



**CITY OF OAK PARK, MICHIGAN  
REGULAR COUNCIL MEETING OF THE  
36<sup>th</sup> OAK PARK CITY COUNCIL  
September 18, 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

**ABSENT:** Council Member Speech

**OTHERS**

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

**APPROVAL OF AGENDA:**

**CM-09-388-17 (AGENDA ITEM #4) ADOPTION OF THE AGENDA AS  
AMENDED – APPROVED**

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

- Omit Item #7A, City Manager Employee Recognition
- Omit Item #13D, Ordinance Amendment, Article III, Nuisances, of Chapter 38

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

**MOTION DECLARED ADOPTED**

**CONSENT AGENDA:**

**CM-09-389-17 (AGENDA ITEM #5A-H) 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 September 5, 2017 **CM-09-390-17**
- B. Special Council Meeting Minutes of September 5, 2017 **CM-09-391-17**
- C. Planning Commission Meeting Minutes of July 10, 2017 **CM-09-392-17**
- D. 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  
**CM-09-393-17**

- E. Request to advertise for bids for the 2017 I-696 at Coolidge Highway Bridge Enhancement Project, M-670 **CM-09-394-17**
- F. Payment No. 2 (Final) for the 2017 Roof Replacement Project, M-665 to Schreiber Corporation in the amount of \$55,730.00 **CM-09-395-17**
- G. Request to approve an agreement with the Road Commission for Oakland County for winter maintenance on Greenfield Road from Eight to Eleven Mile Roads and on Ten Mile Road from Greenfield to Woodward **CM-09-396-17**
- H. Licenses - New and Renewals as submitted for September 18, 2017 **CM-09-397-17**

**MERCHANT'S LICENSES – September 18, 2017  
(Subject to All Departmental Approvals)**

<b><u>NEW MERCHANT</u></b>	<b><u>ADDRESS</u></b>	<b><u>FEE</u></b>	<b><u>BUSINESS TYPE</u></b>
Nova Home Improvement	10700 Capital	\$150	Construction
Acceptance Now	20830 Coolidge	\$150	Furniture
Hands of Hope International	21790 Coolidge	\$150	Religious
My Dream Clozet	25250 Greenfield	\$150	Salon
Scentilly Yours LLC	8970 Nine Mile	\$150	Retail

  

<b><u>RENEWALS</u></b>	<b><u>ADDRESS</u></b>	<b><u>FEE</u></b>	<b><u>BUSINESS TYPE</u></b>
Family Dollar	13471 Ten Mile	\$150	Retail

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

**MOTION DECLARED ADOPTED**

**RECOGNITION OF VISITING ELECTED OFFICIALS:** None

**SPECIAL RECOGNITION/PRESENTATIONS:**

**(AGENDA ITEM #7A) City Manager Employee Recognition. (Removed from the agenda)**  
City Manager Tungate will present the award at the next regularly scheduled council meeting.

**PUBLIC HEARINGS:**

Mayor McClellan opened the Public Hearing regarding the proposed use of the Edward Byrne Justice Assistance Grant at 7:04 PM and it was immediately closed as there were no members of the audience who wanted to speak.

**CM-09-398-17                   (AGENDA ITEM #8A) ACCEPTANCE OF THE EDWARD BYRNE JUSTICE ASSISTANCE GRANT IN THE AMOUNT OF \$10,200.00 FOR THE PURCHASE OF LIGHT BARS AND SINGLE DRAWER VAULTS FOR TWO PUBLIC SAFETY VEHICLES AND TO AUTHORIZE THE REMAINING BALANCE OF \$1,128.46 BE TAKEN FROM THE PUBLIC SAFETY MATERIAL AND SUPPLIES ACCOUNT - APPROVED**

Motion by Burns, seconded by Radner, CARRIED UNANIMOUSLY, to approve the following resolution authorizing the acceptance of the Edward Byrne Justice Assistance Grant in the amount of \$10,200.00 for the purchase of light bars and single drawer vaults for two public safety vehicles and to authorize the remaining balance of \$1,128.46 be taken from the Public Safety Material and Supplies Account:

**RESOLUTION ACCEPTING GRANT FUNDS FROM THE  
BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM**

WHEREAS, the United States Department of Justice, Bureau of Justice Assistance has awarded the Oak Park Public Safety Department a grant in the amount of \$10,200.00; and

WHEREAS, in accordance with the grant program a public hearing was held on September 18, 2017 and properly advertised on September 15, 2016; and

WHEREAS, the funds will be used for the purchase of light bars and single drawer vaults for Public Safety Department vehicles.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Oak Park does hereby accept the grant funds from the Edward Byrne Justice Assistance Grant in the amount of \$10,200.00 and authorizes the Public Safety Department to use the funds for the purchase of light bars and single drawer vaults for Public Safety vehicles.

