



**CITY OF OAK PARK, MICHIGAN
REGULAR COUNCIL MEETING OF THE
37th OAK PARK CITY COUNCIL
January 3, 2018
7:00 PM**

MINUTES

The meeting was called to order at 7:02 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, Council Member Burns, Council Member Rich,
Council Member Weiss

ABSENT: Mayor Pro Tem Radner

OTHERS

PRESENT: City Manager Tungate, Deputy City Clerk Vecchio, City Attorney Duff

APPROVAL OF AGENDA:

**CM-01-001-18 (AGENDA ITEM #4) ADOPTION OF THE AGENDA AS
PRESENTED – APPROVED**

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

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

MOTION DECLARED ADOPTED

CONSENT AGENDA:

CM-01-002-18 (AGENDA ITEM #5A-F) CONSENT AGENDA - APPROVED

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

- A. Regular Council Meeting Minutes of December 18, 2017 **CM-01-003-18**
- B. Beautification Advisory Commission Meeting Minutes of September 19, 2017
CM-01-004-18
- C. Corridor Improvement Authority Board Meeting Minutes of October 19, 2017
CM-01-005-18
- D. **Removed from the Consent Agenda**
- E. Request to cancel the regularly scheduled Planning Commission meeting of January 8,
2018 **CM-01-006-18**
- F. Licenses - New and Renewals as submitted for January 3, 2018 **CM-01-007-18**

**MERCHANT'S LICENSES – January 3, 2018
 (Subject to All Departmental Approvals)**

NEW MERCHANT	ADDRESS	FEE	BUSINESS TYPE
Coop Exchange LLC	25900 Greenfield 326	\$300	Office
RENEWALS			
Saunders Land Company LLC	8564 Capital	\$150	Funeral Transportation
Impressive Style	8575 Capital	\$150	Home Improvement
Huntington Cleaners	8775 Capital	\$150	Laundry
Tiger Collision	10010 Capital	\$150	Automotive
Formtech Plastics	10030 Capital	\$150	Manufacturing
Acme Ladder & Supply Co Inc	10101 Capital	\$150	Construction Supply
Eaton Steel	10221 Capital	\$150	Steel Distributor
Kings Welding Works	10311 Capital	\$150	Automotive
Laduke Corporation	10311 Capital	\$150	Home Improvement
Socks Galore Wholesale	10355 Capital	\$150	Retail
EZ Groom	10411 Capital	\$150	Pet Groomer
Stone For You	10700 Capital	\$150	Home Improvement
Ryan Polishing Corporation	10707 Capital	\$150	Machining Services
Design Metal Inc	10841 Capital	\$150	Metal Stamping
Excell Snow & Turf Maint	11000 Capital	\$150	Landscape Contractor
Midwest Recycling Services	11000 Capital	\$150	Hauling
Brown-Darnell Co	12701 Capital	\$150	Industrial Supplier
Midland Equipment Co of Mich	12771 Capital	\$150	Tool Supply
LG Motors	13350 Capital	\$150	Automotive
United Refrigeration Inc	12811 Capital	\$150	HVAC
Security Central Protection	12821 Capital	\$150	Security
REB Research Consulting Co	12851 Capital	\$150	Research & Consulting
Universal Piping Industries	12900 Capital	\$150	Engineering Project Mgmt
Universal Piping Industries	12930 Capital	\$150	Engineering Project Mgmt
J & D Auto Service Inc	13051 Capital	\$150	Automotive
Huntington Cleaners	13103 Capital	\$150	Laundry
Image One Corporation	13201 Capital	\$150	Printer
Live Smart	13305 Capital 600	\$150	Gourmet Food Store
BMI Road Service	13380 Capital	\$150	Towing Service
Partlan-Labadie Sheet Metal	12901 Cloverdale	\$150	Sheet Metal
D/A Central Inc	13155 Cloverdale	\$150	Security and IT Systems
Deezer LLC	13201 Cloverdale	\$150	Hookah Lounge
Walker Printiery Inc	13351 Cloverdale	\$150	Printer
Bombay Wedding Events Inc	21300 Coolidge	\$150	Event Planner
RCH Cable/Superity Corp	21340 Coolidge	\$150	
New Northend Market	21601 Coolidge	\$150	Grocery
Physical Medicine Rehab	21675 Coolidge 1A	\$150	Medical
Trinity Physical Therapy	21675 Coolidge 1B	\$150	Physical Therapy
Hands of Hope International	21790 Coolidge	\$150	Non-Profit
Olympic Cycle & Fitness	22031 Coolidge	\$150	Fitness
Dollar General Store #19162	22100 Coolidge	\$150	Retail
Hair n'Things Inc	22105 Coolidge	\$150	Salon
9Oaks Grill	22110 Coolidge	\$150	Restaurant
Sunugal Hair Braiding	22131 Coolidge	\$150	Hair Salon

