activities were established before or after the effective date of this chapter and including any person or persons whose application is presently under consideration or investigation by the city.

Sec. 22 – 550. -- Penalties and enforcements.

(a) *Misdemeanor.* A person who violates or fails to comply with any of the provisions of this Ordinance shall be guilty of a misdemeanor, punishable by a maximum fine of Five Hundred Dollars (\$500.00) and/or a maximum of ninety (90) days imprisonment. Each day a violation is committed, or permitted to continue, it shall constitute a separate offense and shall be treated as a separate offense.

(b) *Civil proceedings.* The City Attorney or designee is hereby authorized to institute civil proceedings necessary for the enforcement of this Ordinance to restrain or correct ordinance violations, and for the recovery of costs and expenses incurred by the City, as authorized by law. Such proceedings, including injunctive relief, shall be brought in the name of the City, however, the institution of civil proceedings shall not preclude enforcement of misdemeanor, administrative, or any other proceeding authorized by ordinance, state or federal law.

Secs. 22-551 -- 22-559. -- Reserved.

SECTION 2. SEVERABILITY – No other portion, paragraph or phrase of the Code of Ordinances of the City of Oak Park shall be affected by this Ordinance, except as to the above sections, and in the event that 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 the Code of Ordinances, City of Oak Park.

SECTION 3. EFFECTIVE DATE – This Ordinance shall become effective ten (10) days from the date of its passage and shall be published as required by the Charter of the City of Oak Park.

Roll Call Vote:           Yes:           McClellan, Burns, Radner, Rich  
                                  No:           None  
                                  Absent:       Speech

**MOTION DECLARED ADOPTED**

**CM-11-373-16           (AGENDA ITEM #13B) SECOND READING AND ADOPTION OF A PROPOSED TEXT AMENDMENT TO THE CITY OF OAK PARK ZONING ORDINANCE, ARTICLE VIII, B-2, GENERAL BUSINESS DISTRICT, SECTION 801 PERMITTED USES (THE TEXT AMENDMENT WOULD ALLOW SMOKING LOUNGES AS A PERMITTED USE) - APPROVED**

Motion by Burns, seconded by Rich, CARRIED UNANIMOUSLY, to approve the second reading and adopt the following proposed text amendment to the City of Oak Park Zoning Ordinance, Article VIII, B-2, General Business District, Section 801 Permitted Uses:

CITY OF OAK PARK, MICHIGAN

ORDINANCE NO.

AN ORDINANCE TO AMEND SECTION 801, PERMITTED USES, OF ARTICLE VIII, B-2, GENERAL BUSINESS DISTRICT, 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 VIII, B-2, General Business Districts, Appendix "A", Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to add the following:

**Section 801. Permitted uses.**

**P. Smoking Lounges provided that:**

- 1) The proposed Smoking Lounge is not located within 500 feet of a school, park, or place of worship.
- 2) The proposed Smoking Lounge is not located within 1,000 feet of any other Smoking Lounge.
- 3) Measurement of distances stated herein shall be in accordance with Section 1929(D) - Regulated Uses, Measurement.

SECTION 2. **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 3. **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 4. 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, Burns, Radner, Rich
	No:	None
	Absent:	Speech

**MOTION DECLARED ADOPTED**

**CM-11-374-16 (AGENDA ITEM #13C) SECOND READING AND ADOPTION OF AN ORDINANCE TO AMEND ARTICLE V, DANGEROUS BUILDINGS, OF CHAPTER 18, BUILDINGS AND BUILDING REGULATIONS, OF THE CODE OF ORDINANCES BY AMENDING SECTION 18-213 (THE AMENDMENT ALLOWS THE OWNER TO REQUEST A PUBLIC HEARING CONDUCTED BY THE BUILDING BOARD OF APPEALS WHEN A CHALLENGE IS MADE TO A DANGEROUS BUILDING ORDER) - APPROVED**

Motion by Burns, seconded by Rich, CARRIED UNANIMOUSLY, to approve the second reading and adopt the following ordinance to amend Article V, Dangerous Buildings, of Chapter 18, Buildings and Building Regulations, of the Code of Ordinances by amending Section 18-213:

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

**AN ORDINANCE TO AMEND ARTIVLE V, DANGEROUS BUILDINGS, OF CHAPTER 18, BUILDINGS AND BUILDING REGULATIONS, OF THE CODE OF ORDINANCES BY AMENDING SECTION 18-213.**

**THE CITY OF OAK PARK ORDAINS:**

**SECTION 1.** Article V, Dangerous Buildings, of Chapter 18, Buildings and Building Regulations, of the Code of Ordinances of the City of Oak Park is hereby amended to read as follows:

Sec. 18-213. Hearing; testimony; order; nonappearance or noncompliance; costs.

- (a) If requested by the owner, the building board of appeals shall conduct a public hearing at which the owner may show cause why the determination of the department of technical and planning services, as set forth in the notice and order to show cause, should not be complied with.
- (b) The building board of appeals shall take testimony of the enforcing agency, the owner of the property and any interested party. The building board of appeals may inspect any building or structure or premises involved in the hearing proceedings prior to the proceedings. The building board of appeals shall render a written decision either closing the proceedings or ordering the building or structure to be demolished or otherwise made safe. No building or structure shall be ordered demolished or removed unless the cost of repair of the building or structure will exceed 50 percent of the true cash value of the building or structure.
- (c) If it is determined by the building board of appeals that the building or structure should be demolished or otherwise made safe, it shall so order, fixing a time in the order by which the requirements of the order shall commence and be completed. Notice of the findings and order shall be given to the owner, and the occupant, if any, in the same manner as provided in section 18-209.
- (d) If the owner fails to comply with the decision and order provided for in subsection (c) of this section, the department of technical and planning services shall cause such building to be demolished or otherwise made safe. The cost of the demolition or making the building safe shall be a lien against the real property and shall be reported to the assessing officer of the city, who shall assess the cost against the property on which the building is located. The costs referred to in this subsection shall include, but are not limited to, attorney fees, title search costs, recording and termination fees related to lis pendens, and administrative fees.
- (e) The owner in whose name the property appears upon the last local tax assessment records shall be notified of the amount of such cost by first class mail at the address shown on the records. If he fails to pay the amount within 30 days after mailing by the assessor of the notice of the amount thereof, the assessor shall add the same to the next tax roll of the city, and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes by the city. The costs referred to in this subsection shall include, but are not limited to, attorney fees, title search costs, recording and termination fees related to lis pendens, and administrative fees.

(Code 1973, § 9-47; Ord. No. O-97-364, § 1, 5-19-97)

**SECTION 2. Severability.**

No other portion, paragraph or phrase of the Code of Ordinances of the City of Oak Park shall be affected by this ordinance, except as to the above section 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.

**SECTION 3. Effective Date.**

This ordinance shall become effective ten (10) days from the date of its passage and shall be published as required by the Charter of the City of Oak Park.

Roll Call Vote:           Yes:           McClellan, Burns, Radner, Rich  
                                  No:           None  
                                  Absent:       Speech

**MOTION DECLARED ADOPTED**

**CM-11-375-16           (AGENDA ITEM #13D) FIRST READING OF AN  
ORDINANCE TO AMEND SECTION 2-354, MEETINGS,  
OF DIVISION 8, ETHNIC ADVISORY COMMISSION, OF  
ARTICLE III, BOARDS AND COMMISSIONS, OF  
CHAPTER 2, ADMINISTRATION, OF THE CODE OF  
ORDINANCES OF THE CITY OF OAK PARK, THEREBY  
CHANGING THE TIME FOR MONTHLY COMMISSION  
MEETINGS FROM 7:30 P.M. TO 7:00 P.M. - APPROVED**

Motion by Burns, seconded by Rich, CARRIED UNANIMOUSLY, to approve the first reading of the following ordinance to amend Section 2-354, Meetings, of Division 8, Ethnic Advisory Commission, of Article III, Boards and Commissions, of Chapter 2, Administration, of The Code of Ordinances of the City Of Oak Park, thereby changing the time for monthly commission meetings from 7:30 P.M. To 7:00 P.M.:

CITY OF OAK PARK, MICHIGAN  
ORDINANCE NO.

AN ORDINANCE TO AMEND SECTION 2-354, MEETINGS, OF DIVISION 8, ETHNIC ADVISORY COMMISSION, OF ARTICLE III, BOARDS AND COMMISSIONS, OF CHAPTER 2, ADMINISTRATION, OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK, THEREBY CHANGING THE TIME FOR MONTHLY COMMISSION MEETINGS FROM 7:30 P.M. TO 7:00 P.M.

THE CITY OF OAK PARK ORDAINS:

SECTION 1.       Section 2-354, Meetings, of Division 8, Ethnic Advisory Commission, of Article III, Boards and Commissions, of Chapter 2, Administration, of the Code of Ordinances of the City of Oak Park is hereby amended to read as follows:

Sec. 2-354. Meetings.

The ethnic advisory commission shall meet once a month on the second Thursday of each month at 7:00 p.m. The chairperson may call a special meeting with the approval of the council.

SECTION 2. Severability.

No other portion, paragraph or phrase of the Code of Ordinances of the City of Oak Park shall be affected by this ordinance, except as to the above section 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.

SECTION 3. Effective Date.

This ordinance shall become effective ten (10) days from the date of its passage and shall be published as required by the Charter of the City of Oak Park.

Roll Call Vote:	Yes:	McClellan, Burns, Radner, Rich
	No:	None
	Absent:	Speech

**MOTION DECLARED ADOPTED**

**CM-11-376-16 (AGENDA ITEM #13E) FIRST READING OF A PROPOSED TEXT AMENDMENT TO THE CITY OF OAK PARK ZONING ORDINANCE, ARTICLE II DEFINITIONS, SEC. 201; ARTICLE IV ONE FAMILY DWELLING DISTRICT, SEC. 401 PERMITTED USES & SEC. 403 REQUIRED CONDITIONS; ARTICLE V TWO FAMILY DWELLING DISTRICT, SEC. 503 REQUIRED CONDITIONS; ARTICLE VI MULTI-FAMILY RESIDENTIAL DISTRICT, SEC. 603 REQUIRED CONDITIONS - APPROVED**

Motion by Burns, seconded by Radner, CARRIED UNANIMOUSLY, to approve the first reading of a proposed text amendment to the City of Oak Park Zoning Ordinance, Article II Definitions, Sec. 201; Article IV One Family Dwelling District, Sec. 401 Permitted Uses & Sec. 403 Required Conditions; Article V Two Family Dwelling District, Sec. 503 Required Conditions; Article VI Multi-Family Residential District, Sec. 603 Required Conditions:

CITY OF OAK PARK, MICHIGAN  
ORDINANCE NO.

AN ORDINANCE TO AMEND SECTION 201, OF ARTICLE II, DEFINITIONS, SECTION 401 AND SECTION 403, OF ARTICLE IV, R-1 ONE-FAMILY DWELLING DISTRICTS, SECTION 503, OF ARTICLE V, R-2 TWO-FAMILY DWELLING DISTRICTS, SECTION 603, OF ARTICLE VI, RM-1 AND RM-2 MULTI-FAMILY RESIDENTIAL DISTRICTS, APPENDIX A, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK, MICHIGAN.

THE CITY OF OAK PARK, MICHIGAN ORDAINS:

SECTION 1. Section 201, of Article II, Definitions, Appendix A, Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to delete the following definitions:

*Boarding house.* The term boarding house, rooming house, and lodging house are used synonymously in this ordinance. A one-family residential dwelling occupied in such a manner that certain rooms in excess of those used by members of the immediate family and occupied as a home or family unit are leased or rented to persons outside of the family, without any attempt to provide therein or therewith, cooking or kitchen accommodations for individuals leasing or renting rooms.

*Bed and breakfast.* An owner-occupied, one-family residential structure where the owner or operator provides overnight accommodations to guests in return for payment.

SECTION 2. Section 201, of Article II, Definitions, Appendix A, Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to the following:

*Building.* Any permanent structure having a roof supported by columns, or walls, and intended for the shelter, or enclosure of persons, animals, or property of any kind.

SECTION 3. Section 401, B, of Article IV, R-1 One-Family Dwelling Districts, Appendix A, Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to delete the following provisions and re-number the remaining provisions:

5. The operation of a boarding house, as defined in Article II, provided that no more than two rooms may be used for boarders or roomers. One non-illuminated sign, not over one square foot in area, indicating such use may be displayed on the premises.

7. The operation of a bed and breakfast as defined in Article II, subject to all of the following criteria:
- a. Has ten or fewer sleeping rooms, including sleeping rooms occupied by the owner or occupant, one or more of which are available to rent to transient tenants;
  - b. Serves meals at no extra cost to its transient tenants; and
  - c. Has a smoke detector in proper working order in each sleeping room and a fire extinguisher in proper working order on each floor.

SECTION 4. Section 403, B, of Article IV, R-1 One-Family Dwelling Districts, Appendix A, Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to the following:

B. Prohibited use for open areas: No machinery, equipment, vehicles, or other materials, shall be stored or parked, or permitted to stand in any open area that is clearly visible from the street, public place or adjoining residential property.

SECTION 5. Section 503, B, of Article IV, R-2 Two-Family Dwelling Districts, Appendix A, Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to the following:

B. Prohibited use for open areas: No machinery, equipment, vehicles, or other materials, shall be stored or parked, or permitted to stand in any open area that is clearly visible from the street, public place or adjoining residential property.

SECTION 6. Section 603, B, of Article IV, RM-1 and RM-2 Multi-Family Residential Districts, Appendix A, Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to the following:

B. Prohibited use for open areas: No machinery, equipment, vehicles, or other materials, shall be stored or parked, or permitted to stand in any open area that is clearly visible from the street, public place or adjoining residential property.

SECTION 7. Section 403 of Article IV, R-1 One-Family Dwelling Districts, Appendix A, Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to add the following:

D. The total area of all impervious surfaces shall not exceed 70% of the lot area.

SECTION 8. Section 503 of Article IV, R-2 Two-Family Dwelling Districts, Appendix A, Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to the following:

D. The total area of all impervious surfaces shall not exceed 70% of the lot area.

SECTION 9. 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 10. 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 11. Effective Date

This ordinance shall be effective ten (10) days from the date of adoption and shall be published as required by the Charter of the City of Oak Park.

Roll Call Vote:	Yes:	McClellan, Burns, Radner, Rich
	No:	None
	Absent:	Speech

**MOTION DECLARED ADOPTED**

CM-11-377-16

**(AGENDA ITEM #13F) FIRST READING OF AN  
ORDINANCE TO AMEND THE CITY'S OFFICIAL  
ZONING DISTRICT MAP TO REZONE 13200 OAK  
PARK BOULEVARD, FROM R-1, ONE FAMILY  
DWELLING DISTRICT TO RM-1, LOW-RISE MULTI-  
FAMILY RESIDENTIAL DISTRICT - APPROVED**

Motion by Burns, seconded by Radner, CARRIED UNANIMOUSLY, to approve the first reading of an ordinance to amend the City's Official Zoning District Map to rezone 13200 Oak Park Boulevard, from R-1, One Family Dwelling District to RM-1, Low-Rise Multi-Family Residential District:

CITY OF OAK PARK, MICHIGAN  
ORDINANCE NO.

AN ORDINANCE TO AMEND APPENDIX A-ZONING, ARTICLE III, AND THE OFFICIAL ZONING MAP CONTAINED THEREIN, BEING PART OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK, MICHIGAN, BY CHANGING THE USE DISTRICT OF CERTAIN PARCELS OF LAND IN SECTION 29 AND CURRENTLY ZONED R-1, ONE FAMILY DWELLING DISTRICT TO RM-1, MULTI-FAMILY RESIDENTIAL DISTRICT.

THE CITY OF OAK PARK, MICHIGAN ORDAINS:

SECTION 1. The Code of Ordinances of the City of Oak Park is hereby amended by changing the use district of the following described parcel of land in Section 29 and currently zoned R-1, One-Family Dwelling District, according to the City's Official Zoning District Map, Appendix-A Zoning, Article III, to RM-1, Multi-Family Residential District:

T1N, R11E SEC 29 Part of SW 1/4 BEG at PT DIST N 89-29-00 E 776.27 FT from INTERSEC of E LINE of Coolidge Hwy & S LINE of NORTHFIELD BOULEVARD SUB, TH N 89-29-00 E 493.94 FT, TH S 00-21-16 E 397.58 FT, TH S 89-56-39 W 496 FT, TH N 00-03-01 W 393.60 FT TO BEG 4.50 Acres.

Common address: 13200 Oak Park Blvd.  
Property Identification Number: 52-25-29-301-015

SECTION 2. It is hereby ordered that the Official Zoning District Map of the City of Oak Park, as herein amended, be incorporated with this ordinance and be considered a part hereof and be published in connection herewith.

SECTION 3. It is further ordered that from and after the effective date of this ordinance, the above described parcel of land shall be in the RM-1, Multi-Family Residential District, and be subject to the regulations pertaining to such a district.

SECTION 4. 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 5. 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 6. Effective Date

This ordinance shall be effective thirty (30) days from the date of adoption and shall be published as required by the Charter of the City of Oak Park.

Roll Call Vote:	Yes:	McClellan, Burns, Radner, Rich
	No:	None
	Absent:	Speech

**MOTION DECLARED ADOPTED**

**CITY ATTORNEY:**

City Prosecutor Gene Lumberg provided an update on traffic cases, domestic violence cases and building department violations.

