



**CITY OF OAK PARK, MICHIGAN
REGULAR COUNCIL MEETING OF THE
36th OAK PARK CITY COUNCIL
July 5, 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 Duff

APPROVAL OF AGENDA:

**CM-07-241-16 (AGENDA ITEM #4) ADOPTION OF THE AGENDA AS PRESENTED
– APPROVED**

Motion by Burns, seconded by Speech, CARRIED UNANIMOUSLY, to approve the agenda as presented.

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

MOTION DECLARED ADOPTED

CONSENT AGENDA:

CM-07-242-16 (AGENDA ITEM #5A-H) CONSENT AGENDA - APPROVED

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

- A. Special Council Meeting Minutes of June 20, 2016 **CM-07-243-16**
- B. Regular Council Meeting Minutes of June 20 2016 **CM-07-244-16**
- C. Public Safety Activity Summary for May 2016 **CM-07-245-16**
- D. Emergency Services Council Meeting Minutes of May 9, 2016 **CM-07-246-16**
- E. Payment of invoices from Orchard, Hiltz & McCliment (OHM) for 9 Mile Road Conceptual Plan and Traffic Analysis, CE Oak Park Blvd. and Lincoln Rehab, Traffic Signal Optimization, CE Traffic Signal Construction, and Water Reliability Study in the total amount of \$68,016.26 **CM-07-247-16**

- F. Payment Application No. 3 (final) for the 2014 Sidewalk Replacement Program, M-589 to Italia Construction, Inc. for the total amount of \$5,000.00 **CM-07-248-16**
- G. Request to cancel the regularly scheduled Planning Commission Meeting of July 11, 2016 due to the lack of scheduled business **CM-07-249-16**
- H. Licenses - New and Renewals as submitted for July 5, 2016 **CM-06-250-16**

MERCHANT'S LICENSES – July 5, 2016
(Subject to All Departmental Approvals)

<u>NEW MERCHANT</u>	<u>ADDRESS</u>	<u>FEE</u>	<u>BUSINESS TYPE</u>
None			
<u>RENEWALS</u>			
Auto Pro Technical Recruiting	25900 Greenfield #232	\$225	Technical Recruiting
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) Public Safety Director Cooper presented merit citations to Officer Brenna Rouleau, Officer Donald Hoffman and Sgt. James Vernier.

(AGENDA ITEM #7B) Mayor McClellan presented a proclamation recognizing Oak Park based business Mopec for their philanthropic gesture to the Detroit Zoo.

PUBLIC HEARINGS: None

COMMUNICATIONS: None

SPECIAL LICENSES: None

ACCOUNTING REPORTS: None

BIDS:

CM-07-251-16 (AGENDA ITEM #12A) BID AWARD FOR THE SCOTIA RESURFACING PROJECT, M-642 TO PRO-LINE ASPHALT OF WASHINGTON, MI FOR THE TOTAL AMOUNT OF \$538,296.05 - APPROVED

Motion by Speech, Seconded by Radner, CARRIED UNANIMOUSLY, to award the bid for the Scotia Resurfacing Project, M-642 to Pro-Line Asphalt of Washington, MI for the total amount of \$538,296.05.

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

MOTION DECLARED ADOPTED

CM-07-252-16 (AGENDA ITEM #12B) BID AWARD FOR THE 2016 SIDEWALK REPLACEMENT PROJECT, M-627 TO MATTIOLI CEMENT CO., LLC OF FENTON, MI FOR THE TOTAL AMOUNT OF \$659,102.50 AND TO AUTHORIZE THE APPROPRIATION OF \$159,102.50 FROM THE SIDEWALK PROGRAM FUND – FUND BALANCE FOR THIS EXPENDITURE - APPROVED

Motion by Speech, Seconded by Rich, CARRIED UNANIMOUSLY, to award the 2016 Sidewalk Replacement Project, M-627 to Mattioli Cement Co., LLC of Fenton, MI for the total amount of \$659,102.50 and to authorize the appropriation of \$159,102.50 from the Sidewalk Program Fund – fund balance for this expenditure.

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

MOTION DECLARED ADOPTED

ORDINANCES:

CM-07-253-16 (AGENDA ITEM #13A) SECOND READING AND ADOPTION 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 Speech, CARRIED UNANIMOUSLY, to approve the second reading and adopt 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-07-254-16 (AGENDA ITEM #14A) ICE ARENA LEASE ASSIGNMENT TO ROLSTON HOCKEY, LLC - APPROVED

Motion by Burns, Seconded by Radner, CARRIED UNANIMOUSLY, to approve the Ice Arena Lease Assignment to Rolston Hockey, LLC.

