



**CITY OF OAK PARK, MICHIGAN
REGULAR COUNCIL MEETING OF THE
37th OAK PARK CITY COUNCIL
March 5, 2018
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 Radner, Council Member Burns, Council Member Rich, Council Member Weiss

ABSENT: None

OTHERS

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

APPROVAL OF AGENDA:

CM-03-069-18 (AGENDA ITEM #4) ADOPTION OF THE AGENDA AS PRESENTED – APPROVED

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

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

MOTION DECLARED ADOPTED

CONSENT AGENDA:

CM-03-070-18 (AGENDA ITEM #5A-G) CONSENT AGENDA - APPROVED

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

- A. **(Removed from the Consent Agenda by Mayor McClellan)**
- B. Special Council Meeting Minutes of February 19, 2018 **CM-03-071-18**
- C. Beautification Advisory Commission Meeting Minutes of December 19, 2017 **CM-03-072-18**
- D. Recycling and Environmental Conservation Commission Meeting Minutes of December 21, 2017 **CM-03-073-18**
- E. Request to advertise for bids for 2018 Landscape Maintenance Project, M-679 **CM-03-074-18**
- F. Payment Application No. 3 (FINAL) for the 2016 Catch Basin Line Replacement & Sewer Lateral Repair Project, M-648 to Troelsen Excavating Company of Troy, MI. for the total amount of \$1,000.00 **CM-03-075-18**

G. Licenses - New and Renewals as submitted for March 5, 2018 **CM-03-076-18**

MERCHANT'S LICENSES – March 5, 2018
(Subject to All Departmental Approvals)

<u>NEW MERCHANT</u>	<u>ADDRESS</u>	<u>FEE</u>	<u>BUSINESS TYPE</u>
Benston D. Harris Inc	13040 Capital	\$150	HVAC
Strawberry Locs	21700 Greenfield 109	\$150	Salon
Nee How Sushi LLC	10116 Nine Mile	\$150	Restaurant
Suds of Michigan	10840 Nine Mile B	\$150	Laundry
She's Got It Fitness	8521 Nine Mile	\$150	Fitness
J. A. Gaging Associates LLC	13250 Northend	\$150	Office
<u>RENEWALS</u>	<u>ADDRESS</u>	<u>FEE</u>	<u>BUSINESS TYPE</u>
Hersch's Inc	21100 Coolidge	\$150	Landscape
Express Collision	21470 Coolidge	\$150	Automotive
E-Zee Set Wood Products	21650 Coolidge	\$150	Home Improvement
Love Nail & Spa	22118 Coolidge	\$150	Salon
Advance America #1 328	22140 Coolidge	\$150	Financial
Little Caesars	24756 Coolidge	\$150	Restaurant
Moulden Agency LLC	26013 Coolidge	\$225	Insurance
Weathergard Windows Factory	14350 Eight Mile	\$150	Home Remodeling
Fed-Ex Distribution #383	21200 Greenfield	\$150	Mailing
B-Unique Hair Boutique	21700 Greenfield 412	\$187.50	Salon
Legit Ink	21700 Greenfield 489	\$187.50	Tattoo Parlor
Top's Fashion and Braiding	21910 Greenfield 105	\$187.50	Retail
Pinewood Dental	21950 Greenfield	\$150	Dental
Grape Leaves Restaurant	24700 Greenfield	\$150	Restaurant
Motor City Soul Food #2	24790 Greenfield	\$150	Restaurant
Eddie's Gourmet	25920 Greenfield	\$150	Restaurant
Top That LLC	25950 Greenfield	\$150	Retail
7-11 Food Stores #13486	15350 Lincoln	\$150	Retail
Dr. Benay Dabny	10300 Nine Mile	\$150	Medical
Salon Saga Studios	10450 Nine Mile A	\$187.50	Salon
Happy's Pizza #7	13700 Nine Mile	\$150	Restaurant
Motown Body Oils	13807 Nine Mile	\$225	Retail
Papa's Pizza	15400 Nine Mile	\$150	Restaurant
Mane Event	15405 Nine Mile	\$225	Salon
Attisha LLC – Food Mart	15450 Nine Mile	\$150	Retail
Tai Fai Restaurant	8505 Nine Mile	\$225	Restaurant
Oak Park Beauty	13421 Ten Mile	\$225	Retail

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

MOTION DECLARED ADOPTED

CM-03-077-18 (AGENDA ITEM #5A – Removed from the Consent Agenda by Mayor McClellan) Regular Council Meeting Minutes of February 19, 2018 - APPROVED

Motion by Weiss, seconded by Radner, CARRIED UNANIMOUSLY, to approve the Regular Council Meeting Minutes of February 19, 2018 as amended.