**CITY MANAGER:**

**Communications/Community Engagement and Public Information**

**CM-11-378-16 (AGENDA ITEM #15A) REQUEST TO APPROVE THE CITY MAGAZINE ADVERTISING CONTRACT, THE CITY MAGAZINE ADVERTISING RATE/FEE SCHEDULE, AND INCLUDE THE CITY MAGAZINE ADVERTISING FEES IN THE 2016-2017 CITY OF OAK PARK SCHEDULE OF FEES – APPROVED**

Motion by Burns, seconded by Radner, CARRIED UNANIMOUSLY, to approve the City Magazine Advertising Contract, the City Magazine Advertising Rate/Fee Schedule, and include the City Magazine Advertising Fees in the 2016-2017 City of Oak Park Schedule of Fees.

Roll Call Vote:	Yes:	McClellan, Burns, Radner Rich
	No:	None
	Absent:	Speech

**MOTION DECLARED ADOPTED**

Full Page/Full Color Ad  
(8" width x 10.5" height)  
\$600 (1 issue/1 quarter)  
\$1,100 (2 issues/2 quarters)  
\$1,600 (3 issues/3 quarters)  
\$2,000 (4 issues/4 quarters)

Half Page/Full Color Ad  
(4" width x 10.5" height)  
(8" width x 5.25" height)  
\$300 (1 issue/One Quarter Year)  
\$550 (2 issues/2 quarters)  
\$800 (3 issues/3 quarters)  
\$1,000 (4 issues/4 quarters)

Quarter Page/Full Color Ad  
(4" width x 5.25" height)  
(8" width x 2.50" height)  
\$150 (1 issue/One Quarter Year)  
\$275 (2 issues/2 quarters)  
\$400 (3 issues/3 quarters)  
\$500 (4 issues/4 quarters)

One-Eighth Page/Full Color Ad  
2" width x 5.25" height  
4" width x 2.50" height  
\$75 (1 issue/One Quarter Year)  
\$138 (2 issues/2 quarters)  
\$200 (3 issues/3 quarters)  
\$250 (4 issues/4 quarters)

Ad Design  
Professional Ad Design and Layout  
\$100 per ad

**CM-11-379-16 (AGENDA ITEM #15B) REQUEST TO APPROVE THE PURCHASE OF VACANT LAND AT 26705 COOLIDGE AND ALLOW THE CITY MANAGER TO SERVE AS SIGNATORY ON THE CLOSING DOCUMENTS – APPROVED**

Motion by Rich, seconded by Radner, CARRIED UNANIMOUSLY, to approve the purchase of vacant land at 26705 Coolidge and allow the City Manager to serve as signatory on the closing documents.

Roll Call Vote:	Yes:	McClellan, Burns, Radner Rich
	No:	None
	Absent:	Speech

**MOTION DECLARED ADOPTED**

Ms. Marrone reported that under the direction of City Manager Erik Tungate and approval through City Council at the special meeting of June 20, 2016, a contract was authorized to be negotiated for an amount up to \$75,000 to purchase the property located at 26705 Coolidge. After a few months of negotiating a price of \$43,000 was agreed upon. The City plans to utilize the site as either a city park or for new development.

**Public Works**

**CM-11-380-16 (AGENDA ITEM #15C) REQUEST TO AUTHORIZE THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN INTER-GOVERNMENTAL AGREEMENT WITH THE CITY OF FERNDALE TO UTILIZE THEIR STORAGE YARD FOR LEAF PICK UP SUBJECT TO FINAL REVIEW FROM THE CITY ATTORNEY - APPROVED**

Motion by Burns, seconded by Radner, CARRIED UNANIMOUSLY, to authorize the Department of Public Works to enter into an inter-governmental agreement with the City of Ferndale to utilize their storage yard for leaf pick up subject to final review from the City Attorney.

Roll Call Vote:	Yes:	McClellan, Burns, Radner Rich
	No:	None
	Absent:	Speech

**MOTION DECLARED ADOPTED**

Assistant City Manager Yee indicated the Department of Public Works is requesting authorization to enter into an inter-governmental agreement with the City of Ferndale to utilize their Southwest Storage Yard as a transfer station for leaf pick up. The advantages of utilizing the Ferndale storage yard include less activity, storage, and "smell" at the DPW yard, more convenient drop off due to the larger yard, and significantly less leaf loading costs since they have a ramp and large loader bucket capable of loading leaves directly onto SOCRRA contracted trucks.

**Administration**

**CM-11-381-16 (AGENDA ITEM #15D) AGREEMENT WITH BLUE CROSS BLUE SHIELD OF MICHIGAN FOR ADMINISTRATIVE SERVICES FOR THE RETIREE DRUG SUBSIDY PROGRAM - APPROVED**

Motion by Radner, seconded by Burns, CARRIED UNANIMOUSLY, to approve an agreement with Blue Cross Blue Shield of Michigan for administrative services for the Retiree Drug Subsidy Program.

Roll Call Vote:	Yes:	McClellan, Burns, Radner Rich
	No:	None
	Absent:	Speech

**MOTION DECLARED ADOPTED**

Finance Director Johnson reported that the City's health care provider, Blue Cross Blue Shield of Michigan (BCBSM) has previously prepared and completed the City's Retiree Drug Subsidy (RDS) application annually at no additional cost to the City. This is no longer a complimentary service offered by BCBSM therefore they are now providing the service as an additional cost. Mr. Johnson indicated that bids were sought for RDS administrative services and BCBSM's quote was the lowest. The proposed cost for the service is 17% of the RDS amount during the life of each application. Based on an average amount the City has received for the RDS Program over the last several years, 17% is estimated to be \$18,700. BCBSM has indicated they believe they can assist the City in uncovering an additional 25% in Retiree Drug Subsidy, which based on an average amount the City has received over the last several years would amount to \$27,500, and therefor cover the cost of service.

**CM-11-382-16 (AGENDA ITEM #15E) AGREEMENT WITH BLUE CROSS BLUE SHIELD OF MI TO REOPEN PAST RETIREE DRUG SUBSIDY PROGRAM FILINGS - APPROVED**

Motion by Rich, seconded by Radner, CARRIED UNANIMOUSLY, to approve an agreement with Blue Cross Blue Shield of MI to reopen past Retiree Drug Subsidy Program filings

Roll Call Vote:	Yes:	McClellan, Burns, Radner Rich
	No:	None
	Absent:	Speech

**MOTION DECLARED ADOPTED**

Mr. Johnson reported that Blue Cross Blue Shield of Michigan has indicated they believe the City of Oak Park is entitled to additional Retiree Drug Subsidy (RDS) funds from past years. The agreement allows the reopening of past RDS filings in order to uncover and obtain these additional funds.

**CALL TO THE AUDIENCE:**

Shirley Simpson, 15301 Miller St., expressed concerns about flooding on her business property.

Nadine Coleman, 22160 Sussex St. expressed concerns about the sidewalk project and lack of notice residents received.

Joyce Bannon, 10611 Troy, expressed concerns that many residents do not have access to the internet and encouraged the City to keep that in mind as they communicate with them.

**CALL TO THE COUNCIL:**

**Mayor McClellan** commented on the very successful Boo Bash Event put on by the Recreation Department and announced upcoming library events. She reviewed economic development projects and encouraged everyone to vote in the November 8<sup>th</sup> Election.

**Mayor Pro Tem Burns** reminded everyone that due to daylight savings time it is much darker earlier in the evening so please be mindful of children playing in the neighborhoods. She also acknowledged the sidewalk issue and thanked the Recreation Department for planning the very well attended Boo Bash. She also encouraged everyone to vote.

**Council Member Radner** thanked everyone for coming and wished them a good night.

**Council Member Rich** wished everyone a good night.

**ADJOURNMENT:**

There being no further business to come before the City Council, Mayor McClellan adjourned the meeting at 8:17 P.M.

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T. Edwin Norris, City Clerk

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Marian McClellan, Mayor



# CITY OF OAK PARK

## Corridor Improvement Authority

**Council Members**  
 Solomon Radner  
 Ken Rich  
 Keisha Speech  
**City Manager**  
 Erik Tungate

### CITY OF OAK PARK CORRIDOR IMPROVEMENT AUTHORITY BOARD MEETING AUGUST 18, 2016 MINUTES

Meeting was called to order at 12:00 p.m., in the Executive Conference Room at Oak Park City Hall, 14000 Oak Park Boulevard, Oak Park, Michigan, by Chairperson Colbert and roll call was made.

**PRESENT:** Chairperson Colbert  
 Vice Chairperson Blumenkopf  
 Mayor McClellan  
 Board Member Moulden

**ABSENT:** Board Member Attisha  
 Board Member Berger  
 Board Member Peteet

**OTHERS PRESENT:** Community & Economic Development Director, Kimberly Marrone

#### **3. APPROVAL OF AGENDA OF AUGUST 18, 2016**

**MOTION by Blumenkopf, SECONDED by McClellan** to approve the agenda for August 18, 2016 as submitted.

**VOTE:** Yes: All  
 No: None

**MOTION CARRIED**

#### **4. APPROVAL OF MINUTES OF JUNE 16, 2016**

**MOTION by McClellan, SECONDED by Blumenkopf**, to approve the minutes of the June 16, 2016 meeting as corrected to show Mr. Peteet as present.

**VOTE:** Yes: All  
 No: None

**MOTION CARRIED**

#### **5. PUBLIC COMMENT**

There were no members of the public in attendance.

#### **6. UNFINISHED BUSINESS**

A. Business List Update

Ms. Marrone reported the printed version is complete and is being distributed. She explained she and other City staff members are still researching options for the on-line version.

## **7. NEW BUSINESS**

### **A. County Update**

Ms. Marrone reported Oakland County has decided not to approve a negotiated contract to participate in the Corridor Improvement Authority unless the tax increment financing plan includes the capture of personal property taxes. Ms. Marrone explained the City decided against capture of personal property taxes in the plan based on advice from the State of Michigan and from the Authority's consultant.

As part of the negotiated contract, if personal property tax is included in the Plan, Oakland County will agree to a capture period of 25 years instead of 20, and will allow a capture of \$500,000. Revising the Plan, including going through the public notice process, will be required. Ms. Marrone has requested Oakland County provide the City with written confirmation of these stipulations.

Ms. Marrone estimates the cost of the public notice portion of the revised Plan to be \$8,000-\$10,000. Revising the Plan will take a few months. Board members expressed concern with Oakland County's requirements to include personal property taxes in light of the State of Michigan's plan to eliminate personal property taxes.

**MOTION by Moulden, SECONDED by Blumenkopf**, to proceed, at the beginning of October, with amending the tax increment financing Plan to include personal property tax.

**VOTE:** Yes: Blumenkopf, Colbert, McClellan, Moulden  
No: None

**MOTION CARRIED**

## **8. FINANCIAL REPORT**

Ms. Marrone reported the current tax capture is \$2,086.10.

## **9. BOARD MEMBER COMMENT**

Ms. Marrone reported the flowers in the planters will be replaced with mums in the fall, and that she will be asking the Arts and Cultural Commission about adding artwork to the planters for year-round impact.

Board members discussed other possible beautification options such as banners and awnings.

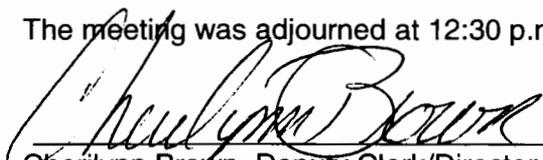
## **10. ADJOURNMENT**

**MOTION by McClellan, SECONDED by Blumenkopf**, to adjourn the meeting.

**VOTE:** Yes: All  
No: None

**MOTION CARRIED**

The meeting was adjourned at 12:30 p.m.

  
Cheryl Lynn Brown, Deputy Clerk/Director of Elections



# OAK PARK PUBLIC SAFETY September 2016 ACTIVITY SUMMARY



## OPERATIONS:

- Calls for Service
- 2015 Total: 14,720
- September 2015: 1,216
- 2015YTD: 11,149
- September 2016: 1,264
- 2016 YTD: 11,287
- Arrests: 119
- Vacation/Property Checks: 9
- Non-Criminal Fingerprints: 4
- PBT's: 64
- Vehicles Impounded: 29
- Traffic Stops: 788
- Time on Traffic Stops: 114.68 hours

## INVESTIGATIONS:

Cases Assigned - 44  
 Adult/36 Juvenile/8  
 Warrants Obtained: 12

See attached report  
 "RMS-008"  
 for September crime summary

## Records Bureau:

Animal Licenses: 9  
 Alarm Permits: 7  
 License to Purchase Handgun/ Gun Registrations: 50  
 FOIA / RFI / Discovery Requests: 163  
 Calls Received at Dispatch: 4,886

REPORTED FIRES: 4 (3 structural, 0 vehicle, 1 other )

NON-FIRE INCIDENTS: 14  
 (7 includes false fire alarms)



FIRE SAFETY INSPECTIONS: 60

### COMMUNITY POLICING

3 Neighborhood watch meeting,  
 Ace Hardware 70<sup>th</sup> Neighborhood celebration,  
 Public Safety Open House.

### CITATIONS ISSUED: 493

HAZARDOUS	171	35%
NON - HAZARDOUS	169	34%
PARKING	50	10%
ORDINANCE VIOLATION	103	21%

**NOTES:** *Training: Department-wide Rifle training, M.P.E.P.S training, Data driven policing training.*



**BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN**

**AGENDA OF:** November 21, 2016

**AGENDA #**

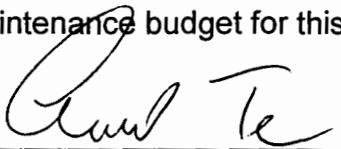
**SUBJECT:** Request authorization to bid the 2017 Janitorial Services Contract, M-662.

**DEPARTMENT:** DPW – KJY

**SUMMARY:** Bid documents are being prepared for the City's 2017 Janitorial Services Contract, M-662. This contract is for cleaning services for all municipal buildings.

**FINANCIAL STATEMENT:** There is funding available in the Building Maintenance budget for this service.

**RECOMMENDED ACTION:** It is recommended that the request to advertise for bids for 2017 Janitorial Services Contract, M-662 be approved. Funding is available in the Building Maintenance budget for this service.

**APPROVALS:**   
City Manager: \_\_\_\_\_

Department Director:  \_\_\_\_\_

Finance Director: \_\_\_\_\_

**EXHIBITS:** none



**BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN**

**AGENDA OF:** November 21, 2016

**AGENDA #**

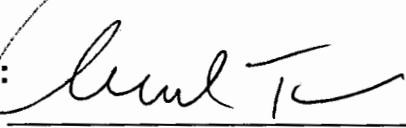
**SUBJECT:** Request authorization to bid the 2017 Lawn Maintenance Contract, M-660.

**DEPARTMENT:** DPW – KJY

**SUMMARY:** Bid documents are being prepared for the City's 2017 Lawn Maintenance Contract, M-660. This project will cut maintain the lawns in the City's parks, grounds, and rights of way.

**FINANCIAL STATEMENT:** There is funding available in the Major Street Fund, Water and Sewer Fund, and Public Works Other Parks budget for these expenditures.

**RECOMMENDED ACTION:** It is recommended that the request to advertise for bids for 2017 Lawn Maintenance Project, M-660 be approved. Funding is available in the Major and Local Street Funds, Water and Sewer Fund, and Public Works budget.

**APPROVALS:**  
City Manager: 

Department Director: 

Finance Director: \_\_\_\_\_

**EXHIBITS:** none



**BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN**

**AGENDA OF:** November 21, 2016

**AGENDA #**

**SUBJECT:** Payment request from Orchard, Hiltz, & McCliment for Engineering Consulting Services.

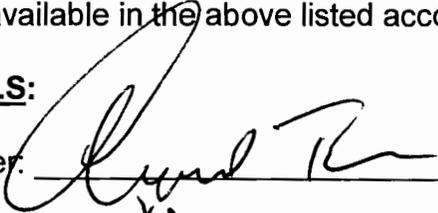
**DEPARTMENT:** DPW/Technical & Planning – Engineering *KJY*

**SUMMARY:** Attached are invoices from Orchard, Hiltz & McCliment for the project listed below:

Project	This Period	Prior Billings	To Date	Current Contract	Account Number
CE – Oak Park Blvd & Lincoln Rehab	\$60,482.03	\$156,946.80	\$217,428.83	\$223,736.00	202-18-479-801
Traffic Signal Optimization	\$2,109.74	\$91,194.59	\$93,304.33	\$184,662.88	202-18-474-801
<b>Totals</b>	<b>\$62,591.77</b>	<b>\$248,141.39</b>	<b>\$310,733.16</b>	<b>\$408,398.88</b>	

**RECOMMENDED ACTION:** It is recommended that the invoices from OHM for the above listed projects be approved for the total amount of \$62,591.77. Funding is available in the above listed account.

