



**CITY OF OAK PARK, MICHIGAN
REGULAR COUNCIL MEETING OF THE
37th OAK PARK CITY COUNCIL
April 16, 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, Deputy City Clerk Vecchio, City Attorney Duff

APPROVAL OF AGENDA:

**CM-04-139-18 (AGENDA ITEM #4) ADOPTION OF THE AGENDA
– APPROVED**

Motion by Burns, seconded by Radner, 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-04-140-18 (AGENDA ITEM #5A-H) CONSENT AGENDA - APPROVED

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

- A. Regular Council Meeting Minutes of April 2, 2018 **CM-04-141-18**
- B. Board of Review Meeting Minutes of March 12, 2018, March 13, 2018, March 26, 2018 AM and March 26, 2018 PM **CM-04-142-18**
- C. Planning Commission Meeting Minutes of March 12, 2018 **CM-04-143-18**
- D. Request to advertise for bids for the Program Year 2017 Yard Services Program, M-686 **CM-04-144-18**
- E. Request to cancel the April 24, 2018 Zoning Board of Appeals Meeting **CM-04-145-18**
- F. Public Safety Activity Summary Reports for January and February 2018 **CM-04-146-18**
- G. Payment application No. 1 for the 2017-2018 Sewer Lining Project, M-677 to Insituform Technologies USA, LLC for the amount of \$53,358.34 **CM-04-147-18**
- H. Licenses - New and Renewals as submitted for April 16, 2018 **CM-04-148-18**

MERCHANT'S LICENSES – APRIL 16, 2018

(Subject to All Departmental Approvals)

<u>NEW MERCHANT</u>	<u>ADDRESS</u>	<u>FEE</u>	<u>BUSINESS TYPE</u>
<u>RENEWALS</u>	<u>ADDRESS</u>	<u>FEE</u>	<u>BUSINESS TYPE</u>
Pro Wheels Inc	12720 Capital	\$150	Automotive
Woodway Corporation	12981 Capital	\$225	General Contractor
The Collective Music Group	13305 Capital #100	\$225	Studio
KFC Take Home of Oak Park	22001 Coolidge	\$225	Restaurant
Lee Beauty Supplies Discount	22136 Coolidge	\$150	Retail
Smart Way Recycling	13000 Eight Mile	\$150	Recycling
Four Seasons Garden Center	14471 Eleven Mile	\$225	Landscaping
Hersch's Lawn Spray	15431 Eleven Mile	\$225	Landscaping
Allwell Physical Therapy	21700 Greenfield #257	\$150	Rehabilitation
Enhance Your Beauty	23300 Greenfield #218	\$225	Salon
Nails by Sliim	23300 Greenfield #225	\$225	Salon
Advance America #1398	26038 Greenfield	\$150	Financial
Lavish Luxe Hair Lounge	10730 Nine Mile	\$225	Salon
Ooze	13231 Northend	\$150	Retail
Interstate Auto Body LLC	21815 Republic	\$187.50	Automotive
Shoe Rack Outlet	13291 Ten Mile	\$225	Retail

LIQUOR LICENSE RENEWALS – APRIL 16, 2018

(Subject to All Departmental Approvals)

Jade Palace 13351 W. Ten Mile Road	Tavern License	Renewal Fee - \$250.00
Sahara Restaurant & Grille 24770 Coolidge Highway	Class C Liquor License	Renewal Fee - \$250.00

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

MOTION DECLARED ADOPTED

RECOGNITION OF VISITING ELECTED OFFICIALS:

Oakland County Commissioner Helaine Zack presented information regarding issues and activities related to Oakland County.

SPECIAL RECOGNITION/PRESENTATIONS:

(AGENDA ITEM #7A) Memorial Resolution for former DPW Director Henry Lybeck
 City Council and Staff presented a Memorial Resolution to the family of Henry Lybeck in honor of his life and career.

