



**CITY OF OAK PARK, MICHIGAN
REGULAR COUNCIL MEETING OF THE
36th 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, TRUOX & 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, Truox & 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 LXXXVI, 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.

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| 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) ~~Unless a hearing is waived by the owner as described in section 18-212~~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.

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| 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.

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| 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.

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| 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.

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| 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.

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| 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.

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| 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.

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| 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

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| 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 8th 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.

T. Edwin Norris, City Clerk

Marian McClellan, Mayor