**APPROVALS:**

City Manager: 

Department Director: 

Finance Director: \_\_\_\_\_

**EXHIBITS:** Invoices



**CITY OF OAK PARK**  
**Attn: Kevin Yee, City Engineer**  
**13700 OAK PARK BLVD.**  
**OAK PARK, MI 48237**

**Invoice Date:** 10/01/2016  
**Invoice #:** 180817  
**Project:** 0037-15-0060

**Project Name:** Signal Optimization of 36 Locations

Progress Billing #10 Percent Complete 60%

---

**For Professional Services Rendered through: 9/17/2016**

**Analysis of Costs**

Direct Salaries	766.23
Overhead % 174.49	1,336.98
FCC % 0.85	6.53
Total Direct Personnel	2,109.74
Total Other Direct Charges	
Total Costs	2,109.74
Fixed Fee	0.00
Total Charges/Fees	<u>2,109.74</u>
<b>Amount Due This Invoice **</b>	<b><u>2,109.74</u></b>

---

**REMIT TO:**

OHM Advisors  
34000 PLYMOUTH RD  
LIVONIA, MICHIGAN 48150-1512

T 734.522.6711  
F 734.522.6427

OHM-Advisors.com



**CITY OF OAK PARK**  
**Attn: Kevin Yee, City Engineer**  
**13700 OAK PARK BLVD.**  
**OAK PARK, MI 48237**

**Invoice Date:** 10/01/2016  
**Invoice #:** 180817  
**Project:** 0037-15-0060

**Professional Fees**

**Fixed Rates Labor**

**Classification / Employee Name**

**Date Hours Rate Amount**

Professional Engineer/Architect IV  
 STEVEN M. LOVELAND

7/25/2016	0.50	44.2308	22.12
7/26/2016	0.50	44.2308	22.12
8/8/2016	1.00	44.2308	44.23
8/10/2016	1.00	44.2308	44.23
8/12/2016	2.00	44.2308	88.46
8/15/2016	1.00	44.2308	44.23
8/25/2016	4.00	44.2308	176.92
9/12/2016	2.00	44.2308	88.46
9/13/2016	2.00	44.2308	88.46
Subtotal	14.00		619.23

Technician II  
 JAMIE LABATE

7/28/2016	1.00	21.0000	21.00
8/2/2016	1.00	21.0000	21.00
8/10/2016	1.00	21.0000	21.00
8/17/2016	1.00	21.0000	21.00
8/25/2016	1.00	21.0000	21.00
9/7/2016	1.00	21.0000	21.00
9/14/2016	1.00	21.0000	21.00
Subtotal	7.00		147.00

Fixed Rates Labor subtotal 21.00 766.23

**Total Professional Fees 2,109.74**

**Project Totals Hours: 21.00 Labor: 766.23**

**Total Project: 0037150060 - Signal Optimization of 36 Locations**

**2,109.74**

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**CITY OF OAK PARK**  
**Attn: Kevin Yee, City Engineer**  
**13700 OAK PARK BLVD.**  
**OAK PARK, MI 48237**

**Invoice Date:** 10/01/2016  
**Invoice #:** 180946  
**Project:** 0037-15-0043

**Project Name:** CE - Oak Park Federal Aid Patching

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**For Professional Services Rendered through: 9/17/2016**

<i>Description</i>	<i>Fee</i>	<i>Prior Billed</i>	<i>Total Available</i>	<i>Current Billing</i>
Const CA/CE	175,736.00	125,958.75	49,777.25	38,800.75
Transportation	10,000.00	6,713.25	3,286.75	742.50
Subconsultant	38,000.00	24,274.80	13,725.20	0.00
			<b>Amount Due This Invoice **</b>	<b>39,543.25</b>

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**REMIT TO:**

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LIVONIA, MICHIGAN 48150-1512

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F 734.522.6427

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**CITY OF OAK PARK**  
**Attn: Kevin Yee, City Engineer**  
**13700 OAK PARK BLVD.**  
**OAK PARK, MI 48237**

**Invoice Date:** 10/01/2016  
**Invoice #:** 180946  
**Project:** 0037-15-0043

**Const CA/CE**

**Fixed Rates Labor**

**Classification / Employee Name**

**Date Hours Rate Amount**

Associate

CRAIG DASHNER

8/22/2016	2.00	165.0000	330.00
8/24/2016	2.00	165.0000	330.00
8/25/2016	1.00	165.0000	165.00
8/29/2016	1.00	165.0000	165.00
8/30/2016	2.00	165.0000	330.00
8/31/2016	1.00	165.0000	165.00
9/1/2016	2.00	165.0000	330.00
9/6/2016	1.00	165.0000	165.00
9/7/2016	1.00	165.0000	165.00
9/8/2016	1.00	165.0000	165.00
9/9/2016	3.00	165.0000	495.00
9/12/2016	2.00	165.0000	330.00
9/13/2016	1.00	165.0000	165.00
9/14/2016	1.00	165.0000	165.00
9/15/2016	2.00	165.0000	330.00
9/16/2016	1.00	165.0000	165.00
<b>Subtotal</b>	<b>24.00</b>		<b>3,960.00</b>

Engineering/Architectural Aide

JOSEPH LECH

8/22/2016 10.00 53.0000 530.00

Graduate Engineer I

RICHARD HETU

8/23/2016	5.00	103.0000	515.00
8/24/2016	5.00	103.0000	515.00
8/25/2016	4.00	103.0000	412.00
8/29/2016	11.00	103.0000	1,133.00
8/30/2016	11.00	103.0000	1,133.00
8/31/2016	5.00	103.0000	515.00
9/6/2016	7.00	103.0000	721.00
9/7/2016	4.00	103.0000	412.00
9/8/2016	2.00	103.0000	206.00
9/10/2016	5.00	103.0000	515.00

**REMIT TO:**

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 LIVONIA, MICHIGAN 48150-1512

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**Const CA/CE**

**Fixed Rates Labor**

**Classification / Employee Name**

**Date Hours Rate Amount**

Graduate Engineer I

RICHARD HETU

9/12/2016	8.00	103.0000	824.00
9/13/2016	12.00	103.0000	1,236.00
9/14/2016	8.50	103.0000	875.50
9/15/2016	2.00	103.0000	206.00
9/16/2016	4.00	103.0000	412.00

TRAVIS FERRIER

8/24/2016	11.50	103.0000	1,184.50
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Subtotal 105.00 10,815.00

Technician I

VANESSA ASSI

8/23/2016	0.50	68.0000	34.00
8/24/2016	0.25	68.0000	17.00
8/25/2016	1.50	68.0000	102.00
8/29/2016	1.25	68.0000	85.00
9/1/2016	1.00	68.0000	68.00
9/2/2016	0.25	68.0000	17.00
9/6/2016	0.75	68.0000	51.00
9/7/2016	2.50	68.0000	170.00
9/8/2016	1.25	68.0000	85.00
9/12/2016	1.00	68.0000	68.00
9/14/2016	2.00	68.0000	136.00

Subtotal 12.25 833.00

Technician II

HOSEA CUNNINGHAM

MICHELLE LAPALM

9/2/2016	2.00	89.0000	178.00
8/22/2016	1.00	89.0000	89.00
8/23/2016	1.75	89.0000	155.75
8/24/2016	1.50	89.0000	133.50
8/25/2016	1.25	89.0000	111.25
8/29/2016	1.00	89.0000	89.00
8/30/2016	1.25	89.0000	111.25
8/31/2016	0.50	89.0000	44.50
9/1/2016	1.00	89.0000	89.00
9/2/2016	1.00	89.0000	89.00
9/6/2016	1.00	89.0000	89.00
9/7/2016	0.50	89.0000	44.50
9/8/2016	1.00	89.0000	89.00
9/9/2016	3.50	89.0000	311.50

**REMIT TO:**

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**Const CA/CE**

**Fixed Rates Labor**

<i>Classification / Employee Name</i>	<i>Date</i>	<i>Hours</i>	<i>Rate</i>	<i>Amount</i>
<b>Technician II</b>				
MICHELLE LAPALM	9/12/2016	0.50	89.0000	44.50
	9/13/2016	0.50	89.0000	44.50
	9/16/2016	0.50	89.0000	44.50
	<b>Subtotal</b>	<b>19.75</b>		<b>1,757.75</b>
<b>Technician IV</b>				
BRENT R. MANKOWSKI	8/22/2016	11.00	113.0000	1,243.00
	8/23/2016	14.00	113.0000	1,582.00
	8/24/2016	7.00	113.0000	791.00
	8/25/2016	12.00	113.0000	1,356.00
	8/26/2016	12.00	113.0000	1,356.00
	8/27/2016	2.00	113.0000	226.00
	8/29/2016	11.50	113.0000	1,299.50
	8/30/2016	11.00	113.0000	1,243.00
	8/31/2016	8.00	113.0000	904.00
	9/1/2016	7.50	113.0000	847.50
	9/2/2016	5.00	113.0000	565.00
	9/6/2016	1.00	113.0000	113.00
	9/7/2016	3.00	113.0000	339.00
	9/8/2016	9.00	113.0000	1,017.00
	9/9/2016	9.00	113.0000	1,017.00
	9/10/2016	4.00	113.0000	452.00
	9/12/2016	6.50	113.0000	734.50
	9/13/2016	11.00	113.0000	1,243.00
	9/14/2016	11.50	113.0000	1,299.50
	9/15/2016	9.00	113.0000	1,017.00
	9/16/2016	8.00	113.0000	904.00
RICHARD LAPALM	9/8/2016	2.00	113.0000	226.00
	9/9/2016	2.00	113.0000	226.00
	9/13/2016	2.00	113.0000	226.00
	9/14/2016	2.00	113.0000	226.00
	9/15/2016	2.00	113.0000	226.00
	9/16/2016	2.00	113.0000	226.00
	<b>Subtotal</b>	<b>185.00</b>		<b>20,905.00</b>
	<b>Fixed Rates Labor subtotal</b>	<b>356.00</b>		<b>38,800.75</b>
	<b>Total Const CA/CE</b>			<b>38,800.75</b>

**REMIT TO:**

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**Transportation**

**Fixed Rates Labor**

**Classification / Employee Name**

**Date**

**Hours**

**Rate**

**Amount**

Associate

MARK R. LOCH

8/22/2016	0.50	165.0000	82.50
8/26/2016	0.50	165.0000	82.50
8/29/2016	0.50	165.0000	82.50
9/1/2016	0.50	165.0000	82.50
9/6/2016	0.50	165.0000	82.50
9/9/2016	2.00	165.0000	330.00

Subtotal 4.50 742.50

Fixed Rates Labor subtotal 4.50 742.50

**Total Transportation 742.50**

**Total Project: 0037150043 - CE - Oak Park Federal Aid Patching**

**39,543.25**

**REMIT TO:**

OHM Advisors

34000 PLYMOUTH RD

LIVONIA, MICHIGAN 48150-1512

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F 734.522.6427

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**CITY OF OAK PARK**  
**Attn: Kevin Yee, City Engineer**  
**13700 OAK PARK BLVD.**  
**OAK PARK, MI 48237**

**Invoice Date:** 11/01/2016  
**Invoice #:** 181512  
**Project:** 0037-15-0043

**Project Name:** CE - Oak Park Federal Aid Patching

---

**For Professional Services Rendered through: 10/15/2016**

<i>Description</i>	<i>Fee</i>	<i>Prior Billed</i>	<i>Total Available</i>	<i>Current Billing</i>
Const CA/CE	175,736.00	164,759.50	10,976.50	10,962.00
Transportation	7,000.00	7,455.75	0.00	0.00
Subconsultant	41,000.00	24,274.80	16,725.20	9,976.78
		<b>Amount Due This Invoice **</b>		<b>20,938.78</b>

---

**REMIT TO:**

**OHM Advisors**  
34000 PLYMOUTH RD  
LIVONIA, MICHIGAN 48150-1512

T 734.522.6711  
F 734.522.6427

OHM-Advisors.com



**CITY OF OAK PARK**  
**Attn: Kevin Yee, City Engineer**  
**13700 OAK PARK BLVD.**  
**OAK PARK, MI 48237**

**Invoice Date:** 11/01/2016  
**Invoice #:** 181512  
**Project:** 0037-15-0043

**Const CA/CE**

**Fixed Rates Labor**

**Classification / Employee Name**

**Date Hours Rate Amount**

Associate

CRAIG DASHNER

9/19/2016	1.00	165.0000	165.00
9/21/2016	1.00	165.0000	165.00
9/22/2016	1.00	165.0000	165.00
9/23/2016	1.50	165.0000	247.50
<b>Subtotal</b>	<b>4.50</b>		<b>742.50</b>

Graduate Engineer I

RICHARD HETU

9/19/2016	4.00	103.0000	412.00
-----------	------	----------	--------

Technician I

VANESSA ASSI

9/19/2016	1.50	68.0000	102.00
9/20/2016	0.75	68.0000	51.00
9/22/2016	1.25	68.0000	85.00
9/26/2016	1.50	68.0000	102.00
9/28/2016	0.50	68.0000	34.00
9/29/2016	0.25	68.0000	17.00
<b>Subtotal</b>	<b>5.75</b>		<b>391.00</b>

Technician II

MICHELLE LAPALM

9/19/2016	0.50	89.0000	44.50
9/20/2016	1.00	89.0000	89.00
9/21/2016	0.50	89.0000	44.50
9/22/2016	0.50	89.0000	44.50
9/23/2016	1.00	89.0000	89.00
9/26/2016	0.75	89.0000	66.75
9/27/2016	0.50	89.0000	44.50
9/28/2016	0.25	89.0000	22.25
9/29/2016	0.50	89.0000	44.50
<b>Subtotal</b>	<b>5.50</b>		<b>489.50</b>

Technician IV

BRENT R. MANKOWSKI

9/19/2016	8.00	113.0000	904.00
9/20/2016	10.00	113.0000	1,130.00

**REMIT TO:**

OHM Advisors  
 34000 PLYMOUTH RD  
 LIVONIA, MICHIGAN 48150-1512

T 734.522.6711  
 F 734.522.6427

OHM-Advisors.com



**Const CA/CE**

**Fixed Rates Labor**

**Classification / Employee Name**

**Date**

**Hours**

**Rate**

**Amount**

Technician IV

BRENT R. MANKOWSKI

9/21/2016	10.00	113.0000	1,130.00
9/22/2016	10.00	113.0000	1,130.00
9/23/2016	8.00	113.0000	904.00
9/26/2016	8.00	113.0000	904.00
9/27/2016	11.00	113.0000	1,243.00
9/28/2016	8.00	113.0000	904.00
9/29/2016	5.00	113.0000	565.00

RICHARD LAPALM

9/29/2016	1.00	113.0000	113.00
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Subtotal 79.00 8,927.00

Fixed Rates Labor subtotal 98.75 10,962.00

**Total Const CA/CE** 10,962.00

**Subconsultant**

**Subconsultant**

**Vendor Name**

G2 Consulting Group LLC

**Date**

**Invoice**

**Cost**

**Multiplier**

**Amount**

9/24/2016	162007	6,227.80	1.10	6,850.58
9/24/2016	162008	2,842.00	1.10	3,126.20

Subconsultant subtotal 9,976.78

**Total Subconsultant** 9,976.78

**Total Project: 0037150043 - CE - Oak Park Federal Aid Patching**

**20,938.78**

**REMIT TO:**

OHM Advisors

34000 PLYMOUTH RD

LIVONIA, MICHIGAN 48150-1512

T 734.522.6711

F 734.522.6427

OHM-Advisors.com

**G2 Consulting Group, LLC**  
**1866 Woodslee Street**  
**Troy, MI 48083**

**INVOICE**

Invoice Number: 162007  
 Invoice Date: August 31, 2016  
 Page Number: 1

Voice: 248.680.0400  
 Fax: 248.680.9745

Bill To: Accounts Payable  
 OHM Advisors  
 34000 Plymouth Road  
 Livonia, MI 48150

<b>Customer ID</b>	<b>Purchase Order No.</b>	<b>G2 Project No.</b>	
OHM001		160107	
<b>Payment Terms</b>	<b>Due Date</b>	<b>Ship Date</b>	<b>Shipping Method</b>
Net-30 Days	September 30, 2016		

Quantity	Description	Unit Price	Amount
2.00	Engineering Technician, Regular Hours, each	39.00	78.00
34.00	Senior Engineering Technician, per hour	54.00	1,836.00
1.50	Senior Engineering Technician, Overtime, per hour	75.60	113.40
24.00	Supervising Engineering Technician, per hour	64.00	1,536.00
1.50	Supervising Engineering Technician, Overtime, per hour	89.60	134.40
4.00	Project Engineer, per hour	110.00	440.00
3.00	Project Manger, per hour	130.00	390.00
10.00	Transportation & Communication, per day	40.00	400.00
4.00	Sample Collection or Concrete Cylinder Pick-Up, each	100.00	400.00
60.00	Compressive Strength Test Cylinders, each	15.00	900.00
Oak Park Local Streets - Lincoln Street, Oak Park, Michigan - Quality Control Observation and Testing Services for August 2016			
Client Contact: Mark Loch			

**Total Invoice Amount \$ 6,227.80**

If you have any questions concerning this invoice, call Mark W. Smolinski, (248) 680-0400. Client agrees to pay a finance charge of 1.5 percent per month on accounts past due 30 days from invoice date.

Make all checks payable to: G2 Consulting Group, LLC.

**RECEIVED**

SEP 16 2016

**G2 Consulting Group, LLC**  
**1866 Woodslee Street**  
**Troy, MI 48083**

**Voice: 248.680.0400**  
**Fax: 248.680.9745**

# INVOICE

Invoice Number: 162008  
 Invoice Date: August 31, 2016  
 Page Number: 1

**Bill To:** Accounts Payable  
 OHM Advisors  
 34000 Plymouth Road  
 Livonia, MI 48150

<b>Customer ID</b>	<b>Purchase Order No.</b>	<b>G2 Project No.</b>	
OHM001		160107	
<b>Payment Terms</b>	<b>Due Date</b>	<b>Ship Date</b>	<b>Shipping Method</b>
Net 30 Days	September 30, 2016		

Quantity	Description	Unit Price	Amount
16.50	Senior Engineering Technician, per hour	54.00	891.00
1.00	Senior Engineering Technician, Overtime, per hour	75.60	75.60
4.00	Supervising Engineering Technician, per hour	64.00	256.00
1.50	Supervising Engineering Technician, Overtime, per hour	89.60	134.40
1.00	Project Engineer, per hour	110.00	110.00
1.50	Project Manger, per hour	130.00	195.00
4.00	Transportation & Communication, per day	40.00	160.00
3.00	Sample Collection or Concrete Cylinder Pick-Up, each	100.00	300.00
48.00	Compressive Strength Test Cylinders, each	15.00	720.00
Oak Park Local Streets - Oak Park Blvd, Oak Park, Michigan - Quality Control Observation and Testing Services for August 2016			
Client Contact: Mark Loch			

**Total Invoice Amount \$ 2,842.00**

If you have any questions concerning this invoice, call Mark W. Smolinski, (248) 680-0400. Client agrees to pay a finance charge of 1.5 percent per month on accounts past due 30 days from invoice date.