PUBLIC HEARINGS:

CM-04-149-18

(AGENDA ITEM #8A) PUBLIC HEARING AND ADOPTION OF SPECIAL ASSESSMENT RESOLUTIONS TO CONFIRM THE ROLLS AND SET THE DUE DATE OF MAY 31, 2018 TOGETHER WITH PENALTY OF TEN PERCENT (10%) FOR SPECIAL ASSESSMENT DISTRICTS #670 - DELINQUENT UTILITIES; #671 - FALSE ALARMS, #672 - MISCELLANEOUS CONCRETE REPLACEMENT, #673 - PROPERTY BLIGHT, AND #674 - SIDEWALK REPLACEMENT – APPROVED

Motion by Burns, seconded by Weiss, CARRIED UNANIMOUSLY, to adopt Special Assessment Resolution (No. 9) confirming the rolls, and Special Assessment Resolution (No. 10) setting the due date of May 31, 2018 with penalty for the Special Assessment districts: No. 670 – Unpaid Utility Invoices; No. 671 – Unpaid False Alarm Invoices; No. 672 – Unpaid Miscellaneous Concrete Replacement Invoices; No. 673 – Unpaid Property Blight Invoices; and No. 674 – Unpaid Sidewalk Repair Invoices; and withholding the temporary exceptions pending further review by the City Manager to report back to the City Council as to whether they will be kept on the Roll; added on at a later date or removed permanently:

**CITY OF OAK PARK
 MICHIGAN**

SPECIAL ASSESSMENT RESOLUTION NO. 9

DISTRICT NO. 670
 DISTRICT NO. 671
 DISTRICT NO. 672
 DISTRICT NO. 673
 DISTRICT NO. 674

The Mayor announced that this was the time set to review the Special Assessment Roll as prepared and revised by the City Assessor for unpaid expenses incurred on private premises, assessed in Special Assessment Roll No. 670, 671, 672, 673, 674

The Clerk read into record the objections that were received.

There were objections received as follows:

SAD	Address	Parcel ID #
670 Unpaid Utility Invoices		
670	8531 W. 9 Mile Rd	#25-33-102-011
670	24061 Oneida	#25-29-258-021
672 Unpaid Property Blight Invoices		
672	22180 Greenfield	#25-31-101-009
672	23571 Rensselaer	#25-29-405-020
672	13500 Rosemary	#25-29-303-023
672	23500 Wildwood	#25-30-333-008

BE IT RESOLVED that Special Assessment Roll No. 670, 671, 672, 673, and 674 as prepared and revised by the City Assessor, are hereby confirmed.

CITY OF OAK PARK
MICHIGAN

SPECIAL ASSESSMENT RESOLUTION NO. 10

DISTRICT NO. 670
DISTRICT NO. 671
DISTRICT NO. 672
DISTRICT NO. 673
DISTRICT NO. 674

At a Regular Meeting of the City Council of the City of Oak Park, held the 16th day of April, 2018 at 7:00 P.M., at the City Hall, 14000 Oak Park Boulevard, in said City.

WHEREAS, by resolution adopted April 16, 2018, Special Assessment Rolls No. 670, 671, 672, 673, and 674 were confirmed by the City Council.

NOW, THEREFORE, BE IT RESOLVED THAT: Said Special Assessment Rolls shall be due in one (1) installment payable on May 31, 2018, in full, together with a penalty of ten percent (10%).

BE IT FURTHER RESOLVED THAT: An unpaid installment of said Special Assessment Roll shall bear penalty at an annual rate of five percent (5%) after due date May 31, 2018.

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

MOTION DECLARED ADOPTED

COMMUNICATIONS: None

SPECIAL LICENSES: None

ACCOUNTING REPORTS:

CM-04-150-18 (AGENDA ITEM #11A) APPROVAL FOR PAYMENT OF AN INVOICE SUBMITTED BY SECREST, WARDLE, LYNCH, HAMPTON, TRUOX & MORLEY FOR LEGAL SERVICES IN THE TOTAL AMOUNT OF \$688.00 – APPROVED

Motion by Radner, seconded by Burns, CARRIED UNANIMOUSLY, to approve the payment of an invoice submitted by Secrest, Wardle, Lynch, Hampton, Truox & Morley for legal services in the total amount of \$688.00.