Mr. Biggs	22151 Coolidge	\$150	Retail
Studio Nova	22153 Coolidge	\$150	Retail
CVS Pharmacy #8106	23001 Coolidge	\$150	Retail
SVS Vision	23055 Coolidge	\$150	Medical
Danny's Fine Wine	23063 Coolidge	\$150	Retail
Dollar Tree #3039	23090 Coolidge	\$150	Retail
FKO for Kids Only - Leytons	23101 Coolidge	\$150	Retail
Save-A-Lot #987-4669	23105 Coolidge	\$150	Grocery/Retail
O'Reilly Auto Pars #3345	23125 Coolidge	\$150	Automotive
Elie R. Khoury MD	24611 Coolidge	\$150	Medical
Dr. Salwan Francis DDS	24621 Coolidge	\$150	Dentist
Oak Park Urgent Care	24661 Coolidge	\$150	Medical
Marcus Wear and Tailor LLC	24709 Coolidge	\$150	Retail
Dreams of Gold Jewelry Corp	24760 Coolidge	\$150	Jeweler
Speedway LLC	24771 Coolidge	\$150	Automotive
Stanley Upholstering Inc	25651 Coolidge	\$150	Furniture Upholstering
Congregation Aish Hatorah	25725 Coolidge	\$150	Religious
Lincoln Drugs Inc/Pharmacy	25901 Coolidge A	\$150	Retail
Shell Cleaners & Tailor	25905 Coolidge	\$150	Laundry
Deborah Hecht LLC	25907 Coolidge	\$150	Art Studio
Coolidge Cycle	25909 Coolidge	\$150	Bicycle Sales and Repair
Steppin Out on Faith Learning	25941 Coolidge	\$150	Education
Zalman's Treasures	26001 Coolidge	\$150	Jeweler
Oak Park Barbers	26003 Coolidge	\$150	Barber
Star Bakery	26031 Coolidge	\$150	Bakery
Valhalla Krav Maga	26039 Coolidge	\$150	Fitness Center
Metro Frame Inc	26045 Coolidge	\$150	Frame Shop
Harmony Montessori Center	26341 Coolidge	\$150	Education
Mark A Wolfson DDS	26601 Coolidge	\$150	Dentist
7-11 Food Stores #13458	26641 Coolidge	\$150	Grocery/Retail
Party Time Rental LLC	12980 Eight Mile	\$150	Party Rentals
Fars Fill Up Inc	13500 Eight Mile	\$150	Retail
Pennzoil 10 Minute Oil Change	13601 Eleven Mile	\$150	Automotive
F.I.R.M.	13691 Eleven Mile 103	\$150	Financial Services
Fortson Dental Oak Park	13741 Eleven Mile	\$150	Dental
H/D Holdings	14241 Eleven Mile	\$150	Investors
ARKK Engineering	14251 Eleven Mile	\$150	Engineering
Quality Car Wash II Inc	14421 Eleven Mile	\$150	Car wash
Seerco Inc	14441 Eleven Mile	\$150	General Contractor
Curt's Service	14611 Eleven Mile	\$150	Automotive
Plaskey Painters Inc	14669 Eleven Mile	\$150	Painter
Intra State Mort Services	14691 Eleven Mile	\$150	Mortgage Services
Addixion LLC	14701 Eleven Mile	\$150	Vehicle Sales
Regal Wines	14721 Eleven Mile	\$150	Retail
Marblecast Inc	14831 Eleven Mile	\$150	Home Remodel
Royal Crest Inc	14851 Eleven Mile	\$150	Window Coverings
Dependable Gage & Tool Co	15321 Eleven Mile	\$150	Tool Manufacturing
1 800 PayBeny Inc	21380 Greenfield	\$150	Pawn Shop
RAM Jewelry	21600 Greenfield 105A	\$150	Jeweler
GEM Corporation Inc	21600 Greenfield 106	\$150	Jeweler
Magic Discount Jewelry	21600 Greenfield 108	\$150	Jeweler
Greenfield Plaza Assoc Inc	21700 Greenfield 202	\$150	Retail
Krome Jewelers	21700 Greenfield 302	\$150	Jeweler

