



**CITY OF OAK PARK, MICHIGAN  
REGULAR COUNCIL MEETING OF THE  
36<sup>th</sup> OAK PARK CITY COUNCIL  
August 21, 2017  
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 (left meeting at 7:40 PM)

**ABSENT:** None

**OTHERS**

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

**APPROVAL OF AGENDA:**

**CM-08-358-17 (AGENDA ITEM #4) ADOPTION OF THE AGENDA AS  
AMENDED – APPROVED**

Motion by Radner, seconded by Burns, CARRIED UNANIMOUSLY, to approve the agenda with the following addition:

Add Item #15F, Tentative Agreement between the City and POAM.

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

**MOTION DECLARED ADOPTED**

**CONSENT AGENDA:**

**CM-08-359-17 (AGENDA ITEM #5A-G) 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 August 7, 2017 **CM-08-360-17**
- B. Board of Review Meeting Minutes of July 18, 2017 **CM-08-361-17**
- C. Payment of invoices from Orchard, Hiltz & McCliment (OHM) for Traffic Signal Optimization and SAW Grant Support in the total amount of \$11,611.93 **CM-08-362-17**
- D. Change Order No. 1 in the amount of (\$14,750.00) and Payment Application No. 1 for the total amount of \$44,000.00 to Cross Renovation, Inc. of Garden City, MI for the 2017 Fire Hydrant Blasting and Repainting Project, M-646 **CM-08-363-17**

- E. Beautification Advisory Commission resolution and nominee recommendations for the 2017 Beautification Awards **CM-08-364-17**
- F. Request to approve the Calendar Year 2018 Free Garage Sale dates **CM-08-365-17**
- G. Licenses - New and Renewals as submitted for August 21, 2017 **CM-08-366-17**

**MERCHANT’S LICENSES – August 21, 2017  
(Subject to All Departmental Approvals)**

| <u>NEW MERCHANT</u>       | <u>ADDRESS</u> | <u>FEE</u> | <u>BUSINESS TYPE</u> |
|---------------------------|----------------|------------|----------------------|
| Mr. Biggs                 | 22151 Coolidge | \$150      | Retail               |
| Miss Betty’s Self Storage | 13631 Ten Mile | \$150      | Storage Facility     |

  

| <u>RENEWALS</u>                            | <u>ADDRESS</u>   | <u>FEE</u> | <u>BUSINESS TYPE</u> |
|--|------------------|------------|----------------------|
| Oak Park Orthopedic Pain & Wellness Center | 14500 Eight Mile | \$150      | Medical              |
| Dollar General                             | 12720 Nine Mile  | \$187.50   | Retail               |

  

| <u>SIDEWALK SALE</u> | <u>ADDRESS</u>   | <u>FEE</u> |
|----------------------|------------------|------------|
| NYA Brickhouse       | 26060 Greenfield | \$10.00    |

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

**MOTION DECLARED ADOPTED**

**RECOGNITION OF VISITING ELECTED OFFICIALS:**

State Representative Robert Wittenberg reported on activity related to the State Legislature. He also indicated that he was present to support the launch of the City’s first Canine Unit.

**SPECIAL RECOGNITION/PRESENTATIONS:**

**(AGENDA ITEM #7A) Canine Badge Ceremony – A symbolic welcoming of Officer Mase, the newest member of the Public Safety Department, and the launch of the City’s first Canine Unit.** Deputy Director Pinkerton presided over the ceremony that welcomed Canine Officer Mase, who was named after fallen Officer Mason Samborski. The City’s Canine Unit will be comprised of Sargeant Joseph Meier, Officer Michael Hodakoski, and Canine Officer Mase. Madeline Samborski, the nine-year-old daughter of Mason Samborski handed the marching orders to launch the Canine Unit to Sgt. Meier, while Stephen Hohauser, a five-year-old boy with neuroblastoma, provided Officer Hodakoski with Mase’s badge. Both children were recognized for their roles in the evening’s ceremony. Officer Hodakoski’s family was recognized for housing and caring for Mase while off duty.