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

MOTION DECLARED ADOPTED

CM-04-151-18 (AGENDA ITEM #11B) APPROVAL FOR PAYMENT OF INVOICES SUBMITTED BY GARAN, LUCOW, MILLER, P.C. FOR LEGAL SERVICES IN THE TOTAL AMOUNT OF \$15,163.02 – APPROVED

Motion by Burns, seconded by Weiss, CARRIED UNANIMOUSLY, to approve the payment of invoices submitted by Garan, Lucow, Miller, P.C. for legal services in the total amount of \$15,163.02.

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

MOTION DECLARED ADOPTED

BIDS: None

ORDINANCES:

CM-04-152-18 (AGENDA ITEM #13A) FIRST READING OF AN ORDINANCE TO AMEND ARTICLE II, DEFINITIONS, ARTICLE XV, MX-1 MIXED USE DISTRICT, ARTICLE IX, LIGHT INDUSTRIAL DISTRICT, ARTICLE XIX, SPECIAL LAND USES, APPENDIX A, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK, MICHIGAN– APPROVED

Motion by Burns, seconded by Weiss, CARRIED, to approve the first reading of an ordinance to amend Article II, Definitions, Article XV, MX-1 Mixed Use District, Article IX, Light Industrial District, Article XIX Special Land Uses, Appendix A, Zoning, of the Code of Ordinances of the City of Oak Park, Michigan.

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

MOTION DECLARED ADOPTED

CM-04-153-18 (AGENDA ITEM #13B) FIRST READING OF AN ORDINANCE TO AMEND ARTICLE III, REGULATION OF THE ON-PREMISES CONSUMPTION, CHAPTER 6, SECTIONS 6-52, 6-53, 6-55, 6-56, 6-57, 6-58, 6-59, 6-63, 6-64, AND 6-65 OF THE GENERAL CODE OF ORDINANCES OF THE CITY OF OAK PARK, MICHIGAN

Motion by Burns, seconded by Weiss, CARRIED, to approve the first reading of an ordinance to amend Article III, Regulation of the On-The-Premises Consumption, Chapter 6, Sections 6-52, 6-53, 6-55, 6-56, 6-57, 6-58, 6-59, 6-63, 6-64, and 6-65 of the General Code of Ordinances of the City of Oak Park, Michigan.

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

CITY ATTORNEY:

(AGENDA ITEM #14A) Great Lakes Water Authority Class Action Settlement Resolutions

City Attorney Duff provided an update on the resolutions related to the Great Lakes Water Authority Class Action Settlement and indicated their effect on Oak Park is unknown at this time.

CITY MANAGER:

Administration

CM-04-154-18 (AGENDA ITEM #15A) REQUEST TO APPROVE A ONE-YEAR LEASE FOR HATZALAH, 13650 OAK PARK BLVD, SUITE A - APPROVED

Motion by Weiss, seconded by Burns, CARRIED UNANIMOUSLY, to approve a one-year lease for Hatzalah, 13650 Oak Park Blvd, Suite A.

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

MOTION DECLARED ADOPTED

Deputy DPW Director DeCoster indicated the City of Oak Park is currently leasing space (13650 Oak Park Blvd, Suite A) to the non-profit group Hatzalah of Michigan (Hatzalah) and explained the current one-year lease expires on May 1, 2018. Hatzalah has expressed interest in extending the lease for an additional year. This would extend the lease for a period of May 1, 2018 through April 30, 2019. He also reported that Hatzalah has been a model tenant and is current with their lease payments.