G & J Wholesale	21700 Greenfield 310	\$150	Jeweler
Gold & Silver Corp	21700 Greenfield 320	\$150	Jeweler
Anton's Jewelry Inc	21700 Greenfield 343	\$150	Jeweler
Diamonds Forever Inc	21700 Greenfield 350	\$150	Jeweler
Maro Jewelers	21700 Greenfield 365	\$150	Jeweler
Prince Jewelers	21700 Greenfield 447	\$150	Jeweler
Building Technology Assoc	21850 Greenfield	\$150	Roof Management
Mr. M's Vacuum Repair	23300 Greenfield 108	\$150	Vacuum Repair
Borensteins	25242 Greenfield	\$150	Bookstore
Pita Café	25282 Greenfield	\$150	Restaurant
Janko The Diamond Broker	25900 Greenfield 112	\$150	Jeweler
Team Rehabilitation – Functional Recovery Program	25900 Greenfield 502	\$150	Rehabilitation
Dale Prentice Company	26511 Harding	\$150	Safety Management
20700 Hubbell, LLC	20700 Hubbell	\$150	Storage
Lincoln Convenient Shop	15075 Lincoln 104	\$150	Grocery
Marina's Alterations	15075 Lincoln 117	\$150	Tailor
Haynes Enterprise	21171 Meyers	\$150	Automotive
Prairie Farms Dairy Inc	21631 Meyers	\$150	Dairy Farm
Oak-Fern Galleria LLC	8520 Nine Mile	\$150	Classic Car Storage
Scheer's Ace Hardware	8601 Nine Mile	\$150	Retail
Soltman Heating & Cooling	8650 Nine Mile	\$150	HVAC Service & Installation
E Z Petroleum 4 Inc	13551 Nine Mile	\$150	Gas Station
Lighthouse Liquor	13651 Nine Mile	\$150	Retail
Alaska Fresh Fish & Chicken	13701 Nine Mile	\$150	Restaurant
Hanna Fruit Market	13745 Nine Mile	\$150	Grocery
Gobind L Garg MD	13801 Nine Mile	\$150	Medical
K & F Meat Market	13911 Nine Mile	\$150	Grocery
Mighty Mo Mufflers	13941 Nine Mile	\$150	Automotive
Yousif Goriel MD	15351 Nine Mile A	\$150	Medical
Dr. Ester Sleutelberg	15421 Nine Mile	\$150	Dentist
Behy Motors	13000 Northend 26	\$150	Car Sales
American Data Security	13070 Northend	\$150	Paper Shredding Services
Sherwin Williams Co	13101 Northend	\$150	Paint Supplies
BAPI	13301 Northend	\$150	Construction Products
PCI Industries Inc	21717 Republic	\$150	Commercial Construction
State Farm Insurance	10841 Ten Mile	\$150	Insurance
Scotia Stop/G & M Investment	12701 Ten Mile	\$150	Retail
Parkwood Open Imaging	13161 Ten Mile	\$150	Medical
Planet Fitness – PF Oak Park	13151 Ten Mile	\$150	Fitness
Dollar Village Discount Inc	13201 Ten Mile	\$150	Retail
H & R Block	13241 Ten Mile	\$150	Financial
Sahni's Inc	13251 Ten Mile	\$150	Retail
Fancy Ladies Apparel	13261 Ten Mile	\$150	Retail
Jade Palace Restaurant	13351 Ten Mile	\$150	Restaurant
Family Dollar Stores of MI	13471 Ten Mile	\$150	Retail
Oak Park Dialysis	13481 Ten Mile	\$150	Medical
U Wash Development	15450 Ten Mile	\$150	Car Wash

<u>RENEWALS</u>	<u>ADDRESS</u>	<u>FEE</u>
Pay Benny, Inc. *Surety Bond Approval	21380 Greenfield	\$400

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

MOTION DECLARED ADOPTED

Consent Agenda Item #5D removed by Council Member Weiss.