Make all payments payable to G2 Consulting Group, LLC.

**RECEIVED**

SEP 16 2016

ORCHARD, HILTZ & McCLIMENT, INC



**BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN**

**AGENDA OF:** November 21, 2016

**AGENDA #**

**SUBJECT:** Request to cancel the November 22, 2016 Zoning Board of Appeals meeting.

**DEPARTMENT:** Community & Economic Development, Planning Division

**SUMMARY:** The Chairperson of the Zoning Board of Appeals is requesting the November 22, 2016 Zoning Board of Appeals meeting be cancelled. There is no business scheduled before the Zoning Board of Appeals.

**RECOMMENDED ACTION:** The City Council consider accepting the request of the Chairperson of the Zoning Board of Appeals and cancel the November 22, 2016, regularly scheduled meeting.

**APPROVALS:**

City Manager: \_\_\_\_\_

Director: \_\_\_\_\_

Finance Director: \_\_\_\_\_

**EXHIBITS:**

**MERCHANT'S LICENSES – NOVEMBER 21, 2016****(Subject to All Departmental Approvals)**

<b><u>NEW MERCHANT</u></b>	<b><u>ADDRESS</u></b>	<b><u>FEE</u></b>	<b><u>BUSINESS TYPE</u></b>
BMI Road Service	13380 Capital	\$150	Towing Service
<b><u>RENEWAL</u></b>	<b><u>ADDRESS</u></b>	<b><u>FEE</u></b>	<b><u>BUSINESS TYPE</u></b>
Health Systems	25900 Greenfield #140	\$225	Medical Office
<b><u>PAWNBROKER</u></b>	<b><u>ADDRESS</u></b>	<b><u>FEE</u></b>	
Major Deals Norris Antoon	24721 Coolidge	\$400	
<b><u>PRECIOUS METALS</u></b>	<b><u>ADDRESS</u></b>	<b><u>FEE</u></b>	
Major Deals Norris Antoon	24721 Coolidge	\$50	



**BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN**

**AGENDA OF:** November 21, 2016

**AGENDA #**

**SUBJECT:** Public Hearing for allocation of 2017 CDBG Funds.

**DEPARTMENT:** Technical and Planning Services

**SUMMARY:** The City of Oak Park is expected to receive \$112,915 in Community Development Block Grant Funds (CDBG) for the 2017 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 holds 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 conduct a public hearing to receive comment on the allocation of the 2017 Community Development Block Grant Funds. It is also recommended that City Council pass a resolution approving the recommended allocation of funds and authorize the Mayor to sign the application and Subrecipient Agreement on behalf of the City. The proposed allocation is:

Code Enforcement	\$82,915
Public Services (Yard Services)	<u>\$30,000</u>
Total	\$112,915

**APPROVALS:**

City Manager: \_\_\_\_\_

Director: \_\_\_\_\_

Finance Director: \_\_\_\_\_

**EXHIBITS:** CDBG Resolution

RESOLUTION (CM-XXXXX) APPROVING THE 2017  
COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION

WHEREAS, Oakland County is preparing an Annual Action Plan to meet application requirements for the Community Development Block Grant (CDBG) program, and other Community Planning and Development (CPD) programs; and  
WHEREAS, Oakland County has requested CDBG eligible projects from participating communities for inclusion in the Action Plan; and  
WHEREAS, the City of Oak Park is a participating local unit of government in the Oakland County Community Development Block Grant Program; and  
WHEREAS, the City Of Oak Park has duly advertised and conducted a public hearing on November 21, 2016 for the purposes of receiving comments regarding the proposed use of Program Year 2017 Community Development Block Grant funds in the approximate amount of \$112,915; and  
WHEREAS, the public hearing conformed to the guidelines of the Oakland County Community Development Division; and  
WHEREAS, The City of Oak Park found that the following projects meet the federal objectives of the CDBG program and are prioritized by the community as high priority need:

Account Number	Project Name	Amount
172170-730310	Code Enforcement	\$82,915.00
172160-732170	Public Service/Yard Services	\$30,000.00

NOW THEREFORE, BE IT RESOLVED, that the City of Oak Park CDBG application is hereby authorized to be submitted to Oakland County for inclusion in Oakland County's Annual Action Plan to the U.S. Department of Housing and Urban Development, and that the Mayor is hereby authorized to execute all documents, agreements, or contracts which result from this application to Oakland County.

Yes:

No:

Absent:

**RESOLUTION DECLARED ADOPTED**

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City of Oak Park, County of Oakland, State of Michigan, at a regular meeting held on Monday, November 21, 2016 and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act No. 267, Public Acts of 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

---

T. Edwin Norris, City Clerk

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**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 466956****November 15, 2016**Erik Tungate  
City of Oak Park  
14000 Oak Park Blvd.  
Oak Park, MI 48327*Re: Harmony Montessori Center v City of Oak  
Park**Client 7406  
Matter 4***Statement for City Attorney Legal Services**

For Legal Services Rendered Through Monday, October 31, 2016

**\$247.00****Fee Total****Total Costs Advanced****\$0.00****Total Fees and Disbursements: \$247.00**

*Invoices for legal services are due upon receipt. To ensure proper application of your payment,  
Please indicate our invoice number and client/matter number on your remittance.*

---

---

**GARAN  
LUCOW  
MILLER P.C.**

GREAT LAKES LAW FIRM SERVING CLIENTS NATIONALLY

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

**Invoice 466961**

**November 15, 2016**

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

*Re: Judy Kish and Joyce Bannon, et al v City of  
Oak Park*

*Client 7406  
Matter 31*

**Statement for City Attorney Legal Services**

For Legal Services Rendered Through Monday, October 31, 2016

**\$2,588.50**

**Fee Total**

**Costs Advanced:**

<b>Date</b>	<b>Description</b>	<b>Amount</b>
10/18/16	Reproduction Charges 1 @ 0.15	0.15
10/19/16	Fee for electronic filing in Oakland County - Defendant City of Oak Park's Motion for Summary Disposition	25.75
	<b>Total Costs Advanced</b>	<b>\$25.90</b>

**Total Fees and Disbursements: \$2,614.40**

---

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**GARAN  
LUCOW  
MILLER P.C.**

GREAT LAKES LAW FIRM SERVING CLIENTS NATIONALLY

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

**Invoice 466962**

**November 15, 2016**

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

*Re: Tina Polk and Richard Newton v City of Oak  
Park, County of Oakland, et al.*

*Client 7406  
Matter 24*

**Statement for City Attorney Legal Services**

For Legal Services Rendered Through Monday, October 31, 2016

**\$1,989.00**

**Fee Total**

**Costs Advanced:**

<b>Date</b>	<b>Description</b>	<b>Amount</b>
10/07/16	Fee to Bienenstock Court Reporting and Video for the certified deposition transcript of Gary A. Nigro	185.39
	<b>Total Costs Advanced</b>	<b>\$185.39</b>

**Total Fees and Disbursements: \$2,174.39**

*Invoices for legal services are due upon receipt. To ensure proper application of your payment,  
Please indicate our invoice number and client/matter number on your remittance.*

---

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**GARAN  
LUCOW  
MILLER P.C.**

GREAT LAKES LAW FIRM SERVING CLIENTS NATIONALLY

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

**Invoice 466963**

**November 15, 2016**

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 Monday, October 31, 2016

**\$11,667.00**

**Fee Total**

**Costs Advanced:**

<b>Date</b>	<b>Description</b>	<b>Amount</b>
09/15/16	Oakland County Case Look Up-Copy of Complaint	9.50
09/15/16	Oakland County Circuit Court Case Look-Up, Copy of Complaint.	9.50
10/04/16	Reproduction Charges 5 @ 0.15	0.75
10/11/16	Reproduction Charges 3 @ 0.15	0.45
10/11/16	Reproduction Charges 44 @ 0.15	6.60
10/17/16	Reproduction Charges 16 @ 0.15	2.40
10/19/16	Reproduction Charges 8 @ 0.15	1.20
10/25/16	Oakland County Register of Deeds-Copies of Recorded Documents.	12.00
	<b>Total Costs Advanced</b>	<b>\$42.40</b>

**Total Fees and Disbursements: \$11,709.40**

*Invoices for legal services are due upon receipt. To ensure proper application of your payment,  
Please indicate our invoice number and client/matter number on your remittance.*

SECRET, WARDLE, LYNCH  
HAMPTON, TRUEX & MORLEY  
2600 TROY CENTER DRIVE P.O. BOX 5025  
TROY, MICHIGAN 48007-5025  
(248) 851-9500

IRS # 38-1863919

City of Oak Park  
Erik Tungate  
13600 Oak Park Blvd  
Oak Park, MI 48237

November 8, 2016  
Invoice # 1297828  
Client No. M1409  
Matter No. 100314

RE: Oak Park, City of (Building Fund)

**INTERIM**

Services Rendered:

---

**CURRENT BILLING SUMMARY THROUGH OCTOBER 31, 2016**

Fees for Professional Services	\$2,352.00
Expenses Advanced	\$0.00
<b>CURRENT BILL DUE</b>	<b>\$2,352.00</b>

---

PLEASE REMIT TO: SECRET, WARDLE, LYNCH,  
HAMPTON, TRUEX & MORLEY, PC  
P.O. BOX 772725  
CHICAGO, IL 60677-2007

**REMITTANCE COPY**

PLEASE INCLUDE THIS PAGE WITH YOUR PAYMENT

**OUTSTANDING STATEMENTS AS OF November 8, 2016**

Statement No.: 1292296	08/10/2016	<b>176.00</b>
Statement No.: 1293772	09/16/2016	<b>128.00</b>
Statement No.: 1295695	10/11/2016	<b>3,952.40</b>
<hr/>		
	TOTAL	<b>\$4,256.40</b>
<hr/>		

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

**AN ORDINANCE TO AMEND SECTION 2-354, MEETINGS, OF DIVISION 8, ETHNIC ADVISORY COMMISSION, OF ARTICLE III, BOARDS AND COMMISSIONS, OF CHAPTER 2, ADMINISTRATION, OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK, THEREBY CHANGING THE TIME FOR MONTHLY COMMISSION MEETINGS FROM 7:30 P.M. TO 7:00 P.M.**

**THE CITY OF OAK PARK ORDAINS:**

**SECTION 1.** Section 2-354, Meetings, of Division 8, Ethnic Advisory Commission, of Article III, Boards and Commissions, of Chapter 2, Administration, of the Code of Ordinances of the City of Oak Park is hereby amended to read as follows:

**Sec. 2-354. Meetings.**

The ethnic advisory commission shall meet once a month on the second Thursday of each month at 7:00 p.m. The chairperson may call a special meeting with the approval of the council.

**SECTION 2. Severability.**

No other portion, paragraph or phrase of the Code of Ordinances of the City of Oak Park shall be affected by this ordinance, except as to the above section 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.

**SECTION 3. Effective Date.**

This ordinance shall become effective ten (10) days from the date of its passage and shall be published as required by the Charter of the City of Oak Park.

**MADE, PASSED AND ADOPTED** by the Council of the City of Oak Park, on this \_\_\_ day of \_\_\_\_\_, 2016.

---

T. Edwin Norris  
City Clerk

---

Marian McClellan  
Mayor

I, T. Edwin Norris, duly authorized Clerk of the City of Oak Park, Michigan do hereby certify that the foregoing Ordinance was adopted by the Council of the City of Oak Park at its Regular meeting held on \_\_\_\_\_, 2016.

---

T. Edwin Norris, City Clerk

## ORDINANCE NO.

AN ORDINANCE TO AMEND SECTION 201, OF ARTICLE II, DEFINITIONS, SECTION 401 AND SECTION 403, OF ARTICLE IV, R-1 ONE-FAMILY DWELLING DISTRICTS, SECTION 503, OF ARTICLE V, R-2 TWO-FAMILY DWELLING DISTRICTS, SECTION 603, OF ARTICLE VI, RM-1 AND RM-2 MULTI-FAMILY RESIDENTIAL DISTRICTS, APPENDIX A, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK, MICHIGAN.

THE CITY OF OAK PARK, MICHIGAN ORDAINS:

SECTION 1. Section 201, of Article II, Definitions, Appendix A, Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to delete the following definitions:

*Boarding house.* The term boarding house, rooming house, and lodging house are used synonymously in this ordinance. A one-family residential dwelling occupied in such a manner that certain rooms in excess of those used by members of the immediate family and occupied as a home or family unit are leased or rented to persons outside of the family, without any attempt to provide therein or therewith, cooking or kitchen accommodations for individuals leasing or renting rooms.

*Bed and breakfast.* An owner-occupied, one-family residential structure where the owner or operator provides overnight accommodations to guests in return for payment.

SECTION 2. Section 201, of Article II, Definitions, Appendix A, Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to the following:

*Building.* Any permanent structure having a roof supported by columns, or walls, and intended for the shelter, or enclosure of persons, animals, or property of any kind.

SECTION 3. Section 401, B, of Article IV, R-1 One-Family Dwelling Districts, Appendix A, Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to delete the following provisions and re-number the remaining provisions:

5. The operation of a boarding house, as defined in Article II, provided that no more than two rooms may be used for boarders or roomers. One non-illuminated sign, not over one square foot in area, indicating such use may be displayed on the premises.

7. The operation of a bed and breakfast as defined in Article II, subject to all of the following criteria:
  - a. Has ten or fewer sleeping rooms, including sleeping rooms occupied by the owner or occupant, one or more of which are available to rent to transient tenants;
  - b. Serves meals at no extra cost to its transient tenants; and
  - c. Has a smoke detector in proper working order in each sleeping room and a fire extinguisher in proper working order on each floor.

SECTION 4. Section 403, B, of Article IV, R-1 One-Family Dwelling Districts, Appendix A, Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to the following:

B. Prohibited use for open areas: No machinery, equipment, vehicles, or other materials, shall be stored or parked, or permitted to stand in any open area that is clearly visible from the street, public place or adjoining residential property.

SECTION 5. Section 503, B, of Article IV, R-2 Two-Family Dwelling Districts, Appendix A, Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to the following:

B. Prohibited use for open areas: No machinery, equipment, vehicles, or other materials, shall be stored or parked, or permitted to stand in any open area that is clearly visible from the street, public place or adjoining residential property.

SECTION 6. Section 603, B, of Article IV, RM-1 and RM-2 Multi-Family Residential Districts, Appendix A, Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to the following:

B. Prohibited use for open areas: No machinery, equipment, vehicles, or other materials, shall be stored or parked, or permitted to stand in any open area that is clearly visible from the street, public place or adjoining residential property.

SECTION 7. Section 403 of Article IV, R-1 One-Family Dwelling Districts, Appendix A, Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to add the following:

D. The total area of all impervious surfaces shall not exceed 70% of the lot area.

SECTION 8. Section 503 of Article IV, R-2 Two-Family Dwelling Districts, Appendix A, Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to the following:

D. The total area of all impervious surfaces shall not exceed 70% of the lot area.

SECTION 9. 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 10. 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 11. Effective Date

This ordinance shall be effective ten (10) days from the date of adoption and shall be published as required by the Charter of the City of Oak Park.

MADE, PASSED AND ADOPTED by the Council of the City of Oak Park on this day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
T. Edwin Norris  
City Clerk

\_\_\_\_\_  
Marian McClellan  
Mayor

I, T. Edwin Norris, the duly authorized Clerk of the City of Oak Park, Michigan, do hereby certify that the foregoing ordinance was adopted by the Council of the City of Oak Park at its regular meeting held on \_\_\_\_\_, 2016.



- a. Has ten or fewer sleeping rooms, including sleeping rooms occupied by the owner or occupant, one or more of which are available to rent to transient tenants;
- b. Serves meals at no extra cost to its transient tenants; and
- c. Has a smoke detector in proper working order in each sleeping room and a fire extinguisher in proper working order on each floor.

DELETE

Related definitions:

*Boarding house.* The term boarding house, rooming house, and lodging house are used synonymously in this ordinance. A one-family residential dwelling occupied in such a manner that certain rooms in excess of those used by members of the immediate family and occupied as a home or family unit are leased or rented to persons outside of the family, without any attempt to provide therein or therewith, cooking or kitchen accommodations for individuals leasing or renting rooms. DELETE

*Bed and breakfast.* An owner-occupied, one-family residential structure where the owner or operator provides overnight accommodations to guests in return for payment. DELETE

**Parking Vehicles in Open Areas of Residential Rear Yards**

It was recently determined that the current Zoning Ordinance language did not clearly state that “operable” machinery, equipment, vehicles, or other materials could not be stored in the open in residential rear yards. By removing the words regarding “discards or items in need of repair” the language would prevent the accumulation of machinery, equipment, vehicles in residential rear yards.