Human Resources

CM-04-155-18 (AGENDA ITEM #15B) REQUEST TO APPROVE UPDATED MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM (MERS) AGREEMENTS - APPROVED

Motion by Radner, seconded by Burns, CARRIED UNANIMOUSLY, to approve the following updated Municipal Employees' Retirement System (MERS) agreements:

- Defined Contribution Plan Adoption Agreement – TPOAM/Dispatchers hired after 7/1/2017
- Defined Contribution Plan Adoption Agreement – TPOAM/POAM/POLC/Dispatchers hired before 7/1/2017
- Health Care Savings Program Participation Agreement – Non-union hired after 8/1/2004, TPOAM hired after 7/1/2006 and before 7/1/2017, Dispatchers hired on or after 7/1/2007 thru 7/1/2010
- Health Care Savings Program Participation Agreement – Dispatchers hired after 7/1/2010, POLC/POAM

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

MOTION DECLARED ADOPTED

Community and Economic Development

(AGENDA ITEM #15C) Update on Tax Foreclosed Properties

Community and Economic Development Director Marrone introduced Kevin DeVergilio from RealTeam Reality, one of two partners selected to purchase properties in last year's tax foreclosure process. Kevin provided an update on their renovation progress to date including plans to construct a new home on a vacant lot per the agreement with the City of Oak Park.

Department of Public Works

CM-04-156-18 (AGENDA ITEM #15D) PROPOSED CHANGE ORDER NO. 3 IN THE AMOUNT OF \$1,500 AND PAYMENT APPLICATION NO. 5 (FINAL) IN THE AMOUNT OF \$2,500.00 TO ADJ EXCAVATING, INC. FOR THE 2016 WATER MAIN REPLACEMENT PROJECT, M-625 - APPROVED

Motion by Radner, seconded by Rich, CARRIED UNANIMOUSLY, to approve the proposed change order No. 3 in the amount of \$1,500 and payment application No. 5 (FINAL) in the amount of \$2,500.00 to ADJ Excavating, Inc. for the 2016 Water Main Replacement Project, M-625.

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

MOTION DECLARED ADOPTED

Assistant City Manager Yee indicated the change order is an increase for additional pavement restoration and that the project is now complete.

CM-04-157-18 (AGENDA ITEM #15E) PROPOSAL FROM OHM ADVISORS TO PERFORM PROFESSIONAL SERVICES FOR ARCHITECTURE AND ENGINEERING SERVICES FOR THE 45TH DISTRICT COURT FOR AN HOURLY, NOT TO EXCEED AMOUNT OF \$12,000 FOR THE DISCOVERY PHASE OF THE PROJECT AND A DESIGN DEVELOPMENT FEE OF 6.75% OF THE ESTIMATED PROJECT COST, SUBJECT TO REVIEW BY THE CITY ATTORNEY- APPROVED

Motion by Burns, seconded by Weiss, CARRIED UNANIMOUSLY, to approve the proposal from OHM Advisors to perform professional services for Architecture and Engineering Services for the 45th District Court for an hourly, not to exceed amount of \$12,000 for the discovery phase of the project and a design development fee of 6.75% of the estimated project cost, subject to review by the City Attorney.

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

MOTION DECLARED ADOPTED

Mr. Yee reviewed the proposal and indicated the City and 45th District Court interviewed three (3) architecture firms for the renovation work to the 45th District Court. After the interviews, the selection team unanimously selected OHM Advisors to perform the services for this project.

CALL TO THE AUDIENCE:

Steven Gold, 15000 Leslie St., expressed concerns about the power outage being experienced in Oak Park and requested that the City hold DTE accountable for properly trimming trees.

Michelle Smart, 21380 Westhampton, expressed concerns about the lack of notification regarding water line repairs on her property.

Greg Marcarian, 22400 Seneca, expressed concerns about communication issues he is having with the City regarding a fence permit.

Reginald Hawkins, 24601 Scotia, a Berkley High School student, encouraged the City to hold a forum on school shootings and gun control. He also asked for the City's support to help sponsor representatives from his DECA Chapter who have earned a trip to the International Conference in Atlanta, Georgia.

CALL TO THE COUNCIL:

Mayor McClellan discussed the City's foreclosed property program.

Mayor Pro Tem Radner wished everyone a good evening.

Council Member Burns thanked everyone for coming and to be mindful of the ever changing Michigan weather.

Council Member Weiss reviewed upcoming City events.

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 8:33 P.M.

T. Edwin Norris, City Clerk

Marian McClellan, Mayor