CM-01-008-18 (AGENDA ITEM #5D) PAYMENT OF INVOICES FROM ORCHARD, HILTZ & MCCLIMENT (OHM) FOR TRAFFIC SIGNAL OPTIMIZATION, THE WATER SYSTEM ASSET MANAGEMENT PLAN, SAW GRANT SUPPORT AND THE NINE MILE TAP GRANT DESIGN IN THE TOTAL AMOUNT OF \$69,206.62 - APPROVED

Motion by Weiss, seconded by Rich, CARRIED UNANIMOUSLY, to approve payment of invoices from Orchard, Hiltz & McCliment (OHM) for Traffic Signal Optimization, the Water System Asset Management Plan, SAW Grant Support and the Nine Mile TAP Grant Design in the total amount of \$69,206.62.

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

MOTION DECLARED ADOPTED

Council Member Weiss inquired as to how many more payments were remaining for the Nine Mile Tap Grant Design. Assistant City Manager Yee explained that OHM has requested additional compensation for services and with there being some final decisions to make on the Nine Mile pocket parks, Council should expect to see some of the final payments at the next meeting.

RECOGNITION OF VISITING ELECTED OFFICIALS: None

SPECIAL RECOGNITION/PRESENTATIONS:

(AGENDA ITEM #7A) Audit Presentation

Mark Kettner from Rehmann Robson presented the Fiscal Year Ended June 30, 2017 Comprehensive Annual Financial Report and the Independent Auditor's Communication. Complete reports are on file with the City Clerk.

PUBLIC HEARINGS: None

COMMUNICATIONS: None

SPECIAL LICENSES: None

ACCOUNTING REPORTS:

CM-01-009-18 (AGENDA ITEM #11A) APPROVAL FOR PAYMENT OF INVOICES SUBMITTED BY GARAN, LUCOW, MILLER, P.C. FOR LEGAL SERVICES IN THE TOTAL AMOUNT OF \$15,532.29 - APPROVED

Motion by Rich, seconded by Burns, CARRIED UNANIMOUSLY, to approve payment of invoices #487822, #487823, #487824 and #487826 submitted by Garan, Lucow, Miller P.C., for legal services rendered through November 30, 2017 in the total amount of \$15,532.29.

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

MOTION DECLARED ADOPTED

BIDS:

CM-01-010-18 (AGENDA ITEM #12A) BID AWARD FOR THE 2017-2018 SEWER LINING PROJECT, M-677 TO INSITUFORM TECHNOLOGIES USA, LLC OF CHESTERFIELD, MO, FOR THE TOTAL AMOUNT OF \$189,754.60 - APPROVED

Motion by Rich, seconded by Weiss, CARRIED UNANIMOUSLY, to award the bid for the 2017-2018 Sewer Lining Project, M-677 to Insituform Technologies USA, LLC of Chesterfield, MO, for the total amount of \$189,754.60.

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

MOTION DECLARED ADOPTED

Assistant City Manager Yee explained that the 2017-18 Sewer Lining Project will perform sewer lining for various sections of sewer found to need repairs from our television inspection program. Five bids were received and opened for the project. The low bidder, Insituform Technologies USA, LLC, of Chesterfield, MO, submitted a bid of \$189,754.60. References were checked and all had positive responses.

ORDINANCES:

CM-01-011-18 (AGENDA ITEM #13A) SECOND READING AND ADOPTION OF AN ORDINANCE TO AMEND SECTION 901 - PERMITTED USES, OF ARTICLE IX, LIGHT INDUSTRIAL DISTRICTS, APPENDIX A, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK, MICHIGAN - APPROVED

Motion by Burns, seconded by Weiss, CARRIED UNANIMOUSLY, to approve the second reading and adopt the following ordinance to amend Section 901 - Permitted Uses, of Article IX, LI Light Industrial Districts, Appendix A, Zoning, of the Code of Ordinances of the City of Oak Park, Michigan:

CITY OF OAK PARK, MICHIGAN

AN ORDINANCE TO AMEND SECTION 901 - PERMITTED USES, OF ARTICLE IX, LI LIGHT INDUSTRIAL 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 IX, LI Light Industrial Districts, Section 901, Appendix "A", Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to read as follows:

19. Art facilities (art gallery and/or studios, music recording and/or dance studios) and indoor recreation uses (gymnastic centers, rock climbing gyms, exercise and fitness centers) of 4,000 square feet or more.
20. Accessory uses and buildings, including accessory outdoor storage which conforms with the provisions of Section 1925 (special approval not required).