ARTICLE IV. - R-1 ONE-FAMILY DWELLING DISTRICTS

ARTICLE V. - R-2 TWO-FAMILY DWELLING DISTRICTS

ARTICLE VI. - RM-1 AND RM-2 MULTI-FAMILY RESIDENTIAL DISTRICTS

Sec. 403, 503, 603. - Required conditions.

A. No front yard space ~~in any R-1 district~~ shall be used for the storage or parking of vehicles or any other materials or equipment; provided vehicles which are currently licensed and in normal driving condition may be parked in a service driveway or garage.

B. Prohibited use for open areas: No machinery, equipment, vehicles, or other materials, ~~either discards or showing evidence of need for repair or maintenance~~ shall be stored or parked, or permitted to stand in any open area that is clearly visible from the street, public place or adjoining residential property.

## **Paving Your Entire Residential Yards**

A resident recently inquired about the possibility of paving his entire rear yard. This action would potentially create a number of issues, not the least a problem with storm water runoff onto neighboring properties. The Zoning Ordinance currently has no specific provision that prevents complete paving of your yard. A method some communities have incorporated is a maximum percentage of allowable impervious surfaces. The Zoning Ordinance currently has a definition for Impervious Surface but no regulations accompanying it.

*“Impervious surface. Any material that substantially reduces or prevents the infiltration of stormwater into previously undeveloped land.*

*Impervious surface shall include a surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes surfaces such as compacted sand, limerock, or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar structures.”*

After careful analysis, which included input from the Engineering and Building Divisions and reviewing other community’s regulations, we believe it would be reasonable to limit impervious surfaces to 70% of the lot area.

ARTICLE IV. - R-1 ONE-FAMILY DWELLING DISTRICTS

ARTICLE V. - R-2 TWO-FAMILY DWELLING DISTRICTS

*C. The total area of all impervious surfaces shall not exceed 70% of the lot area.*

## **Buildings vs. Structures**

To more distinctly define the difference between Buildings and Structures, we propose to make a small but important change to the definition of a Building.

*Building. Any **permanent** structure, ~~either temporary or permanent~~, having a roof supported by columns, or walls, and intended for the shelter, or enclosure of persons, animals, or property of any kind.*

The current definition for Structure will remain unchanged.

*Structure. Any constructed or erected material, the use of which requires locations on the ground or attachment to something having location on the ground, including, but not limited to, buildings, towers, sheds, and signs, but excepting walks, drives, pavements, fences, and similar access or circulation facilities.*

If the proposed Zoning Ordinance text amendments are acceptable to the Planning Commission the Department of Community & Economic Development recommends approving the attached proposed ordinance.

CITY OF OAK PARK, MICHIGAN

## CITY OF OAK PARK, MICHIGAN

## ORDINANCE NO.

AN ORDINANCE TO AMEND APPENDIX A-ZONING, ARTICLE III, AND THE OFFICIAL ZONING MAP CONTAINED THEREIN, BEING PART OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK, MICHIGAN, BY CHANGING THE USE DISTRICT OF CERTAIN PARCELS OF LAND IN SECTION 29 AND CURRENTLY ZONED R-1, ONE FAMILY DWELLING DISTRICT TO RM-1, MULTI-FAMILY RESIDENTIAL DISTRICT.

THE CITY OF OAK PARK, MICHIGAN ORDAINS:

SECTION 1. The Code of Ordinances of the City of Oak Park is hereby amended by changing the use district of the following described parcel of land in Section 29 and currently zoned R-1, One-Family Dwelling District, according to the City's Official Zoning District Map, Appendix-A Zoning, Article III, to RM-1, Multi-Family Residential District:

T1N, R11E SEC 29 Part of SW 1/4 BEG at PT DIST N 89-29-00 E 776.27 FT from INTERSEC of E LINE of Coolidge Hwy & S LINE of NORTHFIELD BOULEVARD SUB, TH N 89-29-00 E 493.94 FT, TH S 00-21-16 E 397.58 FT, TH S 89-56-39 W 496 FT, TH N 00-03-01 W 393.60 FT TO BEG 4.50 Acres.

Common address: 13200 Oak Park Blvd.  
Property Identification Number: 52-25-29-301-015

SECTION 2. It is hereby ordered that the Official Zoning District Map of the City of Oak Park, as herein amended, be incorporated with this ordinance and be considered a part hereof and be published in connection herewith.

SECTION 3. It is further ordered that from and after the effective date of this ordinance, the above described parcel of land shall be in the RM-1, Multi-Family Residential District, and be subject to the regulations pertaining to such a district.

SECTION 4. 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 5. 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 6. Effective Date

This ordinance shall be effective thirty (30) days from the date of adoption and shall be published as required by the Charter of the City of Oak Park.

MADE, PASSED AND ADOPTED by the Council of the City of Oak Park on this day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Ed Norris  
City Clerk

\_\_\_\_\_  
Marian McClellan  
Mayor

I, Ed Norris, the duly authorized Clerk of the City of Oak Park, Michigan, do hereby certify that the foregoing ordinance was adopted by the Council of the City of Oak Park at its regular meeting held on \_\_\_\_\_, 2016.

Ed Norris  
City Clerk

First Reading:  
Second Reading:  
Adopted:  
Published:



# CITY OF OAK PARK

## DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT

### MEMORANDUM

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TO: Planning Commission members      DATE: October 5, 2016  
FROM: Kevin Rulkowski, AICP, City Planner      FILE: Planning/PioneerHealthCare  
SUBJECT: Proposed rezoning of 13200 Oak Park Boulevard, Pioneer Health Care Management

The Planning Division has received a request from Pioneer Health Care Management, to rezone the property at 13200 Oak Park Boulevard, from R-1, One Family Dwelling District to RM-1, Low-Rise Multi-Family Residential District.

A Public Hearing was scheduled for the October meeting to hear public comments on the rezoning request by Pioneer Health Care Management for 13200 Oak Park Boulevard, from R-1, One-Family Dwelling District to RM-1, Multi-Family Residential District. The proposed rezoning is the property identified as Property Identification # 25-29-301-015 on the attached map. The property is currently owned by the Chaldean Catholic Church of USA. The Pioneer Health Care Management proposal would demolish an existing building on the site and replace it with a one story, 66 bed Skilled Nursing and Rehabilitation Center. Enclosed is a preliminary site plan to illustrate the proposal. This preliminary site plan is not included as part of a formal Site Plan Review process and only the rezoning request is being considered at this time.

The following considerations were noted during the review of this rezoning request:

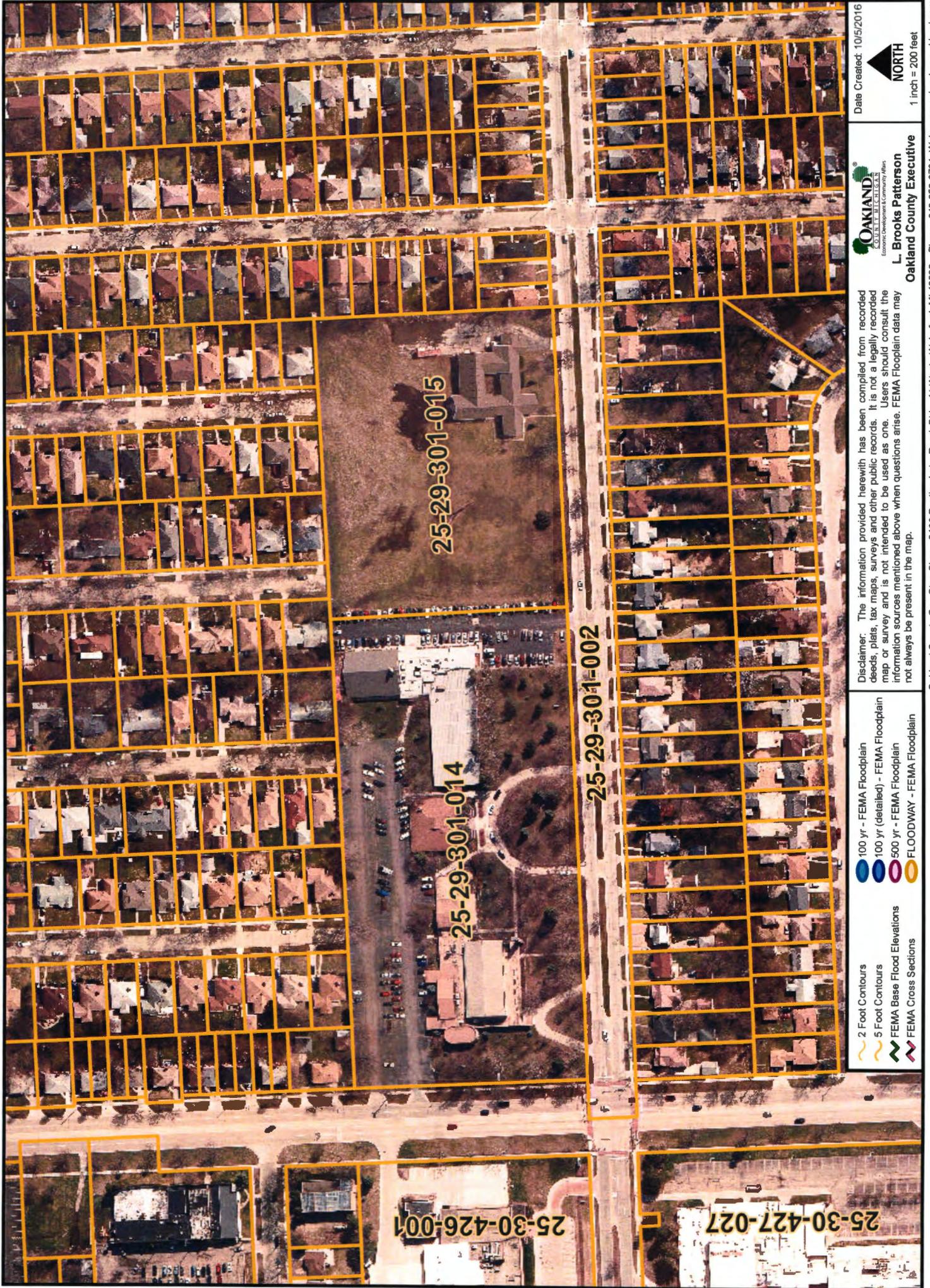
1. The Zoning Ordinance, Section 600, Intent, of the RM-1, Multi-Family Residential District states "The RM-1 low-rise multi-family residential districts and the RM-2 mid-rise multi-family districts are intended to provide areas for multiple family dwellings and related uses, which will generally serve as zones of transition from lower density residential districts to more intense use districts, while providing appropriate housing alternatives in a properly planned setting." Currently there are no skilled nursing facilities in Oak Park providing specialized care in a residential setting.
2. The City's Master Plan states "As the population ages, new housing opportunities are needed to keep long-term residents in Oak Park after retirement".

3. The City's Strategic Economic Development Plan (2014) states "a diverse housing stock will increase the attractiveness of Oak Park to a broader range of prospective residents, especially a greater mix of multi-family options that appeal to the two largest demographic groups in the country: Millennials and the aging Baby Boomers. It also encourages long-term investment in the city by providing the opportunity to transition into housing that matches their life-stage without having to leave the community".
4. The proposed rezoning is for property 4.5 acres in size.
5. All the adjacent parcels surrounding the subject parcel are zoned for single family residential use. The subject property and the property to the west have been used as Places of Worship for many years. At the nearby intersection of Coolidge Highway and Oak Park Boulevard are the City of Oak Park municipal campus and the Oak Park High School.
6. The RM-1, Multi-Family Residential District permits, as a Special Land Use, "convalescent or rest homes".
7. The setback requirements for the RM-1, Multi-Family Residential District and R-1, One-Family Dwelling District are very similar in their requirements. Both districts have 25 foot setbacks from the front property lines.
8. The proposed zoning change should have no significant impact to the traffic conditions in the area.
9. The City of Oak Park Master Plan identifies this area as a quasi-public land use. A skilled nursing care facility is consistent with this classification.
10. Currently there is a partially reconstructed community meeting facility on the property that never was never operational.
11. The proposed zoning change would be consistent with the intent of the Master Plan to create more diversification in its housing inventory.
12. The proposed zoning change would be consistent and compatible with existing land uses in the area.

The proposed zoning district change is appropriate for this location and is consistent and compatible with existing land uses in the area. Both the Oak Park Master Plan and the Strategic Economic Development Plan identify the need for greater housing diversification which would include residential-type uses such as skilled nursing facilities.

The proposed zoning change would be consistent with the intent of the Master Plan by creating new housing opportunities and greater diversification of the available housing stock. Based on the above considerations, the Planning Division recommends rezoning the subject property, 13200 Oak Park Boulevard (Property Identification # 25-29-301-015), from R-1, One-Family Dwelling District to RM-1, Multi-Family Residential District.

# 13200 Oak Park Blvd

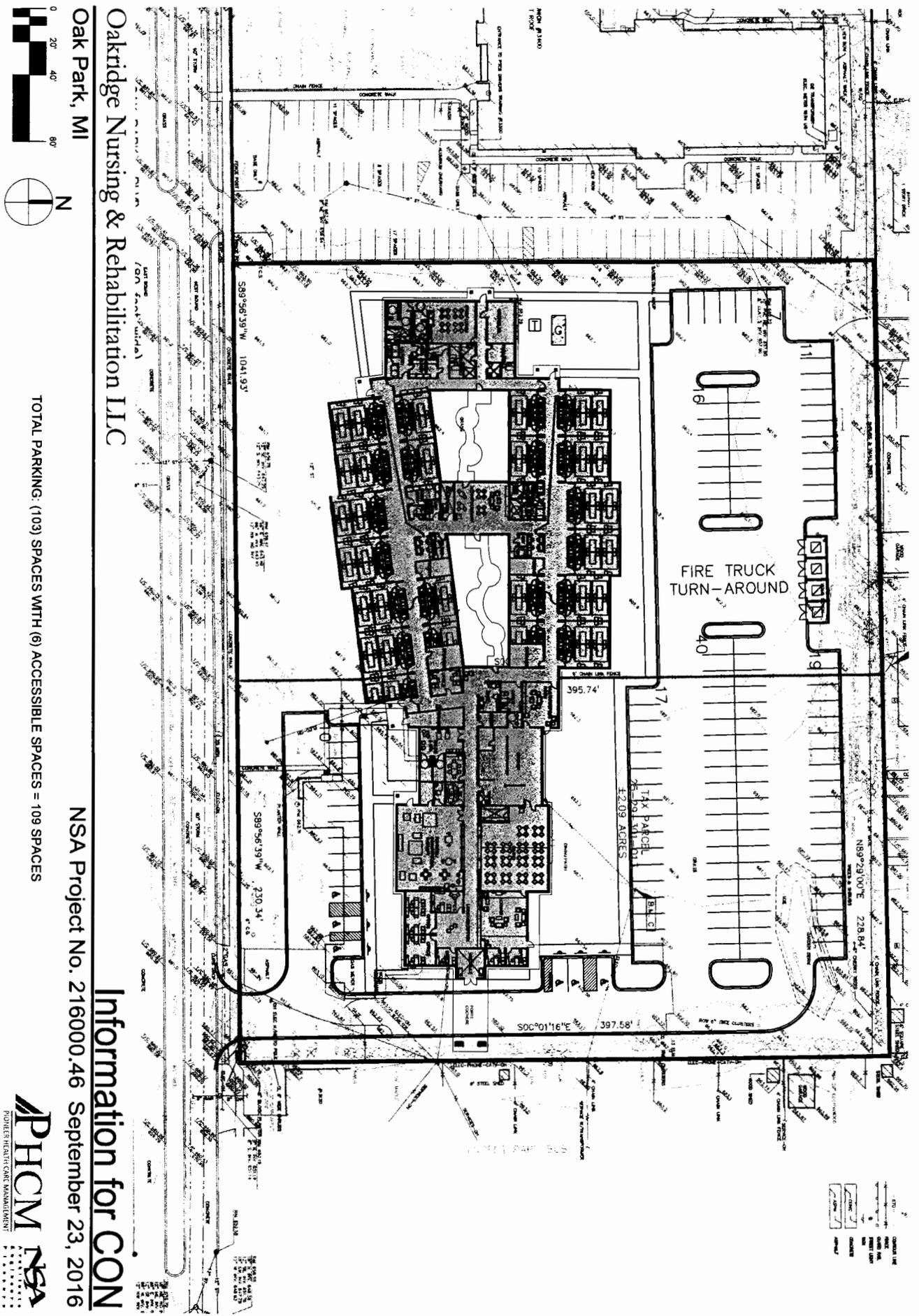


Date Created: 10/5/2016  
 NORTH  
 1 inch = 200 feet

**OAKLAND**  
 COUNTY, MICHIGAN  
 Economic Development & Community Affairs  
**L. Brooks Patterson**  
 Oakland County Executive

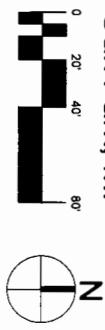
Disclaimer: The information provided herewith has been compiled from recorded deeds, plats, tax maps, surveys and other public records. It is not a legally recorded map or survey and is not intended to be used as one. Users should consult the information sources mentioned above when questions arise. FEMA Floodplain data may not always be present in the map.