**PUBLIC HEARINGS:** None

**COMMUNICATIONS:** None

**SPECIAL LICENSES:**

**CM-08-367-17 (AGENDA ITEM #10A) SPECIAL EVENT REQUEST  
– SENECA BLOCK PARTY – APPROVED**

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

| <b>Name</b>                   | <b>Event</b>  | <b>Fee</b>  |
|-------------------------------|---|-------------|
| Thomas Zerafa<br>24320 Seneca | Seneca Block Party<br>September 10, 2017 Noon – 5:00 PM | Fees waived |

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

**MOTION DECLARED ADOPTED**

**ACCOUNTING REPORTS:**

**CM-08-368-17 (AGENDA ITEM #11A) APPROVAL FOR PAYMENT OF  
INVOICES SUBMITTED BY GARAN, LUCOW, MILLER, P.C.  
FOR LEGAL SERVICES IN THE TOTAL AMOUNT OF \$17,048.84  
- APPROVED**

Motion by Rich, seconded by Radner, CARRIED UNANIMOUSLY, to approve payment of invoices #480764, #480765, #480769 and #480781 by Garan, Lucow, Miller P.C., for legal services rendered through July 31, 2017 in the total amount of \$17,048.84.

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

**MOTION DECLARED ADOPTED**

**CM-08-369-17 (AGENDA ITEM #11B) APPROVAL FOR PAYMENT OF  
INVOICES SUBMITTED BY SECREST, WARDLE, LYNCH,  
HAMPTON, TRUOX & MORLEY, P.C. FOR LEGAL SERVICES IN  
THE TOTAL AMOUNT OF \$6,352.00 - APPROVED**

Motion by Burns, seconded by Radner, CARRIED UNANIMOUSLY, to approve payment of invoice #1314155 by Secrest, Wardle, Lynch, Hampton, Truox & Morley, P.C. for legal services in the total amount of \$6,352.00.

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

**MOTION DECLARED ADOPTED**

**BIDS:** None

**ORDINANCES:**

**CM-08-370-17 (AGENDA ITEM #13A) SECOND READING AND ADOPTION OF AN ORDINANCE TO PROVIDE FOR A SERVICE CHARGE IN LIEU OF TAXES FOR A HOUSING DEVELOPMENT KNOWN AS COOLIDGE PLACE LOCATED AT 2111 COOLIDGE HIGHWAY - APPROVED**

Motion by Burns, seconded by Rich, CARRIED UNANIMOUSLY, to approve the second reading and adopt the following ordinance to provide for a service charge in lieu of taxes for a housing development known as Coolidge Place located at 2111 Coolidge Highway:

CITY OF OAK PARK, MICHIGAN

TAX EXEMPTION ORDINANCE- COOLIDGE PLACE PILOT

An Ordinance to provide for a service charge in lieu of taxes for a housing development for low income persons and families to be financed with a federally-aided Mortgage Loan pursuant to the provisions of the State Housing Development Authority Act of 1966 (1966 PA 346, as amended; MCL 125.1401, *et seq*) (the "Act").

THE CITY OF OAK PARK ORDAINS:

SECTION 1. This ordinance shall be known and cited as the City of Oak Park Tax Exemption Ordinance- Coolidge Place

SECTION 2. Preamble.

It is acknowledged that it is a proper public purpose of the State of Michigan and its political subdivisions to provide housing for its low income persons and families and to encourage the development of such housing by providing for a service charge in lieu of property taxes in accordance with the Act. The City is authorized by this Act to establish or change the service charge to be paid in lieu of taxes by any or all classes of housing exempt from taxation under this Act at any amount it chooses, not to exceed the taxes that would be paid but for this Act. It is further acknowledged that such housing for low income persons and families is a public necessity, and as the City will be benefited and improved by such housing, the encouragement of the same by providing real estate tax exemption for such housing is a valid public purpose. It is further acknowledged that the continuance of the provisions of this ordinance for tax exemption and the service charge in lieu of all *ad valorem* taxes during the period contemplated in this Ordinance are essential to the determination of economic feasibility of the housing development that is constructed or rehabilitated with financing extended in reliance on such tax exemption.

The City acknowledges that the Sponsor, Spero Housing, (as defined below) has offered, subject to receipt of an allocation under the LIHTC Program by the Michigan State Housing Development Authority, to rehabilitate, own and operate a housing development identified as Coolidge Place on certain property located at 21111 Coolidge Highway, in the City, to serve low income persons and families, and that the Sponsor has offered to pay the City on account of this housing development an annual service charge for public services in lieu of all *ad valorem* property taxes.

