



**CITY OF OAK PARK, MICHIGAN
REGULAR COUNCIL MEETING OF THE
39th OAK PARK CITY COUNCIL
December 5, 2022
7:00 PM**

MINUTES

The meeting was called to order at 7:01 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 ProTem Edgar, Council Member Burns,
Council Member Radner

ABSENT: Council Member Whitehead

OTHERS

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

APPROVAL OF AGENDA:

**CM-12-376-22 (AGENDA ITEM #4) ADOPTION OF THE AGENDA AS AMENDED
– APPROVED**

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

- Item 5H – Schedule Public Hearing for allocation of 2023 CDBG Funds.

Voice Vote:	Yes:	McClellan, Edgar, Radner, Burns
	No:	None
	Absent:	Whitehead

MOTION DECLARED ADOPTED

CONSENT AGENDA:

CM-12-377-22 (AGENDA ITEM #5A-G) CONSENT AGENDA - APPROVED

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

- A. Regular City Council Meeting Minutes of November 21, 2022 **CM-12-378-22**
- B. Planning Commission Meeting Minutes for September 12, 2022, October 10, 2022, and November 14, 2022 **CM-12-379-22**
- C. Request to approve payment of invoices from OHM Advisors for GIS DWAM Grant, Nine Mile Linear Park Landscaping, Nine Mile Road Design Engineering and 11 Mile Rd Grant Application for the total amount of \$43,196.00 **CM-12-380-22**
- D. Request to approve Payment Application No. 1 for the 2022 Miscellaneous Concrete Project to Mattioli Cement Company of Fenton, Michigan for \$207,052.94 **CM-12-381-22**

- E. Request to approve Payment Application No. 5 for the 2021 Sewer & Catch Basin Cleaning and TV Inspection Project to DVM Utilities of Sterling Heights, Michigan for \$82,103.89 **CM-12-382-22**
- F. Traffic Safety Board Meeting Minutes for November 16, 2022 **CM-12-383-22**
- G. Licenses New and Renewals submitted for December 5, 2022 **CM-12-384-22**

MERCHANT'S LICENSES – December 5, 2022
(Subject to All Departmental Approvals)

