

Oak Park

City Council Agenda

December 4, 2017





AGENDA
REGULAR CITY COUNCIL MEETING
37th CITY COUNCIL
OAK PARK, MICHIGAN
December 4, 2017
7:00 PM

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **APPROVAL OF AGENDA**
5. **CONSENT AGENDA**

The following routine items are presented for City Council approval without discussion, as a single agenda item. Should any Council Member wish to discuss or disapprove any item it must be dropped from the blanket motion of approval and considered as a separate item.

- A. Regular Council Meeting Minutes of November 20, 2017
 - B. Arts and Cultural Diversity Commission Meeting Minutes of September 14, 2017 and October 12, 2017
 - C. Zoning Board of Appeals Meeting Minutes of October 24, 2017
 - D. Payment of invoices from Orchard, Hiltz & McCliment (OHM) for Traffic Signal Optimization and the Nine Mile TAP Grant Design in the total amount of \$22,513.74
 - E. Payment application No. 2 (FINAL) for the 2017 Fire Hydrant Blasting and Repainting Project, M-646 to Cross Renovation, Inc. of Garden City, MI. for the total amount of \$1,000.00
 - F. Public Safety Activity Summary Report for October 2017
 - G. Parks and Recreation Commission Meeting Minutes of November 15, 2017
 - H. Licenses - New and Renewals as submitted for December 4, 2017
6. **RECOGNITION OF VISITING ELECTED OFFICIALS**
 7. **SPECIAL RECOGNITION/PRESENTATIONS:**
 - A. Public Safety Merit Citations
 8. **PUBLIC HEARINGS:**
 - A. Public Hearing to receive public comment on the allocation of the 2018 Community Development Block Grant Funds
 - B. Resolution approving the recommended allocations of the 2018 Community Development Block Grant Funds and authorizing the Mayor to sign the Subrecipient Agreement on behalf of the City
 9. **COMMUNICATIONS:** None
 10. **SPECIAL LICENSES:** None
 11. **ACCOUNTING REPORTS:** None
 12. **BIDS:** None

13. ORDINANCES:

- A. Second reading and adoption of an ordinance to amend Article II, Definitions, Section 204, Article VIII, Section 802, Special Land Uses, and Article XIX, Section 1919, Self-Storage Warehouse, Appendix A, Zoning, of the Code of Ordinances of the City of Oak Park, Michigan
- B. Second reading and adoption of an ordinance to amend Article XVII, General Provisions, Section 1725 Site Plan Review, Appendix A, Zoning, Of the Code of Ordinances of the City of Oak Park, Michigan

14. CITY ATTORNEY:

- A. Resolution approving a Metro Act Permit application submitted by 123Net, Inc.

15. CITY MANAGER:

Department of Public Works

- A. Request to approve maintenance and operation contract 17-5505 with the Michigan Department of Transportation for a gateway sign, ornamental pedestrian fencing and decorative street lighting to be installed as a part of the 2017 I-696 at Coolidge Highway Bridge Enhancement Project, M-670 and to authorize the City Manager and City Clerk to sign the contract on behalf of the City.

16. CALL TO THE AUDIENCE

Each speaker's remarks are a matter of public record; the speaker, alone, is responsible for his or her comments and the City of Oak Park does not, by permitting such remarks, support, endorse or accept the content, thereof, as being true or accurate. "Any person while being heard at a City Council Meeting may be called to order by the Chair, or any Council Member for failure to be germane to the business of the City, vulgarity, or personal attacks on persons or institutions." There is a three minute time limit per speaker.

17. CALL TO THE COUNCIL

18. ADJOURNMENT

The City of Oak Park will comply with the spirit and intent of the American with Disabilities Act. We will provide support and make reasonable accommodations to assist people with disabilities to access and participate in our programs, facilities and services. Accommodations to participate at a Council Meeting will be made with 7-day prior notice.



**CITY OF OAK PARK, MICHIGAN
REGULAR COUNCIL MEETING OF THE
36th OAK PARK CITY COUNCIL
November 20, 2017
7:00 PM**

MINUTES

The meeting was called to order at 7:00 PM by Mayor Pro Tem Radner in the Council Chambers of City Hall located at 14000 Oak Park Boulevard, Oak Park, MI 48237. (248) 691-7544.

PRESENT: Mayor Pro Tem Radner, Council Member Burns,
Council Member Rich, Council Member Weiss

ABSENT: Mayor McClellan

OTHERS

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

APPROVAL OF AGENDA:

There were no objections to proceeding with the agenda as presented.

CONSENT AGENDA:

CM-11-462-17 (AGENDA ITEM #5A-O) CONSENT AGENDA - APPROVED

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

- A. Regular Council Meeting Minutes of November 6, 2017 **CM-11-463-17**
- B. Special Council Meeting Minutes of November 13, 2017 **CM-11-464-17**
- C. Organizational Council Meeting Minutes of November 13, 2017 **CM-11-465-17**
- D. Request to schedule a Public Hearing for December 4, 2017 to receive public comment on the allocation of the 2018 Community Development Block Grant Funds **CM-11-466-17**
- E. Planning Commission Meeting Minutes of October 9, 2017 **CM-11-467-17**
- F. Zoning Board of Appeals Meeting Minutes of September 26, 2017 **CM-11-468-17**
- G. Corridor Improvement Authority Board Meeting Minutes of August 24, 2017 **CM-11-469-17**
- H. Request to advertise for bids for the 2017-2018 Sewer Lining Project, M-677 **CM-11-470-17**
- I. Payment Application No. 4 (FINAL) for the 2012 Sewer & Catch Basin Cleaning and TV Inspection Project, M-570 to Terra Contracting, LLC for the total amount of \$9,986.98 **CM-11-471-17**
- J. Payment Application No. 4 (FINAL) for the 2015 Sewer Cleaning and Television Inspection Project, M-626 to Terra Contracting, LLC for the total amount of \$1,000.00 **CM-11-472-17**
- K. Payment Application No. 1 for the 2017-2018 Miscellaneous Concrete Repair Project, M-672 to Mattioli Cement Company LLC for the amount of \$129,313.28 **CM-11-473-17**

- L. Payment Application No. 1 (FINAL) for the 2017 Elevated Water Storage Tank Painting Project, M-667 to LC United Painting Co. for the total amount of \$252,500.00
CM-11-474-17
- M. Change Order No. 1 in the amount of (\$2,629.84) and Payment Application No. 5 in the amount of \$10,811.30 to Florence Cement Company of Shelby Township, MI for the 2017 Granzon Avenue Reconstruction Project, M-650 **CM-11-475-17**
- N. Payment Application No. 5 for the 2017 Water Main Replacement Project, M-649, to Aielli Construction Co., Inc. in the amount of \$128,459.50 **CM-11-476-17**
- O. Licenses - New and Renewals as submitted for November 20, 2017 **CM-11-477-17**

MERCHANT'S LICENSES – November 20, 2017
(Subject to All Departmental Approvals)

<u>NEW MERCHANT</u>	<u>ADDRESS</u>	<u>FEE</u>	<u>BUSINESS TYPE</u>
AVIS Management	26640 Harding	\$150	Property Management
Onyx Market	10850 Nine Mile	\$900	Retail
Soltman Heating & Cooling	8650 Nine Mile	\$675	HVAC
Motown Body Oils	13807 Nine Mile	\$150	Retail

<u>RENEWALS</u>	<u>ADDRESS</u>	<u>FEE</u>	<u>BUSINESS TYPE</u>
Impressive Style Inc	8575 Capital	\$900	Cabinet Maker
Igor's Auto Repair	13350 Capital	\$900	Auto Repair
International Cybergraphix	25900 Greenfield #256	\$150	Graphic Design
Egosummore	8960 Nine Mile	\$225	
Peteets Famous Cheesecakes	13835 Nine Mile	\$225	Restaurant

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

MOTION DECLARED ADOPTED

RECOGNITION OF VISITING ELECTED OFFICIALS:

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

SPECIAL RECOGNITION/PRESENTATIONS: None

PUBLIC HEARINGS: None

COMMUNICATIONS: None

SPECIAL LICENSES: None

ACCOUNTING REPORTS:

CM-11-478-17 (AGENDA ITEM #11A) APPROVAL FOR PAYMENT OF INVOICES SUBMITTED BY GARAN, LUCOW, MILLER, P.C. FOR LEGAL SERVICES IN THE TOTAL AMOUNT OF \$14,459.25 - APPROVED

Motion by Weiss, seconded by Rich, CARRIED UNANIMOUSLY, to approve payment of invoices #485225, #485227, #485228 and #485229 by Garan, Lucow, Miller P.C., for legal services rendered through October 31, 2017 in the total amount of \$14,459.25.

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

MOTION DECLARED ADOPTED

CM-11-479-17 (AGENDA ITEM #11B) APPROVAL FOR PAYMENT OF AN INVOICE SUBMITTED BY SECREST, WARDLE, LYNCH, HAMPTON, TRUOX & MORLEY, P.C. FOR LEGAL SERVICES IN THE TOTAL AMOUNT OF \$17,239.95 - APPROVED

Motion by Burns, seconded by Weiss, CARRIED UNANIMOUSLY, to approve payment of invoice #1320457 by Secrest, Wardle, Lynch, Hampton, Truox & Morley, P.C. for legal services in the total amount of \$17,239.95.

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

MOTION DECLARED ADOPTED

BIDS: None

ORDINANCES:

CM-11-480-17 (AGENDA ITEM #13A) FIRST READING OF THE FOLLOWING ORDINANCE TO AMEND ARTICLE II, DEFINITIONS, SECTION 204, ARTICLE VIII, SECTION 802, SPECIAL LAND USES, AND ARTICLE XIX, SECTION 1919, SELF-STORAGE WAREHOUSE, APPENDIX A, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK, MICHIGAN - APPROVED

Motion by Burns, seconded by Rich, CARRIED UNANIMOUSLY, to approve the first reading of the following ordinance to amend Article II, Definitions, Section 204, Article VIII, Section 802, Special Land Uses, and Article XIX, Section 1919, Self-Storage Warehouse, Appendix A, Zoning, of the Code of Ordinances of the City of Oak Park, Michigan:

CITY OF OAK PARK
OAKLAND COUNTY, MICHIGAN

AN ORDINANCE TO AMEND ARTICLE II, DEFINITIONS, SECTION 204, ARTICLE VIII, SECTION 802, SPECIAL LAND USES, AND ARTICLE XIX, SECTION 1919, SELF-STORAGE WAREHOUSE, APPENDIX A, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK, MICHIGAN.

Article II, Definitions, Article VIII, Section 802, Special Land Uses, Article XVII, Section 1725, Site Plan Review, and Article XIX, Section 1919, Self-storage Warehouse

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:
Sec. 204. – Definitions N through S.

Self-storage Facilities - A building or group of buildings in a controlled access or fenced area that contains varying sizes of individual compartmentalized units which are accessed by separate exterior doorways for each unit, designed for the storage of property for individuals, organizations, and businesses.

SECTION 2. Article VIII, Section 802, Special Land Uses, Appendix "A", Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to delete the following provision and re-order the remaining provisions:
A. Wholesale, storage, self-storage and warehouse facilities, subject to the provisions in Section 1919.