SECTION 3. Definitions.

- A. Annual Shelter Rent means the total collections during an agreed annual period from or paid on behalf of all occupants of a housing development representing rent or occupancy charges exclusive of Utilities.
- B. Authority means the Michigan State Housing Development Authority.
- C. LIHTC Program means the Low Income Housing Tax Credit program administered by the Authority under Section 42 of the Internal Revenue Code of 1986, as amended.
- D. Low Income Persons and Families means persons and families eligible to move into a housing development.
- E. Mortgage Loan means a loan that is Federally-Aided (as defined in Section 11 of the Act) or a loan or grant made or to be made by the Authority to the Sponsor for the construction, rehabilitation, acquisition and/or permanent financing of a housing development, and secured by a mortgage on the housing development.
- F. Sponsor means Spero Housing and any entity that receives or assumes a Mortgage Loan.
- G. Utilities mean charges for gas, electric, water, sanitary sewer and other utilities furnished to the occupants that are paid by the housing development.

SECTION 4. Class of Housing Developments.

It is determined that the class of housing developments to which the tax exemption shall apply and for which a service charge shall be paid in lieu of such taxes shall be housing developments for Low Income Persons and Families that are financed with a Mortgage Loan. It is further determined that Coolidge Place is of this class.

SECTION 5. Establishment of Annual Service Charge.

The housing development identified as Coolidge Place and the property on which it will be located shall be exempt from all *ad valorem* property taxes from and after the commencement of construction or rehabilitation. The City acknowledges that the Sponsor and the Authority have established the economic feasibility of the housing development in reliance upon the enactment and continuing effect of this Ordinance, and the qualification of the housing development for exemption from all *ad valorem* property taxes and a payment in lieu of taxes as established in this Ordinance. Therefore, in consideration of the Sponsor's offer to rehabilitate, construct and operate the housing development, the City agrees to accept payment of an annual service charge for public services in lieu of all *ad valorem* property taxes. Subject to receipt of a Mortgage Loan, the annual service charge shall be equal to fifteen percent of the Annual Shelter Rents actually collected by the housing development during each operating year, however it is expressly understood and agreed that in any event, the minimum annual service charge to be paid for years one through 18 will be equal to the projections submitted by Sponsor in support of its request for the PILOT as approved by City Council.

SECTION 6. Contractual Effect of Ordinance.

Notwithstanding the provisions of Section 15(a)(5) of the Act to the contrary, a contract between the City and the Sponsor with the Authority as third party beneficiary under the contract, to provide tax

exemption and accept payments in lieu of taxes, as previously described, is effectuated by enactment of this Ordinance.

**SECTION 7.** Limitation on the Payment of Annual Service Charge.

Notwithstanding Section 5, the service charge to be paid each year in lieu of taxes for the part of the housing development that is tax exempt but which is occupied by other than low income persons or families shall be equal to the full amount of the taxes which would be paid on that portion of the housing development if the housing development were not tax exempt.

**SECTION 8.** Payment of Service Charge.

The annual service charge in lieu of taxes as determined under this Ordinance shall be payable in the same manner as general property taxes are payable to the City and distributed to the several units levying the general property tax in the same proportion as prevailed with the general property tax in the previous calendar year. The annual payment for each operating year shall be paid on or before May 1 of the following year. Collection procedures shall be in accordance with the provisions of the General Property Tax Act (1893 PA 206, as amended; MCL 211.1 et seq.).

**SECTION 9.** Duration.

This Ordinance shall remain in effect and shall not terminate for so long as a Mortgage Loan remains outstanding and unpaid and the housing development remains subject to income and rent restrictions under the LIHTC Program.

**SECTION 10.** Severability.

The various sections and provisions of this Ordinance shall be deemed to be severable, and should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid the same shall not affect the validity of this Ordinance as a whole or any section or provisions of this Ordinance, other than the section or provision so declared to be unconstitutional or invalid.

**SECTION 11.** Inconsistent Ordinances.

All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are repealed to the extent of such inconsistency or conflict.

**SECTION 12.** 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, Speech |
|                 | No:     | None                                   |
|                 | Absent: | None                                   |

**MOTION DECLARED ADOPTED**

**CITY ATTORNEY: No report**

**CITY MANAGER:**

**Administration**

**(AGENDA ITEM #15A) Yeshiva Safety Event.** City Manager Tungate recognized organizers of the Yeshiva Beth Yehudah – Safety Fair and Bike-a-thon event that took place on June 11, 2017. Yeshiva representatives presented the city with a special thank you for their assistance with the event.