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

MOTION DECLARED ADOPTED

Mayor McClellan indicated that her comments regarding the Board of Review minutes should read as follows: Mayor McClellan explained that the anticipated increase in taxable home values in Oak Park can only go up the rate of inflation which is 1.021 %.

RECOGNITION OF VISITING ELECTED OFFICIALS: None

SPECIAL RECOGNITION/PRESENTATIONS:

(AGENDA ITEM #7A) Ferndale Public Schools Presentation.

Assistant Superintendent Dina Rochelea presented information regarding the master plan for Ferndale Public Schools.

(AGENDA ITEM #7B) Oath of Office for newly appointed members of various Boards & Commissions.

Mayor McClellan administered the Oath of Office to newly appointed members of Boards and Commissions as follows:

Steven Chudnow	Election Commission
Clarence Johns	Brownfield Redevelopment Authority/ Economic Development Corporation
Patrick North	Parks and Recreation Commission
Steven Gold	Recycling and Environmental Conservation Commission

PUBLIC HEARINGS: None

COMMUNICATIONS: None

SPECIAL LICENSES: None

ACCOUNTING REPORTS:

CM-03-078-18 (AGENDA ITEM #11A) APPROVAL FOR PAYMENT OF INVOICES SUBMITTED BY GARAN, LUCOW, MILLER, P.C. FOR LEGAL SERVICES IN THE TOTAL AMOUNT OF \$1,946.30 - APPROVED

Motion by Burns, seconded by Radner, CARRIED UNANIMOUSLY, to approve payment of invoices #491001, #485230 and #487825 by Garan, Lucow, Miller P.C., for legal services rendered through February 27, 2018 in the total amount of \$1,946.30.

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

MOTION DECLARED ADOPTED

BIDS:

CM-03-079-18 (AGENDA ITEM #12A) REQUEST TO REJECT ALL BIDS FOR THE 2018 LAWN MAINTENANCE CONTRACT, M-678 AND ALLOW THE PUBLIC WORKS DEPARTMENT TO SCALE BACK THE PROJECT FOR REBIDDING - APPROVED

Motion by Radner, seconded by Burns, CARRIED UNANIMOUSLY, to reject all bids for the 2018 Lawn Maintenance Contract, M-678 and allow the Public Works Department to scale back the project for rebidding.

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

MOTION DECLARED ADOPTED

Assistant City Manager Yee explained that the request to bid the 2018 Lawn Maintenance Contract, M-678 was approved (CM-11-450-17) on November 6, 2017. The project was advertised and 26 contractors viewed the documents. On February 27, 2018, three (3) bids were received and opened. The low bidder, Xpert Lawn and Snow of Warren, MI, submitted a bid of \$161,932.00. This amount exceeds the budgeted amount. Mr. Yee recommended the rejection of all bids for the project and to allow the Public Works Department to scale back the project by removing some large park areas that city crews and equipment can more efficiently maintain. This would hopefully encourage more bidders.

ORDINANCES:

CM-03-080-18 (AGENDA ITEM #13A) SECOND READING AND ADOPTION OF AN ORDINANCE TO AMEND ARTICLE III, ZONING DISTRICTS & MAP, ARTICLE XV RESERVED, ARTICLE XVI, SCHEDULE OF REGULATIONS, ARTICLE XVIII, SIGNS, SECTIONS 1803 & 1805, APPENDIX A, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK, MICHIGAN - APPROVED

Motion by Radner, seconded by Weiss, CARRIED UNANIMOUSLY, to approve the second reading and adopt the following ordinance to amend Article III, Zoning Districts & Map, Article XV Reserved, Article XVI, Schedule of Regulations, Article XVIII, Signs, Sections 1803 & 1805, Appendix A, Zoning, of the Code of Ordinances of the City of Oak Park, Michigan:

AN ORDINANCE TO AMEND ARTICLE III, ZONING DISTRICTS & MAP, ARTICLE XV RESERVED, ARTICLE XVI, SCHEDULE OF REGULATIONS, ARTICLE XVIII, SIGNS, SECTIONS 1803 & 1805, ARTICLE XIX SPECIAL LAND USES, 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 III, Zoning Districts, Section 300, Appendix "A", Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to add the following:

Sec. 300. – Establishment of zoning districts.

