



**CITY OF OAK PARK, MICHIGAN
REGULAR COUNCIL MEETING OF THE
36th OAK PARK CITY COUNCIL
June 20, 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 Rich,
Council Member Radner, Council Member Speech

ABSENT: None

OTHERS

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

APPROVAL OF AGENDA:

**CM-06-222-16 (AGENDA ITEM #4) ADOPTION OF THE AGENDA WITH CHANGES
– APPROVED**

Motion by Speech, seconded by Burns, CARRIED UNANIMOUSLY, to approve the agenda with the following changes:

- Item #7D, Proclamation for Maxine Gutfreund added to the agenda

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

MOTION DECLARED ADOPTED

CONSENT AGENDA:

CM-06-223-16 (AGENDA ITEM #5A-D) CONSENT AGENDA - APPROVED

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

- A. Regular Council Meeting Minutes of June 6, 2016 **CM-06-224-16**
- B. Public Safety Activity Summary for April 2016 **CM-06-225-16**
- C. Payment Application No. 3 for the 2014 Water Main Replacement Project, M-575 to Macomb Pipeline and Utility Co. for the total amount of \$5,000.00 **CM-06-226-16**
- D. Licenses - New and Renewals as submitted for June 20, 2016 **CM-06-227-16**

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

MOTION DECLARED ADOPTED

RECOGNITION OF VISITING ELECTED OFFICIALS: None

SPECIAL RECOGNITION/PRESENTATIONS:

(AGENDA ITEM #7A) City Council and City Manager Tungate recognized Public Safety Director Steve Cooper for receiving the 2016 Police Administrator of the Year Award from the Police Officers Association of Michigan.

(AGENDA ITEM #7B) Bill Good from Ferndale Schools made a presentation regarding the Sinking Fund Millage that will be on the August 2, 2016 ballot.

(AGENDA ITEM #7C) Community and Economic Development Director Marrone presented the new Oak Park city website.

(AGENDA ITEM #7D) **Added to the agenda.** Mayor McClellan presented a proclamation to Maxine Gutfreund in honor of her 80th birthday.

PUBLIC HEARINGS:

Mayor McClellan opened the Public Hearing regarding the proposed use of the Edward Byrne Justice Assistance Grant at 7:35 PM and it was immediately closed as there were no members of the audience who wanted to speak.

CM-06-228-16 (AGENDA ITEM #8A) ACCEPTANCE OF THE EDWARD BYRNE JUSTICE ASSISTANCE GRANT IN THE AMOUNT OF \$11,898.00 FOR THE PURCHASE OF 10 DELL LATITUDE RUGGED LAPTOP COMPUTERS INCLUDING ADDITIONAL HARDWARE, SOFTWARE, WARRANTIES AND INSTALLATION, AND TO AUTHORIZE THE USE OF NARCOTIC FORFEITURE FUNDS IN THE AMOUNT OF \$25,089.20 TO COMPLETE THE BALANCE OF THE PURCHASE - APPROVED

Motion by Rich, seconded by Speech, CARRIED UNANIMOUSLY, to authorize the acceptance of the Edward Byrne Justice Assistance Grant in the amount of \$11,898.00 for the purchase of 10 Dell Latitude Rugged laptop computers including additional hardware, software, warranties and installation, and to authorize the use of Narcotic Forfeiture funds in the amount of \$25,089.20 to complete the balance of the purchase.

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

MOTION DECLARED ADOPTED

SPECIAL LICENSES:

CM-06-229-16 (AGENDA ITEM #10A) SPECIAL EVENT REQUEST – SUMMERFEST – APPROVED

Motion by Burns, seconded by Speech, CARRIED UNANIMOUSLY, to approve the following Special Event license subject to all departmental approvals:

Name	Event	Fees
Community and Economic Development	Summerfest – Shepherd Park August 6 and 7, 2016	Waived

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

MOTION DECLARED ADOPTED

CM-06-230-16 (AGENDA ITEM #10B) SPECIAL EVENT REQUEST – INSANE INFLATABLES 5K FUN RUN – APPROVED

Motion by Speech, seconded by Radner, CARRIED UNANIMOUSLY, to approve the following Special Event license subject to all departmental approvals:

Name	Event	Fees
Insane Inflatables 5K	5K Fun Run – Shepherd Park June 23, 2016	App Fee – Paid Other fees - required

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

MOTION DECLARED ADOPTED

CM-06-231-16 (AGENDA ITEM #10C) SPECIAL EVENT REQUEST – GYMRATZ 3 ON 3 BASKETBALL TOURNAMENT – APPROVED

Motion by Radner, seconded by Burns, CARRIED UNANIMOUSLY, to approve the following Special Event license subject to all departmental approvals:

Name	Event	Fees
Gymratz – Recreation Department	3 on 3 Basketball Tournament – Basketball Courts August 20 and 21, 2016	App fee Waived

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

MOTION DECLARED ADOPTED

ACCOUNTING REPORTS:

CM-06-232-16 (AGENDA ITEM #11A) APPROVAL FOR PAYMENT OF INVOICES AS SUBMITTED BY GARAN, LUCOW, MILLER, P.C. FOR LEGAL SERVICES IN THE TOTAL AMOUNT OF \$14,227.45 - APPROVED

Motion by Rich, seconded by Radner, CARRIED UNANIMOUSLY, to approve payment of invoices #458991, #458993 and #458996 as submitted by Garan, Lucow, Miller, P.C. for legal services in the total amount of \$14,227.45.

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

MOTION DECLARED ADOPTED

CM-06-233-16 (AGENDA ITEM #11B) PAYMENT OF INVOICE AS SUBMITTED BY THE LAW OFFICES OF HOWARD L. SHIFMAN, P.C. FOR LEGAL SERVICES IN THE TOTAL AMOUNT OF \$15,000.00 - APPROVED

Motion by Burns, Seconded by Rich, CARRIED UNANIMOUSLY, to approve payment of invoice #12635 to Howard L. Shifman, P.C. for legal services from July 1, 2016 through September 30, 2016 in the total amount of \$15,000.00.

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

MOTION DECLARED ADOPTED

BIDS: None

ORDINANCES:

CM-06-234-16 (AGENDA ITEM #13A) FIRST READING OF AN ORDINANCE TO AMEND SECTIONS 42-36, 42-37 and 42-38 OF CHAPTER 42, FIRE PREVENTION AND PROTECTION, OF THE CODE OF ORDINANCES, CITY OF OAK PARK - APPROVED

Motion by Burns, Seconded by Radner, CARRIED UNANIMOUSLY, to approve the first reading of the following ordinance to amend sections 42-36, 42-37 and 42-38 of Chapter 42, Fire Prevention and Protection, of the code of ordinances, City of Oak Park:

CITY OF OAK PARK
OAKLAND COUNTY, MICHIGAN

AN ORDINANCE TO AMEND SECTIONS 42-36, 42-37 and 42-38 OF CHAPTER 42, FIRE PREVENTION AND PROTECTION, OF THE CODE OF ORDINANCES, CITY OF OAK PARK, THEREBY ADOPTING THE 2012 EDITION OF THE *INTERNATIONAL FIRE CODE* AS THE FIRE PREVENTION CODE OF THE CITY, FOR THE PURPOSE OF REGULATING AND GOVERNING THE SAFEGUARDING OF LIFE AND PROPERTY FROM FIRE AND EXPLOSION HAZARDS ARISING FROM THE STORAGE, HANDLING, AND USE OF

HAZARDOUS SUBSTANCES, MATERIALS AND DEVICES AND FROM CONDITIONS HAZARDOUS TO LIFE OR PROPERTY IN THE OCCUPANCY OF BUILDINGS AND PREMISES IN THE CITY OF OAK PARK AND PROVIDING FOR THE ISSUANCE OF PERMITS FOR HAZARDOUS USES OR OPERATIONS, AND PROVIDING FOR APPEALS RELATING THERETO.

THE CITY OF OAK PARK ORDAINS:

SECTION 1. Section 42-36, Adoption by reference, of Article II, Fire Prevention Code, of Chapter 42, Fire Prevention and Protection, of the Code of Ordinances, City of Oak Park is hereby amended to read as follows:

Section 42-36. Adoption by reference.