**City Clerk**

**CM-08-371-17 (AGENDA ITEM #15B) RESOLUTION ADOPTING THE 2018 CITY COUNCIL REGULAR MEETING SCHEDULE - APPROVED**

Motion by Burns, seconded by Radner, CARRIED UNANIMOUSLY, to approve the following resolution adopting the 2018 City Council Regular Meeting schedule:

**A RESOLUTION ADOPTING THE 2018 REGULAR MEETING SCHEDULE OF THE OAK PARK CITY COUNCIL**

WHEREAS, the Home Rule Charter for the City of Oak Park, Michigan in Chapter 7 captioned The Council: Procedure and Miscellaneous Powers and Duties in Section 7.1 entitled Regular meetings, specifies that the council shall provide by resolution for the time and place of its regular meetings and shall hold at least two regular meetings each month.

WHEREAS, the City of Oak Park City Council Rules of Procedure, in Section 2 captioned City Council Meetings, Subsection A entitled Regular Meetings specifies that the Regular meetings of the City Council will be held on the first and third Mondays of each month, unless that day is a holiday or holiday eve.

WHEREAS, the City of Oak Park City Council Rules of Procedure, in Section 2 captioned City Council Meetings, Subsection A entitled Regular Meetings further specifies that before the end of the year, the Council will approve by resolution the Regular meeting schedule for the following calendar year, including exceptions to the first and third Monday meetings.

WHEREAS, the Michigan “Open Meetings Act” (MCL 15.261 et. seq.) in Section 5, Subsection (2) provides that for regular meetings of a public body, there shall be posted within 10 days after the first meeting of the public body in each calendar or fiscal year a public notice stating the dates, times, and places of its regular meetings.

NOW, THEREFORE, BE IT RESOLVED that the regular meetings of the Oak Park City Council for calendar year 2018 shall be held in the Council Chambers at the Oak Park City Hall, 14000 Oak Park Boulevard, Oak Park, Michigan, telephone number (248) 691-7544, at 7:00 P.M. on the following dates:

**January 2 and 16** (Monday, January 1, 2018, City Offices are closed in observance of New Year’s Day and on Monday, January 15, 2018 City Offices are closed in observance of Martin Luther King Jr. Day)

**February 5 and 19**

**March 5 and 19**

**April 2 and 16**

**May 7 and 23** (Monday, May 21, 2018 - Religious Holiday)

**June 4 and 18**

**July 2 and 16**

**August 6 and 20**

**September 4** (Monday, September 3, 2018 City Offices are closed in observance of Labor Day) and **17**

**October 3** (Monday, October 1, 2018 - Religious Holiday) and **15**

**November 5 and 19**      **December 3 and 17**

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Clerk be and is hereby directed to give public notice of the forgoing regular dates and times for City Council meetings and the place at which meetings are to be held consistent with the requirements of Section 5, Subsection (2) of the "Open Meetings Act".

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

**MOTION DECLARED ADOPTED**

**Department of Public Works**

**CM-08-372-17      (AGENDA ITEM #15C) AUTHORIZATION FOR THE PUBLIC WORKS DEPARTMENT TO PARTICIPATE IN THE OAKLAND COUNTY PURCHASING BID FOR THE PURCHASE OF 850 NEPTUNE R900 WATER METER REMOTE RADIO READING DEVICES AT \$90.58 EACH (\$76,993.00 TOTAL) - APPROVED**

Motion by Burns, seconded by Speech, CARRIED UNANIMOUSLY, to authorize the Public Works Department to participate in the Oakland County Purchasing bid for the purchase of 850 Neptune R900 water meter remote radio reading devices at \$90.58 each (\$76,993.00 total).

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

**MOTION DECLARED ADOPTED**

Assistant City Manager Yee indicated the Public Works Department is requesting authorization to participate in the Oakland County Purchasing bid for the purchase of new water meter remote radio reading devices to replace older versions that have been failing. Funding is available in the Water & Sewer Fund for this budgeted expenditure.

**Recreation**

**(AGENDA ITEM #15D) Summerfest Recap.** Maralee Rosemond from the Recreation Department reported on the Summerfest event that was held July 29, 2017.



