



**CITY OF OAK PARK, MICHIGAN  
REGULAR COUNCIL MEETING OF THE  
37<sup>th</sup> OAK PARK CITY COUNCIL  
March 19, 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-03-095-18 (AGENDA ITEM #4) ADOPTION OF THE AGENDA WITH  
CHANGES – APPROVED**

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

- Add closed session to discuss Attorney Client Privileged Communication.
- Add proclamation regarding Education and Sharing Day 2018.

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

**MOTION DECLARED ADOPTED**

**CONSENT AGENDA:**

**CM-03-096-18 (AGENDA ITEM #5A-E) 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 March 5, 2018 **CM-03-097-18**
- B. Special Council Meeting Minutes of March 5, 2018 **CM-03-098-18**
- C. Planning Commission Meeting Minutes of December 11, 2017 and February 12, 2018 **CM-03-099-18**
- D. Request to advertise for bids for the 2018 Mechanics In-ground Truck Lift Rebuild Project, M-685 **CM-03-100-18**
- E. Licenses - New and Renewals as submitted for March 19, 2018 **CM-03-101-18**

**MERCHANT’S LICENSES – March 19, 2018  
 (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>
Oak Park Pharmacy	21675 Coolidge	\$825	Retail
Elegant Locs	21700 Greenfield #216	\$150	Salon
Zamler, Mellen & Shiffman	25900 Greenfield #109	\$825	Law Office
Davison Coney Island Inc	13631 Nine Mile	\$375	Restaurant
Oak Park Medical	15300 Nine Mile	\$187.50	Medical Office
Diversified Spec Sales	13261 Northend	\$825	Office/Warehouse
<b><u>RENEWALS</u></b>	<b><u>ADDRESS</u></b>	<b><u>FEE</u></b>	<b><u>BUSINESS TYPE</u></b>
Apollo Heat Treating	10400 Capital	\$150	Metal Heat Treating
SR Audio Inc	21070 Coolidge	\$225	Sound & Lighting
Party Poopers	21641 Coolidge	\$225	Party Rentals
Chiropractic Works PC	21790 Coolidge	\$150	Medical
Anniwrap & Flowers	22171 Coolidge	\$225	Floral
Tim Hortons	22211 Coolidge	\$375	Restaurant
Designer Suite	23130 Coolidge	\$150	Retail
Cash Giant of Oak Park	23160 Coolidge	\$225	Financial
Ramsay Dass MD	24601 Coolidge	\$225	Medical
H2O Life	24705 Coolidge	\$225	
Major Deals	24721 Coolidge	\$225	Pawn Shop
Sahara Restaurant & Grill	24770 Coolidge	\$150	Restaurant
A Head of Exsalonce	25201 Coolidge	\$225	Salon
Aquatic Solutions Physical Th.	25591 Coolidge	\$225	Physical Therapy
Learning Disabilities Clinic	25611 Coolidge	\$225	Educational
Caring Dentistry	26021 Coolidge	\$225	Dentist
Hagopian Cleaning Services	14000 Eight Mile	\$150	Cleaning Service
Michigan Const Protection	14211 Eleven Mile	\$225	Consulting
Family Foot & Ankle	20770 Greenfield 100A	\$150	Medical
Taco Bell	21350 Greenfield	\$150	Restaurant
Forgotten Harvest Inc	21800 Greenfield	\$150	Non-Profit Food Rescue
Metro PCS	21830 Greenfield 101	\$150	Cellular
Michigan Ambulatory Surgical C.	22000 Greenfield	\$150	Medical
Rite Aid Discount	24850 Greenfield	\$150	Retail
Oxford Hill Partners LLC	25900 Greenfield 232	\$150	Marketing
Hewson Van Hellemont PC	25900 Greenfield 650	\$150	Law Offices
Bling Bling GG Inc	26122 Greenfield	\$187.50	Retail

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

**MOTION DECLARED ADOPTED**

**RECOGNITION OF VISITING ELECTED OFFICIALS: None**

**SPECIAL RECOGNITION/PRESENTATIONS:**

**(AGENDA ITEM #7) Added to the Agenda.** Mayor McClellan presented a proclamation that recognizes March 27, 2018 as Education and Sharing Day in Oak Park to commemorate the memory of Rabbi Menachem Schneerson who championed education in America.