SECTION 3. Article XIX, Section 1919, Self-storage Warehouse, Appendix "A", Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to read:

Sec. 1919. - Self-storage Facilities.

Self-storage facilities may be permitted in certain districts as specified in the ordinance, subject to the following requirements:

- A. The owner and/or operator shall not permit any non-storage business activity to be conducted from individual storage units. The purpose of self-storage facilities shall be limited to storage of private property by individuals, individuals, organizations, and businesses.
- B. The minimum spacing between self-storage buildings shall be 30 feet where a one-way traffic pattern is used and 40 feet for two-way movement of customer vehicles.
- C. If an office and caretaker's quarters are proposed on-site, they shall occupy a single building.
- D. If the site of a self-storage facility directly abuts or lies across the street from a residential district, a masonry screen wall, obscuring fence and/or a landscaped greenbelt shall be provided, at the discretion of the city council. In deciding what type of screening to require, the council shall evaluate which would be most appropriate to the neighborhood area in question.
- E. Any proposed outdoor storage yard proposed in conjunction with a self-storage facility shall be screened on all sides by a six-foot high masonry wall of face brick, six-foot high simulated brick pattern poured concrete wall, or a six-foot high treated-

wood or vinyl obscuring fence. The plan shall detail the location, height and type of wall/fence proposed.

- F. No individual self-storage unit shall have an interior width greater than ten-feet and there shall be no electrical service to individual units that could be used by customers.
- G. There shall be no storage of hazardous, flammable, explosive, or toxic materials in any storage units at any time.
- H. Any proposed outdoor storage yard proposed in conjunction with a self-storage facility shall be utilized only for recreation vehicles, private automobiles, and customarily manufactured non-commercial vehicles. The intent of this subsection is to prevent use of these facilities for contractor's storage yards, heavy equipment etc.
- I. Box trucks for use by lessees or rental by the general public, subject to the following:
 - a. The self-storage facility may store on the premises not more than two (2) box trucks for moving/transportation of personal property to and from the self-storage facility by lessees of the self-storage facility units.
 - b. The public self-storage facility may have up to six (6) box trucks available for rent by the general public, provided that trucks requiring a commercial driver's license to operate shall be prohibited.
 - c. Box trucks shall be parked behind the front building line of the self-storage facility. The box trucks shall not be parked or otherwise situated upon the property of the public self-storage facility in such a manner that the box trucks serve as signs or advertisements of any kind.
- J. All vehicular use and outdoor storage areas shall be paved with asphalt or concrete.
- K. The minimum lot size for self-storage facilities shall be five (5) acres.

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 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:	Radner, Burns, Rich, Weiss
	No:	None
	Absent:	McClellan

MOTION DECLARED ADOPTED

CM-11-481-17

**(AGENDA ITEM #13B) FIRST READING OF THE FOLLOWING
ORDINANCE TO AMEND ARTICLE XVII, GENERAL
PROVISIONS, SECTION 1725 SITE PLAN REVIEW, APPENDIX
A, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF
OAK PARK, MICHIGAN - APPROVED**

Motion by Burns, seconded by Rich, CARRIED UNANIMOUSLY, to approve the first reading of the following ordinance to amend Article XVII, General Provisions, Section 1725 Site Plan Review, Appendix A, Zoning, Of the Code of Ordinances of the City of Oak Park, Michigan:

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

ORDINANCE TO AMEND ARTICLE XVII, GENERAL PROVISIONS, SECTION 1725 SITE PLAN REVIEW, 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 XVII, Appendix A, Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to replace Section 1725, with the following:

Sec. 1725. - Site plan review.

This section sets forth the requirements for the site plan review process in the City of Oak Park.

- A. *Development requiring submittal of a site plan.* A site plan shall be submitted in accordance with the procedures in this section for any of the following activities, uses or development except single-family and two-family dwellings.
 - 1. All new construction, structural alteration, or substantial change in use, as determined by the department of economic development and communications, for all permitted uses in all zoning districts, except single-family and two-family dwellings.
 - 2. All special land uses in every district.
 - 3. Any use that requires a new, modified, or expanded parking lot.
 - 4. The improvement, expansion, extension, or abandonment of any public or private overhead or underground utility or utility lines or easement.
- B. *Site plan review process.* A site plan submitted to the City of Oak Park for site plan review must contain all of the information set forth in the site plan data checklist included in subsection E and F below. Deadlines for submittals are established by administrative policy.
 - 1. **Administrative Review Process**
 - Development requiring administrative site plan review only.
 - Site plans for the following do not require approval of the city planning commission:
 - a. New uses, changes in use, construction of additions to existing permitted uses, and alterations to existing construction, where the new building, addition or area affected by the changes in use or alterations is 2,000 square feet or less in gross floor area.

- b. Minor changes to approved site plans and minor changes in indoor and outdoor use(s) where, in the opinion of the director of the department of technical and planning services, the proposed change(s) do not warrant planning commission review and approval.
 - A. Initiating the process. To initiate the site plan review process, the applicant must submit the following information to the department of economic development and communications:
 - i. 18 copies (please fold) of the site plan.
 - ii. The site plan application form.
 - iii. Payment of all applicable fees.
 - B. Application packets will be distributed by the department of economic development and communications to other appropriate departments for review and approval as required by this ordinance.
 - C. Applications will be distributed and reviewed by the department of economic development and communications and other appropriate city departments for compliance with applicable city ordinances and regulations. After review of the application, and receipt of comments from other city departments, the department of economic development and communications will issue an approval, approval with conditions, or denial. Applications receiving an approval with conditions or denial must be revised and resubmitted to the department of economic development and communications. Approval by the department of economic development and communications under this section will constitute administrative site plan approval.
2. Developments requiring planning commission site plan review.
- A. Initiating the process. To initiate the site plan review process, the applicant must submit the following information to the department of economic development and communications:
 - i. 18 copies (please fold) of the site plan.
 - ii. The site plan application form.
 - iii. Payment of all applicable fees.
 - B. Applications will be reviewed by the department of economic development and communications and other appropriate departments for compliance with applicable city ordinances and regulations. If the department of economic development and communications, or other department finds that it cannot recommend approval or conditional approval because the application is incomplete or does not meet applicable ordinances and regulations, the applicant will be notified by letter of the deficiencies in the application. The applicant may thereupon submit additional information or a revised application, as necessary.
 - C. When the application has received a recommendation for approval or conditional approval from the department of economic development and communications, the application will be placed on the agenda of a meeting of the planning commission. The applicant will be notified of the date, time and place of the meeting at which the planning commission will consider the application.
 - D. At the scheduled meeting, the planning commission will consider all review letters and reports from the applicable city department, together with such statements, evidence or argument as the applicant may present concerning the application.

- E. The planning commission may issue an approval, conditional approval, or deny approval, of the site plan.
 - F. The applicant or a representative should attend all meetings at which their development is scheduled for discussion or action. Failure to appear at the meeting may cause the item to be tabled to the next meeting. The planning commission may take action on a scheduled agenda item regardless of the attendance of the applicant or a representative.
- C. *Site plan review criteria.* In reviewing site plans, city departments and the planning commission shall consider and endeavor to assure the following:
- 1. The location of development features, including principal buildings, and open spaces, and the location, design, width, and adequacy of curb cuts, parking areas, driveways, and sidewalks within the site and their relationship to nearby connecting streets and sidewalks providing access to and egress from the site, are such as to minimize possible adverse effects on adjacent properties and so as to relate properly to pedestrian vehicular traffic safety.
 - 2. On-site circulation of both vehicular and pedestrian traffic will achieve both safety and convenience of persons and vehicles using or visiting the site.
 - 3. Landscaping, earth berms, fencing, signs, and obscuring walls are of such a design and location that the proposed development is aesthetically pleasing and is harmonious with nearby existing or proposed developments.
 - 4. Utility service, including proposed water, sanitary sewer and stormwater runoff systems are sufficient to fulfill the projected needs of the development and the recommendation of the city engineer and director of public safety. Approval by a state or county department having jurisdiction, such as the department of health, drain commission or road commission, may also be a prerequisite to approval.
 - 5. Notwithstanding any other provisions of this ordinance, the city may require as a condition of site plan approval, landscaping, berming, fencing, construction of walls, marginal access drives or other appurtenances as necessary or desirable to promote the health, safety, and welfare of the community, to provide adequate protection to surrounding properties, to preserve and promote the character of the district and the intent of this chapter, and to achieve a lasting and desirable improvement to the community.
- D. *Expiration of site plan approval.* The approval of any site plan under the provisions of this ordinance shall expire and be considered revoked one year after the date of such approval unless actual construction has commenced in accordance with the issuance of a valid building permit.
- E. *Site plan application checklist.*
- 1. Applicant's name, address and phone number.
 - 2. Name of proposed development.
 - 3. Common description of property and complete legal description.
 - 4. Land acreage and frontage on public roads or rights-of-way.
 - 5. Existing zoning of subject and adjacent properties.
 - 6. Detailed description of the proposed use of the land.
 - 7. Name, address, and phone number of:
 - a) Firm or individual who prepared site plan.
 - b) Legal owner of property.

8. Signature of applicant and legal owner of property, if not the applicant.

F. *Site plan data required.*

1. Name of development and title block.
2. Location map at a scale of one inch equals 2,000 feet, showing site location, major roads, and railroads.
3. A scale of not less than one inch equals 50 feet if the subject property is less than three acres, and one inch equals 100 feet if there are three acres or more.
4. Date, north point, and scale (graphic and written).
5. Seal of registered architect, landscape architect, land surveyor, or civil engineer who prepared the plan. In cases of minor structural alterations where professional services are not required, or for changes in the use of existing buildings, the department of economic development and communications may waive this requirement.
6. Property identification number(s) and the dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties.
7. Location of all existing and proposed structures, uses, number of stories, gross building area, setback lines, distances between structures, and location of loading areas on the subject property.
8. Location of all existing structures within 100 feet of the subject property lines.
9. All existing and proposed aisles, drives, pedestrian paths, roadways, parking areas and number of parking spaces on the subject property. Interior walks and pedestrian or bicycle paths within right-of-way.
10. All existing and proposed roadways, drives, parking areas, and pedestrian paths within 100 feet of the subject property.
11. Location and height of all walls, fences, and screen planting, including a plan for landscaping of the development and the method by which landscaping is to be maintained.
12. Location and widths of all abutting streets, existing and proposed rights-of-way, easements, and pavements.
13. Types of existing and proposed surfacing, such as asphalt or concrete paving.
14. Types of facing materials to be used on structures.
15. Elevations (front, sides, and rear views) of all sides of the building(s).
16. A floor plan drawing showing the specific use areas of all existing and proposed building on-site.
- 17.
18. Density calculations (for multiple family projects).
19. Principal and accessory buildings.
20. Exterior lighting locations, type of fixtures, and methods of shielding from projecting onto adjoining properties.
21. Trash receptacle and transformer locations and method of screening.
22. Drive or street approaches including acceleration, deceleration and passing lanes, where appropriate.