<u>NEW MERCHANT</u>	<u>ADDRESS</u>	<u>FEE</u>	<u>BUSINESS TYPE</u>
NONE			
<u>RENEWALS (2022)</u>	<u>ADDRESS</u>	<u>FEE</u>	
SAUNDERS LAND COMPANY	8564 CAPITAL AVE	\$150.00	FUNERAL TRANSPORTATION
DISTINCTIVE CUSTOM FURNITURE	8575 CAPITAL AVE	\$150.00	MANUFACTURE CUSTOM CABINETS & FURNITURE
ACME LADDER & SUPPLY CO	10101 CAPITAL AVE	\$150.00	CONTRACTORS
IGORS AUTO REPAIR LLC	13350 CAPITAL	\$150.00	AUTO REPAIR
EXCELL SNOW & TURF MAINT	11000 CAPITAL AVE	\$150.00	LANDSCAPING
FISHER AUTO PARTS	13380 CAPITAL AVE	\$150.00	AUTO PARTS
TURF TENDERS	13100 CLOVERDALE AVE	\$150.00	LAWN FERT & SNOW REMOVAL
RESALE WAREHOUSE	21050 COOLIDGE HWY	\$150.00	RESALE FURNITURE & HOME
TWITTYS INVESTMENTS LLC	21751 COOLIDGE HWY	\$150.00	OFFICE
GUARDIAN & ASSOCIATES INC	21751 COOLIDGE HWY	\$150.00	OFFICE
MERCURY DRUGS	22150 COOLIDGE HWY	\$150.00	PHARMACY
LINCOLN RX INC	25901 COOLIDGE HWY 1	\$150.00	PHARMACY
FORTSON DENTAL OAK PARK	13741 W ELEVEN MILE RD	\$150.00	GENERAL DENISTRY PRACTICE
LYNGKLIP & ASSOCIATES	13751 W ELEVEN MILE RD	\$150.00	LAW OFFICE
DOG & PONY SHOW BREWING	14661 W ELEVEN MILE 200	\$150.00	CRAFT BEER
REGAL WINES	14721 W ELEVEN MILE RD	\$150.00	WHOLESALE WINE DIST
PM ENVIRONMENTAL INC	15431 W ELEVEN MILE RD	\$150.00	CONSULTING
TACO BELL #16415	21350 GREENFIELD	\$150.00	FAST FOOD RESTAURANT
CAMBRIDGE CHIROPRACTIC	21580 GREENFIELD RD	\$150.00	CHIROPRACTIC
ALS JEWELRY	21700 GREENFIELD # 306	\$150.00	JEWELRY STORE
RENAISSANCE JEWELERS	21700 GREENFIELD # 325	\$150.00	JEWELER
HOLLYWOOD DIAMOND SET	21700 GREENFIELD # 327	\$150.00	JEWELER
NATASHA INTERNATIONAL	21700 GREENFIELD # 353	\$150.00	JEWELRY SALES AND REPAIR
PRECIOUS STONES LLC	21700 GREENFIELD # 374	\$150.00	JEWELRY REPAIR
KRAVINGS	25270 GREENFIELD RD	\$150.00	KOSHER TAKEOUT
CONSULTANTS IN OPHTHALMOLOGY	25900 GREENFIELD # 239	\$150.00	DR OFFICE
BLUE REALTY	25900 GREENFIELD # 403	\$150.00	PROPERTY MANAGEMENT
POPEYES CHICKEN	25910 GREENFIELD RD	\$150.00	FAST FOOD RESTAURANT
T. NAILS	26028 GREENFIELD RD	\$150.00	NAIL SALON
ADVANCE AMERICA #1398	26038 GREENFIELD RD	\$150.00	PAYDAY ADVANCE
LINCOLN TAILOR	26158 GREENFIELD RD	\$150.00	TAILOR
1-800-SELF-STORAGE.COM	26660 GREENFIELD RD	\$150.00	SELF STORAGE FACILITY
AVIS MANAGEMENT	26640 HARDING AVE	\$150.00	PROPERTY MANAGEMENT
WINGS GARDENS	8410 W NINE MILE RD	\$150.00	RESTAURANT
COMMUNITY FAMILY DENTISTRY	10470 W NINE MILE RD	\$150.00	GENERAL DENISTRY PRACTICE
VALVOLINE INSTANT OIL	13300 W NINE MILE RD	\$150.00	QUICK LUBE
TOP SMOKERS & GIFTS LLC	13645 W NINE MILE RD	\$150.00	SMOKE SHOP
LIGHTHOUSE LIQUOR	13651 W NINE MILE RD	\$150.00	LIQUOR STORE
LIBERTY TAX	13740 W NINE MILE RD	\$150.00	TAX PREPARATION OFFICE
OAK PARK FRUIT MARKET INC	13745 W NINE MILE RD	\$150.00	MARKET & RESTAURANT
K & F MEAT MARKET	13911 W NINE MILE RD	\$150.00	MEAT MARKET
BSD MANAGEMENT	12750 NORTHEND AVE	\$150.00	WAREHOUSE

SHERWIN WILLIAMS CO	13101 NORTHEND AVE	\$150.00	PAINT RETAILER
LA INSURANCE AGENCY XXXI	13381 TEN MILE	\$150.00	INSURANCE AGENT
PRETTY BROWZ & SPA	13381 TEN MILE B	\$150.00	BEAUTY SALON

H. Added to the agenda. Request to schedule a public hearing for December 19, 2022 to receive public comment on the allocation of the 2023 Community Block Grant Funds
CM-12-385-22

Voice Vote:	Yes:	McClellan, Edgar, Radner, Burns
	No:	None
	Absent:	Whitehead

MOTION DECLARED ADOPTED

RECOGNITION OF VISITING ELECTED OFFICIALS: None

SPECIAL RECOGNITION/PRESENTATIONS:

(AGENDA ITEM #7A) Tribute to Keith McClellan.

City Manager Tungate presented a tribute to Keith McClellan and recognized State Senator Moss and State Representative Weiss who also presented a special tribute from the State of Michigan.

(AGENDA ITEM #7B) Gardner Pocket Park Traffic Study Presentation.