**(AGENDA ITEM #7A) City Manager Employee Recognition.**

City Manager Tungate presented an Employee Recognition Award to Crystal McLain, Director of Strategic Planning and Special Projects.

**PUBLIC HEARINGS:** None

**COMMUNICATIONS:** None

**SPECIAL LICENSES:** None

**ACCOUNTING REPORTS:**

**CM-03-102-18 (AGENDA ITEM #11A) APPROVAL FOR PAYMENT OF INVOICES SUBMITTED BY GARAN, LUCOW, MILLER, P.C. FOR LEGAL SERVICES IN THE TOTAL AMOUNT OF \$13,122.00 - APPROVED**

Motion by Burns, seconded by Radner, CARRIED UNANIMOUSLY, to approve payment of invoices #491353, #491354, #491355 and #491356 by Garan, Lucow, Miller P.C., for legal services rendered through February 28, 2018 in the total amount of \$13,122.00.

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

**MOTION DECLARED ADOPTED**

**CM-03-103-18 (AGENDA ITEM #11B) 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 Radner, CARRIED UNANIMOUSLY, to approve payment of invoice #13150 to Howard L. Shifman, P.C. for legal services from April 1, 2018 thru June 30, 2018 in the total amount of \$15,000.00.

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

**MOTION DECLARED ADOPTED**

**CM-03-104-18 (AGENDA ITEM #11C) APPROVAL FOR PAYMENT OF AN INVOICE SUBMITTED BY SECREST, WARDLE, LYNCH, HAMPTON, TRUEX & MORLEY, P.C. FOR LEGAL SERVICES IN THE TOTAL AMOUNT OF \$624.00 - APPROVED**

Motion by Burns, seconded by Radner, CARRIED UNANIMOUSLY, to approve payment of invoice #1331134 by Secrest, Wardle, Lynch, Hampton, Truex & Morley, P.C. for legal services in the total amount of \$624.00.

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

**MOTION DECLARED ADOPTED**

**BIDS:** None

**ORDINANCES:**

**CM-03-105-18 (AGENDA ITEM #13A) SECOND READING AND ADOPTION 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 Radner, seconded by Burns, CARRIED UNANIMOUSLY, to approve the second reading and adopt 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-03-106-18                    (AGENDA ITEM #13B) SECOND READING AND ADOPTION 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 Radner, seconded by Burns, CARRIED UNANIMOUSLY, to approve the second reading and adopt 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-03-107-18            (AGENDA ITEM #13C) SECOND READING AND ADOPTION 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 second reading and adopt 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 45<sup>th</sup> 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 45<sup>th</sup> 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-03-108-18            (AGENDA ITEM #13D) SECOND READING AND ADOPTION 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 second reading and adopt 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-03-109-18 (AGENDA ITEM #13E) SECOND READING AND ADOPTION 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 second reading and adopt 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-03-110-18 (AGENDA ITEM #13F) SECOND READING AND ADOPTION 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 second reading and adopt 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-03-111-18 (AGENDA ITEM #13G) SECOND READING AND ADOPTION OF AN ORDINANCE TO AMEND SECTION 78-82 OF CHAPTER 78, TREES, OF THE CODE OF ORDINANCES, CITY OF OAK PARK - APPROVED**

Motion by Radner, seconded by Burns, CARRIED UNANIMOUSLY, to approve the second reading and adopt 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**