23. All utilities located on or serving the site, including sizes of water and sewer lines.
24. Loading and unloading areas.
25. Estimated number of full-time and part-time employees.
26. Where large equipment or machinery is to be installed as part of the development, the location, type, horsepower, fuel, dimensions, noise, vibration, and emission levels, and other data of all such equipment or machinery.
27. General location type, and size of proposed signs for all buildings and uses on site.
28. Such other reasonable and relevant information as may be required by the city to assist in the review of the proposed development.
29. Proposed fire lanes and fire lane signs.
30. Proposed traffic circulation pattern and proposed signs and specifications for control of traffic.
31. Measures to be taken to protect existing on-site trees not proposed for removal as part of the development.
32. Landscape plan showing species, spacing, and size of each tree and plant material and ground cover and including required irrigation method.
33. Final site plan approval may be conditioned on approvals being obtained from outside agencies.
34. Site engineering plans prepared by a registered civil engineer. Submission of final engineering plans may be a condition of site plan approval. Plans shall include the following:
 - (a) A proposed grading and drainage plan. The plan should show proposed finished floor elevations, finished grades at structures, proposed storm collection system, storm outlet(s), ultimate downstream outlet, and, when required, retention/detention basin design calculations. Any areas of filled or reclaimed land shall be identified and all development shall detain stormwater so that the runoff from the property does not negatively impact upon adjacent properties or public and private rights-of-way. Compliance with engineering standards shall be determined by the city engineer. The planning commission shall require compliance with engineering standards, subject to the city engineer's final approval, as a condition of site plan approval.
 - (b) All utilities located on or serving the site, including sizes of water and sewer lines, proposed hydrants, proposed meter size, and proposed fire suppression line into building. Proposed sanitary leads, proposed sanitary sewers or on-site disposal systems must also be shown, as applicable.
 - (c) Proposed streets and drives showing types of surfacing, whether public or private, and grade elevations.
 - (d) If connected to a city water system, show existing invert elevation or lateral at proposed tap manhole and approximate invert; otherwise, Location of existing or proposed well.
 - (e) If connected to a city sanitary system, show existing invert elevation or lateral at proposed tap man-hole and approximate invert
 - (f) Preliminary storm system layout and flow arrows demonstrating that storm flow connections and disposal methods are feasible.
 - (g) Typical cross-sections for streets, roads, alleys, parking lots, etc., as applicable.

(h) Existing and proposed ground contours at intervals of one foot.

- I. *Fees.* Any application for site plan approval shall be accompanied by a fee as determined from time to time by resolution of the city council. Such fee may be utilized by the city to determine if the development will conform to the applicable city ordinances, policies, and standards, and for investigation and report of any objectionable elements.
- J. *Performance guarantees.* To insure compliance with the provisions of this ordinance and any conditions imposed by the planning commission, the department of technical and planning services may require that a performance guarantee be deposited with the city to insure the faithful completion of improvements, in accordance with Section 505 (1) of the Michigan Zoning Enabling Act of 2006, Public Act 110 of 2006, as amended. Improvements for which the city may require a performance guarantee include, but are not limited to, landscaping, berms, screen walls, lighting, surfacing of drives, parking areas, and acceleration/deceleration lanes, traffic control devices, sewer or water line improvements, and storm water management systems.

SECTION 2. Conflicting Provisions Repealed

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

SECTION 3. Severability

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

SECTION 4. Effective Date

This ordinance shall be published as required by the Charter of the City of Oak Park and shall become effective ten (10) days from the date of its passage or upon the expiration of seven (7) days after its publication, whichever is later.

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

MOTION DECLARED ADOPTED

CITY ATTORNEY:

CM-11-482-17

**(AGENDA ITEM #14A) RESOLUTION DECLARING CHANGE IN
NOMINATING PETITION DEADLINE - APPROVED**

Motion by Burns, seconded by Weiss, CARRIED UNANIMOUSLY, to approve the following resolution declaring change in nominating petition deadline:

CITY OF OAK PARK

RESOLUTION DECLARING CHANGE IN NOMINATING PETITION DEADLINE

WHEREAS, the State of Michigan amended the Election Law in 2012 (PA 276) to reflect a due date for nominating petitions 15 weeks prior to an election; and

WHEREAS, the Oak Park City Charter has a nominating petition deadline that is inconsistent with the 2012 amended State Election Law; and

WHEREAS, pursuant to the Home Rule City Act, MCL 117.3(b)(3), notwithstanding any charter provision, the City may provide by resolution for an election provision that is consistent with the Michigan Election Law, 1954 PA 116, MCL 168.1 to 168.992; and

WHEREAS, the City of Oak Park desires to adopt a Resolution declaring the change in the City of Oak Park nominating petition deadline to comply with the State of Michigan Election Law as amended.

NOW, THEREFORE, The City Council of the City of Oak Park, Oakland County, Michigan, resolves to amend by annotation, the City Charter language pertaining to filing nominating petitions for the regular city election, by noting that it is superseded by Michigan Election Law, MCL 168.644e as amended under PA 276 of 2012, and stating that the candidate nomination petition filing deadline is 4:00 p.m., 15th Tuesday prior to odd-year November election.

All resolutions inconsistent with this Resolution be and hereby are rescinded to the extent of such inconsistency.

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

MOTION DECLARED ADOPTED

CITY MANAGER:

45th District Court

CM-11-483-17 (AGENDA ITEM #15A) RESOLUTION APPROVING A CONTRACT BETWEEN THE STATE COURT ADMINISTRATIVE OFFICE (SCAO) AND THE 45TH DISTRICT COURT FOR THE 2018 VETERANS TREATMENT COURT GRANT PROGRAM - APPROVED

Motion by Burns, seconded by Rich, CARRIED UNANIMOUSLY, to adopt the following resolution approving a contract between the State Court Administrative Office (SCAO) and the 45th District Court for the 2018 Veterans Treatment Court Grant Program:

CITY OF OAK PARK
OAKLAND COUNTY, MICHIGAN

RESOLUTION APPROVING A CONTRACT BETWEEN THE STATE COURT ADMINISTRATIVE OFFICE (SCAO) AND THE 45TH DISTRICT COURT FOR THE 2018 VETERANS TREATMENT COURT GRANT PROGRAM

At a Regular Meeting of the City Council of the City of Oak Park, Oakland County, Michigan, held at Oak Park City Hall located at 14000 Oak Park Boulevard on the 20th day of November, 2017, at 7:00 p.m.

The following preamble and resolution was offered by Burns and seconded by Rich.

WHEREAS, the Michigan Supreme Court State Court Administrative Office (SCAO) is providing a Michigan Veterans Treatment Court Grant to the 45th District Court in the amount of \$42,000.00 for year 2018; and

WHEREAS, the contract for the Grant Program commences on 10/1/2017 and terminates on 9/30/2018;

NOW, THEREFORE, BE IT RESOLVED that the Oak Park City Council approves the Michigan Supreme Court State Court Administrative Office Michigan Veterans Treatment Court Grant Program FY 2018 Contract (#10194) and authorizes the City Manager to sign the contract on behalf of the 45th District Court and the City of Oak Park.

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

MOTION DECLARED ADOPTED

CM-11-484-17 (AGENDA ITEM #15B) RESOLUTION APPROVING A CONTRACT BETWEEN THE STATE COURT ADMINISTRATIVE OFFICE (SCAO) AND THE 45TH DISTRICT COURT FOR THE 2018 MENTAL HEALTH COURT GRANT PROGRAM - APPROVED

Motion by Weiss, seconded by Burns, CARRIED UNANIMOUSLY, to adopt the following resolution approving a contract between the State Court Administrative Office (SCAO) and the 45th District Court for the 2018 Mental Health Court Grant Program:

CITY OF OAK PARK OAKLAND COUNTY, MICHIGAN

RESOLUTION APPROVING A CONTRACT BETWEEN THE STATE COURT ADMINISTRATIVE OFFICE (SCAO) AND THE 45TH DISTRICT COURT FOR THE 2018 MENTAL HEALTH COURT GRANT PROGRAM

At a Regular Meeting of the City Council of the City of Oak Park, Oakland County, Michigan, held at Oak Park City Hall located at 14000 Oak Park Boulevard on the 20th day of November, 2017, at 7:00 p.m.

The following preamble and resolution was offered by Weiss and seconded by Burns.

WHEREAS, the Michigan Supreme Court State Court Administrative Office, Lansing Michigan (SCAO) is providing a Michigan Mental Health Court Grant to the 45th District Court in the amount of \$178,328.00 for year 2018; and

WHEREAS, the contract for the Grant Program commences on 10/1/2017 and terminates on 9/30/2018;

NOW, THEREFORE, BE IT RESOLVED that the Oak Park City Council approves the Michigan Supreme Court State Court Administrative Office Michigan Mental Health Court Grant Program FY 2018 Contract (#10192) and authorizes the City Manager to sign the contract on behalf of the 45th District Court and the City of Oak Park.

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

MOTION DECLARED ADOPTED

Economic Development and Communications

**CM-11-485-17 (AGENDA ITEM #15C) FINAL SITE PLAN FOR VALUE
WHOLESALE, 15188 EIGHT MILE ROAD, SUBJECT TO
CONDITIONS - APPROVED**

Motion by Burns, seconded by Weiss, CARRIED UNANIMOUSLY, to accept the recommendation of the Planning Commission and approve the Final Site Plan for Value Wholesale, 15188 Eight Mile Road, subject to the following conditions:

- 1) An application for a Land Development Permit will need to be submitted to the Engineering Department for review and approval of the on-site storm water management system.
- 2) Final approval of the proposed Site Plan conditioned on the Zoning Board of Appeals granting the required variances.
- 3) An enhanced landscape plan to be submitted to the Economic Development Department and approved by the City Planner.
- 4) All roof top and ground level mechanical equipment must be screened as required by the Zoning Ordinance.
- 5) No signs are approved as part of the Site Plan Review. A separate permit must be requested for the inclusion of any signs at this site.

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

MOTION DECLARED ADOPTED

Economic Development Director Marrone indicated that at their November 14, 2017 meeting, the Planning Commission reviewed a Site Plan for Value Wholesale for two additions to their warehouse facility at 15188 Eight Mile Road. The two additions of 4,505 square feet and 34,716 square feet will connect what are currently three buildings into one 146,814 square foot warehouse. The Planning Commission voted to recommend to the City Council approval of the Final Site Plan with conditions.

Department of Public Works

CM-11-486-17 (AGENDA ITEM #15D) PROPOSAL FROM OHM ADVISORS TO PERFORM THE WATER SYSTEM ASSET MANAGEMENT PLAN DEVELOPMENT FOR AN HOURLY, NOT TO EXCEED AMOUNT OF \$16,400 SUBJECT TO REVIEW BY THE CITY ATTORNEY - APPROVED

Motion by Weiss, seconded by Burns, CARRIED UNANIMOUSLY, to approve the proposal from OHM Advisors to perform the Water System Asset Management Plan Development for an hourly, not to exceed amount of \$16,400 subject to review by the City Attorney.

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

MOTION DECLARED ADOPTED

Assistant City Manager Yee summarized the proposal from OHM Advisors to perform the Water System Asset Management Plan Development required by the Michigan Department of Environmental Quality.

CALL TO THE AUDIENCE:

Maxwell Stein, 14400 Labelle, expressed concerns that the City should not discourage the building of multilevel storage establishments to promote more efficient use of the land.

CALL TO THE COUNCIL:

Mayor Pro Tem Radner wished everyone a good evening.

Council Member Burns wished everyone a good night.

Council Member Weiss encouraged everyone to complete the Recreation Department five year survey that can be found on line.