- 100 yr - FEMA Floodplain
- 100 yr (detailed) - FEMA Floodplain
- 500 yr - FEMA Floodplain
- FLOODWAY - FEMA Floodplain
- 2 Foot Contours
- 5 Foot Contours
- FEMA Base Flood Elevations
- FEMA Cross Sections



Oakridge Nursing & Rehabilitation LLC

Oak Park, MI

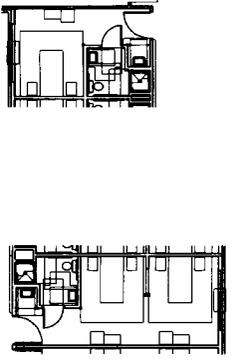
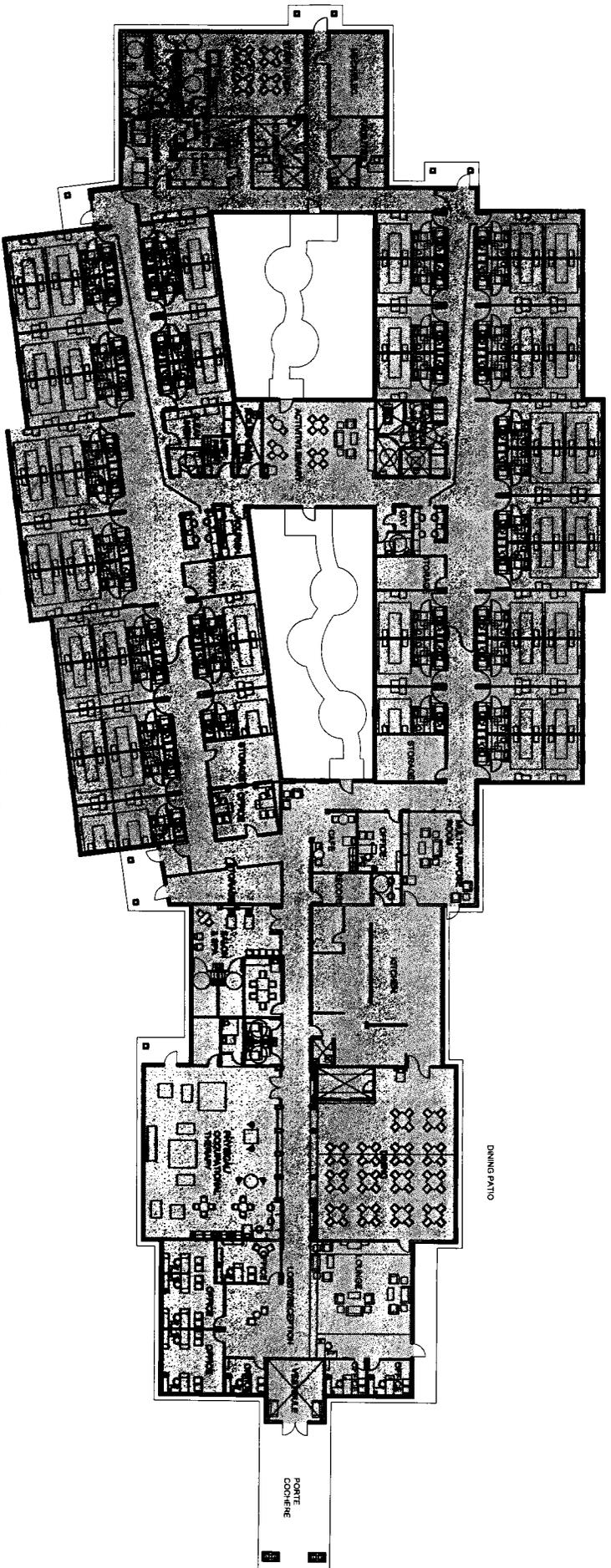


NSA Project No. 216000.46 September 23, 2016

TOTAL PARKING: (103) SPACES WITH (6) ACCESSIBLE SPACES = 109 SPACES

Information for CON





TYP. PRIVATE ROOM      TYP. SEMI PRIVATE ROOM

**BUILDING SQUARE FOOTAGE**  
**FLOOR: 42,375 SQ. FT.**

25 SEMI PRIVATE ROOMS: 50 BEDS  
 14 PRIVATE ROOMS: 14 BEDS  
**TOTAL: 64 BEDS**

SEMI PRIVATE ROOM: GROSS: 409 SQ. FT.  
 SEMI PRIVATE ROOM: NET: 295 SQ. FT.  
 PRIVATE ROOM: GROSS: 304 SQ. FT.  
 PRIVATE ROOM: NET: 293 SQ. FT.

**SQUARE FOOTAGE BREAKDOWN:**

PATIENT ROOMS: 14,481 SQ. FT.  
 NURSING STATIONS: 544 SQ. FT.  
 ADMINISTRATION-OFFICES: 3,138 SQ. FT.  
 KITCHEN-DINING: 4,337 SQ. FT.  
 PHYSICAL THERAPY: 1,954 SQ. FT.  
 LIBRARY RECREATION LOUNGE SALON PLAYROOM: 9,196 SQ. FT.  
 MECHANICAL/ELECTRICAL MAINTENANCE STORAGE: 3,807 SQ. FT.  
 CIRCULATION CORRIDORS: 4,918 SQ. FT.

# Oakridge Nursing & Rehabilitation LLC

Oak Park, MI



# Information for CON

NSA Project No. 216000.46 September 23, 2016



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**GARAN  
LUCOW  
MILLER P.C.**

GREAT LAKES LAW FIRM SERVING CLIENTS NATIONALLY

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## **MEMORANDUM**

**TO:** Mayor McClellan and City Council Members  
**FROM:** City Attorney Frances Murphy  
**DATE:** November 16, 2016  
**SUBJECT:** City of Oak Park - 7406-1  
House Bill 5282 and Marijuana Legislation Updates

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Dear Madame Mayor and City Council:

You have asked for a legislative update on House Bill 5282 and the recent marijuana legislation passed into law. Below is a summation of the proposed and enacted laws that are pertinent to the City of Oak Park.

**I. House Bill 5282**

**A. Introduction**

House Bill 5282 was introduced on February 2, 2016 by Representative Michael Webber. The proposed legislation would amend the Governmental Tort Liability Act (GTLA), which addresses governmental liability in tort cases. It would amend the definition for a sewage disposal event, clarify design and construction defects, and explain notice requirements.

**B. Effect of H.B. 5282 on the City of Oak Park**

Recent flooding events have left municipalities, including Oak Park, open to lawsuits arising out of damage from the floods. House Bill 5282 would specify the point at which rainfall is extensive enough that a municipality could not be held responsible for a sewer system failure, and would define a "construction defect" with respect to governmental liability. It is estimated that, if passed, H.B. 5282 will reduce costs for local units of government and government agencies on a case-by-case basis by expanding governmental immunity.

C. Expansion of "Sewage Disposal System Event" Definition

Currently, a municipality is immune from tort liability for the overflow or backup of a sewage disposal system<sup>1</sup> unless the overflow or backup is a "sewage disposal system event" and the governmental agency is an appropriate governmental agency. House Bill 5282 would expand the definition of "sewage disposal system event." Currently, the Act defines "sewage disposal system event" as the "overflow or backup of a sewage disposal system onto real property." The Act then goes on to list what does not constitute a sewage disposal system event. House Bill 5282 would modify the definition of "sewage disposal system event" so that it would read as follows:

*"Sewage disposal system event" or "event" means the overflow or backup of a sewage disposal system onto real property owned or occupied by a claimant and occurring when rainfall, as measured by a generally recognized and accepted method, at or near the affected area or within the sewage disposal system service area was less than 1.7 inches in any 1-hour period or less than 3.3 inches in any continuous 24-hour period. . . . (emphasis added).*

This means that a municipality will be immune from liability if the rainfall causing the event measured less than 1.7 inches in 1 hour or 3.3 inches in a 24-hour period. Accordingly, amendment of this definition under H.B. 5282 would reduce litigation to the municipality by expanding the municipality's immunity when the "sewage disposal system event" is caused by excessive rainfall.

D. Compliance with State Standards would Provide Immunity

At present, to recover for damage caused by a "sewage disposal system event," a plaintiff must demonstrate that the sewage disposal system had a "defect," that the governmental agency knew or should have known about the "defect," and that the "defect" was a substantial proximate cause of the event and property damage.

House Bill 5282 would retain those requirements and provide immunity where the sewage disposal system "defect" was designed and constructed according to applicable law, as follows:

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<sup>1</sup> Section 16 of the Act defines "sewage disposal system" to include "storm sewers, sanitary sewers, combined sanitary and storm sewers ... and include a storm water drain system ...."

A part of a sewage disposal system does not have a design defect or construction defect *if it was designed and constructed according to applicable state standards or requirements as set forth in a state statute, rule, or permit, or in any court order, administrative order, or consent order in effect when the part of the sewage disposal system was constructed or improved.* The determination of what standards and requirements meet the conditions of this subsection shall be made by a court as a matter of law. (emphasis added).

This amendment would expand immunity to municipalities by exempting them from liability where state law was followed in the construction and design of the sewage disposal system.

#### E. Notice Requirements

Finally, the proposed bill amends the notice requirements for a person seeking to file a claim against the governmental agency. Currently, a plaintiff can notify an agency of a potential claim verbally. Under the bill, the notice would have to be in writing and sent to a “governmental agency contact.” The bill defines “governmental agency contact” to include (1) the clerk; (2) if the agency has no clerk, an individual who may be lawfully served with civil process; or (3) any other individual authorized to receive notice, such as a sewer department, water department, or department of public works.

This portion of the bill would protect municipalities from suit where proper notice has not given by requiring that all notice be in writing and directed to the proper agency contact.

#### F. When Will H.B. 5282 be Voted On?

On May 25, 2016, the bill was referred for a second reading. The House of Representatives is in session throughout November and December. The Bill could be voted on this year or early next year. If it is enacted, the bill will take effect 90 days after enactment.

## **II. Marijuana<sup>2</sup> Legislation**

Three public acts were recently passed into law amending the Michigan Medical Marijuana Act (MMMA). PA 281 creates the Marijuana Facilities Licensing Act; PA 282

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<sup>2</sup> For purposes of this memorandum, “marijuana” is spelled with a “j,” despite the spelling in the Act as “marihuana.”

creates the Marijuana Tracking Act; and PA 283 amends the Act to provide rules and regulations for the sale of marijuana-infused products.

**A. Key Provisions Impacting Municipalities**

The following bullet points enumerate key changes in the law relevant to the City of Oak Park:

- Municipalities may opt out of the Medical Marijuana Facilities Licensing Act by adopting an ordinance prohibiting medical marijuana facilities.
- The State will not be accepting applications for facilities until December 2017.
- The Michigan Licensing and Regulatory Affairs (LARA) department and Medical Marijuana Licensing Board (the Board) will promulgate rules regarding the licensing and regulation of medical marijuana facilities.
- The Board will be in charge of all aspects of the licensing process for Medical Marijuana facilities.
- The MMMA amendments provide a “seed-to-sale” framework for regulating medical marijuana growers to track marijuana growth and sale.

**B. PA 281 of 2016 (Marijuana Facilities Licensing Act)**

PA 281 enacts the “Medical Marijuana Facilities Licensing Act.” This 62-page Act provides regulations affecting marijuana growers, transporters, and facilities. The Act creates the Board, provides a statewide monitoring system for commercial marijuana transactions, and provides for taxes, fees, and assessments. Below is a list of the full scope of the changes the Marijuana Facilities Licensing Act provides. The Act:

- ▶ Provides for the licensure of marijuana growers, processors, secure transporters, provisioning centers, and safety compliance facilities.
- ▶ Establishes the license for process within LARA.
- ▶ Creates the Board with LARA to implement the act.

- ▶ Requires applicants for license to pay an application fee and requires licensees to pay an annual regulatory assessment, which will be deposited in a new “marijuana regulatory fund.”
- ▶ Requires money in the fund to be used for implementing, administering, and enforcing the act.
- ▶ Requires provisioning centers to pay a tax on their retail gross income, and requires the tax to be deposited in a new “medical marijuana excise fund.”
- ▶ Requires money in the excise fund to be distributed to municipalities and counties where marijuana facilities are located, the Michigan commission on law enforcement standards, the state police, and, until September 30, 2017, the state general fund.
- ▶ Authorizes the board to impose license sanctions and civil fines for violations of the act or rules.
- ▶ Imposes various restrictions on board members, employees, and agents related to conflicts of interest in relationships with licensees, and requires disclosures.
- ▶ Exempts licensees from marijuana-related criminal or civil prosecution and penalties.
- ▶ Provides that a registered qualifying patient or registered primary caregiver not be subject to criminal prosecution or sanctions for purchasing marijuana from a provisioning center.
- ▶ Requires LARA to promulgate rules and emergency rules in consultation with the board.
- ▶ Requires licensees to adopt and use a third-party inventory control and tracking system.
- ▶ Requires licensees to file with LARA a proof of financial responsibility for liability for bodily injury to lawful user from adulterated marijuana.
- ▶ Creates the marijuana advisory panel to make recommendations to the board.

C. PA 282 of 2016 (Marijuana Tracking Act)

PA 282 enacts the Marijuana Tracking Act. This Act provides that LARA must establish a monitoring system to track marijuana sales and verify licensure. The information in the system will be confidential and exempt from disclosure under the Freedom of Information Act. The Act additionally:

- ▶ Requires LARA to seek bids to establish, operate, and maintain the monitoring system.
- ▶ Requires the awardee to deliver the functioning system within 180 days after the contract is ordered.
- ▶ Allows LARA to terminate the contract with the awardee for violation of the Act.

D. PA 283 of 2016

PA 283 amends several definitions in the MMMA. "Marijuana-infused product" was added to the list of permissible marijuana uses. "Plant" was defined and usable marijuana equivalencies were established (e.g., 1 ounce of usable marijuana = 16 ounces of marijuana-infused product in solid form). In addition, this Act:

- ▶ Prevents a person from being penalized for manufacturing a marijuana-infused product if the person is a qualified registered patient/caregiver.
- ▶ Prohibits a patient from transferring a marijuana-infused product or marijuana to another individual, and prohibits a caregiver from transferring a marijuana-infused product to someone other than a qualifying patient of the caregiver.
- ▶ Prohibits a qualifying patient or primary caregiver from transporting or processing a marijuana-infused product in or upon a motor vehicle unless certain conditions are satisfied and prescribes a maximum civil fine of \$250.

**III. Conclusion**

House Bill 5282 extends protections to municipalities under the GTLA. Public Acts 281, 282, and 283 provide regulations and rules for those municipalities that opt-in to the Medical Marijuana Facilities Act and expands the type of permitted usable marijuana.

1307842.1



**BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN**

**AGENDA OF:** November 21, 2016

**AGENDA #**

**SUBJECT:** Recommendation of Planning Commission for Best Friends Child Care, 8430 Nine Mile Road, Final Site Plan Review.

**DEPARTMENT:** Community & Economic Development, Planning Division

**SUMMARY:** At the November 14, 2016 meeting, the Planning Commission reviewed a Site Plan for the renovation of a small office complex (three buildings) with a total 3,705 square feet, into a day care center. The Planning Commission voted to recommend to the City Council approval of the Final Site Plan with conditions.

**RECOMMENDED ACTION:** The City Council consider accepting the recommendation of the Planning Commission for approval of the Final Site Plan for Best Friends Child Care, 8430 Nine Mile Road, subject to the following conditions:

**APPROVALS:**

City Manager: KJY for E.T.

Director: \_\_\_\_\_

Finance Director: \_\_\_\_\_

**EXHIBITS:** Memorandum, Site Plan.



**CITY OF OAK PARK**  
**DEPARTMENT OF COMMUNITY &  
ECONOMIC DEVELOPMENT**

**MEMORANDUM**

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TO: Planning Commission members                      DATE: November 9, 2016  
FROM: Kevin Rulkowski, AICP, City Planner              FILE: Planning/Best  
   Friends Child Care  
   8430 Nine SPR  
SUBJECT: Best Friends Child Care, 8430 Nine Mile Road, Final Site Plan

Best Friends Child Care, 8430 Nine Mile Road, is requesting Final Site Plan approval for the renovation of a small office complex (three buildings) with a total 3,705 square feet, into a day care center. The property is zoned B-1, Neighborhood Business and child care facilities are a permitted use.

The proposed use has eight parking spaces located off of an alley at the rear of the building. This is adequate parking for a use of this type.

The Department of Licensing and Regulatory Affairs (LARA), Child Care Licensing Division, has authority over the internal layout and operation of the child care center. Based on an analysis of the useable square footage of the child care center, LARA will determine how many children can be accommodated by the facility. The applicant is anticipating approximately 30-40 children will be served by the facility.

LARA requires child care centers to provide opportunities for outdoor play. The site plan shows that a large asphalt area will be removed and a 1,200 square foot play area with wood chips put in its place. This area will be enclosed by a four foot high chain link fence.

The Site Plan indicates a screened refuse area will be constructed at the rear of the building off of the alley. The Site Plan includes a construction detail for an eight foot wall section. It is not clear whether this is for the required screen wall on the north side of the alley or for the refuse enclosure. In either case, the screen wall is only required to be six feet. A screen wall is required on the north side of the alley adjacent to a residential property.

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 Site Plan does not indicate any new rooftop or ground level equipment. If new rooftop or ground level equipment is planned it will need to be screened as required by the Zoning Ordinance.

The Site Plan does not indicate any new signs for the business. A separate application will need to be submitted for any proposed signs.

Based on the above considerations the Planning Division recommends approval of the Final Site Plan for Best Friends Child Care, 8430 Nine Mile Road, with the following conditions:

- 1) A six foot high screen wall is required on the north side of the alley adjacent to a residential property. The screen wall and screened refuse area construction detail to be submitted at the time of submission for building permit.
- 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) 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.



**BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN**

**AGENDA OF:** November 21, 2016

**AGENDA #**

**SUBJECT:** Recommendation of the Planning Commission for a six month moratorium on the approval and issuance of any Vehicle Dealer Licenses in the City.

**DEPARTMENT:** Community & Economic Development, Planning Division

**SUMMARY:** At the November 14, 2016 meeting, City staff discussed with the Planning Commission the recent sharp increase in the number and type of requests for Vehicle Dealer Licenses. Because of this increased activity, City staff recommended reviewing the City's regulatory options and possibly developing new standards and regulations for these uses. The Planning Commission voted to recommend to the City Council the adoption of a six month moratorium on the approval and issuance of any Vehicle Dealer Licenses in the City.

**RECOMMENDED ACTION:** The City Council consider accepting the recommendation of the Planning Commission and adopt a six month moratorium on the approval and issuance of any Vehicle Dealer Licenses in the City.

**APPROVALS:**

City Manager:  for E.J.

Director: \_\_\_\_\_

Finance Director: \_\_\_\_\_

**EXHIBITS:** Memorandum.



# CITY OF OAK PARK

DEPARTMENT OF COMMUNITY &  
ECONOMIC DEVELOPMENT

## MEMORANDUM

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TO: Planning Commission members                      DATE: November 9, 2016  
FROM: Kevin Rulkowski, AICP, City Planner              FILE: Planning/Veh Deal  
Moratorium 1611  
SUBJECT: Vehicle Dealer Licenses – moratorium.

In Michigan there are eight different Vehicle Dealer Licenses that address New and Used Vehicle Dealers as well as Parts, Brokers and Wholesalers. For New and Used Vehicle Dealers the Planning Division practice has been to require Site Plan Review. As for the licensing of Brokers and Wholesalers the approval process has not been as stringent. All Vehicle Dealer Licenses require the local municipality to sign-off on the license to ensure it meets the City's zoning requirements.

Over the last few years the frequency and variety of licenses requested have increased dramatically. Because of this increased activity it seems prudent to step back and review the City's regulatory options and possibly develop new standards and regulations. At this point I believe a six month moratorium on the approval and issuance of any Vehicle Licenses in the City would be appropriate.

The recommendation of the Department of Community and Economic Development is to have the Planning Commission request the City Council to adopt a six month moratorium on the approval and issuance of any Vehicle Licenses in the City.

**BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN****AGENDA OF:** November 21, 2016**AGENDA #****SUBJECT:** SMART (Suburban Mobility Authority for Regional Transportation)  
Municipal Credit and Community Credit Contract for Fiscal Year 2016/217.**DEPARTMENT:** Recreation**SUMMARY:** Oak Park Recreation Department is seeking authorization to enter into a Municipal Credits and Community Credits Contract with SMART. This contract allows the Recreation Department to operate/administer a senior transportation program. SMART intends to provide Oak Park \$28,842 of Municipal Credits and \$38,803 of Community Credits for fiscal year July 2016 – June 2016.**FINANCIAL STATEMENT:** N/A**RECOMMENDED ACTION:** Authorize the Oak Park Recreation Department to enter into a Municipal Credits and Community Credits Contract with SMART. By doing so, Oak Park agrees to operate/administer a senior transportation program, and SMART intends to provide Oak Park \$28,842 of Municipal Credits and \$38,803 of Community Credits for fiscal year July 2016 – June 2016..**APPROVALS:**

City Manager: \_\_\_\_\_

Department Director: \_\_\_\_\_

Finance Director: \_\_\_\_\_

**EXHIBITS:** Contract

# MUNICIPAL CREDIT and COMMUNITY CREDIT CONTRACT for FY - 2017

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I, \_\_\_\_\_, as the \_\_\_\_\_ of **City of Oak Park** (hereinafter, the "Community") hereby apply to SMART and agree to the terms and conditions herein, for the receipt and expenditure of **Municipal Credits** (Section 1 below), and **Community Credits** (Section 2 below); and further agree that the **Municipal and Community Credits Master Agreement** between the parties is incorporated herein by reference. A description of the service the Community shall provide hereunder is set forth in Exhibit A, and the operating budget for that service is set forth in Exhibit B, both of which are attached hereto and incorporated herein.

1. The Community agrees to use \$ **28,842** in **Municipal Credit** funds as follows:

- |  |                                  |
|--|----------------------------------|
| (a) Transfer to _____<br><small>TRANSFeree COMMUNITY</small>                           | Funding of: \$ _____             |
| (b) Van/Bus Operations<br>(Including Charter and Taxi services)                        | At the cost of: \$ <u>28,842</u> |
| (c) Services Purchased from SMART<br>(Including Tickets, Shuttle Services/Dial-a-Ride) | At the cost of: \$ _____         |

**Total \$ 28,842**

SMART intends to provide Municipal Credit funds under this contract to the extent funds for the program are made available to it by the Michigan Legislature pursuant to Michigan Public Act 51 of 1951. Municipal Credit funds made available to SMART through legislative appropriation are based on projected revenue estimates. In the event that revenue actually received is insufficient to support the Legislature's appropriation, it will result in an equivalent reduction in funding provided to the Community pursuant to this Contract. In such event, SMART reserves the right, without notice, to reduce the payment of Municipal Credit funds by the amount of any reduction by the legislature to SMART. All funding must be spent by September 30, 2018; all funds not spent by that date will revert back to SMART pursuant to Michigan Public Act 51 of 1951, for expenditure consistent with Michigan law and SMART policy.

2. The Community agrees to use \$ **38,803** in **Community Credit** funds available as follows:

- |  |                                  |
|--|----------------------------------|
| (a) Transfer to _____<br><small>TRANSFeree COMMUNITY</small>                           | Funding of: \$ _____             |
| (b) Van/Bus Operations<br>(Including Charter and Taxi services)                        | At the cost of: \$ <u>38,803</u> |
| (c) Services Purchased from SMART<br>(Including Tickets, Shuttle Services/Dial-a-Ride) | At the cost of: \$ _____         |
| (d) Capital Purchases  | At the cost of: \$ _____         |

**Total \$ 38,803**

# **MUNICIPAL CREDIT and COMMUNITY CREDIT CONTRACT for FY - 2017**

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Capital purchases permitted with Community Credits are subject to applicable state and federal regulations, and SMART policy, including procurement guidelines. When advantageous, SMART may make procurements directly. Reimbursement for purchases made by Community requires submission of proper documentation to support the purchase (i.e. purchase orders, receiving reports, invoices, etc.). Community Credit dollars available in FY 2017, may be required to serve local employer transportation needs per the coordination requirements set forth in the aforementioned Master Agreement. All Community Credit funds must be spent by June 30, 2019 unless approval from SMART General Manager is obtained to extend Community Credits for an additional 2 years to allow accrual for major capital projects; any funds not spent by that date may revert back to SMART for expenditure consistent with SMART policy.

This agreement shall be binding once signed by both parties.

City of Oak Park

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

Date \_\_\_\_\_

Its: \_\_\_\_\_

Suburban Mobility Authority for  
Regional Transportation

Date \_\_\_\_\_

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

John C. Hertel  
General Manager

# SMART EEO COMPLIANCE REPORT A Form

## COMMUNITY PARTNERSHIP FORM

### Agency/Community Information

Program Type: Community Partnership Program (CPP)  Specialized Service  New Freedom  JARC  5310

Name of Agency/Community:

Address:

City: State: Zip:

### Agency/Community Data

1) Has your agency/community completed in excess of \$1,000,000 in DOT federally-funded contracts in the past year? Yes  No

2) Does your agency/community employ over fifty (50) transit related employees? Yes  No

If the answers to the previous two questions were both "Yes", Please forward your agency's/community's Affirmative Action plan to the address below:

SMART  
Buhl Building  
535 Griswold Street, Suite 600  
Detroit, MI 48226  
Attn: EEO Coordinator

Have all subcontractors been informed of their responsibility to file an EEO Compliance Report A form? Yes  No  N/A

### Drug and Alcohol Testing Program Requirements

Does your agency/community have a DOT Drug and Alcohol testing program for safety sensitive employees? (Vehicle operators, dispatchers, mechanics and armed security) Yes  No

Name of your Drug and Alcohol testing program manager:

Phone Number:

Email Address:

**Please Proceed to Employment Data Section on the next page**

# SMART EEO COMPLIANCE REPORT A Form

## COMMUNITY PARTNERSHIP FORM

### Employment Data

Report all **Transit** related permanent, temporary, or part-time employees including apprentices and on-the-job trainees. Enter the appropriate figures in the boxes below relating to an employee's race and gender.

Job Classification	Total				Race													
					Non Minority		Minority											
	White		African American		Hispanic		Asian		Pacific Islander		American Indian		Multi Race					
	Employees	Male	Female	Minority	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Officials/Manager																		
Professionals																		
Technicians																		
Sales Workers																		
Office and Clerical Staff																		
Skilled Crafts																		
Operators																		
Laborers																		
Service Workers																		
Journey Workers																		
Apprentices																		
<b>Total</b>																		

### Certification

How was this information obtained? Visual Survey: Yes  No  Employment Records: Yes  No

Name of authorizing official(Print):

Title:

Telephone:

Ext:

Email:

Signature:

Date:

Name of person completing report:

Title:

Telephone:

Ext:

Email:

**EXHIBIT A**

**PROJECT DESCRIPTION**

**COMMUNITY:** (Type Community/Agency Name Here)

**PROJECT: MUNICIPAL/COMMUNITY CREDIT PROGRAM**  
**FISCAL YEAR 2017 – JULY 1, 2016 through JUNE 30, 2017**

**Overall Project Description (please provide a descriptive narrative):**

(Type over this)

**Service Area (please provide geographic boundaries):**

(Type over this)

**Service Times (please provide days and hours of service):**

(Type over this)

**Eligible User Groups (please set forth users eligible to use the service):**

(Type over this)

**Fare Structure:**

(Type over this)

**Service Mode (please describe the amount and type of vehicles available, and whether they are wheelchair lift-equipped):**

(Type over this)

**EXHIBIT B  
PROJECT OPERATION BUDGET**

COMMUNITY: *(Type Community/Agency Name Here)*  
PROJECT: **Municipal and Community Credits Program**  
FISCAL YEAR 2017: JULY 1, 2016 through JUNE 30, 2017

**OPERATING EXPENSES:**

Administrative Fee <i>(max. is 10% of MC/CC Funds)</i>	\$ 6,764 -
Driver Wages	\$ 23,176.50
Fringe Benefits	\$ 4,300 -
Gasoline & Lubricants	\$ 2,032 -
Vehicle Insurance	\$ 7,722 -
Parts, Maintenance Supplies	\$ 2,032 -
Mechanic Wages	\$ 368 -
Fringe Benefits	\$ 75 -
Dispatch Wages	\$ 14,500 -
Cell phones or other overhead costs <i>(Specify)</i>	\$ 1,500 -
<b>Sub Total <i>(Operating Expenses)</i></b>	<b>\$ 71,479.50</b>

**PURCHASED SERVICES**

Taxi Service	\$ -
Charter Service	\$ -
SMART Bus Tickets	\$ -
SMART Shuttle Service	\$ -
SMART Dial-A-Ride	\$ -
<b>Sub Total <i>(Purchased Service)</i></b>	<b>\$ -</b>

**CAPITAL EQUIPMENT**

*(Only list purchases to be made with Community Credits)*

Computer Equipment	\$ 800 -
Software	\$ -
Vehicle	\$ -
Maintenance Equipment	\$ -
Other <i>(Specify)</i>	\$ -
<b>Sub Total <i>(Capital Equipment)</i></b>	<b>\$ 800 -</b>

**TOTAL EXPENSES**

*(Operating Expenses, Purchased Service and Capital Equipment)*

**\$ 72,279.50**

**REVENUES:**

Municipal Credit Funds	\$ 28,842
Community Credit Funds	\$ 38,803 -
Specialized Services Funds	\$ -
General Funds	\$ -
Farebox Revenue	\$ 4,634.50
In-Kind Service	\$ -
Special Fares <i>(Contracted Service)</i>	\$ -
Other <i>(Specify)</i>	\$ -

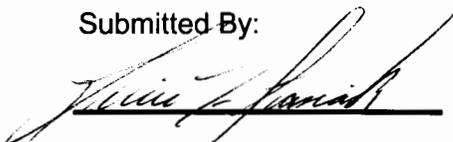
**TOTAL REVENUE:**

**\$ 72,279.50**

Submitted By:

Title

Date



RECREATION DIRECTOR

11-14-16

**(Note: Total Expenses MUST equal Total Revenue)**



**BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN**

**AGENDA OF:** November 21, 2016      **AGENDA #**

**SUBJECT:** Proposal for professional services for the preparation of plans and documents for the renovation of Court Room 1.

**DEPARTMENT:** DPW – KJY

**SUMMARY:** Attached is a proposal from French Associates, Inc. to perform architectural services for the renovation of Court Room 1. This proposal is for the planning and document preparation for this renovation.

**RECOMMENDED ACTION:** It is recommended that the proposal from French Associates, Inc. to perform architectural services for the renovation of Court Room 1 be approved for the total amount of \$15,625.00 upon final review by the City Attorney's office. Funding in the Municipal Building fund for this expenditure.

**APPROVALS:**

City Manager: 

Department Director: 

Finance Director: \_\_\_\_\_

**EXHIBITS:** Contract



architects planners interiors

1600 Parkdale  
Rochester, MI  
48307  
T 248.656.1377  
F 248.656.7746

November 8, 2016

Mr. Kevin Yee  
Assistant City Manager,  
Director of Public Works/City Engineer  
City of Oak Park  
10600 Capital  
Oak Park, MI 48237

**Subject: 45<sup>th</sup> District Court Facility  
Courtroom Remodeling Project  
Oak Park, Michigan**

Kevin,

French Associates, Inc. (FA) is pleased to submit this Proposal for providing planning and documents for the remodeling of the existing courtroom of the 45<sup>th</sup> District Court located at 13600 Oak Park Boulevard.

#### **SCOPE OF SERVICES**

1. Planning for the Courtroom Remodel
  - a. French Associates will complete a facility walkthrough to examine and evaluate the current conditions.
  - b. We will develop recommendations and conceptual drawings of the proposed remodel for review with City and District Court staff.
  - c. We will update and finalize the conceptual drawings based on staff input.
2. Construction Documents
  - a. French Associates will then develop Construction Documents for the approved remodeling plans as required to provide Frank Rewold and Son, Inc. with the necessary documents to complete the project on a design/build basis.

#### **SERVICES NOT INCLUDED**

The following services are not included in our fee proposal:

1. Detailed as-built building and site plans (Owner to provide existing site and plan documents).
2. Testing for hazardous materials, design services for removal or containment of hazardous materials or other indoor air quality analyses.
3. Recommendations for, or design of additional areas or scope.



Mr. Kevin Yee  
November 8, 2016

**FEE**

The proposed fee for the Courtroom Remodeling Project is:

*(\$15,625.00) Fifteen Thousand Six Hundred Twenty Five and 00/100 Dollars*

**REIMBURSABLE EXPENSES**

In addition, the following reimbursable expenses will be billed at 1.1 times cost:

1. Reproduction, postage and handling of drawings and specifications.
2. Travel expenses (mileage) associated with travel to and from meetings or site visits.

**CHANGES AND ADDITIONAL WORK**

For additional work or changes in scope, we will provide the services of our staff on an hourly basis in accordance with the firm's billing rate schedule, plus reimbursable expenses.

**INVOICING PROCEDURES**

Invoices for our services and reimbursable expenses will be submitted on a monthly basis. Payments against our invoices will be expected within thirty (30) days from receipt of invoice.

**INSURANCE**

For the protection of our clients as well our firm, we carry insurance protection including professional liability insurance. The extent and types of insurance can be provided upon request.

**TERMINATION**

Either party may terminate the contract with seven (7) days written notice. French Associates shall be paid for services rendered, including reimbursable expenses incurred to the date of termination.

**SCHEDULE**

Upon your authorization to proceed, we can begin immediately and would be able to complete the project within approximately 6 weeks.

We thank you once again for this opportunity and look forward to working with you on the project. Please contact me with any questions.

Sincerely,

  
Dale C. Jerome, AIA  
President



Mr. Kevin Yee  
November 8, 2016

**Subject: 45<sup>th</sup> District Court Facility  
Courtroom Remodeling Project  
Oak Park, Michigan**

**ACCEPTANCE**

If this proposal meets with your approval, please indicate your authorization to proceed by signing this ACCEPTANCE and returning a copy to us. Should this proposal not be accepted within a 60 day period from the date of the proposal, French Associates, Inc. reserves the right to review and update this proposal after that time.

**ACCEPTED BY:**  
(Signature)

**NAME:**

**TITLE:**

**DATE:**



## CITY OF OAK PARK

Carl Johnson, Director  
Department of Finance

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

### MEMORANDUM

Date: November 7, 2016  
To: Erik Tungate, City Manager  
From: Carl Johnson  
Re: First Quarter Fiscal 2016/2017 Investment Report

The State of Michigan Public Act 213 of 2007 requires the City's investment officer to provide a written report quarterly to the governing body concerning the investment of all funds of the City that fall under Public Act 20. Public Act 20 governs how non-pension and non-OPEB funds can be invested. The attached report details the cash and investments (citywide for all funds) held by the City at September 30, 2016. The report includes a description of each investment by type, market and book values, current and yield to maturity interest rates and the number of days to maturity

The first quarter investment report shows total citywide cash and investments of \$29,384,809 (market value) including cash in the operating account of \$3,353,641, short-term investments in the Oakland County Investment Pool of \$15,583,430 and long-term investments totaling \$10,447,738. The first quarter saw bond prices drop which resulted in lower yields for new investments and reductions in unrealized gains on investments currently held. The City has maximized investment return on short-term cash by utilizing the Oakland County Investment Pool and minimizing the amount maintained in the checking and daily depository accounts. Interest income for the months of July through September 2016 remained strong totaling \$72,126 compared to \$24,983 for the Quarter ended September 30, 2015 (new investment strategy started in September 2015).