PUD Planned Unit Development district

MX - 1 Mixed Use district

SECTION 2. Article XV, Reserved for Future Land Use, Appendix "A", Zoning, of the Code of Ordinances of the City of Oak Park, and is hereby amended by the addition of a new Article XV, MX-1 Mixed Use Districts, which shall read as follows:

ARTICLE XV. – MX-1 MIXED USE DISTRICTS

Sec. 1500. - Intent.

The MX-1 mixed use district is intended to blend two or more residential, commercial, or industrial uses in a compact area. This type of zoning is designed to accommodate mixed-use buildings that have business uses on the first floor and residential uses on the above floor(s). This arrangement will encourage pedestrian-friendly developments and specialty food and retail shops, which will in turn promote the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction.

Sec. 1501. - Permitted uses.

In all mixed use districts, no building or part thereof shall be erected, used or structurally altered, not land or premises used, in whole or in part, except for one or more of the following permitted uses or structures:

- A. Specialty retail limited to the following categories: gifts, flowers, apparel, jewelry, novelties, housewares, home accessories, sporting goods and photographic equipment.
- B. Restaurants, sit down. Outdoor dining as an accessory area and subject to the provisions in Section 1709.
- C. Bakeries & confectionaries.
- D. Coffee shops and tea rooms. Outdoor dining as an accessory area and subject to the provisions in Section 1709.
- E. Art facilities (art gallery and/or studios, music recording and/or dance studios).
- F. Health, fitness and exercise centers of 2,000 square feet or less.
- G. Showroom and workshop of a carpenter, plumber, electrician, painter, decorator or similar trade.
- H. Assembly of electronic devices, musical instruments, toys, novelties, sporting goods, and photographic equipment.
- I. Offices of an engineering, drafting, architectural, electrical, plumbing, industrial design firms and construction contractors
- J. Printing, copying and document services.
- K. Electronic data processing and computer centers.
- L. Research, experimental, film or testing laboratories.
- M. Indoor cold storage and warehouse uses but excluding self-storage facilities.

- N. Uses which, in the opinion of the planning commission based on findings of fact, are similar to the above permitted uses.
- O. Accessory uses customarily incidental to the above permitted uses, only when conducted within a completely enclosed building
- P. Residential dwelling units above the ground floor subject to the following provisions:
 - a. The site plan shall include a floor plan of the proposed residential development for use in determining the adequacy of provided residential parking and the available parking in the area
 - b. The layout of the site of the proposed residential development and its relationship to streets providing access to the site shall be in a manner that vehicular and pedestrian traffic to and from the proposed residential development, and the potential assembly of persons connected therewith, will not be hazardous, endangering, or inconvenient to the surrounding neighborhood and commercial district
 - c. The site plan shall include non-motorized amenities bike racks, bike lanes, pathways and sidewalks.

Sec. 1502. - Special land uses.

The following uses may be permitted by the planning commission upon submission of a site plan and such additional information as may be necessary to document the scope and intensity of the proposed use. Said uses may be permitted upon a finding by the planning commission that the use will comply with any specific requirements contained herein, and that the proposed location of the use will be desirable to the public convenience or welfare and in harmony with the various elements and objectives of the master plan of the City of Oak Park, as from time to time amended:

- A. Brew pubs, restaurants with breweries and distilleries subject to provisions in Section 1930. Outdoor dining as an accessory area and subject to the provisions in Section 1709.
- B. Restaurants, serving alcoholic liquor, subject to the provisions in Section 1930. Outdoor dining as an accessory area and subject to the provisions in Section 1709.
- C. Vehicle service centers subject to the provisions in section 1903.
- D. Nurseries and greenhouse subject to the provisions in Sections 1914 and 1925.
- E. Auto wash facilities subject to Section 1927.

Sec. 1503. - Required conditions.

- A. Except as otherwise provided in this article, all uses shall be conducted wholly within a completely enclosed building, except for off-street parking or loading.
- B. All truck well, loading dock and loading/truck service areas shall be located and designed to minimize negative impact on adjoining properties.
- C. No uses with drive-thru or vehicle pick-up windows are permitted.