City Engineer Grisamer presented findings from the Gardner Pocket Park Traffic Study. A copy of the presentation is on file with the City Clerk.

PUBLIC HEARINGS: None

COMMUNICATIONS: None

SPECIAL LICENSES: None

ACCOUNTING REPORTS: None

BIDS: None

ORDINANCES:

CM-12-386-22	(AGENDA ITEM #13A) SECOND READING AND ADOPTION OF AN ORDINANCE TO AMEND CHAPTER 82, UTILITIES, ARTICLE V, RATES AND CHARGES, PAYMENT, OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK, MICHIGAN, BY AMENDING SECTION 82-315 THEREOF (The ordinance amendment allows owners of residential, owner-occupied properties to file for a payment plan for delinquent utilities after the mailing of a shut-off notice and corrects the deposit required on accounts where the city is properly notified in accordance with 82-313 that a tenant is responsible for utility charges to ensure consistency with section 82-316, deposits) - APPROVED
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Motion by Radner, seconded by Burns, CARRIED UNANIMOUSLY, to approve the second reading and adopt the following ordinance to amend Chapter 82, Utilities, Article V, Rates and Charges, Payment, of the Code of Ordinances of The City of Oak Park, Michigan, by Amending Section 82-315 thereof:

CITY OF OAK PARK
OAKLAND COUNTY, MICHIGAN

AN ORDINANCE TO AMEND CHAPTER 82, UTILITIES, ARTICLE V, RATES AND CHARGES, PAYMENT, OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK, MICHIGAN, BY AMENDING SECTION 82-315 THEREOF

THE CITY OF OAK PARK ORDAINS:

SECTION 1. Chapter 82, Utilities, Article V, Section 82-315 of the Code of Ordinances of the City of Oak Park is hereby amended to read as follows:

Sec. 82-315. - Payment

...

(d) Payment plans are available in the utility billing division to stop a disconnection if the following rules are adhered to:

(1) The payment plan shall be signed by the property owner with valid government-issued identification and filed in the utility billing division prior to a shutoff notice being mailed for commercial/industrial and non-owner-occupied properties. Payment plans may be filed after the mailing of a shutoff notice for owner-occupied residential properties, only. New payment plans will not be offered to any property owners with existing payment plans that are not fulfilled.

(2) One fourth of the past due amount shall be paid in acceptable funds, other than personal check, at the time of filing of the payment plan, with the balance to be paid in monthly installments. Charges that accrue following the start date of the plan—including regular billing—are not covered by the plan, and therefore must be paid by their indicated due date.

If the customer falls behind on any payment as stated in the payment plan, the water will be shut off—as stated in the plan—without notice. Payment plans will not be accepted after a shutoff notice has been mailed for commercial/industrial and non-owner-occupied properties. At this point the full amount must be paid in acceptable funds other than personal check. If a payment plan is accepted after a shut off notice has been mailed for a residential, owner-occupied property and water has been shut off, restoration of water service with the newly accepted payment plan will be contingent upon payment of one fourth of the past due amount in certified funds or cashier's check plus payment of any disconnect/reconnect fee assessed to the account at the time of filing and acceptance of the payment plan.

(e) Fees upon shut off.

(1) If the service is shut off, a shutoff for delinquency fee, in an amount as listed on the annual fee schedule approved by the city council, will be charged. This fee must be paid along with the past due amount in acceptable funds other than personal check before the service will be restored. The water service will be restored between 8:00 a.m. and 3:00 p.m. Monday through Thursday, except for holidays when the city offices are closed. In order to have service restored the same day, charges must be paid prior to 3:00 p.m. If the customer desires, service may be restored outside the hours stated above if personnel are available and the customer is willing to pay overtime charges as follows: two employees times their overtime rate times two hours. Overtime charges must be paid along with the past due amount and the shutoff for delinquency fee in acceptable funds other than personal check. Any restoration of water service requires an adult of at least 18

years of age to be inside of the premises. Any water shut off for 45 days or more requires an appointment to restore water service.