Council Member Rich wished everyone a good night.

ADJOURNMENT:

There being no further business to come before the City Council, Mayor Pro Tem Radner adjourned the meeting at 7:45 P.M.

T. Edwin Norris, City Clerk

Solomon Radner, Mayor Pro Tem



CITY OF OAK PARK

COMMUNITY ENGAGEMENT DEPARTMENT OF PUBLIC INFORMATION

Mayor
Marian McClellan
Mayor Pro Tem
Carolyn Burns
Council Members
Kiesha Speech
Solomon Radner
Ken Rich
City Manager
Erik Tungate

Meeting Minutes Regular Meeting City of Oak Park Arts and Cultural Diversity Commission Thursday, September 14, 2017, 7:00 p.m. Community Center

1. CALL TO ORDER

- a. Time: 7:21 p.m.

2. ROLL CALL

a. City Council:

Mayor Marian McClellan (X)
Council Member Kiesha Speech (A)
Council Member Solomon Radner (A)

Mayor Pro Tem Carolyn Burns (A)
Council Member Ken Rich (A)

b. Commissioners:

Tina Baker (A)	Heidi Bisson (A)	Mattie Boykin (A)
Leona Burns (A)	Stephanie Crawford (X)	Sarah Davidson (X)
Nathan Izydorek (A)	Rosetta Kincaid (A)	Terri McQueen (A)
Reatha Richmond (A)	Sudha Chandra Sekhar (X)	Ayanna Smith (A)
Abraham (Avi) Snider (X)	Michele Stevenson (X)	Lonnie K. Tabb (X)
Carla Wallace (X)	Anita Warner (A)	Regina Weiss (X)
Roselyn McKay (A)		

c. City Liaisons:

Director Denise DeSantis (X)

d. Guests:

Crystal Jones _____

3. APPROVAL OF AGENDA – September 14, 2017 were motioned, seconded and approved.

4. APPROVAL OF MINUTES – Meeting Minutes from July 13, 2017 and August 20, 2017 were motioned, seconded and approved.

5. DISCUSSION –

2018 ACDC meeting dates - A motion was made to accept the 2018 meeting dates and it was seconded and approved by all whom were present.

Name Tents – Director DeSantis supplied us with name tents for the meeting.

Board and Commission Dinner- Director DeSantis reminded everyone of the importance to RSVP for the upcoming Board and Commission Recognition Dinner. Everyone is allowed one guest. Mayor McClellan explained to us that the City is happy to bring this celebration back to honor Commissioner's volunteerism and efforts which are greatly appreciated. She said it will be an annual celebration.

Art Gallery Art Applications- It was motioned and approved for Director DeSantis to secure fourth quarter art for the City Hall display. Normally, the Commission would entertain applications, then vote on the choice quarterly, but since we do not have any applicants and the art needs to be changed October 1, this vote allows Director DeSantis to select an artist and coordinate the installation for fourth quarter. Director DeSantis urges all Commissioners to keep their eyes out for future artists, especially when attending arts and craft fairs. She gave us information on how applicants can apply online at City of Oak Park website at OakParkMI.gov > Boards and Commissions > Arts Cultural and Diversity Commission > Art Application. Artwork that is accepted stays up in the City Hall art galleries for a full quarter. There are two displays in City Hall.

ACDC Elections - Elections were opened to elect Chairperson, Vice Chairperson and Secretary. We discussed the roles and Commissioner expectation of responsibilities for each position.

- **Chairperson:** Come to every meeting, Time management. Attend events. Organize. Be diplomatic. Conduct meeting. Computer skills. Coordinate, create and send agenda. People skills. Try to have Agenda and Meeting Minutes to Commission Members two weeks prior to Commission date so City Clerk can post for public to view.
- **Vice Chairperson:** All of the same skills as Chairperson. Fill-in for Chairperson when absent. Fill-in for Secretary when Secretary is absent and Chairperson is present.
- **Secretary:** Take meeting minutes. Come to meetings. Take attendance. Computer skills. Try to have meeting minutes available to City Liaison one week after Commission meeting so they can be proofed and provided to Chairperson to attach with Agenda.

After discussing the expectations the members that were present individuals who wished to run for a position were allowed to address the group. Commission voted by verbal nominations and everyone was elected by acclamation by a show of hands (no position was challenged). Each position only had one volunteer. The results of our ACDC election are as follows: Chairperson Avi Snider, Vice Chairperson Stephanie Crawford, and Secretary Carla Wallace.

You Create Art: Origami Fish Activity Staffing – Director DeSantis invited everyone to attend the You Create: Origami Fish event on October 19 at 4:30 p.m. You Create: Beats events for the next 3 months are You Create: Beats on November 16, December 21, and January 18 at the library from 4:30 p.m. until 5:15 p.m.

Future Event Participation

- It was agreed upon that we would once again hold the World Dance Day. Director DeSantis mentioned that we would need to submit a Special Events License and we will need to check on the City's criteria for food to be served/offered at the event.
- Commissioner Stevenson suggested that we volunteer for the Annual Boo Bash at the Detroit Zoo.
- Commissioner Crawford suggested that we participate in the Martin Luther King walk that the City of Southfield does annually. We made a motion to do this and it was seconded and approved.
- It was motioned and seconded to have Chairman Snider and Commissioner Weiss submit the DIA Inside/Out grant application.

- The Recreation Commission has a grant for Black History Month for the one-woman show Harriet Tubman for the last weekend in January. It was suggested to see if Recreation Department could come to explain the event at next meeting.

Call to Commissioners

- Commissioner Sekhar shared several events with us MI Dance Festival and Orgins of Dance and also invited us to her home on Seneca Street Oak Park MI 48237 from September 20-30.
- Chairperson Snider shared the upcoming Jewish holidays.
- Director DeSantis shared the story about the launch of the City's new canine unit and thanked the commissioners for their assistance in creating the You Create: Butterfly bouquet and the butterfly ribbon that was presented to Madelyn Samborski, the daughter of fallen officer Mason Samborski.
- Director DeSantis also shared a story about how the Recreation Department rose to the occasion to provide female-only, male-only and adult-only swim times. This was a matter of modesty for the Jewish Orthodox community who had lost the ability to swim at the now-closed Jewish Community Center. The Recreation Department met with community leaders and department personnel to come up with solutions that did not infringe on the regularly scheduled swim hours. It was a huge success with over 200 participants.

6. ADJOURNMENT

- a. **Next Meeting:** Thursday, October 12, 2017
- b. **Time of Adjournment:** 8:28 p.m.



CITY OF OAK PARK

COMMUNITY ENGAGEMENT DEPARTMENT OF PUBLIC INFORMATION

Mayor
Marian McClellan
Mayor Pro Tem
Carolyn Burns
Council Members
Kiesha Speech
Solomon Radner
Ken Rich
City Manager
Erik Tungate

**Meeting Minutes
Regular Meeting
City of Oak Park Arts and Cultural Diversity Commission
Thursday, October 12, 7:00 p.m.
Community Center**

1. CALL TO ORDER

- a. Time: 7:15 p.m. **NO QUORUM**

2. ROLL CALL

a. City Council:

Mayor Marian McClellan (X)
Council Member Kiesha Speech (A)
Council Member Solomon Radner (A)

Mayor Pro Tem Carolyn Burns (A)
Council Member Ken Rich (A)

b. Commissioners:

Tina Baker (A)
Leona Burns (A)
Nathan Izydorek (A)
Reatha Richmond (A)
Abraham (Avi) Snider(A)
Carla Wallace (X)
Roselyn McKay (A)

Heidi Bisson (X)
Stephanie Crawford (X)
Rosetta Kincaid (X)
Sudha Chandra Sekhar (X)
Michele Stevenson (A)
Anita Warner (A)

Mattie Boykin (A)
Sarah Davidson (X)
Terri McQueen (A)
Ayanna Smith (A)
Lonnie K. Tabb (X)
Regina Weiss (X)

c. City Liaisons:

Director Denise DeSantis (X)

d. Guests:

3. APPROVAL OF AGENDA – Unable to approve; no quorum.

4. APPROVAL OF MINUTES – Unable to approve; no quorum.

5. DISCUSSION –

Boo Bash – Discussed having a booth for the Boo Bash on October 31, 2017 from 5 p.m. to 8 p.m. Commissioners Sekhar, Stevenson and Wallace will volunteer for the event. We do not have \$150 to pay for a booth. All present agreed to donate candy for booth.

ACDC Activity – Commissioners Bisson and McQueen will do You Create activity.

Board and Commission Dinner- Director DeSantis asked us to be sure to RSVP for the event and informed us that we are allowed one guest. Mayor McClellan explained to us that the city is happy to bring this celebration back to honor us and it will be the first celebration in a long time.

Art Gallery Art Applications- Art was put up last Friday in City Hall by Jalal Dawood he is a scholarship recipient of the Center for Creative Studies. Five artists were submitted from the Mayor and Commissioner Stevenson will champion this project for consideration in the City Gallery at City Hall.

You Create Art Activity Staffing – The You Create events for the next three months are You Create Beats on October 19, November 16, and December 21 at the Library from 4:30 p.m. until 5:15 p.m.

Future Events- Commissioner Crawford suggested that we participate in the Martin Luther King walk that the City of Southfield holds annually. The date was provided for the event January 15, 2018 at 9 a.m.

Food at Special Events - Discussed the protocol for having food at special events, Director DeSantis asked Mayor if she knew. Both agreed to look into the requirements.

Mayor McClellan discussed a book called *Bowling Alone*.

Field Trip - Discussed going to an artsy type event as a group activity just to have fun!

Fundraising and Community Service through Youth Development - Director DeSantis discussed reaching out to Christian Catholic Services to expose/mentor some children that are in the foster care system and share some arts and culture activities with them and it could also serve as a fundraising tool by getting organizations to donate to the cause of sponsorship for the children.

Call to Commissioners – Commissioner Sehkar invited the group to her house to learn about the cultural background of Indian celebrations. Mayor McClellan and Regina Weiss were available to visit.

6. ADJOURNMENT

- a. **Next Meeting:** Thursday, November 9, 2017
- b. **Time of Adjournment:** 8:00 p.m.

**CITY OF OAK PARK, MICHIGAN
ZONING BOARD OF APPEALS
OCTOBER 24, 2017
MEETING MINUTES**

The meeting was called to order at 7:30 p.m. by Chairperson Landau in the Council Chambers of City Hall located at 14000 Oak Park Boulevard, Oak Park, MI 48237 and Roll Call was made.

PRESENT: Chairperson Landau, Commissioner Anderson, Commissioner Blumenkopf
Vice Chairperson Huston, Commissioner Barton, and Commissioner Seligson

ABSENT: Commissioner Peiss

OTHERS
PRESENT: City Planner Kevin Rulkowski
Deputy City Clerk Lisa Vecchio

APPROVAL OF ZONING BOARD OF APPEALS MINUTES OF SEPTEMBER 26, 2017

MOTION BY Seligson, SECONDED BY Huston, to approve the meeting minutes of September 26, 2017 with one correction.