Sec. 1504. - Additional site development standards.

All permitted and special land uses shall comply with all applicable provisions of the zoning ordinance including those listed below as a reference guide.

- A. Article II: Definitions.
- B. Article XVI: Schedule of district regulations (minimum lot width and area, setbacks, maximum height, etc.).
- C. Article XVII: General provisions for: visibility at intersections and corner clearance; visibility—walls, fences, hedges; accessory buildings and structures; swimming pools; erection of more than one principle structure on a lot; radio, television and satellite dish antenna; right-of-way-streets, alleys and railroad; access required: dwelling in other than main structures; building grades; performance standards for all land uses; screening and landscaping; fences, walls, and other

barriers; moved buildings or structures; recreational and commercial vehicles; site plan review; off-street parking and loading.

- D. Article XVIII: Signs.
- E. Article XIX: Special land uses.
- F. Article XX: Nonconforming lots, uses and structures.
- G. Article XXI: General exceptions for: essential services; height limits; projections into yards.

SECTION 3. Article XIX, Section 1600, Height, bulk, density, area, setback and lot coverage by district, Appendix "A", Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended by the addition of regulations applicable to MX – 1 Mixed Use Districts as follows:

Use District: MX – 1 Mixed Use Districts

Lot Area in Acres or Square Feet: SPA

Lot Width in Feet: SPA

Maximum Height of Structures

In Stories: 3

In Feet: 45

Minimum Yard Setbacks:

Front: none required

Side Least One: none required

Total of 2: none required

Rear: none required

Minimum Floor Area Per Unit: see footnote (E)

Maximum Percentage of Lot Area: Dependent upon standards for parking, setbacks, open space and landscaping and site plan approval.

SECTION 4. Article XVIII, Zoning Districts, Section 1803, Appendix "A", Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to add the following district:

MX – 1 Mixed Use district.

SECTION 5. Article XVIII, Zoning Districts, Section 1805, Appendix "A", Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to add the following district:

MX – 1 Mixed Use district.

SECTION 6. 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 7. 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 8. 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, Radner, Burns, Rich, Weiss
	No:	None
	Absent:	None

MOTION DECLARED ADOPTED

CM-03-081-18 (AGENDA ITEM #13B) SECOND READING AND ADOPTION OF AN ORDINANCE TO AMEND APPENDIX A-ZONING, ARTICLE III, AND THE OFFICIAL ZONING MAP CONTAINED THEREIN, BEING PART OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK, MICHIGAN, BY CHANGING THE USE DISTRICT OF CERTAIN PARCELS OF LAND IN SECTION 19 AND CURRENTLY ZONED LI, LIGHT INDUSTRIAL DISTRICT TO MX-1, MIXED-USE DISTRICT - APPROVED

Motion by Radner, seconded by Burns, CARRIED UNANIMOUSLY, to approve the second reading and adopt the following ordinance to amend Appendix A-Zoning, Article III, and the Official Zoning Map contained therein, being part of the Code of Ordinances of the City of Oak Park, Michigan, by changing the Use District of certain parcels of land in Section 19 and currently Zoned LI, Light Industrial District to MX-1, Mixed-Use District:

AN ORDINANCE TO AMEND APPENDIX A-ZONING, ARTICLE III, AND THE OFFICIAL ZONING MAP CONTAINED THEREIN, BEING PART OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK, MICHIGAN, BY CHANGING THE USE DISTRICT OF CERTAIN PARCELS OF LAND IN SECTION 19 AND CURRENTLY ZONED LI, LIGHT INDUSTRIAL DISTRICT TO MX-1, MIXED-USE DISTRICT.

THE CITY OF OAK PARK, MICHIGAN ORDAINS:

SECTION 1. The Code of Ordinances of the City of Oak Park is hereby amended by changing the use district of the following described parcels of land in Section 19 and currently zoned LI, Light Industrial District, according to the City's Official Zoning District Map, Appendix-A Zoning, Article III, to MX-1, Mixed Use District:

Address / Property Identification #

Vacant #52-25-19-128-001

14721 W Eleven Mile Rd #52-25-19-128-002

14701 W Eleven Mile Rd #52-25-19-128-003

14691 W Eleven Mile Rd #52-25-19-128-004

14669 W Eleven Mile Rd #52-25-19-128-005

14661 W Eleven Mile Rd #52-25-19-128-006

14611 W Eleven Mile Rd #52-25-19-128-007

14611 W Eleven Mile Rd #52-25-19-128-008

14511 W Eleven Mile Rd #52-25-19-201-022

14471 W Eleven Mile Rd #52-25-19-201-025

14441 W Eleven Mile Rd #52-25-19-201-026

14421 W Eleven Mile Rd #52-25-19-201-027

14401 W Eleven Mile Rd #52-25-19-201-014

Vacant #52-25-19-201-024

14283 W Eleven Mile Rd #52-25-19-202-001

Vacant #52-25-19-202-002

14251-14253 W Eleven Mile Rd #52-25-19-202-003

14241 W Eleven Mile Rd #52-25-19-202-010

14233 W Eleven Mile Rd #52-25-19-202-011

14231 W Eleven Mile Rd #52-25-19-202-006

14211 W Eleven Mile Rd #52-25-19-202-007

SECTION 2. It is hereby ordered that the Official Zoning District Map of the City of Oak Park, as herein amended, be incorporated with this ordinance and be considered a part hereof and be published in connection herewith.

SECTION 3. It is further ordered that from and after the effective date of this ordinance, the above described parcel of land shall be in the MX-1, Mixed-Use District, and be subject to the regulations pertaining to such a district.

SECTION 4. Conflicting Provisions Repealed

All ordinances in conflict with the provisions of this ordinance are repealed only to the extent necessary to give this ordinance full force and effect; provided that all other provisions of the Oak Park Code of Ordinances as heretofore amended shall remain in full force and effect.

SECTION 5. Severability

No other portion, paragraph or phrase of the Code of Ordinances of the City of Oak Park, Michigan shall be affected by this ordinance except as to the above sections, and in the event any portion, section or subsection of this ordinance shall be held invalid for any

reason, such invalidation shall not be construed to affect the validity of any other part or portion of this ordinance or of the Code of Ordinances of the City of Oak Park, Michigan.

SECTION 6. Effective Date

This ordinance shall be effective thirty (30) days from the date of adoption and shall be published as required by the Charter of the City of Oak Park.

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

MOTION DECLARED ADOPTED

**CM-03-082-18 (AGENDA ITEM #13C) FIRST READING OF AN ORDINANCE
TO AMEND SECTION 1-24(4) OF CHAPTER 1, GENERAL
PROVISIONS, OF THE CODE OF ORDINANCES, CITY OF OAK
PARK - APPROVED**

Motion by Weiss, seconded by Radner, CARRIED UNANIMOUSLY, to approve the first reading of the following ordinance to amend Section 1-24(4) of Chapter 1, General Provisions, of the Code of Ordinances, City Of Oak Park:

**CITY OF OAK PARK
OAKLAND COUNTY, MICHIGAN**

**AN ORDINANCE TO AMEND SECTION 1-24(4) OF CHAPTER 1, GENERAL
PROVISIONS, OF THE CODE OF ORDINANCES, CITY OF OAK PARK.**

THE CITY OF OAK PARK ORDAINS:

SECTION 1. Ordinance - Section 1-24(4), Notice, of Chapter 1, General Provisions, of the Code of Ordinances, City of Oak Park, is hereby amended to read as follows:

Section 1-24. - Notice.

(4) In the case of grass and noxious weeds, notice shall be given by advertising one day in a newspaper of general circulation in the county during the month of March that weeds not cut by May 1 of that year may be cut by the city and the owner of the property charged with the cost under the provisions of section 18-283.

SECTION 2. Savings Clause - 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 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, Radner, Burns, Rich, Weiss
 No: None
 Absent: None

MOTION DECLARED ADOPTED

**CM-03-083-18 (AGENDA ITEM #13D) FIRST READING OF AN ORDINANCE
TO AMEND SECTION 18-282 OF CHAPTER 18, BUILDINGS
AND BUILDING REGULATIONS, OF THE CODE OF
ORDINANCES, CITY OF OAK PARK - APPROVED**

Motion by Burns, seconded by Radner, CARRIED UNANIMOUSLY, to approve the first reading of the following ordinance to amend Section 18-282 of Chapter 18, Buildings and Building Regulations, of the Code of Ordinances, City of Oak Park:

CITY OF OAK PARK
OAKLAND COUNTY, MICHIGAN

AN ORDINANCE TO AMEND SECTION 18-282 OF CHAPTER 18, BUILDINGS AND BUILDING REGULATIONS, OF THE CODE OF ORDINANCES, CITY OF OAK PARK.