City of Oak Park  
 Summary of Cash and Investments Held  
 September 30, 2016

	<u>Maturity Date</u>	<u>Market Value</u>	<u>Book Value</u>	<u>% of Portfolio</u>	<u>Current Interest Rate</u>	<u>YTM @ Cost</u>	<u>Days to Maturity</u>
<b>Cash</b>							
Huntington Bank - Collection		\$ 3,353,641	\$ 3,353,641	11.46%	0.1500%	0.1500%	1
Huntington Bank - Accounts Payable		-	-	0.00%	0.1500%	0.1500%	1
Huntington Bank - Payroll		-	-	0.00%	0.1500%	0.1500%	1
Huntington Bank - Securities		-	-	0.00%	0.1500%	0.1500%	1
Morgan Stanley - Securities		-	-	0.00%	0.1500%	0.1500%	1
DA Davidson - Securities		-	-	0.00%	0.1500%	0.1500%	1
<b>Government Securities - None</b>							
<b>Municipal Bonds</b>							
Jenison Schools	5/1/2018	525,365	524,463	1.79%	5.1500%	2.0000%	579
Michigan Municipal Bond Authority	5/1/2018	251,643	253,372	0.87%	4.0000%	2.7040%	579
Ypsilanti School District	5/1/2018	160,670	160,000	0.55%	1.5000%	1.5000%	579
Madison Heights Pension	1/1/2019	234,998	235,000	0.80%	1.4800%	1.4800%	824
Williamston Mich Comm Schools	5/1/2019	770,085	760,309	2.60%	2.3970%	2.3300%	944
Ypsilanti School District	5/1/2019	503,955	500,000	1.71%	1.8100%	1.8100%	944
Lake Orion Mich Comm Sch Dist	5/1/2020	256,058	253,132	0.87%	2.1120%	2.0600%	1309
Reeths-Puffer Mich Schs	5/1/2020	297,990	292,279	1.00%	2.2480%	2.1800%	1309
Williamston Mich Comm Schools	5/1/2020	1,042,140	1,014,989	3.47%	2.6670%	2.5500%	1309
Ypsilanti School District	5/1/2020	502,930	500,000	1.71%	2.0300%	2.0300%	1309
Michigan Fin Auth Rev RFDG LOC GOVT LN Detroit	10/1/2020	727,857	732,661	2.50%	2.6810%	2.6810%	1462
Reeths-Puffer Mich Schs	5/1/2021	260,392	252,860	0.86%	2.5740%	2.4700%	1674
Reeths-Puffer Mich Schs	5/1/2021	260,392	252,860	0.86%	2.5740%	2.4700%	1674
Whitmore Lake Mich Pub Sch Dist	5/1/2021	524,640	508,399	1.74%	2.7490%	2.6100%	1674
Ypsilanti School District	5/1/2021	447,234	445,000	1.52%	2.1800%	2.1800%	1674
South Lyon Mich Comm Schools	5/1/2023	52,628	51,300	0.18%	2.8900%	2.7400%	2404
<b>Certificate of Deposits</b>							
American Express Centr	11/13/2018	506,925	500,000	1.71%	1.6500%	1.6500%	775
American Express Centr	11/12/2019	513,025	500,000	1.71%	2.0000%	2.0000%	1139
Wells Fargo Bank NA	1/11/2020	100,576	100,000	0.34%	1.3000%	1.3000%	1209
American Express Centr	11/12/2020	517,425	500,000	1.71%	2.2500%	2.2500%	1504
<b>Commercial Paper</b>							
Ford Motor Credit Co LLP	12/1/2016	998,440	990,583	3.39%	1.3180%	1.3180%	61
Ford Motor Credit Co LLP	4/21/2017	992,370	990,025	3.38%	1.3500%	1.3500%	203
<b>Investment Pool</b>							
Oakland County Investment Pool		<u>15,583,430</u>	<u>15,583,430</u>	<u>53.27%</u>	0.9162%	0.9162%	1
<b>Total</b>		<u>\$ 29,384,809</u>	<u>\$ 29,254,403</u>	<u>100.00%</u>			

15 G



# CITY OF OAK PARK

OFFICE OF THE CITY CLERK

Agenda Item Request

## BUSINESS OF THE CITY COUNCIL CITY OF OAK PARK, MICHIGAN

**AGENDA OF:** November 21, 2016

**SUBJECT:** Request to approve the Contract for Purchase of NG9-1-1 Equipment and Services

**DEPARTMENT:** Department of Public Safety

**SUMMARY:** The Department of Public Safety is in the process of replacing our current 911 Dispatch Center with a new system. The current system is old, antiquated and will no longer be supported by Oakland County. On September 19, 2016 City Council approved the Public Safety Answering Point Agreement, which spelled out the duties and responsibilities of the County and the Oak Park Public Safety Department in updating this system. The County will be covering the costs of the new (external) infrastructure, which will connect directly into the City's Dispatch Center. The City is responsible for upgrading our current Dispatch Center infrastructure so that it may be supported by Oakland County's upgrades. The County has awarded the contract to "Emergency Call Works Inc.," and the approval of the attached contract is necessary before upgrades can begin. These upgrades are included in the FY 2016-17 budget.

**FINANCIAL STATEMENT:**

**RECOMMENDED ACTION:** City Council approve the contract for the purchase of NG9-1-1 Equipment and Services.

**APPROVALS:**

**CITY MANAGER:**

**FINANCE DIRECTOR:**

**DIRECTOR:**

## CONTRACT FOR THE PURCHASE OF NG9-1-1 EQUIPMENT AND SERVICES

The Parties hereby enter into this Contract, effective on \_\_\_\_\_, 2016, between Emergency CallWorks, Inc. ("ECW") and Oak Park Department of Public Safety ("Oak Park Department of Public Safety"), for the purchase of Next Generation 911 Equipment and Services.

Whereas, ECW and the County of Oakland, MI, entered into a Contract (No. 004698) ("Primary Contract") attached hereto as Exhibit A for the purchase of Next Generation 911 Equipment and Services.

For an amount not to exceed **\$81,262.06** Oak Park Department of Public Safety agrees to abide by the terms and conditions of the Primary Contract, including its Exhibits, and whenever "County" is referred to in the Primary Contract, and only for purposes of this Contract, it will have the same effect as referring to Oak Park Department of Public Safety, except as set forth below:

1. **Section 5.1 of the Primary Contract shall be replaced in its entirety with the following:**
  - a. **Performance of Deliverables.** Contractor shall provide all Deliverables and Equipment identified in and as set forth in Exhibits II and VI or any Amendments to this Contract.
2. **Section 5.2 of the Primary Contract is hereby deleted for purposes of this Contract.**
3. **Section 5.4 of the Primary Contract shall be replaced in its entirety with the following:**
  - a. **Financial Obligations.** Except as otherwise set forth in this Contract, Oak Park Department of Public Safety's sole financial obligation under this Contract shall be set forth in Exhibits II, IV and VI. The amount and manner of payment of the financial obligation shall be a Purchase Order based on its respective amount in Exhibit VI.
4. **Section 5.5 of the Primary Contract shall be replaced in its entirety with the following:**
  - a. **Payment Obligations.** Except as otherwise set forth in Exhibits II, IV and VI, Contractor shall submit an invoice to Oak Park Department of Public Safety's Contract Administrator, or equivalent, itemizing amounts due and owing under this Contract, as of the date of the invoice. Invoices shall contain the following information: (a) County Contract Number; (b) itemized list of Deliverables; (c) Contractor Tax ID Number (federal and State); and (d) any other information reasonably requested by Oak Park Department of Public Safety. Oak Park Department of Public Safety shall have no obligation to make a payment under this Contract until an invoice is submitted in the form set forth herein and shall have no obligation to pay for Deliverables, which have not been invoiced (as required herein) within sixty (60) Days of Contractor's performance. Unless otherwise set forth in Exhibit II, Oak Park Department of Public Safety shall only pay Contractor for Deliverables under this Contract and not any subcontractors or assignees of Contractor.
5. **Section 7.4 of the Primary Contract shall be replaced in its entirety with the following:**
  - a. **Limitation of Liability.** Except for Claims resulting in personal injury or death, Contractor's total liability, whether for breach of contract, warranty, negligence, strict liability in tort, indemnification, or otherwise, will be limited to the direct damages

recoverable under law, but not to exceed Two Hundred Fifty Thousand Dollars (\$250,000.00). ALTHOUGH THE PARTIES ACKNOWLEDGE THE POSSIBILITY OF SUCH LOSSES OR DAMAGES, THEY AGREE THAT NEITHER PARTY WILL BE LIABLE FOR ANY COMMERCIAL LOSS; INCONVENIENCE; LOSS OF USE, TIME, DATA, GOOD WILL, REVENUES, PROFITS OR SAVINGS; OR OTHER SPECIAL, INCIDENTAL, INDIRECT, OR CONSEQUENTIAL DAMAGES IN ANY WAY RELATED TO OR ARISING FROM THIS CONTRACT, THE SALE OR USE OF THE DELIVERABLES OR SOFTWARE, OR THE PERFORMANCE OF SERVICES BY CONTRACTOR PURSUANT TO THIS CONTRACT. This limitation of liability provision survives the expiration or termination of the Contract and applies notwithstanding any contrary provision.

**6. Oak Park Department of Public Safety hereby agrees to abide by the terms, conditions, limitations and restrictions contained in Exhibit III (Software License Agreement) of the Primary Contract and further agrees and acknowledges that:**

- a. The County of Oakland is purchasing and is thereby granted all personal, limited, non-transferrable and non-exclusive Software licenses under the Primary Contract as more fully described in Section 3 of Exhibit III.
- b. Oak Park Department of Public Safety will not be a Licensee of the Software under the Primary Contract.
- c. Oak Park Department of Public Safety is a user of the Software under the Primary Contract.

**7. Exhibit IV – Maintenance Agreement of the Primary Contract, is hereby modified as follows:**

- a. Section 2.1 is hereby replaced with the following:
  - i. Fees for services under this Agreement are set forth in Exhibits II and VI and incorporated herein by reference.
- b. Section 3.3 is not applicable to this Contract.
- c. Schedule A – “7x24x365 Service – 4-hour On-Site Response Fee Schedule” shall be in accordance with Exhibits II & VI of the Primary Contract.
- d. Schedule A – “Spare Parts Kit – COUNTY Site Location(s)” is not applicable to this Contract.

The Parties hereby enter into this Contract as of the Effective Date.

**Emergency CallWorks, Inc.**

**Oak Park Department of Public Safety**

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

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

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

## Exhibit VI: Non-Oakland County Site Pricing

Final Version - March 21, 2016

### System Configuration:

Remote Call Handling Site  
 i3 Connectivity to PFN/InDigital provided ESInet  
 Turnkey Services from ECW, Local Support  
 (5) year Software, remote support, monitoring and help desk  
 Dedicated Local Project Technician, First Year of Warranty

Pos. Count

2

Oak Park

Yrs. Spt.

5

Qty	Part Number	Telecom / Hardware Based Components (100)	Unit Price	U/M	OFFER Price
2	ECX100101	WKS PC, Dual Video, 4G RAM	\$1,512.00	EA	\$2,140.99
	ECX100101	WKS PC, Dual Video, 4G RAM, (ACD WallBoards)	\$1,512.00	EA	\$0.00
	ECX100101-P	Portable ANS. Pos., Laptop/VoIP Tel./ Kit Assm.	\$3,500.00	EA	\$0.00
2	ECX100103	MONITOR, 22WM" FP, BLK	\$452.00	EA	\$640.03
	ECX100104	MONITOR, 24W" FP, BLK	\$699.00	EA	\$0.00
	ECX100105-60	MONITOR, 60", LCD TV/Monitor	\$1,800.00	EA	\$0.00
2	ECX100001-NS	AUDIO INTERFACE UNIT (AIU)	\$1,350.00	EA	\$1,911.60
2	ECX100201	POLYCOM 650 SIP PHONE	\$468.00	EA	\$662.69
	ECX100204	Keypad, Genovation 24 Key, Model 683	\$189.00	EA	\$0.00
2	ECX100311	Media Gateway, 8 port FXO to SIP	\$1,085.00	EA	\$1,536.36
2	ECX100312	Media Gateway, 4 Port FXS or (CAMA) to SIP	\$610.00	EA	\$863.76
1	ECX100312-1	Media Gateway, 4 Port FXS (Station Rec.)	\$610.00	EA	\$431.88
	ECX100314	Media Gateway, PRI to SIP	\$5,435.00	EA	\$0.00
1	ECX100315	Rack Shelf, Media Gateway, 2 GW per Shelf	\$32.00	EA	\$22.66
<b>Hardware Sub-Total</b>					<b>\$8,209.97</b>

Qty	Part Number	Software Components (200)	Unit Price	U/M	OFFER Price
2	ECX200001	CALLSTATION License	\$13,000.00	EA	\$0.00
1	ECX200004	DECISIONSTATION, SITE License	\$0.00	EA	\$0.00
1	ECX200006	ADMINISTRATION, SITE License	\$0.00	EA	\$0.00
1	ECX200007	MESSAGEWORKS, SITE License	\$0.00	EA	\$0.00
	ECX200014-R	Admin PRI Interface License, PSAP	\$6,700.00	EA	\$0.00
1	ECX200015	SIP Trunk Interface, ECW to Third Party	\$3,595.00	EA	\$2,545.26

**Software Sub-Total**

**\$2,545.26**

Qty	Part Number	Custom Services - Interfaces - Map Data (400)	Unit Price	U/M	OFFER Price
1	ECX400001	MAP CONFIG, CUSTOMER PROVIDED DATA	\$2,995.00	EA	\$2,845.25
1	ECX400002	911 TELECOM CONFIG/STAGING	\$3,995.00	EA	\$3,795.25
1	ECX400002-A	ADMIN CONFIG/STAGING	\$3,995.00	EA	\$3,795.25

**Custom Services Sub-Total**

**\$10,435.75**

Qty	Part Number	Peripheral-Miscellaneous Equipment (500)	Unit Price	U/M	OFFER Price
1	ECX500001-16PWall	WALL MNT ASSM, 19", RMTE, SMALL (1-4)	\$1,500.00	EA	\$1,062.00
1	ECX500002-PR	POS. BASED REC KIT - 4 Port	\$350.00	EA	\$247.80
2	ECX500003-8	SWITCH, CISCO, 8-PORT POE, 10/100/1000	\$1,026.00	EA	\$1,452.82
1	ECX500005-1	ROUTER, CISCO, 2 WAN SINGLE/RMTE/2901	\$2,278.00	EA	\$1,612.82
1	ECX500005-1	ROUTER, CISCO, 2 WAN SINGLE - SIP Trunk IF	\$2,278.00	EA	\$1,612.82
1	ECX500007-R	MISC. MAT., CABLES, RMTE., LOT	\$600.00	EA	\$424.80
1	ECX500009-1	PRINTER, HP LaserJet Pro 200	\$486.00	EA	\$344.09
1	ECX500017-8	IP to Serial Dist., 8 Port, Remote	\$2,289.60	EA	\$1,621.04
	ECX500018	SIP External Ringer / Horn, Single	\$513.00	EA	\$0.00
1	ECX500101	UPS, APC 800VA, IWS pos.	\$295.00	EA	\$208.86
<b>Peripherals / Network Sub-Total</b>					<b>\$8,587.05</b>

Qty	Part Number	System Services (600, 700, 800)	Unit Price	U/M	OFFER Price
2	ECX600001	CS USER/ADMIN OPPS TRN (up to 8 students)	\$5,000.00	EA	\$9,500.00
6	ECX700001	PROJECT MANAGEMENT, UNIT	\$900.00	EA	\$5,130.00
1	ECX700002	SYSTEM INSTALLATION, PRIMARY	\$8,681.12	UN	\$8,247.06
1	ECX800001	SYSTEM ENGINEERING, (1) Lot	\$1,929.14	UN	\$1,832.68
10	ECX800003	VIRUS PROTECTION, WKS. - Per Pos. / Per Year	\$60.00	EA	\$0.00
4	ECX800004	CUSTOM SERVICES - TBD	\$1,000.00	EA	\$3,800.00
<b>Professional Services Sub-Total</b>					<b>\$28,509.75</b>

**\*\*\*\*\* TOTAL NR Charges: \$58,287.77**

Qty	Part Number	Recurring Maintenance Charges (900)	Unit Price	U/M	OFFER Price
1	ECX900003	SYSTEM SUPPORT, 5 YEAR	\$19,236.75	EA	\$0.00
4	ECX900004	ONSITE MAINTENANCE, Per YEAR	\$4,501.32	EA	\$18,005.29
1	ECX900004-OE	ONSITE MAINTENANCE, FIRST Year	\$2,122.05	EA	\$2,122.05
4	ECX900005	EXTENDED WARRANTY, Per YEAR	\$711.74	EA	\$2,846.95
<b>Sub-Total Recurring Charges:</b>					<b>\$22,974.29</b>

**\$81,262.06**