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, Rich, Weiss
	No:	None
	Absent:	Radner

MOTION DECLARED ADOPTED

CM-01-012-18 (AGENDA ITEM #13B) SECOND READING AND ADOPTION OF AN ORDINANCE TO AMEND CITY OF OAK PARK CODE OF ORDINANCES BY ADDING A NEW CHAPTER 3 - MUNICIPAL CIVIL INFRACTIONS, THEREBY PRESCRIBING CIVIL SANCTIONS FOR CERTAIN VIOLATIONS OF THE CITY OF OAK PARK CODE OF ORDINANCES - APPROVED

Motion by Burns, seconded by Weiss, CARRIED UNANIMOUSLY, to approve the second reading and adopt the following ordinance to amend City of Oak Park Code of Ordinances by adding a new Chapter 3 - Municipal Civil Infractions, thereby prescribing civil sanctions for certain violations of the City of Oak Park Code of Ordinances:

CITY OF OAK PARK, MICHIGAN
PROPOSED ORDINANCE NO.

MUNICIPAL CIVIL INFRACTIONS – SECOND READING

PROPOSED ORDINANCE TO AMEND CITY OF OAK PARK CODE OF ORDINANCES BY ADDING A NEW CHAPTER 3 - MUNICIPAL CIVIL INFRACTIONS, THEREBY PRESCRIBING CIVIL SANCTIONS FOR CERTAIN VIOLATIONS OF THE CITY OF OAK PARK CODE OF ORDINANCES.

THE CITY OF OAK PARK ORDAINS:

SECTION 1. ORDINANCE - The Code of Ordinances of the City of Oak Park is hereby amended by the addition of a new Chapter 3 - Municipal Civil Infractions, which shall read as follows:

CHAPTER 3. - MUNICIPAL CIVIL INFRACTIONS

Sec. 3-1. - Definitions.

For purposes of this chapter, the following definitions shall apply:

Act shall mean Public Act No. 236 of 1961 (see MCL 600.101 et seq.).

Authorized city official shall mean a public safety officer, the building official, the electrical inspector or other personnel authorized by this Code or any ordinance to issue municipal civil infraction citations.

Municipal civil infraction shall mean an act or omission that is prohibited by this Code or any ordinance of the city, but which is not a crime under the Code or other ordinance, and for which civil sanctions, including, without limitation, fines, damages, expenses and costs, may be ordered, as authorized by chapter 87 of Public Act No. 236 of 1961 (see MCL 600.8701 et seq.). A municipal civil infraction is not a lesser included offense of a violation of this Code that is a criminal offense.

Municipal civil infraction action shall mean a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.

Municipal civil infraction citation shall mean a written complaint or notice prepared by an authorized city official directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by that person.

Municipal civil infraction determination shall mean a determination that a defendant is responsible for a municipal civil infraction by one (1) of the following:

- (a) An admission of responsibility for the municipal civil infraction.
- (b) An admission of responsibility for the municipal civil infraction, "with explanation."

- (c) A preponderance of the evidence at an informal hearing or formal hearing.
- (d) A default judgment for failing to appear at a scheduled appearance.

Repeat offense shall mean a determination of responsibility for a second, or any subsequent, municipal civil infraction with regard to the same code provision, committed by the same person within any three-year period, unless some other period is specifically provided with regard to a specific Code provision.

Responsible or responsibility shall mean a determination entered by a court or magistrate that a person is in violation of a provision of this Code prescribed to be a municipal civil infraction.

Sec. 3-2. - Commencement of municipal civil infraction action.