THE CITY OF OAK PARK ORDAINS:

SECTION 1. Ordinance - Section 18-282, Duty of Occupant or Owner, of Article VIII, Grass and Noxious Weeds, Chapter 18, Buildings and Building Regulations, of the Code of Ordinances, City of Oak Park, is hereby amended to read as follows:

Section 18-282. – Duty of occupant or owner.

It shall be the duty of the occupant or owner of every premises or property within the city, whether improved or unimproved, to cut and remove or destroy by lawful means, all weeds, grass, or rank, poisonous or harmful vegetation as often as may be necessary to comply with the provisions of this article.

SECTION 2. Savings Clause - 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 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, Radner, Burns, Rich, Weiss
 No: None
 Absent: None

MOTION DECLARED ADOPTED

**CM-03-084-18 (AGENDA ITEM #13E) FIRST READING OF AN ORDINANCE
TO AMEND SECTIONS 3-3(1), 3-4, AND 3-5, OF CHAPTER 3,
MUNICIPAL CIVIL INFRACTIONS, OF THE CODE OF
ORDINANCES, CITY OF OAK PARK - APPROVED**

Motion by Radner, seconded by Weiss, CARRIED UNANIMOUSLY, to approve the first reading of the following ordinance to amend Sections 3-3(1), 3-4, and 3-5, of Chapter 3, Municipal Civil Infractions, of the Code of Ordinances, City of Oak Park:

**CITY OF OAK PARK
OAKLAND COUNTY MICHIGAN**

**AN ORDINANCE TO AMEND SECTIONS 3-3(1), 3-4, and 3-5, of CHAPTER 3,
MUNICIPAL CIVIL INFRACTIONS, OF THE CODE OF ORDINANCES, CITY OF
OAK PARK.**

THE CITY OF OAK PARK ORDAINS:

SECTION 1. Ordinance – Sections 3-3(1) – Authorized city official, 3-4 - Penalties for municipal civil infractions, and 3-5 – Designation of civil infractions, of Chapter 3 – Municipal Civil Infractions of the Code of Ordinances, City of Oak Park, are hereby amended to read as follows:

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 appear in court as provided by 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. Any fees listed in the fee schedule adopted by the City of Oak Park and posted at the 45th District Court shall be added to civil infraction fines set forth herein:

- (1) The first offense, \$150.00, plus any cost to abate.
- (2) The second offense, \$250.00, plus any cost to abate.
- (3) A person who is determined to be responsible for a third or any subsequent repeat offense, is guilty of a misdemeanor punishable by a fine of not more than \$500.00 and costs of prosecution, plus any cost to abate, if applicable or by imprisonment for not more than 90 days, or by both such fine, costs and imprisonment in the discretion of the court in accordance with Sec. 1-25. - General penalty. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense.

- (b) The following shall be exceptions to the civil fine schedule:

- (1) A violation of any provision of Chapter 71 – Telecommunications Services:
 - i. The first offense, \$500.00.
 - ii. The second offense, \$1,000.00.

iii. A person who is determined to be responsible for a third 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.

(c) A copy of the civil infraction fine schedule, including any fees, as amended from time to time, shall be posted at the 45th District Court.

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 14 - Animals;

Chapter 18 – Buildings and Building Regulations;

Chapter 22 – Businesses;

Chapter 38 – Environment;

Chapter 53 – Parking Lots;

Chapter 62 – Solid Waste;

Chapter 66 – Streets, Sidewalks and Other Public Places;

Chapter 71 – Telecommunications;

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. Savings Clause - 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 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, Radner, Burns, Rich, Weiss
	No:	None
	Absent:	None

MOTION DECLARED ADOPTED

CM-03-085-18 (AGENDA ITEM #13F) FIRST READING OF AN ORDINANCE TO AMEND SECTION 22-505 OF CHAPTER 22, BUSINESSES, OF THE CODE OF ORDINANCES, CITY OF OAK PARK - APPROVED

Motion by Radner, seconded by Burns, CARRIED UNANIMOUSLY, to approve the first reading of the following ordinance to amend Section 22-505 of Chapter 22, Businesses, of the Code of Ordinances, City of Oak Park:

CITY OF OAK PARK
OAKLAND COUNTY, MICHIGAN

AN ORDINANCE TO AMEND SECTION 22-505 OF CHAPTER 22, BUSINESSES, OF THE CODE OF ORDINANCES, CITY OF OAK PARK.