**CM-03-112-18 (AGENDA ITEM #13H) FIRST READING OF AN ORDINANCE TO AMEND ARTICLE II, DEFINITIONS, ARTICLE VI, RM-1 AND RM-2 MULTI-FAMILY RESIDENTIAL DISTRICT, ARTICLE XVII, GENERAL PROVISIONS, APPENDIX A, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK, MICHIGAN - APPROVED**

Motion by Radner, seconded by Burns, CARRIED, to approve the first reading of the following ordinance to amend Article II, Definitions, Article VI, RM-1 and RM-2 Multi-Family Residential District, Article XVII, General Provisions, Appendix A, Zoning, of the Code of Ordinances of the City of Oak Park, Michigan:

CITY OF OAK PARK, MICHIGAN

AN ORDINANCE TO AMEND ARTICLE II, DEFINITIONS, ARTICLE VI, RM-1 AND RM-2 MULTI-FAMILY RESIDENTIAL DISTRICT, ARTICLE XVII, GENERAL PROVISIONS, 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 II, Definitions, Section 204, Appendix "A", Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to add the following definition to Section 204, and re-alphabetize the remaining listed definitions:

Stacked Flats and Townhouses. Multiple-family residential units arranged vertically or side by side with each having its own private entrance from the street or at least from the outside.

SECTION 2. Article VI, RM-1 AND RM-2, Multi-Family Residential Districts, Section 601, Permitted Uses, Appendix "A", Zoning, of the Code of Ordinances of the City of Oak Park, and is hereby amended to read as follows:

Sec. 601. - Permitted uses.

- A. Two-family dwellings.
- B. Multi-family dwellings.
- C. Stacked flats and townhouses.

SECTION 3. Article XVII, General Provisions, Section 1716, Screening and landscaping, A, 2, Appendix "A", Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to read as follows:

- 2. All required landscape areas shall be irrigated with an in-ground water irrigation system to assist in maintaining a healthy condition for all landscape plantings and lawn areas. All site plans shall note installation of required irrigation system. All proposed in-ground water irrigation systems subject to the following:
  - a) The Planning Department may approve an alternative form of irrigation for a particular site, or may waive this requirement upon determining that underground irrigation is not necessary for the type of proposed plant materials.
  - b) All automatic irrigation systems shall be designed to minimize water usage, and shall be shut off during water emergencies, periods of protracted rainfall, or water rationing periods.
  - c) The irrigation requirement may be waived by the reviewing authority if the project incorporates landscaping that will contribute points towards LEED certification or an equivalent rating system.

SECTION 4. Article XVII, General Provisions, Section 1716, Screening and landscaping, D, Appendix "A", Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to read as follows:

D. Landscape materials used to satisfy the requirements of this Section shall be common to the area and suitable for their intended use. Species native to southeast Michigan are encouraged.

1. Suggested trees and shrubs for parking lot landscaping.

- London Plane Tree
- Snowdrift Crabapple
- Sweetgum
- Marshall Green Ash
- Linden Trees
- Honey Locust
- Junipers
- Dwarf Pear

2. Suggested trees and shrubs for greenbelt areas and interior landscape areas.

- Amur Maple
- Sweetgum
- European Hornbeam
- Hawthorns
- Border Privet
- Little Leaf Linden
- White Ash (seedless)
- Junipers
- Buckhorn
- Honeylocust
- Serbian Spruce
- Gingko (male only)
- Scotch Pine
- Euonymus
- Eastern Ninebark
- Mugo Pine
- Smoke Tree
- Cottoneaster
- Beauty Bush
- Hedge Maple
- Dwarf Callery Pear
- Snowdrift Crabapple
- Bayberry
- London Plane Tree

SECTION 5. Article XVII, General Provisions, Section 1716, Screening and landscaping, E, Appendix "A", Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to read as follows:

E. Existing Vegetation. Healthy existing trees on a site may be used to satisfy any of the requirements of this Article, subject to review and approval of the Planning Commission and the following.