- (1) A municipal civil infraction action shall be commenced upon the issuance by an authorized city official of a municipal civil infraction citation directing the person alleged to be responsible to appear in court.
- (2) The form of citations or notices used to charge municipal civil infraction violations shall be in accordance with state law (see MCL 600.8709).
- (3) The basis for issuance of a municipal civil infraction citation shall be as set forth below:
 - (a) An authorized official who witnesses a person violate an ordinance, the violation of which is a municipal civil infraction.
 - (b) An authorized official may issue a citation to a person if, based upon investigation, the official has reasonable cause to believe that a person is responsible for a municipal civil infraction.
 - (c) An authorized official may issue a citation to a person if, based upon investigation of a complaint by someone who allegedly witnessed the person violate an ordinance, a violation of which is a municipal civil infraction, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction and if the attorney for the city approves in writing the issuance of the citation.
- (4) Municipal civil infraction citations shall be served in the following manner:
 - (a) Except as otherwise provided below, the authorized official shall personally serve a copy of the citation upon the alleged violator.
 - (b) In a municipal civil infraction action involving the use or occupancy of land or a building or other structure, a copy of the citation need not be personally served upon the alleged violator but may be served upon an owner or occupant of the land, building, or structure by posting the copy on the land or attaching the copy to the building or structure. In addition, a copy of the citation shall be sent by first class mail to the owner of the land, building, or structure at the owner's last known address.
 - (c) A citation served, as provided in paragraph (b) above, for a violation involving the use or occupancy of land or a building or other structure, shall be processed in the same manner as a citation served personally upon a defendant.
 - (d) Municipal civil infraction citations shall be distributed as follows as provided by section 8705 of the Act (see MCL 600.8705).
 - 1. The original citation shall be filed with the district court.
 - 2. The first copy shall be an abstract of court records.
 - 3. The second copy shall be retained by the authorized official.
 - 4. The third copy shall be delivered to the alleged violator.

Sec. 3-3. – Authorized city official.

- (1) The building official, electrical inspector, plumbing and mechanical inspectors, code enforcement officer and public safety officers are hereby designated as the authorized city officials to issue municipal civil infraction citations directing alleged violators to appeal in court as provided by this Code.
- (2) An Authorized city official is authorized to enforce all provisions of this Code whether or not any particular provision specifies or designates a different enforcing official, unless otherwise prescribed by state or federal law. Where a particular officer is designated in any Code provision, that officer's authority shall continue in full force and effect, and shall not be diminished or impaired by the terms of this section; and the authority of the Authorized city official shall be in addition and supplementary to the authority granted to such other specific officer.
- (3) The Authorized city official's duties shall include the following: investigation of code violations; issuance and service of municipal civil infraction citations; and appearance in court or other judicial or quasi-judicial proceedings in the administration of this Code.

Sec. 3-4. - Penalties for municipal civil infractions.

- (a) The following civil fines shall apply in the event of a determination of responsibility for a municipal civil infraction, unless a different fine is specified in connection with a particular Code provision:
 - (1) The first offense, \$150.00.
 - (2) The first repeat offense, \$250.00.
 - (3) A person who is determined to be responsible for a second or any subsequent repeat offense, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or community service for not more than 200 hours, or any combination of these penalties and the cost of prosecution, plus any cost to abate, if applicable.
- (b) The following shall be exceptions to the civil fine schedule:
 - (1) A violation of any provision of Chapter 18 – Building and Building Regulations:
 - i. The first offense, \$150.00.
 - ii. The first repeat offense, \$300.00.
 - iii. A person who is determined to be responsible for a second or any subsequent repeat offense, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or community service for not more than 200 hours, or any combination of these penalties and the cost of prosecution, plus any cost to abate, if applicable.
 - (2) A violation of any provision of Chapter 22 – Business:
 - i. The first offense, \$50.00.
 - ii. The first repeat offense, \$100.00.
 - iii. A person who is determined to be responsible for a second or any subsequent repeat offense, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or community service for not more than 200 hours, or any combination of these penalties and the cost of prosecution, plus any cost to abate, if applicable.
 - (3) A violation of Division 3. Blight Sec 38-96. Cause of blight or blighting factors of Chapter 38 – Environment:
 - i. The first offense, \$50.00 plus any cost to abate.
 - ii. The first repeat offense, \$100 plus any cost to abate.