**Economic Development and Communications**

**CM-08-373-17 (AGENDA ITEM #15E) FAÇADE IMPROVEMENT GRANT TO BEST FRIENDS CHILDCARE, 8440 WEST 9 MILE, FOR 50% OF THE PROJECT COSTS NOT TO EXCEED \$1,470.50 - APPROVED**

Motion by Burns, seconded by Radner, CARRIED UNANIMOUSLY, to approve a façade improvement grant to Best Friends Childcare, 8440 West 9 Mile, for 50% of the project costs not to exceed \$1,470.50.

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

**MOTION DECLARED ADOPTED**

Community & Economic Development Director Marrone reviewed the application for a Façade Improvement Grant from Best Friends Childcare for the building located at 8440 West 9 Mile. The project specifications have met city guidelines and improvements include a total interior renovation as well as exterior improvements to the parking lot, creating a play area, new block wall, and a new sign.

**Human Resources (Added to the Agenda)**

**CM-08-374-17 (AGENDA ITEM #15F Added to the Agenda) TENTATIVE AGREEMENT BETWEEN THE CITY OF OAK PARK AND POAM - APPROVED**

Motion by Burns, seconded by Radner, CARRIED UNANIMOUSLY, to approve the following Tentative Agreement between the City of Oak Park and POAM:

CITY OF OAK PARK  
AND  
POAM  
Tentative Agreement

June 3, 2017

1. Duration:

July 1, 2017 – June 30, 2030

2. Healthcare:

The City or the Union may reopen the Collective Bargaining Agreement to address repeal of the Patient Protection and Affordable Care Act, changes in federal healthcare.

3. Wages:

July 1, 2017 3.0 % increase base salary

A one time signing bonus payable upon ratification of \$1,000.00

July 1, 2018 2.0% increase in base salary

July 1, 2019 1.5% increase in base salary

4. Pension Contributions:

July 1, 2017 The Employee Pension Contribution for all employees including DROP participants shall be raised by 1.0% to 8.5%.

July 1, 2018: The Employee Pension Contribution for all employees including DROP participants shall be raised by 1.0% to 9.5%.

Should Act 345 expire the contract shall be subject to an automatic renewal. The City reserves all rights during a reopening period should one occur, provided pursuant to PERA or Act 312.

5. ARTICLE VIII, Section F.

On the 12 hour shift, there will be allowed a minimum guarantee of 2 persons allowed time off per platoon using any time accounts, provided however notice must be given 12 hours in advance.

If the request is made with less than 12 hour notice, provision, the request shall be granted if it:

1. Does not cause Overtime.
2. Does not cause Standby/Standby
3. Does not cause a Commander to assume a District Patrol

Upon acceptance of this Agreement the Director of Public Safety or his designee shall issue a memo outlining the current staff deployment. Should this change the City shall provide the Union thirty (30) days advance notice.

6. Evidence Technician:

PSO's shall provide eight (8) hours of compensatory time annually who are certified evidence technicians.

7. Article XIII: Personal Leave Days:

Employees shall be granted 24 hours of additional paid personal leave days per year.

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

**MOTION DECLARED ADOPTED**

City Manager Tungate indicated that an Executive Summary of the City's Budget is available on line or a copy may be obtained at City Hall.

**CALL TO THE AUDIENCE:**

Willie Payne, 15801 Providence Dr., Southfield, expressed concerns about disruptive behavior of students in the Library and presented a petition requesting the city support initiatives in the Community Center to help alleviate the problem.

Tiffany Smith, 23150 Cloverlawn, expressed concerns about tree removal on her property.

Cheryl Weiss, 24101 Norwood, thanked the City for putting on so many wonderful events over the summer.

**CALL TO THE COUNCIL:**

**Mayor McClellan** reviewed recent city events including the “Eclipse Party” held at the Library where 300 pairs of eclipse glasses were provided to residents. She also offered condolences to the family of long-time resident and Election Commission board member Saul Chudnow who passed away on August 13<sup>th</sup>.

**Mayor Pro Tem Burns** reminded everyone that school will be starting soon and to be mindful of children in the neighborhoods.

**Council Member Radner** wished everyone 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 7:57 P.M.

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T. Edwin Norris, City Clerk

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Marian McClellan, Mayor