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

**MOTION DECLARED ADOPTED**

**COMMUNICATIONS:** None

**SPECIAL LICENSES:** None

**ACCOUNTING REPORTS:**

**CM-09-399-17 (AGENDA ITEM #11A) APPROVAL FOR PAYMENT OF  
INVOICES SUBMITTED BY GARAN, LUCOW, MILLER, P.C.  
FOR LEGAL SERVICES IN THE TOTAL AMOUNT OF \$18,382.74  
- APPROVED**

Motion by Radner, seconded by Burns, CARRIED UNANIMOUSLY, to approve payment of invoices #482223, #482224, #482228, #482230 and #482231 by Garan, Lucow, Miller P.C., for legal services rendered through August 31, 2017 in the total amount of \$18,382.74.

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

**MOTION DECLARED ADOPTED**

**CM-09-400-17 (AGENDA ITEM #11B) APPROVAL FOR PAYMENT OF AN INVOICE SUBMITTED BY SECREST, WARDLE, LYNCH, HAMPTON, TRUOX & MORLEY, P.C. FOR LEGAL SERVICES IN THE TOTAL AMOUNT OF \$9,058.78 - APPROVED**

Motion by Burns, seconded by Radner, CARRIED UNANIMOUSLY, to approve payment of invoice #1316784 by Secrest, Wardle, Lynch, Hampton, Truox & Morley, P.C. for legal services in the total amount of \$9,058.78.

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

**MOTION DECLARED ADOPTED**

**CM-09-401-17 (AGENDA ITEM #11C) PAYMENT OF AN INVOICE SUBMITTED BY THE LAW OFFICES OF HOWARD L. SHIFMAN, P.C. FOR LEGAL SERVICES IN THE TOTAL AMOUNT OF \$15,000.00 - APPROVED**

Motion by Burns, Seconded by Rich, CARRIED UNANIMOUSLY, to approve payment of invoice #13062 to Howard L. Shifman, P.C. for legal services from September 30, 2017 through December 31, 2017 in the total amount of \$15,000.00.

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

**MOTION DECLARED ADOPTED**

**BIDS:**

**CM-09-402-17 (AGENDA ITEM #12A) REQUEST TO AWARD THE BID FOR THE 2017-2018 MISCELLANEOUS CONCRETE PROJECT, M-672 TO MATTIOLI CEMENT COMPANY OF FENTON, MI FOR THE AMOUNT OF \$183,409.40 - APPROVED**

Motion by Burns, Seconded by Radner, CARRIED UNANIMOUSLY, to award the bid for the 2017-2018 Miscellaneous Concrete Project, M-672 to Mattioli Cement Company of Fenton, MI for the amount of \$183,409.40.

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

**MOTION DECLARED ADOPTED**

Assistant City Manager Yee reported that at the July 17, 2017 regular meeting of the Oak Park City Council, the request to bid the 2017-2018 Miscellaneous Concrete Project, M-672 was approved (CM-07-324-17). The project was advertised and 48 contractors viewed the documents. On August 29, 2017, 10 bids were received and opened. The low bidder, Mattioli Cement Company of Fenton, MI, submitted a bid of \$183,409.40. References were checked and all had positive responses. He indicated this project will replace sections of damaged pavement from water & sewer breaks, along with other patches throughout the City. This project will also replace reimbursable sidewalk sections based on sidewalk evaluations resulting from homeowner complaints.

**CM-09-403-17 (AGENDA ITEM #12B) REQUEST TO AWARD THE BID FOR THE 2017-2018 SEWER & CATCH BASIN CLEANING AND TELEVISION INSPECTION PROJECT, M-673 TO TAPLIN GROUP, LLC OF KALAMAZOO, MI FOR THE AMOUNT OF \$232,087.85 - APPROVED**

Motion by Burns, Seconded by Radner, CARRIED UNANIMOUSLY, to award the bid for the 2017-2018 Sewer & Catch Basin Cleaning and Television Inspection Project, M-673 to Taplin Group, LLC of Kalamazoo, MI for the amount of \$232,087.85.