- iii. A person who is determined to be responsible for a second or any subsequent repeat offense, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or community service for not more than 200 hours, or any combination of these penalties and the cost of prosecution, plus any cost to abate, if applicable.
- (4) A violation of any provision of Chapter 62 – Solid Waste:
- i. The first offense, \$50.00.
 - ii. The first repeat offense, \$100.00.
 - iii. A person who is determined to be responsible for a second or any subsequent repeat offense, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or community service for not more than 200 hours, or any combination of these penalties and the cost of prosecution, plus any cost to abate, if applicable.
- (5) A violation of any provision of Chapter 71 – Telecommunications Services:
- i. The first offense, \$500.00.
 - ii. The first repeat offense, \$1,000.00.
 - iii. A person who is determined to be responsible for a second or any subsequent repeat offense, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$2,000.00, or community service for not more than 200 hours, or any combination of these penalties and the cost of prosecution, plus any cost to abate, if applicable.
- (6) A violation of any provision of Chapter 78 – Trees.
- i. The first offense, \$50.00 plus any cost to abate.
 - ii. The first repeat offense, \$100 plus any cost to abate.
 - iii. A person who is determined to be responsible for a second or any subsequent repeat offense, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or community service for not more than 200 hours, or any combination of these penalties and the cost of prosecution, plus any cost to abate, if applicable.
- (c) A copy of the civil infraction fee schedule, as amended from time to time, shall be posted at the 45th District Court.
- (d) In addition to ordering the defendant determined to be responsible for a municipal civil infraction to pay a civil fine, costs, damages, and expenses, the judge or magistrate shall be authorized to issue any judgment, writ, or order necessary to enforce or enjoin violation of this Code.
- (e) Continuing offense. Each act of violation, and on each day upon which any such violation shall occur, shall constitute a separate offense.
- (f) Remedies not exclusive. In addition to any remedies provided for in this Code, any equitable or other remedies available may be sought.
- (g) The judge or magistrate shall also be authorized to impose costs, damages, and expenses as provided by law.

Sec. 3-5. - Designation of civil infractions.

A violation of the following chapters, provisions, or sections of this Code or any rule, regulation, or order adopted or issued in pursuance thereof shall be deemed to be a municipal civil infraction which shall subject the violator to the civil fines and penalties as provided in this chapter unless specifically stated otherwise therein:

- Chapter 6 – Alcoholic Liquors;
- Chapter 10 – Amusements and Entertainments;
- Chapter 14 - Animals;
- Chapter 18 – Buildings and Building Regulations;
- Chapter 22 – Businesses;
- Chapter 38 – Environment;
- Chapter 42 – Fire Prevention and Protection;
- Chapter 50 – Offenses and Miscellaneous Provisions;
- Chapter 53 – Parking Lots;
- Chapter 54 – Parks and Recreation;
- Chapter 62 – Solid Waste;
- Chapter 66 – Streets, Sidewalks and Other Public Places;
- Chapter 71 – Telecommunications;
- Chapter 74 – Traffic and Vehicles;
- Chapter 78 – Trees
- Appendix A - Zoning; and

Any other chapter or section of this Code which specifically provides that a violation thereof is a municipal civil infraction.

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. SAVINGS – All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

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, Rich, Weiss
	No:	None
	Absent:	Radner

MOTION DECLARED ADOPTED

CM-01-013-18 (AGENDA ITEM #13C) SECOND READING AND ADOPTION 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 THEREOF - APPROVED

Motion by Weiss, seconded by Burns, CARRIED UNANIMOUSLY, to approve the second reading and adopt 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 thereof:

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 deemed Responsible for a Municipal Civil Infraction.

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 308.2.1. *Rubbish Storage Facilities*: The owner of every multi-family premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

Section 308.2.2. Deleted.

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 its 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.

Section 605.2. *Receptacles*: Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle with ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location.

Section 606. Deleted.

Section 704.2. *Smoke Alarms*: Single or multiple-station smoke alarms shall be installed and maintained in groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:

1. In each sleeping room or ceiling or wall directly outside each sleeping room.
2. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwelling or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level, provided that the lower level is less than one full story below the upper level.

Single or multiple-station smoke alarms shall be installed in all groups in accordance with the Michigan Building Code.