THE CITY OF OAK PARK ORDAINS:

SECTION 1. Ordinance - Section 22-505, Violations; penalty, of Article XII, Commercial Solicitations, Chapter 22, Businesses, of the Code of Ordinances, City of Oak Park, is hereby amended to read as follows:

Section 22-505. – Violations; penalty.

Any violation of this article shall be punishable as a civil infraction as prescribed in Section 3-4.

SECTION 2. Savings Clause - 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 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, Radner, Burns, Rich, Weiss
	No:	None
	Absent:	None

MOTION DECLARED ADOPTED

CM-03-086-18 (AGENDA ITEM #13G) FIRST READING OF AN ORDINANCE TO AMEND SECTION 71-22(A) OF CHAPTER 71, TELECOMMUNICATION SERVICES, OF THE CODE OF ORDINANCES, CITY OF OAK PARK - APPROVED

Motion by Radner, seconded by Burns, CARRIED UNANIMOUSLY, to approve the first reading of the following ordinance to amend Section 71-22(a) of Chapter 71, Telecommunication Services, of the Code of Ordinances, City of Oak Park:

CITY OF OAK PARK
OAKLAND COUNTY, MICHIGAN

AN ORDINANCE TO AMEND SECTION 71-22(a) OF CHAPTER 71, TELECOMMUNICATION SERVICES, OF THE CODE OF ORDINANCES, CITY OF OAK PARK.

THE CITY OF OAK PARK ORDAINS:

SECTION 1. Ordinance - Section 71-22(a), Enforcement, of Article I, General Provisions, Chapter 71, Telecommunication Services, of the Code of Ordinances, City of Oak Park, is hereby amended to read as follows:

Section 71-22. – Enforcement.

(a) Any person who knowingly violates any prohibition in section 71-6 shall be guilty of a civil infraction as prescribed in section 3-4.

SECTION 2. Savings Clause - 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 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, Radner, Burns, Rich, Weiss
 No: None
 Absent: None

MOTION DECLARED ADOPTED

CM-03-087-18 (AGENDA ITEM #13H) FIRST READING OF AN ORDINANCE TO AMEND SECTIONS 14-1, 14-4, AND 14-29, OF CHAPTER 14, ANIMALS, OF THE CODE OF ORDINANCES, CITY OF OAK PARK - APPROVED

Motion by Weiss, seconded by Burns, CARRIED UNANIMOUSLY, to approve the first reading of the following ordinance to amend Sections 14-1, 14-4, and 14-29, of Chapter 14, Animals, of the Code of Ordinances, City of Oak Park:

CITY OF OAK PARK
OAKLAND COUNTY MICHIGAN

AN ORDINANCE TO AMEND SECTIONS 14-1, 14-4, and 14-29, of CHAPTER 14, ANIMALS, OF THE CODE OF ORDINANCES, CITY OF OAK PARK.

THE CITY OF OAK PARK ORDAINS:

SECTION 1. Ordinance – Sections 14-1 – Cruelty to Animals, 14-4 – Hunting and trapping, and 14-29 – Dangerous and rabid dogs and cats; confinement for observation; report of biting; destruction, of Chapter 14 – Animals, of the Code of Ordinances, City of Oak Park, are hereby amended to read as follows:

Sec. 14-1. – Cruelty to Animals.

(c) A person who violates section 14-1 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.

Sec. 14-4. - Hunting and trapping.

A person who violates section 14-4 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.

Sec. 14-29. - Dangerous and rabid dogs and cats; confinement for observation; report of biting; destruction.

A person who violates section 14-29 is guilty of a misdemeanor punishable by a fine of not more than \$500.00 and costs of prosecution, plus any cost to abate, if applicable or by imprisonment for not more than 90 days, or by both such fine, costs and imprisonment in the discretion of the court in accordance of Section 1-25.