(2) Any water service shut off by the city and found restored without city approval shall be deemed an "illegal turn on" and shall result in additional fees for the first occurrence. Any subsequent occurrence will result in an additional charge. If the city elects to disable the water service line, an additional fee will be assessed. Any balance on an account deemed an illegal turn on must be paid in full by acceptable funds other than personal check to restore water service. Fees shall be listed on the annual fee schedule approved by the city council.

(f) If a scheduled appointment with the utility billing division is missed, a missed appointment fee will be assessed to the account as listed on the annual fee schedule approved by the city council.

In cases where the city is properly notified in accordance with section 82-313 that a tenant is responsible for water sewage disposal, stormwater runoff, infrastructure, industrial waste control, high-strength pollutant disposal or garbage collection charges, no such service shall be commenced or continued to such premises until there has been deposited with the utility billing division a sum sufficient to cover one and a half times the average annual utility bill for such premises, as estimated by the finance director. Where the water service to any premises is shut off to enforce the payment of water charges, sewage disposal charges, stormwater runoff charges, infrastructure, industrial waste control, high-strength pollutant disposal or garbage collection fees, the water service shall not be restored until all delinquent charges have been paid and a deposit, as in the case of tenants, is made. There shall be a water turn-on charge to turn the water back on as listed on the annual fee schedule approved by the city council.

SECTION 2. Severability.

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

SECTION 3: Effective Date.

This Ordinance shall take effect 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, Edgar, Radner, Burns
	No:	None
	Absent:	Whitehead

MOTION DECLARED ADOPTED

CM-12-387-22 (AGENDA ITEM #13B) FIRST READING OF AN ORDINANCE TO AMEND SECTIONS OF THE CITY CODE OF ORDINANCES THAT CHANGES THE NAME OF THE DEPARTMENT OF TECHNICAL AND PLANNING SERVICES TO MUNICIPAL SERVICES - APPROVED

Motion by Radner, seconded by Burns, CARRIED UNANIMOUSLY, to approve the second reading and adopt the following ordinance to amend sections of the City Code of Ordinances that changes the name of the Department of Technical and Planning Services to Municipal Services:

CITY OF OAK PARK
OAKLAND COUNTY, MICHIGAN

AN ORDINANCE TO AMEND SECTIONS 2-26, THE HEADING OF CHAPTER 2-DIVISION 10, SEC. 2-186, 2-187, 2-188, 2-189, 2-190, 2-301, 6-58, 6-61, 14-7, 18-42, 18-152, 18-166, 18-167, 18-168, 18-181, 18-182, 18-183, 18-184, 18-208, 18-209, 18-210, 18-211, 18-212, 18-213, 18-215, 18-231, 18-302, 22-232, 22-388, 22-403, 22-530, 42-6, 50-58, 71-5, 82-109, 82-264, 82-268, AND ZONING SECTIONS 307, 506, 542, 574, 620, 622, AND 624 OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK, MICHIGAN

THE CITY OF OAK PARK ORDAINS:

SECTION 1. The heading of Chapter 2-Division 10, in addition to Sections 2-26, 2-186, 2-187, 2-188, 2-189, 2-190, 2-301, 6-58, 6-61, 14-7, 18-42, 18-152, 18-166, 18-167, 18-168, 18-181, 18-182, 18-183, 18-184, 18-208, 18-209, 18-210, 18-211, 18-212, 18-213, 18-215, 18-231, 18-302, 22-232, 22-388, 22-403, 22-530, 42-6, 50-58, 71-5, 82-109, 82-264, 82-268, and Zoning sections 307, 506, 542, 574, 620, 622, and 624 of the Code of Ordinances of the City of Oak Park are hereby amended to replace all reference to the “Department of Technical and Planning Services” in the aforementioned sections changed to “Municipal Services.”

SECTION 2. Severability.

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

SECTION 3: Effective Date.

This Ordinance shall take effect 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, Edgar, Radner, Burns
	No:	None
	Absent:	Whitehead

MOTION DECLARED ADOPTED

CITY ATTORNEY: No Report

CITY MANAGER: No Report

CALL TO THE AUDIENCE:

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

ADJOURNMENT:

There being no further business to come before the City Council, Mayor McClellan adjourned the meeting at 7:50 P.M.

T. Edwin Norris, City Clerk

Marian McClellan, Mayor