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

**MOTION DECLARED ADOPTED**

Mr. Yee reviewed the bids for the 2017 Sewer & Catch Basin Cleaning and Television Inspection Project, M-673. The project was advertised and 20 contractors viewed the documents. On September 5, 2017, 6 bids were received and opened. The low bidder, Taplin Group, LLC of Kalamazoo, MI, submitted a bid of \$232,087.85. References were checked and all had positive responses. He reported that this project will clean and televise specific sewer lines in the City.

**ORDINANCES:**

**CM-09-404-17 (AGENDA ITEM #13A) FIRST READING OF AN ORDINANCE TO AMEND SECTION 1302, APPROVAL PROCESS OF ARTICLE XIII, PMF PLANNED MULTIFAMILY DISTRICTS, APPENDIX A, ZONING OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK, MICHIGAN - APPROVED**

Motion by Burns, Seconded by Radner, CARRIED UNANIMOUSLY, to approve the first reading of the following ordinance to amend Section 1302, Approval Process of Article XIII, PMF Planned Multifamily Districts, Appendix A, Zoning of the Code of Ordinances of the City of Oak Park, Michigan:

CITY OF OAK PARK, MICHIGAN  
ORDINANCE NO.

AN ORDINANCE TO AMEND SECTION 1302, APPROVAL PROCESS OF ARTICLE XIII, PMF PLANNED MULTIFAMILY 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. Article XIII, PMF Planned Multifamily Districts, Section 1302, C, Approval process, Appendix "A", Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to the following:

Sec. 1302. – Approval process.

- C. *Standards for approval.* Based upon the following standards, the planning commission may recommend approval or denial, and the city council may approve or deny the proposed planned multiple-family district:
1. The uses proposed will have a beneficial effect, in terms of public health, safety, welfare or convenience or any combination thereof, on present and potential surrounding land uses. The uses proposed will not adversely affect the public utility and circulation systems, surrounding properties or the environment.
  2. The uses proposed shall be consistent with the land use plans adopted by the city.
  3. The zoning is warranted by the design and amenities incorporated in the development proposal.
  4. The city council may, if deemed appropriate, require for planned multiple-family districts more or less setbacks than that required by this Code.
  5. The city council may, if deemed appropriate, require for planned multiple-family districts more or less usable open space than that required by this Code.
  6. The city council may, if deemed appropriate, require for planned multiple-family districts more or less parking than that required by this Code.
  7. The city council may, if deemed appropriate, require for planned multiple-family districts more or less screening and landscaping than that required by this Code.
  8. Major natural, historical and architectural features of the district shall be preserved.

SECTION 2. Conflicting Provisions Repealed

All ordinances in conflict with the provisions of this ordinance are repealed only to the extent necessary to give this ordinance full force and effect; provided that all other

provisions of the Oak Park Code of Ordinances as heretofore amended shall remain in full force and effect.

SECTION 3. Severability

No other portion, paragraph or phrase of the Code of Ordinances of the City of Oak Park, Michigan shall be affected by this ordinance except as to the above sections, and in the event any portion, section or subsection of this ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this ordinance or of the Code of Ordinances of the City of Oak Park, Michigan.

SECTION 4. Effective Date

This ordinance shall be published as required by the Charter of the City of Oak Park and shall become effective ten (10) days from the date of its passage or upon the expiration of seven (7) days after its publication, whichever is later.

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

**MOTION DECLARED ADOPTED**

**CM-09-405-17 (AGENDA ITEM #13B) FIRST READING OF AN ORDINANCE TO AMEND ARTICLE VI, PROPERTY MAINTENANCE CODE, OF CHAPTER 18, BUILDINGS AND BUILDING REGULATIONS, OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK BY AMENDING SECTION 18-231 - APPROVED**

Motion by Burns, Seconded by Radner, CARRIED UNANIMOUSLY, to approve the first reading of the following ordinance to amend Article VI, Property Maintenance Code, of Chapter 18, Buildings and Building Regulations, of the Code of Ordinances of the City of Oak Park by amending section 18-231:

CITY OF OAK PARK  
OAKLAND COUNTY, MICHIGAN

AN ORDINANCE TO AMEND ARTICLE VI, PROPERTY MAINTENANCE CODE, OF CHAPTER 18, BUILDINGS AND BUILDING REGULATIONS, OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK BY AMENDING SECTION 18-231 THEREOF.