SECTION 2. Savings Clause - 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 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, Radner, Burns, Rich, Weiss
	No:	None
	Absent:	None

MOTION DECLARED ADOPTED

CM-03-088-18 (AGENDA ITEM #13I) FIRST READING OF AN ORDINANCE TO AMEND SECTION 78-82 OF CHAPTER 78, TREES, OF THE CODE OF ORDINANCES, CITY OF OAK PARK - APPROVED

Motion by Burns, seconded by Radner, CARRIED UNANIMOUSLY, to approve the first reading of the following ordinance to amend Section 78-82 of Chapter 78, Trees, of the Code of Ordinances, City of Oak Park:

CITY OF OAK PARK
OAKLAND COUNTY, MICHIGAN

AN ORDINANCE TO AMEND SECTION 78-82 OF CHAPTER 78, TREES, OF THE
CODE OF ORDINANCES, CITY OF OAK PARK.

THE CITY OF OAK PARK ORDAINS:

SECTION 1. Ordinance - Section 78-82, Penalty for violation, of Article III, Dead, Dying, Damaged or Diseased Trees, Chapter 78, Trees, of the Code of Ordinances, City of Oak Park, is hereby amended to read as follows:

Section 78-82. – Penalty for violation.

Any person who shall violate any provisions of this article, or any lawful order issued in pursuance of the provisions hereof, shall be guilty of a civil infraction as prescribed in section 3-4.

SECTION 2. Savings Clause - 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 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, Radner, Burns, Rich, Weiss
	No:	None
	Absent:	None

MOTION DECLARED ADOPTED

CITY ATTORNEY: None

CITY MANAGER:

Administration

(AGENDA ITEM #15A) State of the City Address – March 14, 2018

City Manager Tungate announced that the State of the City address will take place on March 14, 2018. A reception will be held at 6:00 PM in the lobby of City Hall and the address will begin at 7:00 PM in the Council Chambers.

Finance

(AGENDA ITEM #15B) 2018-19 Three Year Budget Schedule

Mr. Tungate reviewed the following Budget Schedule:

City of Oak Park
Budget Calendar
Fiscal Year 2018-19

<u>Internal</u>	<u>Date</u>
Finance compiles departmental salary and fringe benefits summaries	2/15-3/15/18
Finance enters initial three year budget estimates in BSA	2/15-3/15/18
Department summary capital needs due to finance	3/15/2018
Departmental three year budget projects available in BSA for review	3/21/2018
Department meetings with finance and City Manager	3/23-4/3/18
Draft City Manager budget complete	4/9/2018

<u>Public</u>	
City Manager gives Council budget update	4/16/2018
City Council budget review session	4/16/2018
City Council budget review session	4/25/2018
City Council budget review session	4/30/2018
City Council budget review session (if needed) / public hearing request	5/7/2018
Budget public hearing noticed published	5/9/2018
Presentation of capital plan to planning commission	5/14/2018
Budget public hearing	5/16/2018
Final budget, fee schedule and millage rate adoption	5/16/2018
First reading of Utilities and Solid Waste ordinance amendments	6/4/2018
Second reading and adoption of Utilities and Solid Waste ord. amendments	6/18/2018

CM-03-089-18 (AGENDA ITEM #15C) REQUEST TO RESCHEDULE THE WEDNESDAY, MAY 23, 2018 COUNCIL MEETING TO WEDNESDAY, MAY 16, 2018 - APPROVED

Motion by Weiss, seconded by Burns, CARRIED UNANIMOUSLY, to reschedule the Wednesday, May 23, 2018 Council Meeting to Wednesday, May 16, 2018.

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

MOTION DECLARED ADOPTED

Mr. Tungate explained that the City Charter requires the budget to be approved by the 3rd Monday in May, therefore it is requested that the City Council meeting of May 23, 2018 be moved to May 16, 2018 to meet this requirement.

CALL TO THE AUDIENCE:

Joyce Bannon, 10611 Troy, commended the City for cracking down on homeowners who do not clear snow on their property.

CALL TO THE COUNCIL:

Mayor McClellan read a letter from a resident who thanked the city for the many positive changes that are taking place.

Mayor Pro Tem Radner wished everyone a good night.

Council Member Burns thanked everyone for coming out and asked everyone to be mindful of the weather. Spring is not yet here. She also reminded everyone about the time change coming up on the weekend.

Council Member Weiss announced that the Library will be hosting a “Rosie the Riveter” event on Thursday, March 8, 2018.

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 7:56 P.M.

T. Edwin Norris, City Clerk

Marian McClellan, Mayor