Vote: Yes: Landau, Anderson, Blumenkopf, Barton, Huston, Seligson
No: None

MOTION DECLARED ADOPTED

COMMUNICATIONS: None

OLD BUSINESS: None

NEW BUSINESS:

a) **CASE 17-08:**

APPLICANT:

Rabbi Ari Kosterlitz, on behalf of Congregation Dovid Ben Nuchim
14800 Lincoln Avenue
Oak Park, Michigan

PROPERTY:

14800 Lincoln Avenue
Property Identification Number: 25-19-178-036

ORDINANCE REQUIREMENTS AND REQUEST:

Three variances are requested:

1. Article XIX, Section 1906 (c), requires that the side yard setback for a building fourteen (14) feet in height to be twenty-eight (28) feet. The applicant is

requesting a waiver of seventeen (17) feet, two (2) inches to allow for a west side yard setback of ten (10) feet, ten (10) inches.

2. Article XIX, Section 1906 (c), requires that the front yard setback for a building fourteen (14) feet in height to be twenty-eight (28) feet. The applicant is requesting a waiver of three (3) feet to allow for a front yard setback of twenty-five (25) feet.
3. Article XVII, Section 1726, G (7), requires that places of worship with a proposed occupant load of 200 provide 67 parking spaces. The applicant is requesting a waiver of eighteen (18) parking spaces to allow for 49 parking spaces to be provided on-site.

STAFF FINDINGS OF FACT:

1. The subject property is currently R-1, One Family Dwelling District.
2. Article XIX, Section 1906 (c), requires that the side yard setback for a building fourteen (14) feet in height to be twenty-eight (28) feet.
3. The applicant is requesting a waiver of seventeen (17) feet, two (2) inches to allow for a west side yard setback of ten (10) feet, ten (10) inches.
4. Article XIX, Section 1906 (c), requires that the front yard setback for a building fourteen (14) feet in height to be twenty-eight (28) feet.
5. The applicant is requesting a waiver of three (3) feet to allow for a front yard setback of twenty-five (25) feet.
6. Article XVII, Section 1726, G (7), requires that places of worship with a proposed occupant load of 200 provide 67 parking spaces.
7. The applicant is requesting a waiver of eighteen (18) parking spaces to allow for 49 parking spaces to be provided on-site.
8. The Planning Commission on October 9, 2017 approved the Site Plan for the proposed addition subject to the Zoning Board of Appeals granting the required variances.
9. At the suggestion of the Planning Commission, Congregation Dovid Beth Shalom has secured a commitment from Congregation Beth Shalom to allow the use of their parking lot for overflow parking from Congregation Dovid Beth Shalom.
10. Due to the close proximity of the building addition to the residential home on the west side of the property, the Planning Commission conditioned approval of the Site Plan on additional landscaping being placed on west property line.
11. The building addition will remove a driveway and parking area that currently exists on the west side of the property and replace it with a sidewalk and a landscaped area.

STAFF RECOMMENDATIONS:

Congregation Dovid Ben Nuchim, is proposing to construct a building addition at 14800 Lincoln Avenue. The proposed 2,647 square foot addition will house a larger library and conference room as well as offices. The main worship area will not increase in size. The Planning Commission on October 9, 2017 approved the Site Plan for the proposed addition subject to the Zoning Board of Appeals granting the required variances and suggested the congregation seek additional parking from another nearby synagogue.

Two setback variances have been requested, one for the front yard and one for the west side yard setback. The Zoning Ordinance requires that building setbacks for Places of Worship be twice the height of the principal building, in this case a 28 foot setback (2 x 14 feet). The requested three (3) foot front yard variance maintains the existing front building line and is consistent with the front yard setback requirement (25 feet) for the surrounding residential area. The requested west side yard would place the building ten (10) feet, ten (10) inches from the property line. To lessen the impact of the proposed addition to the adjacent residential home, the Planning Commission required additional landscaping along this property line. Considering the 14 foot height of the proposed addition (similar to the height of a ranch home) and the fact that the proposed setback is consistent with a residential side yard setback (ten feet on the side yard setback with a driveway) the visual and building impact will be minimal. Although strict compliance with the setback provisions would not unreasonably prevent the facility from using the property for a permitted purpose, it would render conformity unnecessarily burdensome in this case. Based on the above noted facts both setback requests appear reasonable.

An additional variance is requested for a reduction of the parking from the required 67 parking spaces to 49 parking spaces. The Zoning Ordinance determines the required number of parking spaces based on the area designated for worship. In this case, the building addition is for a larger library, conference room and offices and does not increase the size of the worship area. The Site Plan also notes that "the highest occupant load occurs on Saturdays and on Jewish holidays where driving is not permitted". However, the facility also hosts a number of non-worship activity and events. The Planning Commission suggested the congregation seek cooperation from another nearby synagogue to meet and overflow parking needs. Acting on this concern, Congregation Dovid Beth Shalom has secured a commitment (see attached letter) from Congregation Beth Shalom to allow the use of their parking lot for overflow parking from Congregation Dovid Beth Shalom. Although strict compliance with the required parking provisions would not unreasonably prevent the facility from using the property for a permitted purpose, it would render conformity unnecessarily burdensome in this case. Based on the noted accommodation from a nearby synagogue the granting of a variance appears reasonable.

Taking the above findings of fact into consideration, it is the recommendation of the Planning Division to approve the variances requested.

Chairperson Landau expressed concerns regarding the safety of there being only one driveway designated to exit the property. In the event of a fire or emergency evacuation of the building he believe there will not be enough space for vehicles to exit.

Jean Falon, 14730 Lincoln, expressed concerns regarding the overflow parking, she lives on the same street and in the past her driveway has been blocked. Also regarding the side setback being an excessive request, from 28 ft to 10 ft, she believes that granting this much of a variation in the setback would compromise the premise of the ordinance itself.

Julie Edgar, 14371 Manhattan, lives behind Ben Nuchim and expressed concerns regarding the wall that exists on three sides of the property, which backs up into her backyard. She claimed

that the wall is in poor condition, with the seams coming apart in some areas. There is also a ladder that visitors will use to climb and jump the wall to enter the property, which is very unsafe and provides a poor image.

Members of the Zoning Board of Appeals discussed making certain items regarding the wall, parking, and other factors conditions upon approval.

Jeremy Minchin, President of the Synagogue, described all of the variances and the various changes they wish to make to the property. He addressed the concerns of the residents and the Board and expressed no issue in completing these conditions if it meant approval of their request.

MOTION BY Huston, SECONDED BY Seligson: that based on the information presented in the Staff Report, and additional findings of fact discussed during the review of case # 17-08, I move to conditionally approve the requests

of Rabbi Ari Kosterlitz, on behalf of Congregation Dovid Ben Nuchim, 14800 Lincoln Avenue,

- 1) for a waiver of one (1) foot, from the provisions in Article XVII, Section 1703, C, to allow for the construction of a garage fourteen (14) feet in height.
- 2) for a waiver from the provisions in Article XVII, Section 1703, B, 4, c, to allow for the total square footage of all accessory buildings on the lot to be 11.03%.

With the following conditions:

- 1) the wall along the boundary of the property will be inspected by the City of Oak Park's Technical and Planning department, and all required repairs to the wall will be made by the property owners;
- 2) the ladder that is placed on the outside of that same wall, which is currently used by individuals to jump the wall, will be removed;
- 3) the dumpster on the property will be enclosed and contained;
- 4) signage directing visitors to overflow parking areas will be placed in visible traffic areas on the property

VOTE: Yes: Anderson, Barton, Blumenkopf, Huston, Seligson
No: Landau

MOTION CARRIED

ADJOURNMENT:

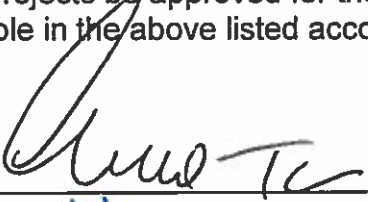
There being no objections Chairman Landau adjourned the meeting at 8:09 p.m.

Lisa Vecchio, Deputy City Clerk/Director of Elections

**BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN****AGENDA OF:** December 4, 2017**AGENDA #****SUBJECT:** Payment request from Orchard, Hiltz, & McCliment for Engineering Consulting Services.**DEPARTMENT:** DPW/Technical & Planning – Engineering GWS**SUMMARY:** Attached are invoices from Orchard, Hiltz & McCliment for the project listed below:

Project	This Period	Prior Billings	To Date	Current Contract	Account Number
Traffic Signal Optimization	\$3,114.49	\$133,735.44	\$136,849.93	\$184,662.88	202-18-474-801
Nine Mile TAP Grant Design	\$19,399.25	\$37,331.50	\$56,730.75	\$126,000.00	202-18-479-801
Totals	\$22,513.74	\$171,066.94	\$193,580.68	\$310,662.88	

RECOMMENDED ACTION: It is recommended that the invoices from OHM for the above listed projects be approved for the total amount of \$22,513.74. Funding is available in the above listed account.

APPROVALS:City Manager: Department Director: Finance Director: Budgeted ☒**EXHIBITS:** Invoices



CITY OF OAK PARK
Attn: Kevin Yee, City Engineer
13700 OAK PARK BLVD.
OAK PARK, MI 48237

Invoice Date: 10/20/2017
Invoice #: 189202
Project: 0037-17-0010

Project Name: Nine Mile TAP Grant Final Design

For Professional Services Rendered through: 10/7/2017

<i>Description</i>	<i>Fee</i>	<i>Prior Billed</i>	<i>Total Available</i>	<i>Current Billing</i>
0037170010 Professional Services	126,000.00	37,331.50	88,668.50	19,399.25
Amount Due This Invoice **				19,399.25

REMIT TO:

OHM Advisors
34000 PLYMOUTH RD
LIVONIA, MICHIGAN 48150-1512

T 734.522.6711
F 734 522 6427

OHM-Advisors.com



CITY OF OAK PARK
Attn: Kevin Yee, City Engineer
13700 OAK PARK BLVD.
OAK PARK, MI 48237

Invoice Date: 10/20/2017
Invoice #: 189202
Project: 0037-17-0010

0037170010 Professional Services

Fixed Rates Labor

<i>Classification</i>	<i>Hours</i>	<i>Rate</i>	<i>Amount</i>
Associate	6.50	170.0000	1,105.00
Grad. Arch./Landscape Arch. I	110.50	83.0000	9,171.50
Grad. Arch./Landscape Arch. II	14.00	94.0000	1,316.00
Grad. Arch./Landscape Arch. III	11.25	115.0000	1,293.75
Graduate Engineer I	4.50	106.0000	477.00
Graduate Engineer II	13.00	115.0000	1,495.00
Professional Engineer/Architect I	24.00	119.0000	2,856.00
Professional Engineer/Architect IV	10.00	165.0000	1,650.00
Technician I	0.50	70.0000	35.00
	Fixed Rates Labor subtotal	194.25	19,399.25
	Total Professional Services		19,399.25

Total Project: 0037170010 - Nine Mile TAP Grant Final Design

19,399.25

REMIT TO:

OHM Advisors
34000 PLYMOUTH RD
IVONIA MICHIGAN 48150-1512

T 734.522.6711
F 734.522.6427

OHM-Advisors.com



CITY OF OAK PARK
Attn: Kevin Yee, City Engineer
13700 OAK PARK BLVD.
OAK PARK, MI 48237

Invoice Date: 10/23/2017
Invoice #: 189239
Project: 0037-15-0060

Project Name: Signal Optimization of 36 Locations
Progress Billing #18 Percent Complete 80%