THE CITY OF OAK PARK ORDAINS:

SECTION 1. Section 18-231, Adoption of property maintenance code by reference; amendments, of Article VI, Property Maintenance Code, 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. 18-231. Adoption of property maintenance code by reference; amendments.

(a) There is hereby adopted that certain code known as the *International Property Maintenance Code*, 2015 Edition, as published by the International Code Council, as the property maintenance

code of the city for the purpose of regulating and governing the conditions and maintenance of all property, buildings and structures by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said property maintenance code on file in the office of the city clerk are hereby referred to, adopted, and made a part hereof, as if fully set out in this article, with the additions, insertions, deletions and changes, if any, set forth in this section.

- (b) The *International Property Maintenance Code*, adopted by the provisions of this article as the property maintenance code of the city, is hereby amended, changed and altered in the following respects:

Section 101.1. Title: These regulations shall be known as the Property Maintenance Code of the City of Oak Park, Michigan, hereafter referred to as “this code.”

Section 102.3. Application of Other Codes: Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the following codes as currently adopted by the Michigan Department of Licensing and Regulatory Affairs: Michigan Building Code, International Fire Code, Michigan Plumbing Code, Michigan Mechanical Code, National Electric Code (with Part 8 State of Michigan Amendments), The International Fuel Gas Code, NFPA 25 (Standard), and ASTM F1346-91 (Standard).

Section 103.1. Code official: References to the “code official” shall be deemed to refer to the City of Oak Park Director of Technical and Planning Services, or his designee.

Section 103.2. Deleted.

Section 103.5. Fees: The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be determined by resolution of the City Council from time to time adopted.

Section 106.4. Violation Penalties: Any person, firm or corporation, who shall violate any provision of this code shall, upon conviction thereof, be subject to a fine of not less than \$50.00 nor more than \$500.00 or imprisonment for a term not to exceed 90 days, or both, at the discretion of the court. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense.

Section 107.3 Method of service: Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified or first-class mail addressed to the last known address; or
3. A copy posted in a conspicuous place in or about the structure / property affected by such notice.

Section 110. Deleted. The provisions contained in Section 110, Demolition, of the Property Maintenance Code, shall be and hereby are deleted.



Section 111.2. Board of Appeals: The City of Oak Park Building Board of Appeals shall serve as the board of appeals required by this Property Maintenance Code. All references herein to the “Board of Appeals” or the “Board”, shall be deemed to refer to the Oak Park Building Board of Appeals.

Section 111.2.1. Deleted.

Section 112.4. Failure to Comply: 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 liable to a fine of not less than \$50.00 dollars or more than \$500.00 dollars.

Section 302.4. Weeds: All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight inches (254mm). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Section 304.14. Insect screens: During the period from April 1 to December 1, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.

Exception. Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

Section 308.3.1. Garbage Facilities: The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; or an approved leak-proof, covered, outside garbage container.

Section 602.3. Heat Supply: Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guest room on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1 to May 15 to maintain a temperature of not less than 68° Fahrenheit (20° Celsius) in all habitable rooms, bathrooms, and toilet rooms.

*Exceptions:*

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at is full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the Michigan Plumbing Code.
2. In the areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

Section 602.4. Occupiable Work Spaces: Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to May 15 to maintain a temperature of not less than 65° Fahrenheit (18° Celsius) during the period the spaces are occupied.

*Exceptions:*

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.
- 3.

SECTION 2. Savings Clause.