The City of Oak Park hereby adopts by reference as the Fire Prevention Code for the City the 2012 Edition of the *International Fire Code*, including Appendix Chapters B, C, D and F only, as published and promulgated by the International Code Council, Inc., for the purpose of regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Oak Park and providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, conditions and terms of such *International Fire Code*, 2012 edition, hereby referred to, are adopted and made a part hereof as if fully set out herein, with amendments and deletions as set forth in Section 42-37 of this Chapter.

SECTION 2. Section 42-37, Amendments; Deletions, of Article II, Fire Prevention Code, of Chapter 42, Fire Prevention, of the Code of Ordinances, City of Oak Park, is hereby amended to read as follows:

Section 42-37. Amendments; Deletions

(a) **Amendments; Deletions.** The Fire Prevention Code adopted by the provisions of this Article is hereby amended, changed and altered in the following respects:

Section 101.1.Title. is amended to read as follows:

These regulations shall be known as the Fire Code of the City of Oak Park, Michigan, hereinafter referred to as this Code.

Section 108.1.Board of appeals established. is amended to read as follows:

The City of Oak Park Building Board of Appeals, created by Section 18-126 of the Code of Ordinances of the City of Oak Park, is hereby designated to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this Code. The Board may, as required, adopt rules or procedures for conducting its business and shall render all decisions and findings in writing to the appellant with a copy to the fire code official.

Section 109.4.Violation Penalties. is amended to read as follows:

Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not

more than \$500.00 or by imprisonment not exceeding 90 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 111.4. Failure to Comply. is amended to read as follows:

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be responsible for a violation of this Code and liable to pay a fine as provided by ordinance. Every day that work shall continue shall constitute a separate and additional offense.

(b) **Limits Established.** The geographic limits referred to in certain sections of the 2012 *International Fire Code* are hereby established as follows:

Section 5806.2 - (geographic limits in which the storage of flammable cryogenic fluids in stationery containers is prohibited): Prohibited in all areas of the City with the exception of areas zoned as light industrial that are more than 500 feet from any areas zoned residential, and more than 500 feet from the city limits.

Section 5704.2.9.6.1 - (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited): Prohibited in all areas of the City with the exception of areas zoned as light industrial that are more than 500 feet from any areas zoned residential, and more than 500 feet from the city limits.

Section 5706.2.4.4 - (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks is prohibited): Prohibited in all areas of the City with the exception of areas zoned as light industrial that are more than 500 feet from any areas zoned residential, and more than 500 feet from the city limits.

Section 6104.2 - (geographic limits in which the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas): Prohibited in all areas of the City with the exception of areas zoned as light industrial that are more than 500 feet from any areas zoned residential, and more than 500 feet from the city limits.

SECTION 3. Section 42-38 of Article II, Fire Prevention Code, of Chapter 42, Fire Prevention and Protection, of the Code of Ordinances of the City of Oak Park, is hereby amended to read as follows:

Section 42-38. Copy on File.

A complete copy of the *International Fire Code*, 2012 edition, as adopted herein, shall be kept in the office of the City Clerk, available for inspection by and distribution to the public at all times, in compliance with state law requiring that records of public bodies be made available to the general public.

SECTION 4. Savings Clause.

That nothing in this ordinance or in the Fire Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance amended or repealed by this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 5. 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 6. 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, Speech, Rich, Radner
	No:	None
	Absent:	None

MOTION DECLARED ADOPTED

CITY ATTORNEY:

CM-06-235-16 (AGENDA ITEM #14A) AUTHORIZATION FOR THE CITY ATTORNEY TO FILE AN APPEARANCE ON BEHALF OF THE CITY IN THE TAX TRIBUNAL MATTER FOR LINCOLN CENTER v. CITY OF OAK PARK, MTT DOCKET NO. 16-000967 - APPROVED

Motion by Burns, Seconded by Radner, CARRIED UNANIMOUSLY, to authorize the City Attorney to file an appearance on behalf of the City in the Tax Tribunal matter for Lincoln Center v. City of Oak Park, MTT Docket No. 16-000967.