For Professional Services Rendered through: 10/14/2017

Analysis of Costs

Direct Salaries	588.40
Overhead % 174.49	<u>1,026.73</u>
Total Direct Personnel	1,615.13
Total Other Direct Charges	
Cost of Money 0.85	<u>5.00</u>
Total Costs	1,620.13
Fixed Fee	<u>0.00</u>
Total Charges/Fees	<u>1,620.13</u>
Amount Due This Invoice **	1,620.13

Total Contract Amount	184,662.88
Total Amount Previously Invoiced	133,735.44
Total Amount For This Invoice	<u>1,620.13</u>
Total Amount Invoiced To Date	135,355.57
Contract Amount Remaining	49,307.31

REMIT TO:

OHM Advisors
34000 PLYMOUTH RD
LIVONIA, MICHIGAN 48150-1512

T 734.522.6711
F 734.522.6427

OHM-Advisors.com



CITY OF OAK PARK
Attn: Kevin Yee, City Engineer
13700 OAK PARK BLVD.
OAK PARK, MI 48237

Invoice Date: 10/23/2017
Invoice #: 189239
Project: 0037-15-0060

Professional Fees

Fixed Rates Labor

<i>Classification / Employee Name</i>	<i>Hours</i>	<i>Rate</i>	<i>Amount</i>
Professional Engineer/Architect IV			
STEVEN M. LOVELAND	11.00	45.6731	502.40
Technician II			
JAMIE LABATE	4.00	21.5000	86.00
Fixed Rates Labor subtotal	15.00		588.40
Total Professional Fees	15.00		1,620.13
Project Totals	Hours: 15.00	Labor:	588.40

Total Project: 0037150060 - Signal Optimization of 36 Locations

1,620.13

REMIT TO:

OHM Advisors
34000 PLYMOUTH RD
IVONIA MICHIGAN 48150-1512

T 734.522.6711
F 734.522.6427

OHM-Advisors.com



CITY OF OAK PARK
Attn: Kevin Yee, City Engineer
13700 OAK PARK BLVD.
OAK PARK, MI 48237

Invoice Date: 12/01/2017
Invoice #: 189858
Project: 0037-15-0060

Project Name: Signal Optimization of 36 Locations
Progress Billing #18 Percent Complete 80%

For Professional Services Rendered through: 11/11/2017

Analysis of Costs

Direct Salaries	542.73
Overhead % 174.49	947.04
Total Direct Personnel	1,489.77
Total Other Direct Charges	
Cost of Money 0.85	4.59
Total Costs	1,494.36
Fixed Fee	0.00
Total Charges/Fees	1,494.36
Amount Due This Invoice **	1,494.36

Total Contract Amount	184,662.88
Total Amount Previously Invoiced	135,355.57
Total Amount For This Invoice	1,494.36
Total Amount Invoiced To Date	136,849.93
Contract Amount Remaining	47,812.95

REMIT TO:

OHM Advisors
34000 PLYMOUTH RD
LIVONIA, MICHIGAN 48150-1512

T 734.522.6711
F 734.522.6427

OHM-Advisors.com



CITY OF OAK PARK
Attn: Kevin Yee, City Engineer
13700 OAK PARK BLVD.
OAK PARK, MI 48237

Invoice Date: 12/01/2017
Invoice #: 189858
Project: 0037-15-0060

Professional Fees

Fixed Rates Labor

<i>Classification / Employee Name</i>	<i>Hours</i>	<i>Rate</i>	<i>Amount</i>
Professional Engineer/Architect IV			
STEVEN M. LOVELAND	10.00	45.6731	456.73
Technician II			
JAMIE LABATE	4.00	21.5000	86.00
Fixed Rates Labor subtotal	14.00		542.73
Total Professional Fees	14.00		1,494.36
Project Totals	Hours: 14.00	Labor:	542.73

Total Project: 0037150060 - Signal Optimization of 36 Locations	1,494.36
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REMIT TO:

OHM Advisors
34000 PLYMOUTH RD
LIVONIA MICHIGAN 48150-1512

T 734.522.6711
F 734.522.6427

OHM-Advisors.com

**BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN****AGENDA OF:** December 4, 2017**AGENDA#**

SUBJECT: Payment Application No. 2 (FINAL) for the 2017 Fire Hydrant Blasting and Repainting Project, M-646.

DEPARTMENT: Technical & Planning/DPW – Engineering GWS

SUMMARY: Attached is Payment Application No. 2 (FINAL) for the 2017 Fire Hydrant Blasting and Repainting Project, M-646. This project blasted and painted fire hydrants in the area shown on the attached map. This project and punch list are now 100% complete.

<u>FINANCIAL STATEMENT:</u>	Original Contract Amount:	\$59,750.00
	Change Order No. 1:	<u>(\$14,750.00)</u>
	Current Contract Amount:	\$45,000.00
	Total Completed to Date:	\$45,000.00
	Less Retainage:	\$ 0.00
	Net Earned:	\$45,000.00
	Deductions:	\$ 0.00
	Balance:	\$45,000.00
	Payments to Date:	<u>\$44,000.00</u>
	Amount Due Cross Renovation:	\$ 1,000.00

RECOMMENDED ACTION: It is recommended that Payment Application No. 2 (FINAL) for the 2017 Fire Hydrant Blasting and Repainting Project, M-646 be approved to Cross Renovation, Inc. of Garden City, MI. for the total amount of \$1,000.00. Funding is available in the Water and Sewer Fund (No. 592-18-538-930).

APPROVALS:

City Manager: _____

Department Director: _____

Director of Finance: _____

Budgeted: ☒**EXHIBITS:** Payment Application No. 2 (FINAL), map

PAYMENT APPLICATION

2017 FIRE HYDRANT BLASTING & REPAINTING PROJECT

JOB NUMBER: M-646

CITY OF OAK PARK, MICHIGAN

APPLICATION NO. 2

CONTRACTOR: CROSS RENOVATION
28563 PARDO STREET
GARDEN CITY, MI 48135

PERIOD ENDING: 11/20/2017

ITEM	DESCRIPTION	ORIGINAL BID QUANTITY	UNIT	UNIT PRICE	PERIOD QUANTITY	PERIOD AMOUNT	QUANTITY TO DATE	AMOUNT TO DATE
1	BLAST & REPAINT FIRE HYDRANT	115	EA	\$450.00	0	\$0.00	100	\$45,000.00
2	INSPECTION CREW DAYS	25	EA	\$320.00	0	\$0.00	0	\$0.00

Period Total Amount: \$0.00 \$45,000.00

Contract Amount \$59,750.00
Change Order No. 1 (\$14,750.00)
New Contract Amount \$45,000.00

Earnings This Period \$0.00
Total Earnings to Date \$45,000.00
Less Retainage: \$0.00
Net Earned \$45,000.00
Deductions \$0.00
Balance \$45,000.00
Payments to Date \$44,000.00
AMOUNT DUE: \$1,000.00

Accepted By:

Cross Renovation

Date

11/20/17

Approved By:

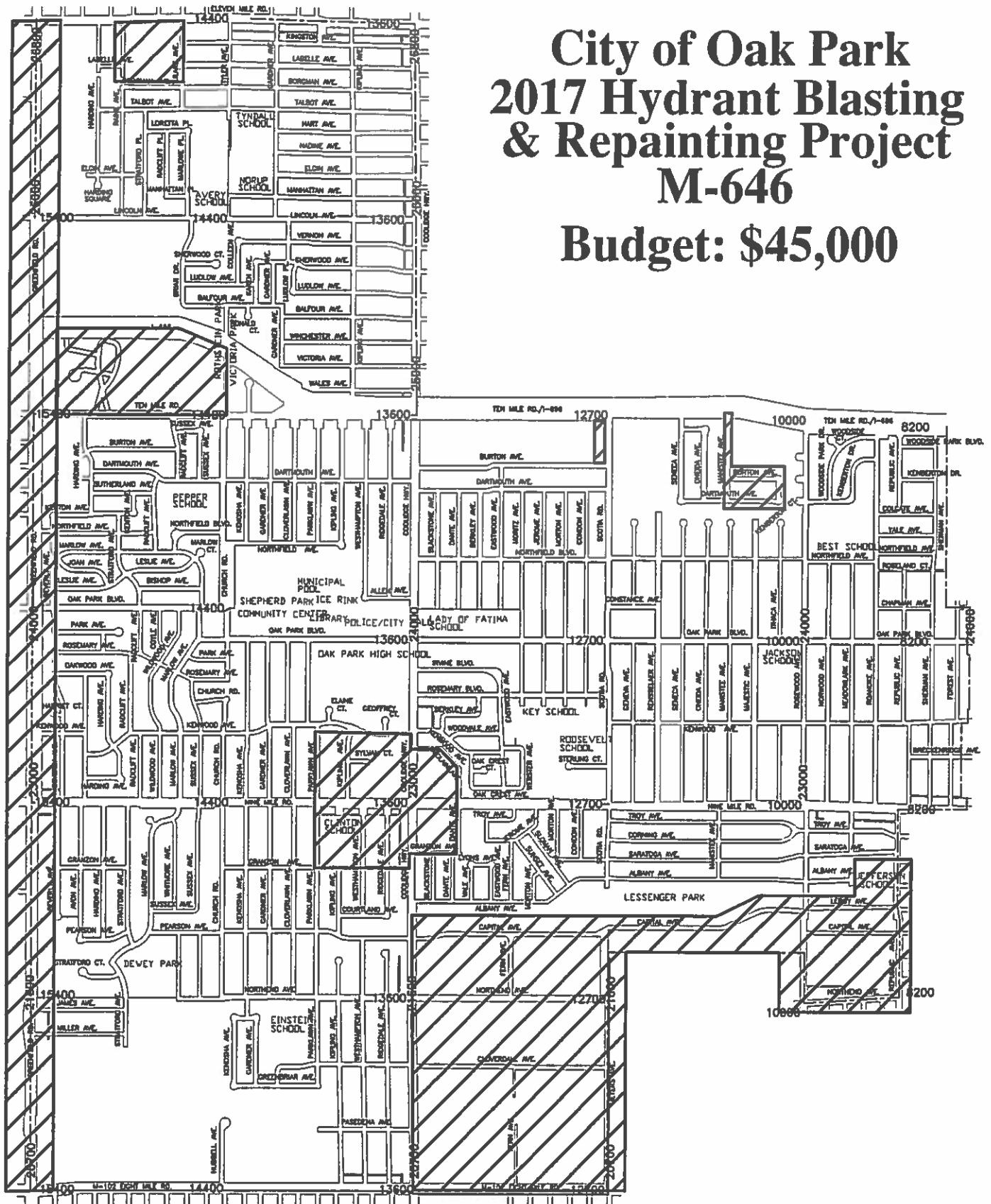
Gerrit Surles, Assistant City Engineer
City of Oak Park, Michigan

Date

11/27/2017

City of Oak Park 2017 Hydrant Blasting & Repainting Project M-646

Budget: \$45,000





OAK PARK PUBLIC SAFETY

October 2017

ACTIVITY SUMMARY



OPERATIONS:

Calls for Service

- 2016 Total: 14,907
- October 2016: 1,248
- 2016 YTD: 12,535
- October 2017: 1,224
- 2017 YTD: 12,157
- Arrests: 141
- Vacation/Property Checks: 6
- Non-Criminal Fingerprints: 6
- PBT's: 111
- Vehicles Impounded: 56
- Traffic Stops: 991

INVESTIGATIONS:

- Cases Assigned: 74
- Warrants Obtained: 25

See attached report
"RMS-008"
for October crime summary

Records Bureau:

- Animal Licenses: 131
- Alarm Permits: 6
- Handgun Registrations: 24
- FOIA / RFI / Discovery Requests: 139
- Calls Received at Dispatch: 4,318

**REPORTED FIRES: 7 (7 structural,
0 vehicle, 0 other)**

NON-FIRE INCIDENTS:

(8 includes false fire alarms)

FIRE SAFETY INSPECTIONS: 53



COMMUNITY POLICING

Three Block Club meeting,
Fire Prevention Month
(200 kids)
Berkley Schools district
wide lock down drill.