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, Rich, Weiss
	No:	None
	Absent:	Radner

MOTION DECLARED ADOPTED

CM-01-014-18 (AGENDA ITEM #13D) SECOND READING AND ADOPTION OF AN ORDINANCE TO AMEND SECTION 42-37 OF CHAPTER 42, FIRE PREVENTION AND PROTECTION, OF THE CODE OF ORDINANCES, CITY OF OAK PARK - APPROVED

Motion by Burns, seconded by Weiss, CARRIED UNANIMOUSLY, to approve the second reading and adopt the following ordinance to amend Section 42-37 of Chapter 42, Fire Prevention and Protection, of the Code of Ordinances, City of Oak Park:

CITY OF OAK PARK
OAKLAND COUNTY, MICHIGAN

AN ORDINANCE TO AMEND SECTION 42-37 OF CHAPTER 42, FIRE PREVENTION AND PROTECTION, OF THE CODE OF ORDINANCES, CITY OF OAK PARK.

THE CITY OF OAK PARK ORDAINS:

SECTION 1. 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 deemed Responsible for a Municipal Civil Infraction. 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 2. 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 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 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 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, Rich, Weiss
	No:	None
	Absent:	Radner

MOTION DECLARED ADOPTED

CM-01-015-18 (AGENDA ITEM #13E) SECOND READING AND ADOPTION OF AN ORDINANCE TO AMEND SECTION 38-99 OF CHAPTER 38, ENVIRONMENT, OF THE CODE OF ORDINANCES, CITY OF OAK PARK - APPROVED

Motion by Burns, seconded by Weiss, CARRIED UNANIMOUSLY, to approve the second reading and adopt the following ordinance to amend Section 38-99 of Chapter 38, Environment, of the Code of Ordinances, City of Oak Park:

CITY OF OAK PARK
OAKLAND COUNTY, MICHIGAN

AN ORDINANCE TO AMEND SECTION 38-99 OF CHAPTER 38, ENVIRONMENT, OF THE CODE OF ORDINANCES, CITY OF OAK PARK.

THE CITY OF OAK PARK ORDAINS:

SECTION 1. Section 38-99, Failure to comply with removal notice deemed misdemeanor, of Article III, Nuisances, of Chapter 38, Environment, of the Code of Ordinances, City of Oak Park, is hereby amended to read as follows:

Section 38-99. Failure to Comply with Removal Notice Deemed Municipal Civil Infraction

Failure to comply with a notice to comply with the provisions of this division by the person upon whom such notice is served within the time allowed by the owner and/or occupant shall constitute a violation of this division.

SECTION 2. 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 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 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 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, Rich, Weiss
	No:	None
	Absent:	Radner

MOTION DECLARED ADOPTED

CITY ATTORNEY: None

CITY MANAGER:

Administration

(AGENDA ITEM #15A) Life-Saving Extraction Equipment – Firehouse Subs

City Manager Tungate explained that Special Projects Director McLain and Intern Colton Dale applied for, and the City was awarded, a grant offered by Firehouse Subs for Jaws of Life equipment. This equipment is used by the Public Safety Department in the event that an individual needs to be pulled from a car crushed in an accident.

Public Safety Director Cooper demonstrated new equipment that was purchased using a grant provided by Firehouse Subs. He thanked the efforts of the City Management staff in finding and applying for this grant, so Oak Park could have the best equipment needed to save lives.

CALL TO THE AUDIENCE: None

CALL TO THE COUNCIL:

Mayor McClellan reminded everyone that the next City Council meeting will be on Tuesday, January 16; City offices will be closed for Martin Luther King Jr. Day on Monday, January 15. She also wished everyone a great night and reminded them to keep safe and be prepared for the severely cold weather ahead.

Council Member Burns wished everyone a good evening and to keep warm in the cold.

Council Member Weiss reminded everyone to complete the Recreation Master Plan Survey that can be found on-line by Friday, January 5. A Harriet Tubman one-woman show is taking place on January 28 at 3pm in the Oak Park High School Auditorium, it is free and open to the public. The Arts and Cultural Diversity Commission is attending the Southfield MLK Day Peace Walk on Monday, January 15 at 9:30am, starting at Hope United Methodist Church and ending at the Southfield Pavilion, where there will also be a program at 11am. She thanked Director DeSantis and the Communications department for a job well done on the 2018 calendar.

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 8:14 P.M.

Lisa Vecchio, Deputy City Clerk

Marian McClellan, Mayor