1. Site plans shall show all existing trees which are located on the site and are six inches or greater in caliper, measured 4.5 feet above grade. Trees shall be labeled "To Be Removed" or "To Be Saved" on the site plan. Only trees six inches in caliper or greater may be used to satisfy any landscaping requirement of this ordinance.

2. Protective fencing shall be placed at the drip-line of existing trees, and around the perimeter of other preserved plant materials, with details of protective measures noted on the site plan. No vehicle or other construction equipment shall be parked or stored within protected areas.
3. In the event that healthy plant materials which are intended to meet the requirements of the Ordinance are cut down, damaged or destroyed during construction, said plant material shall be replaced with an equivalent species to the damaged or removed tree.

SECTION 6. Article XVII, General Provisions, Section 1716, Screening and landscaping, Appendix "A", Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to add the following:

F. Modification of Screening and Landscape Requirements. Recognizing that a wide variety of land uses and the relationships between them can exist, and that varying circumstances can mitigate the need for screening and landscaping, the Planning Commission may reduce or waive the screening and landscaping requirements of this Section and approve an alternative screening plan. The Planning Commission shall find that the following standards have been met whenever it modifies any screening or landscaping requirement:

1. The screening and landscaping plan shall protect the character of new and existing residential neighborhoods against negative impacts such as noise, glare, light, air pollution, trash and debris, and hazardous activities.
2. The alternate width and type of buffer zone and screening provided therein will ensure compatibility with surrounding and nearby land uses because:
  - a) The development is compatible with and sensitive to the immediate environment of the site and neighborhood relative to architectural design, scale, bulk, building height, identified historical character, disposition and orientation of buildings on the lot and visual integrity.
  - b) The site has natural existing vegetation and/or topography, natural bodies of water or wetland areas or other existing conditions which offer screening consistent with the standards set forth in this Article 12. The Planning Commission shall require the preservation of these natural features as a condition of site plan approval.
  - c) The arrangement, design and orientation of buildings on the site maximize privacy and isolate adjacent and nearby land uses from any potential negative impacts of the project.

SECTION 7. Article XVII, General Provisions, Section 1726, Off-street parking and loading, Appendix "A", Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to add the following:

Sec. 1726. - Off-street parking and loading.

N. For all new development the amount of provided bicycle parking shall be determined in accordance with the following table:

Use	Minimum Number of Bicycle Parking Spaces or Bicycle Facilities per Indicated Area or Unit of Measure
Multiple-family residential uses	One space for every 20 units.
Commercial uses	One space for each 2,000 square feet of gross floor area.
Office uses	One space for each 4,000 square feet of gross floor area.
Industrial uses	One space for each 10,000 square feet of gross floor area.

All bike parking spaces will have a rack to safely secure the bicycle to. The rack must meet the following standards:

1. Support the bicycle upright by its frame in two places.
2. Prevent the wheel of the bicycle from tipping over.
3. Enable the frame and one or both wheels to be secured.
4. Support bicycles without a diamond-shaped frame with a horizontal top tube.

SECTION 8. Article XVII, General Provisions, Section 1726, Off-street parking and loading, Appendix "A", Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to add the following:

O. Vegetated storm water control measures:

1. The design and installation of vegetated storm water control measures, which may be incorporated into required parking lot, buffer strip and right-of-way plantings, is encouraged and shall be subject to review and approval by the City Engineer and City Planner. Required parking lot, buffer strip, and right-of-way plantings may incorporate vegetated storm water control measures so long as the aesthetic objectives and the minimum dimensional requirements of the planting area are, in the judgment of the City Planner, satisfied by the combination of landscaping, fencing, walls and other measures proposed.
2. Applicants shall utilize the design guidance from the Southeast Michigan Council of Governments (SEMCOG) in the selection, sizing and design of these areas. For any such vegetated storm water control measures proposed, the landscape or storm water management plan submitted to the city shall include:
  - a. A plan indicating the contributing drainage area, land use, slope, and seasonal high groundwater elevation in areas where the practices are proposed.
  - b. Design calculations.
  - c. Detailed planting plan.
  - d. Construction detail and sequencing plan.
  - e. Maintenance plan.