Nothing in this ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding pending 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 hereby amended, or under the former Property Maintenance Code of the City of Oak Park, which is being replaced by the 2015 *International Property Maintenance Code*, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 3. 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 4. 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-09-406-17**

**(AGENDA ITEM #13C) FIRST READING OF AN ORDINANCE TO AMEND SECTIONS 42-36, 42-37 AND 42-38 OF CHAPTER 42, FIRE PREVENTION AND PROTECTION, OF THE CODE OF ORDINANCES, CITY OF OAK PARK, THEREBY ADOPTING THE 2015 EDITION OF THE INTERNATIONAL FIRE CODE AS THE FIRE PREVENTION CODE OF THE CITY - APPROVED**

Motion by Burns, Seconded by Radner, CARRIED UNANIMOUSLY, to approve the first reading of the following ordinance to amend Sections 42-36, 42-37 and 42-38 of Chapter 42, Fire Prevention and Protection, of the Code of Ordinances, City of Oak Park, thereby adopting the 2015 Edition of the International Fire Code as the Fire Prevention Code of the City:

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 2015 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 2015 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*, 2015 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 2015 *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*, 2015 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, Radner, Rich
	No:	None
	Absent:	Speech

**MOTION DECLARED ADOPTED**

**(AGENDA ITEM #13D)** First reading of an ordinance to amend Article III, Nuisances, of Chapter 38, Environment, of the Code of Ordinances of the City of Oak Park by amending Sections 38-96, 38-98 and 38-100. **(Removed from the agenda)**

**CITY ATTORNEY: No report**

**CITY MANAGER:**

**City Clerk**

**CM-09-407-17 (AGENDA ITEM #15A) RESOLUTION AMENDING THE 2018 CITY COUNCIL REGULAR MEETING SCHEDULE - APPROVED**

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

**A RESOLUTION AMENDING 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 3 and 16** (Monday, January 1 and Tuesday January 2, 2018, City Offices are closed in observance of New Year's Eve which is on a Sunday and 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".

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

**MOTION DECLARED ADOPTED**

**Department of Public Works**

**CM-09-408-17 (AGENDA ITEM #15B) AUTHORIZATION FOR THE PUBLIC WORKS DEPARTMENT TO PARTICIPATE IN THE NATIONAL JOINT PURCHASING ALLIANCE (NJPA) CONTRACT BID FOR THE PURCHASE OF A NEW ODB LEAF VACUUM IN THE AMOUNT OF \$35,692.33 - APPROVED**

Motion by Burns, seconded by Radner, CARRIED UNANIMOUSLY, to authorize the Public Works Department to participate in the National Joint Purchasing Alliance (NJPA) Contract bid for the purchase of a new ODB Leaf Vacuum in the amount of \$35,692.33.

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

**MOTION DECLARED ADOPTED**

Mr. Yee summarized the request to participate in the National Joint Purchasing Alliance (NJPA) Contract bid for the purchase of a new ODB Leaf Vacuum for the total purchase price of 35,692.33. He indicated this is a budgeted expense.

**Economic Development and Communications**

**CM-09-409-17 (AGENDA ITEM #15C) FAÇADE IMPROVEMENT GRANT TO REALTEAM REAL ESTATE FOR THE BUILDING LOCATED AT 8250 NINE MILE ROAD, FOR 50% OF THE PROJECT COSTS NOT TO EXCEED \$2,500.00 - APPROVED**

Motion by Burns, seconded by Radner, CARRIED UNANIMOUSLY, to approve a façade improvement grant to Realteam Real Estate for the building located at 8250 Nine Mile Road, for 50% of the project costs not to exceed \$2,500.00.

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 Realteam Real Estate, 8250 Nine Mile Road. The project specifications have met city guidelines and improvements include replacing a window which was broken from an unknown source for a total cost of \$5,490.

**CM-09-410-17 (AGENDA ITEM #15D) FINAL SITE PLAN FOR CRDN (HUNTINGTON CLEANERS), 8775 CAPITAL, SUBJECT TO CONDITIONS - APPROVED**

Motion by Burns, seconded by Radner, CARRIED UNANIMOUSLY, to accept the recommendation of the Planning Commission and approve the Final Site Plan for CRDN (Huntington Cleaners), 8775 Capital, subject to the following conditions:





Motion by Burns, seconded by Radner, CARRIED UNANIMOUSLY, to accept the recommendation of the Planning Commission and approve the Special Land Use (Restaurant that serves alcoholic liquor) and Site Plan for 8MK Restaurant, 12700 Eight Mile, subject to the following conditions:

- 1) The identified outdoor dining area is required to meet the standards in Section 1709 Outdoor Dining.
- 2) An application for a Land Development Permit to be submitted to the Engineering Division for review and approval of the on-site storm water management system for the parking lots.
- 3) Construction design details of parking lot entryways to be submitted to the Engineering Division for review and approval.
- 4) A detailed landscaping plan meeting the minimum Zoning Ordinance standards, and including irrigation method, to be provided and approved by the Planning Division.
- 5) All proposed exterior lighting will need to be shielded downward and away from adjacent properties and positioned as to not create a nuisance to automobile traffic or adjacent properties.
- 6) All ground and rooftop equipment to be screened as required by the Zoning Ordinance.
- 7) A dumpster enclosure detail which meets the Zoning Ordinance requirements to be submitted.
- 8) No signs are approved as part of the Site Plan Review process. A separate sign permit application must be submitted.
- 9) The proprietor shall make available a varied menu of food items consisting of not less than ten such food items cooked or prepared on the premises.
- 10) During any 90-day period, no more than 50 percent of the gross revenues of the establishment shall be derived from the sale of alcoholic liquor. Admission charges or cover charges which exceed ten percent of the establishment's gross revenues

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

#### **MOTION DECLARED ADOPTED**

Ms. Marrone reported that at their September 11, 2017 meeting, the Planning Commission conducted a Public Hearing on a Special Land use request for 8MK Restaurant, 12700 Eight Mile, for a restaurant that serves alcoholic liquor. The Planning Commission voted to recommend to the City Council approval of the Special Land Use and Final Site Plan with conditions.

**CM-09-413-17 (AGENDA ITEM #15G) COOLIDGE PLACE PMF DEVELOPMENT/SITE PLAN, 21111-21435 COOLIDGE HIGHWAY, FROM SPERO HOUSING GROUP AND SOUTHWEST HOUSING SOLUTIONS, SUBJECT TO CONDITIONS - APPROVED**

Motion by Burns, seconded by Radner, CARRIED UNANIMOUSLY, to accept the recommendation of the Planning Commission and approve the Coolidge Place PMF Development/Site Plan, 21111-21435 Coolidge Highway, from Spero Housing Group and Southwest Housing Solutions, subject to the following conditions:

- 1) Plans for the proposed storm water management system will need to be reviewed and approved by the Engineering Division as part of a Land Improvement permit.
- 2) All proposed roof top or ground level mechanical equipment must be screened as required in Section 1716.
- 3) Any proposed outdoor lighting should be designed or shielded so it does not create a nuisance to adjacent properties or vehicular traffic.
- 4) No signs are approved as part of the Site Plan Review. A separate permit must be requested for the inclusion of any signs at this site.

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

### **MOTION DECLARED ADOPTED**

### **CALL TO THE AUDIENCE:**

Nancy Hatcher, 23040 Wildwood, expressed concerns about tree roots damaging her yard and is requesting the removal of a city tree.

Oak Park High School Students Jordan Brooks, Carnell Havard, Joshua Garrett and Saddigg Trice expressed the need for the city to provide after school programming for students at the Recreation Center.

Stacy Payton, 17347 Woodingham, Detroit, offered services for after school programming to students.

Rod Toneye, 25501 Briar Drive, expressed the need for student programming after school to help eliminate problems at the Library.

Dana Cat-Young and Aisha Caldwell, expressed concerns about safety in the Library.

Regina Weiss, 23470 Majestic, expressed support for all who spoke about the need for student programming at the Community Center and reminded everyone about an after school program at the High School called Young Optimistic and United (YOU) that meets on Thursdays.

Crystal Jones, Oak Park resident, expressed concerns about safety in the Library and offered assistance in working with students after school.

Doris Applebaum, 13068 Winchester, acknowledged the wonderful staff that works at the Library.

### **CALL TO THE COUNCIL:**

**Mayor McClellan** discussed the Arts and Cultural Diversity Commission and reviewed up-coming city programming.

**Mayor Pro Tem Burns** discussed mixed recycling, the Arts and Cultural Diversity Commission and after school Library events. She also reminded everyone to be mindful of school children in the neighborhoods.

**Council Member Radner** commended the high school speakers who were present at the meeting, and encouraged everyone to participate in helping find solutions to the Library issues.

**Council Member Rich** wished everyone a good night and expressed a desire to be a part of the ad-hoc committee that will be looking into solutions for the Library.

**ADJOURNMENT:**

There being no further business to come before the City Council, Mayor McClellan adjourned the meeting at 8:14 P.M.

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T. Edwin Norris, City Clerk

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Marian McClellan, Mayor