Halloween Boo Bash.

CITATIONS ISSUED: 849

HAZARDOUS	375	44%
NON - HAZARDOUS	288	34%
PARKING	44	5%
ORDINANCE VIOLATION	142	17%

NOTES: **Training:** FBI National Academy (LT. Kretschmar), Dept. Wide Outdoor Rifle Training, Rit Training, Marijuana grow operation Training, Terrorism Training.

City of Oak Park, Michigan
Parks and Recreation Commission
November 15, 2017
Meeting Minutes

The meeting was called to order at 7:02 pm by Chairperson Alexander Simpson in Room 4 of the Oak Park Community Center located at 14300 Oak Park Boulevard, Oak Park, MI 48237.

Present: Alexander Simpson (Chair), Mickey Alderman (Vice Chair), Juanita Bell (Secretary), Diane Spiller, Dwight Thomas, Beverly Wiggins
Recreation Director: Laurie Stasiak
Newly Sworn-in City Council Member: Regina Weiss

Members Excused: Jim Weiskopf (ill) Barb Weiskopf
Unexcused Absence: Nathaniel Cobb/Mara Staller Starr

Reading and Approval of Minutes for October 18, 2017

Motioned by: Dwight Thomas to approve

Approved by: Mickey Alderman

No corrections. Motion passed

Council Comments: Regina Weiss

Works for Tri-Community Coalition and coordinates high school students from grades 9-12 serving Berkley High School and Oak Park High School. Gave brief announcement regarding upcoming health fair scheduled for April 2018.

Regular Business:

- a. Parks and Recreation Commission 2018 Meeting Schedule

Approved by: Mickey Alderman

Seconded by: Beverly Wiggins

Motioned passed

- b. Boo Bash – Very successful indoor event due to the weather. 6,200+ in attendance. Thanks to the entire crew for making this event successful. There were 17 sponsors and 9 organizations participating.
- c. ** January 28 – Harriet Tubman performance to kick off Black History Month
Oak Park High School Auditorium – 3:00 pm
- d. **February 11 – Daddy Daughter Dance
- e. **February 18 – Winterfest
- f. February 25 – Theadra Flemming (Black History Month Presentation)
**Volunteers needed

5-Year and Beyond Master Plan Update: Please follow the link below to complete the survey.

<http://bit.ly/OPRecreationSurvey>

Community Input Meeting is scheduled for Thursday, November 16 at 7 pm.

Table discussions and group leaders will take place at the meeting.

Hard copies of survey will be made available.

Marketing strategies will be handled by Denise DeSantis.

Senior Programs:

All programs are a sellout. Thanks to Maralee Rosemond for making these events happen. Additional thanks to the National Kidney Foundation for providing Enhanced Fitness and Summer Splash Bash at no cost.

Looking to obtain one 25 passenger bus with an added bus driver needed. Grant is being written to underwrite the cost of the bus. Council member Weiss volunteered to help with grant writing if additional services are needed.

Thanks to Dan Parker for making basketball and other sports events available to our youths.

Discussion on How to Grow Oak Park:

Obtain grant(s) through (DNR)

Repurpose underutilized spaces (ex. Mini Golf area/area next to tennis court)

Dewey Park seems to need most attention

Develop a "Splash Pad" near pool for longer use.

Need for an indoor facility with a gym.

Incorporate an afternoon "Active Teen Program" from 3:00 – 6:00 pm using Rooms 2,3,4

Oak Park High School Pool needs to be up and running, or repurposed.

Incorporate a Summer Mobile Recreation Program (Sponsorship is needed/Kenny (Oak Park Rec. is interested in helping to make this happen.)

Skate Park (Math tchr. At OPHS is interested in helping to make this happen.)

Announcements: None

Meeting adjourned at 8:16 pm

Respectfully submitted by: *Juanita Bell*

MERCHANT'S LICENSES – DECEMBER 4, 2017**(Subject to All Departmental Approvals)**

<u>NEW MERCHANT</u>	<u>ADDRESS</u>	<u>FEE</u>	<u>BUSINESS TYPE</u>
Life Skills Residential LLC	25623 Lincoln Ter 101	\$150	Professional Services

<u>RENEWALS</u>	<u>ADDRESS</u>	<u>FEE</u>	<u>BUSINESS TYPE</u>
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BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN

AGENDA OF: December 4, 2017

AGENDA #

SUBJECT: Public Hearing for allocation of 2018 CDBG Funds.

DEPARTMENT: Technical and Planning Services

SUMMARY: The City of Oak Park is expected to receive \$112,915 in Community Development Block Grant Funds (CDBG) for the 2018 Program Year. The funds must be allocated to specific projects and the dollar amount identified for each project. One of the conditions of the acceptance of these funds is that the community holds a Public Hearing to solicit public comment as to how the funds should be allocated.

FINANCIAL STATEMENT: No funds required at this time.

RECOMMENDED ACTION: It is recommended that City Council conduct a public hearing to receive comment on the allocation of the 2018 Community Development Block Grant Funds. It is also recommended that City Council pass a resolution approving the recommended allocation of funds and authorize the Mayor to sign the application and Sub-recipient Agreement on behalf of the City. The proposed allocation is:

Code Enforcement	\$82,915
Public Services (Yard Services)	<u>\$30,000</u>
Total	\$112,915

APPROVALS:

City Manager: _____

Director: _____

Finance Director: _____

Budgeted: ☐ N/A

EXHIBITS: CDBG Resolution

RESOLUTION (CM-XXXXX) APPROVING THE 2018
COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION

WHEREAS, Oakland County is preparing an Annual Action Plan to meet application requirements for the Community Development Block Grant (CDBG) program, and other Community Planning and Development (CPD) programs; and

WHEREAS, Oakland County has requested CDBG eligible projects from participating communities for inclusion in the Action Plan; and

WHEREAS, the City of Oak Park is a participating local unit of government in the Oakland County Community Development Block Grant Program; and

WHEREAS, the City Of Oak Park has duly advertised and conducted a public hearing on December 4, 2017 for the purposes of receiving comments regarding the proposed use of Program Year 2018 Community Development Block Grant funds in the approximate amount of \$112,915; and

WHEREAS, the public hearing conformed to the guidelines of the Oakland County Community Development Division; and

WHEREAS, The City of Oak Park found that the following projects meet the federal objectives of the CDBG program and are prioritized by the community as high priority need:

Account Number	Project Name	Amount
172170-730310	Code Enforcement	\$82,915.00
172160-732170	Public Service/Yard Services	\$30,000.00

NOW THEREFORE, BE IT RESOLVED, that the City of Oak Park CDBG application is hereby authorized to be submitted to Oakland County for inclusion in Oakland County's Annual Action Plan to the U.S. Department of Housing and Urban Development, and that the Mayor is hereby authorized to execute all documents, agreements, or contracts which result from this application to Oakland County.

Yes:

No:

Absent:

RESOLUTION DECLARED ADOPTED

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City of Oak Park, County of Oakland, State of Michigan, at a regular meeting held on December 4, 2017 and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act No. 267, Public Acts of 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

T. Edwin Norris, City Clerk



BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN

AGENDA OF: December 4, 2017

AGENDA #

SUBJECT: Recommendation of the Planning Commission for Zoning Ordinance text amendments to Article II, Definitions, Article VIII, Section 802, Special Land Uses, and Article XIX, Section 1919, Self-storage Warehouse.

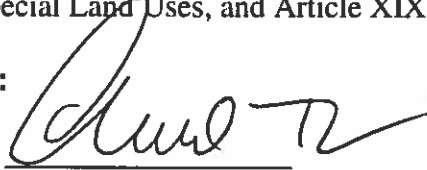
DEPARTMENT: Community & Economic Development, Planning Division

SUMMARY: At the November 13, 2017 meeting, the Planning Commission conducted a Public Hearing regarding proposed changes to the City of Oak Park Zoning Ordinance. The proposed text amendments for Self-storage Facilities would no longer permit the use in the B-2, General Business District and would update the regulations for these uses where they are permitted in the LI, Light Industrial District.

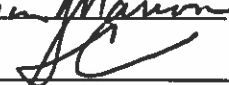
The Planning Commission voted to recommend to the City Council adoption of the text amendments.

RECOMMENDED ACTION: Conduct the second reading and adopt the proposed text amendments to the City of Oak Park Zoning Ordinance, Article II, Definitions, Article VIII, Section 802, Special Land Uses, and Article XIX, Section 1919, Self-storage Warehouse.

APPROVALS:

City Manager: 

Director: 

Finance Director: 

Budgeted: ☐

NA

EXHIBITS: Memorandum, proposed ordinance for adoption.



CITY OF OAK PARK

DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT

MEMORANDUM

TO: Planning Commission members DATE: November 2, 2017
FROM: Kevin Rulkowski, AICP, City Planner FILE: Planning/Self
Storage Proposed
Regs 1711
SUBJECT: Self-Storage Facilities – proposed text amendments.

The Department of Community & Economic Development proposed at the October meeting amendments to the City's Self-storage regulations. A Public Hearing was scheduled for the November meeting to hear public comment on the proposed changes.

As was discussed at the October meeting, over the last few years the Planning Commission has reviewed a number of new self-storage facilities throughout the City. The approvals range from brand new buildings to renovation of existing office and warehouse buildings. The number of self-storage units in Oak Park most likely number now in the thousands. Although these uses may be profitable for the owners, the overall benefit to the City is fairly low. Available industrial property is currently very low and it is questionable that these types of land uses may not be in the overall best interests of the community in the long run.

Since May there has been a moratorium on the review and approval of any new self-storage facilities in the City. City staff has reviewed a number of regulations from other communities for this type of land use and have determined that some additional regulations should be adopted. Attached are the proposed Section 1919 Self-storage (mini) warehouse amended regulations.

If the proposed Zoning Ordinance text amendments are acceptable to the Planning Commission the Department of Community & Economic Development recommends approving the attached proposed ordinance.

Sec. 1919. - Self-storage (mini)-warehouse Facilities.