SECTION 9. Article XVII, General Provisions, Appendix "A", Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to add the following Section 1727:

Section 1727 – Commercial and Mixed Use Building Design Requirements.

All commercial and mixed-use buildings, shall meet the following requirements.

- A. The front facade that faces a street or plaza shall include windows, cornice work, edge detailing and decorative finish materials.
  1. Front building facades must include 40% transparent windows.
- B. Front entrances shall have a minimum of one (1) usable pedestrian entrance along the front-facing side of the building.
- C. Main pedestrian entrances - shall have design details that enhance the appearance and prominence of the entrance so that it is recognizable from the street and parking areas.
- D. Blank walls (without windows) longer than 20 feet shall not face a street.
- E. Awnings and canopies may project over the sidewalk, provided the awning or canopy is at least eight (8) feet above the sidewalk and does not project closer than two (2) feet from the back of the street curb.
  1. Awnings shall be of traditional design and must be made from fabric or metal materials and not from plastic, vinyl, or fiberglass.

- F. Mixed Use Residential - Multiple-family residential uses located in mixed-use buildings shall be subject to the general commercial and mixed-use buildings design requirements in this section.
1. Entrance - There shall be a minimum of one pedestrian entryway facing the street or opening onto a courtyard facing the street. ADA-compliant access ramps that connect to the stoop may also project into the front yard.
  2. Windows and Doors - The front façade of all residential units shall be a minimum of 25% and a maximum of 75% windows and doors.
- G. Exemption: Commercial buildings over 10,000 square feet are exempt from this section.

**SECTION 10. 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 11. 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 12. 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, Weiss
	No:	Rich
	Absent:	None

**MOTION DECLARED ADOPTED**

**CITY ATTORNEY:**

- A. City Attorney Duff explained the Michigan Supreme Court Order regarding the Tax Tribunal case Harmony Montessori vs. City of Oak Park. Ms. Duff indicated that the Supreme Court upheld the judgement that the Montessori school is not tax exempt and therefore will remain on the city's tax roll.

**CITY MANAGER:**

**Administration**

**(AGENDA ITEM #15A) State of the City Recap**

City Manager Tungate reviewed the State of the City Address that took place on March 14, 2018.



**CALL TO THE AUDIENCE:**

There were no members of the audience who wanted to speak.

**CALL TO THE COUNCIL:**

**Mayor Pro Tem Radner** wished everyone a good evening.

**Council Member Burns** provided a Planning Commission update and wished everyone a good night.

**Council Member Weiss** congratulated Crystal McLain and reviewed upcoming Library events.

**Council Member Rich** wished everyone a good night.

**Mayor McClellan** indicated that Council will be having a Closed Session and there will be no items requiring a vote after its conclusion.

**CM-03-113-18 (Added to the Agenda) MOTION TO CONVENE INTO A CLOSED SESSION TO DISCUSS ATTORNEY CLIENT PRIVILEGED COMMUNICATION - APPROVED**

Motion by Rich, Seconded by Burns, CARRIED UNANIMOUSLY, to convene into a Closed Session to discuss attorney client privileged communication.

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

**MOTION DECLARED ADOPTED**

The Closed Session began at 7:40 PM. The Regular Meeting reconvened at 8:09 PM.

**CM-03-114-18 CLOSED SESSION MINUTES - APPROVED**

Motion by Weiss, seconded by Burns, CARRIED UNANIMOUSLY, to approve the minutes of the 3-19-18 Regular Meeting Closed Session.

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

**MOTION DECLARED ADOPTED**

**ADJOURNMENT:**

There being no further business to come before the City Council, Mayor McClellan adjourned the meeting at 8:10 P.M.

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T. Edwin Norris, City Clerk

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Marian McClellan, Mayor