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

MOTION DECLARED ADOPTED

CITY MANAGER:

Department of Public Works

CM-07-255-16 (AGENDA ITEM #15A) PROPOSED CHANGE ORDER NO. 1 TO TERRA CONTRACTING FOR THE 2015 SEWER CLEANING AND TELEVISION INSPECTION PROJECT, M-626 FOR THE TOTAL AMOUNT OF \$6,998.70 AND PAYMENT APPLICATION NO. 3 FOR THE AMOUNT OF \$102,814.06 - APPROVED

Motion by Radner, seconded by Burns, CARRIED UNANIMOUSLY, to approve Proposed Change Order No. 1 to Terra Contracting for the 2015 Sewer Cleaning and Television Inspection Project, M-626 for the total amount of \$6,998.70 and payment application No. 3 for the amount of \$102,814.06.

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

MOTION DECLARED ADOPTED

Mr. Yee summarized proposed Change Order No. 1 and Payment Application No. 3 for the 2015 Sewer Cleaning and Television Inspection Project, M-626. He explained that the proposed Change Order is an increase due to the final, as performed measurements for the project that cleaned and televised sewers in specific areas of the City. This project is now 99% complete.

CM-07-256-16 (AGENDA ITEM #15B) PROPOSAL FROM DIXON ENGINEERING & INSPECTION TO PERFORM PROFESSIONAL SERVICES FOR THE ENGINEERING AND COATING INSPECTION ON THE CITY'S ELEVATED WATER STORAGE TANK FOR THE TOTAL AMOUNT OF \$28,263.00 SUBJECT TO FINAL REVIEW BY THE CITY ATTORNEY - APPROVED

Motion by Radner, seconded by Burns, CARRIED UNANIMOUSLY, to approve the proposal from Dixon Engineering & Inspection to perform professional services for the engineering and coating inspection on the City's Elevated Water Storage Tank for the total amount of \$28,263.00 subject to final review by the City Attorney.

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

MOTION DECLARED ADOPTED

Mr. Yee reviewed a proposal from Dixon Engineering & Inspection to perform professional services for the Engineering & Coating Inspection Service on the City's elevated water storage tank. The proposal is for the engineering and inspection for the welds, painting design and inspection of the cathodic protection on the interior of the tank.

Community and Economic Development

CM-07-257-16 (AGENDA ITEM #15C) FAÇADE IMPROVEMENT GRANT IN THE AMOUNT OF \$2,500 FOR THE PROPERTY LOCATED AT 8220 WEST NINE MILE ROAD - APPROVED

Motion by Radner, seconded by Burns, CARRIED UNANIMOUSLY, to approve a Façade Improvement Grant in the amount of \$2,500 for the property located at 8220 West Nine Mile Road.

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

MOTION DECLARED ADOPTED

City Manager Tungate reviewed the façade improvement application and indicated that the business owner has met the project specifications for the program. Plans include a new rollup door and a new bi-fold glass door to be installed at an estimated cost of \$12,115.00. The \$2,500.00 loan represents the maximum 50% grant match contingent on the submission of 2 bids to the Community and Economic Development Manager before the work is to be commenced.

CALL TO THE AUDIENCE:

Arlene Niskar, 14037 Ludlow Street, expressed concerns about her neighbor and requested looking into an ordinance prohibiting noxious fumes.

Toni Brown, 21216 Kipling, expressed concerns about a mentally challenged neighbor.

Joyce Bannon, 10611 Troy, expressed concerns about the new sidewalk installation on Scotia at Nine Mile Road.

CALL TO THE COUNCIL:

Mayor McClellan thanked all who were involved in planning the 4th of July event.

Mayor Pro Tem Burns thanked the Independence Day Parade planners and thanked the Public Safety Department regarding a personal matter. She also encouraged everyone to take care of senior citizens and pets when the weather is hot.

Council Member Radner acknowledged and thanked his mother who was in attendance at the meeting.

Council Member Speech reminded everyone about the concert in the park series taking place every Thursday evening in July. She also reminded everyone that beautification awards are now open for nominations and summer taxes are due August 31 without penalty.

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 8:05 P.M.

T. Edwin Norris, City Clerk

Marian McClellan, Mayor