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

MOTION DECLARED ADOPTED

City Attorney Murphy indicated that on or about May 24, 2016, Petitioner Lincoln Center filed a Petition with the Michigan Tax Tribunal appealing their 2016 valuations. The property is a neighborhood shopping center, located on the northeast corner of Lincoln and Greenfield, comprised of four (4) buildings totaling 123,882 square feet on 9.94 acres, identified as parcel 52-25-19-101-035. The Petitioner is requesting a reduction of \$1,304,200 in the assessed and taxable value of the Petitioner's property from \$2,054,200 to \$750,000, which amounts to a reduction of approximately \$49,050 in City tax.

CITY MANAGER:

Administration

CM-06-236-16 (AGENDA ITEM #15A) SUPPORT FOR THE HATZALAH OF MICHIGAN PROGRAM - APPROVED

Motion by Radner, seconded by Burns, CARRIED UNANIMOUSLY, to support the Hatzalah of Michigan first responder program.

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

MOTION DECLARED ADOPTED

Public Safety Director Cooper explained the Hatzalah of Michigan program whereby a privately funded group of trained residents will assist the Public Safety Department as first responders.

Department of Public Works

CM-06-237-16 (AGENDA ITEM #15B) CONTRACT EXTENSION FROM OWEN TREE SERVICE IN THE TOTAL AMOUNT OF \$100,000.00 FOR THE 2016 CITY TREE BLOCK PRUNING PROJECT, M-654 - APPROVED

Motion by Speech, seconded by Radner, CARRIED UNANIMOUSLY, to approve the contract extension from Owen Tree Service in the total amount of \$100,000.00 for the 2016 City Tree Block Pruning Project, M-654.

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

MOTION DECLARED ADOPTED

Assistant City Manager Yee reported that Owen Tree Service, the contractor for the 2015 City Tree Block Pruning Project, M-636 has indicated they would like to extend their unit prices from this project to perform the 2016 City Tree Block Pruning Project, M-654. Funding is available Major & Local Street Fund for this expenditure.

Community and Economic Development

CM-06-238-16 (AGENDA ITEM #15C) RESOLUTION APPROVING SALE OF TAX FORECLOSED PROPERTIES - APPROVED

Motion by Speech, seconded by Radner, CARRIED UNANIMOUSLY, to adopt the following resolution approving the sale of tax foreclosed property:

CITY OF OAK PARK
OAKLAND COUNTY, MICHIGAN

RESOLUTION APPROVING SALE OF TAX FORECLOSED PROPERTIES

WHEREAS, the General Property Tax Act at MCL 211.78M, as amended, (the “Act”) authorizes the City of Oak Park (“City”) to purchase properties located within the City that were tax foreclosed by the Oakland County Circuit Court on February 3, 2016, and by the County Treasurer under Public Act 123 of 1999, as amended, subject to the provisions of the Act; and

WHEREAS, on June 6, 2016, the Oak Park City Council resolved to purchase the foreclosed properties identified on the Attached Addendum “Oak Park Tax Sale 2016”; and

WHEREAS, the Oak Park City Council finds that it is necessary and in the best interest of the public to sell the referenced properties to a company that can rehabilitate, reconstruct and manage the properties for the public purpose of renovating and selling them primarily for owner occupancy in order to maintain and stabilize neighborhoods and commercial properties within the community.

NOW, THEREFORE, the City Council of the City of Oak Park, Oakland County, Michigan resolves as follows:

1. The City Manager is hereby authorized to negotiate the sale of the properties identified on the Attached Addendum “Oak Park Tax Sale 2016” and will include the terms as negotiated by the City Manager.
2. The Mayor and/or City Manager are hereby authorized to sign all necessary documents to complete the transaction.
3. Any and all Resolutions that are in conflict with this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

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

MOTION DECLARED ADOPTED

Community and Economic Development Director Marrone reported that the City of Oak Park would like to increase the number of owner occupied homes and increase the home values of homes throughout the city. In 2015 the city sold the tax foreclosed properties they purchased to Global Realty. The purchase agreement had a clause that they would sell 95% of the homes to owner occupants and refurbish the homes within one year. They were also responsible for any outstanding water, sewer and utility charges to the property as well as secure the property within 7 days of purchase which included maintain the exterior.

In addition to Global Realty, the city has also received interest from two other companies, Hometown Properties, LLC and MINY. Each company was given an opportunity to present their proposal to the City Manager, Assistant City Manager and Economic Development Director. Through these presentations one company rose above the others in terms of their proposal to the city and past experience.

The City Manager, Assistant City Manager and Economic Development Director are recommending the sale of these foreclosed properties to Global Realty.

Finance

CM-06-239-16 (AGENDA ITEM #15D) MOTION TO RECEIVE THE QUARTERLY FINANCIAL REPORT FOR PERIOD ENDING 3/31/16 - APPROVED

Motion by Rich, seconded by Burns, CARRIED UNANIMOUSLY, to receive the following report highlighting fiscal year-to-date revenue and expenditure activity in the General Fund through the third quarter ending March 31, 2016:

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

MOTION DECLARED ADOPTED

**CM-06-240-16 (AGENDA ITEM #15E) BUDGET AMENDMENT #2016-4
 - APPROVED**

Motion by Rich, seconded by Radner, CARRIED UNANIMOUSLY, to approve Budget Amendment #2016-4 as follows:

NOW, THEREFORE BE IT RESOLVED that the following
 Budget Amendment #2016-4 is authorized:

	INCREASE (DECREASE)
GENERAL FUND	
REVENUES	
PROPERTY TAXES	\$ (220,000)
LICENSE AND PERMITS	50,000
INTERGOVERNMENTAL	100,000
CHARGES FOR SERVICES	(100,000)
INTEREST INCOME	95,020
OTHER REVENUE	(25,850)
TOTAL REVENUES	(100,830)
 EXPENDITURES	
ADMINISTRATIVE	35,000
CITY CLERK - ELECTIONS	(20,000)
FINANCE	(75,000)
CITY ATTORNEYS - CIVIL AND LABOR	17,170
PUBLIC SAFETY	(100,000)
TECHNICAL AND PLANNING	(100,000)
PUBLIC WORKS	(33,000)
INFORMATION TECHNOLOGY	(50,000)
NON-DEPARTMENTAL	225,000
TOTAL EXPENDITURES	(100,830)
 Net Increase to Fund Balance	 \$ -

LIBRARY FUND	
REVENUES	
INTERGOVERNMENTAL	\$ 5,000
CHARGES FOR SERVICES	12,000
INTEREST INCOME	3,092
TOTAL REVENUES	20,092
 Net Increase to Fund Balance	 \$ 20,092

CRIMINAL JUSTICE TRAINING FUND

REVENUES	
INTERGOVERNMENTAL	\$ 4,000
TOTAL REVENUES	<u>4,000</u>
EXPENDITURES	
SUPPLIES, MAINTENANCE AND REPAIRS	4,000
TOTAL EXPENDITURES	<u>4,000</u>
Net Increase to Fund Balance	<u><u>\$ -</u></u>

INCREASE
(DECREASE)

VETERANS TREATMENT COURT GRANT FUND

REVENUES	
INTERGOVERNMENTAL	\$ 15,000
TOTAL REVENUES	<u>15,000</u>
EXPENDITURES	
OPERATIONS	15,000
TOTAL EXPENDITURES	<u>15,000</u>
Net Increase to Fund Balance	<u><u>\$ -</u></u>

PUBLIC IMPROVEMENT FUND

REVENUES	
INTEREST INCOME	\$ 500
OTHER REVENUE	-
TOTAL REVENUES	<u>500</u>
EXPENDITURES	
CAPITAL OUTLAY	12,500
TOTAL EXPENDITURES	<u>12,500</u>
Net Decrease to Fund Balance	<u><u>\$ (12,000)</u></u>

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

MOTION DECLARED ADOPTED

CALL TO THE AUDIENCE:

Bob Burrell, 23420 Majestic, expressed concerns about an individual living nearby that is disruptive.

CALL TO THE COUNCIL:

Mayor McClellan reminded everyone that many good things are happening in the City of Oak Park. She asked that everyone take note of the many new planter beds throughout the city.

Mayor Pro Tem Burns reminded everyone to have their air conditioners checked and to please stay cool.

Council Member Radner thanked everyone for coming out.

Council Member Speech indicated that she is proud to be from Oak Park and thanked everyone for their support as she has had to deal with some personal family issues.

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 8:55 P.M.

T. Edwin Norris, City Clerk

Marian McClellan, Mayor