Self-storage ~~or mini-warehouses~~ facilities may be permitted in certain districts as specified in the ordinance, subject to the following requirements:

- A. The owner and/or operator shall not permit any non-storage business activity to be conducted from individual storage units. The purpose of self-storage ~~warehouses~~ facilities shall be limited to storage of private property by individuals.
- B. The minimum spacing between self-storage buildings shall be 30 feet where a one-way traffic pattern is used and 40 feet for two-way movement of customer vehicles.
- C. If an office and caretaker's quarters are proposed on-site, they shall occupy a single building.
- D. If the site of a ~~warehouse~~ self-storage facility directly abuts or lies across the street from a residential district, a masonry screen wall, obscuring fence and/or a landscaped greenbelt shall be provided, at the discretion of the city council. In deciding what type of screening to require, the council shall evaluate which would be most appropriate to the neighborhood area in question.
- E. Any proposed outdoor storage yard proposed in conjunction with a self-storage facility shall be screened on all sides by a six-foot high masonry wall of face brick, six-foot high simulated brick pattern poured concrete wall, or a six-foot high treated-wood or vinyl obscuring fence. The plan shall detail the location, height and type of wall/fence proposed. ~~Every self-storage warehouse shall have an employee on site at all times during business hours.~~
- F. No individual self-storage unit shall have an interior width greater than ten-feet and there shall be no electrical service to individual units that could be used by customers.
- G. There shall be no storage of hazardous, flammable, explosive, or toxic materials in any storage units at any time.
- H. Any proposed outdoor storage yard proposed in conjunction with a self-storage facility shall be utilized only for recreation vehicles, private automobiles, and customarily manufactured non-commercial vehicles. The intent of this subsection is to prevent use of these facilities for contractor's storage yards, heavy equipment etc.
- I. Box trucks for use by lessees or rental by the general public, subject to the following:
 - a. The self-storage facility may store on the premises not more than two (2) box trucks for moving/transportation of personal property to and from the self-storage facility by lessees of the self-storage facility units.
 - b. The public self-storage facility may have up to six (6) box trucks available for rent by the general public, provided that trucks requiring a commercial driver's license to operate shall be prohibited.
 - c. Box trucks shall be parked behind the front building line of the self-storage facility. The box trucks shall not be parked or otherwise situated upon the property of the public self-storage facility in such a manner that the box trucks serve as signs or advertisements of any kind.
- J. All vehicular use and outdoor storage areas shall be paved with asphalt or concrete.
- K. The minimum lot size for self-storage facilities shall be five (5) acres.

New text language in red.

CITY OF OAK PARK, MICHIGAN

ORDINANCE NO.

AN ORDINANCE TO AMEND ARTICLE II, DEFINITIONS, SECTION 204, ARTICLE VIII, SECTION 802, SPECIAL LAND USES, AND ARTICLE XIX, SECTION 1919, SELF-STORAGE WAREHOUSE, APPENDIX A, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK, MICHIGAN.

Article II, Definitions, Article VIII, Section 802, Special Land Uses, Article XVII, Section 1725, Site Plan Review, and Article XIX, Section 1919, Self-storage Warehouse

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:

Sec. 204. – Definitions N through S.

Self-storage Facilities - A building or group of buildings in a controlled access or fenced area that contains varying sizes of individual compartmentalized units which are accessed by separate exterior doorways for each unit, designed for the storage of property for individuals, organizations, and businesses.

SECTION 2. Article VIII, Section 802, Special Land Uses, Appendix "A", Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to delete the following provision and re-order the remaining provisions:

A. Wholesale, storage, self-storage and warehouse facilities, subject to the provisions in Section 1919.

SECTION 3. Article XIX, Section 1919, Self-storage Warehouse, Appendix "A", Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to read:

Sec. 1919. - Self-storage Facilities.

Self-storage facilities may be permitted in certain districts as specified in the ordinance, subject to the following requirements:

L. The owner and/or operator shall not permit any non-storage business activity to be conducted from individual storage units. The purpose of self-storage facilities shall be limited to storage of private property by individuals, individuals, organizations, and businesses.

M. The minimum spacing between self-storage buildings shall be 30 feet where a one-way traffic pattern is used and 40 feet for two-way movement of customer vehicles.

N. If an office and caretaker's quarters are proposed on-site, they shall occupy a single building.

O. If the site of a self-storage facility directly abuts or lies across the street from a residential district, a masonry screen wall, obscuring fence and/or a landscaped greenbelt shall be provided, at the discretion of the city council. In deciding what type of screening to require, the council shall evaluate which would be most appropriate to the neighborhood area in question.

P. Any proposed outdoor storage yard proposed in conjunction with a self-storage facility shall be screened on all sides by a six-foot high masonry wall of face brick, six-foot high simulated brick pattern poured concrete wall, or a six-foot high treated-wood or vinyl obscuring fence. The plan shall detail the location, height and type of wall/fence proposed.

Q. No individual self-storage unit shall have an interior width greater than ten-feet and there shall be no electrical service to individual units that could be used by customers.

R. There shall be no storage of hazardous, flammable, explosive, or toxic materials in any storage units at any time.

S. Any proposed outdoor storage yard proposed in conjunction with a self-storage facility shall be utilized only for recreation vehicles, private automobiles, and customarily manufactured non-commercial vehicles. The intent of this subsection is to prevent use of these facilities for contractor's storage yards, heavy equipment etc.

T. Box trucks for use by lessees or rental by the general public, subject to the following:

a. The self-storage facility may store on the premises not more than two (2) box trucks for moving/transportation of personal property to and from the self-storage facility by lessees of the self-storage facility units.

b. The public self-storage facility may have up to six (6) box trucks available for rent by the general public, provided that trucks requiring a commercial driver's license to operate shall be prohibited.

c. Box trucks shall be parked behind the front building line of the self-storage facility. The box trucks shall not be parked or otherwise situated upon the property of the public self-storage facility in such a manner that the box trucks serve as signs or advertisements of any kind.

U. All vehicular use and outdoor storage areas shall be paved with asphalt or concrete.

V. The minimum lot size for self-storage facilities shall be five (5) acres.

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 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.

MADE, PASSED AND ADOPTED by the Council of the City of Oak Park on this day of _____, 2017.

T. Edwin Norris, City Clerk

I, T. Edwin Norris, the duly authorized Clerk of the City of Oak Park, Michigan, do hereby certify that the foregoing ordinance was adopted by the Council of the City of Oak Park at its regular meeting held on _____, 2017.

T. Edwin Norris
City Clerk

First Reading:
Second Reading:
Adopted:
Published:



BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN

AGENDA OF: December 4, 2017

AGENDA #

SUBJECT: Recommendation of the Planning Commission for Zoning Ordinance text amendments to Article XVII, Site Plan Review.

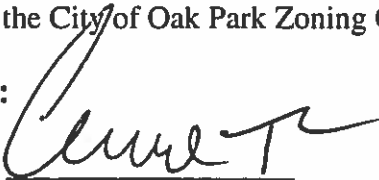
DEPARTMENT: Community & Economic Development, Planning Division

SUMMARY: At the November 13, 2017 meeting, the Planning Commission conducted a Public Hearing regarding proposed changes to the City of Oak Park Zoning Ordinance. The proposed text amendments to the Site Plan Review section would streamline the review process.

The Planning Commission voted to recommend to the City Council adoption of the text amendments.

RECOMMENDED ACTION: Conduct the second reading and adopt the proposed text amendments to the City of Oak Park Zoning Ordinance, Article XVII, Site Plan Review.

APPROVALS:

City Manager: 

Director: 

Finance Director: 

Budgeted: ☐ N/A

EXHIBITS: Memorandum, proposed ordinance for adoption.



CITY OF OAK PARK

DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT

MEMORANDUM

TO: Planning Commission members
FROM: Kevin Rulkowski, AICP, City Planner

DATE: November 2, 2017
FILE: Planning/Site Plan
Review 1711

SUBJECT: Site Plan Review – proposed text amendments.

The Department of Community & Economic Development proposed at the October meeting amendments to the City's Site Plan Review provisions. A Public Hearing was scheduled for the November meeting to hear public comment on the proposed changes.

As was discussed in October, in keeping with the Best Practices guidelines of Redevelopment Ready Communities City staff have reviewed the City's Site Plan Review provisions and are recommending a number of changes. The most significant is the overall approval process in which the Planning Commission recommends approval of Site Plans and the City Council is the body officially approving Site Plans. The new streamlined process would have the Planning Commission as the sole approving body. In addition, a number of other changes are proposed to eliminate some of the unnecessary information currently requested and reduce the amount of time to perform site plans review.

Attached is the proposed text amendment ordinance as well as a marked-up copy of the proposed text changes to the site plan process.

If the proposed Zoning Ordinance text amendments are acceptable to the Planning Commission the Department of Community & Economic Development recommends approving the attached proposed ordinance.

CITY OF OAK PARK, MICHIGAN

ORDINANCE NO.

AN ORDINANCE TO AMEND ARTICLE XVII, GENERAL PROVISIONS, SECTION 1725 SITE PLAN REVIEW, 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 XVII, Appendix A, Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to replace Section 1725, with the following:

Sec. 1725. - Site plan review.

This section sets forth the requirements for the site plan review process in the City of Oak Park.

A. *Development requiring submittal of a site plan.* A site plan shall be submitted in accordance with the procedures in this section for any of the following activities, uses or development except single-family and two-family dwellings.

1. All new construction, structural alteration, or substantial change in use, as determined by the department of economic development and communications, for all permitted uses in all zoning districts, except single-family and two-family dwellings.
2. All special land uses in every district.
3. Any use that requires a new, modified, or expanded parking lot.
4. The improvement, expansion, extension, or abandonment of any public or private overhead or underground utility or utility lines or easement.

B. *Site plan review process.* A site plan submitted to the City of Oak Park for site plan review must contain all of the information set forth in the site plan data checklist included in subsection E and F below. Deadlines for submittals are established by administrative policy.

1. Administrative Review Process

Development requiring administrative site plan review only.

Site plans for the following do not require approval of the city planning commission:

- a. New uses, changes in use, construction of additions to existing permitted uses, and alterations to existing construction, where the new building, addition or area affected by the changes in use or alterations is 2,000 square feet or less in gross floor area.
- b. Minor changes to approved site plans and minor changes in indoor and outdoor use(s) where, in the opinion of the director of the department of technical and planning services, the

proposed change(s) do not warrant planning commission review and approval.

- A. Initiating the process. To initiate the site plan review process, the applicant must submit the following information to the department of economic development and communications:
 - i. 18 copies (please fold) of the site plan.
 - ii. The site plan application form.
 - iii. Payment of all applicable fees.
- B. Application packets will be distributed by the department of economic development and communications to other appropriate departments for review and approval as required by this ordinance.
- C. Applications will be distributed and reviewed by the department of economic development and communications and other appropriate city departments for compliance with applicable city ordinances and regulations. After review of the application, and receipt of comments from other city departments, the department of economic development and communications will issue an approval, approval with conditions, or denial. Applications receiving an approval with conditions or denial must be revised and resubmitted to the department of economic development and communications. Approval by the department of economic development and communications under this section will constitute administrative site plan approval.

2. Developments requiring planning commission site plan review.

- A. Initiating the process. To initiate the site plan review process, the applicant must submit the following information to the department of economic development and communications:
 - i. 18 copies (please fold) of the site plan.
 - ii. The site plan application form.
 - iii. Payment of all applicable fees.
- B. Applications will be reviewed by the department of economic development and communications and other appropriate departments for compliance with applicable city ordinances and regulations. If the department of economic development and communications, or other department finds that it cannot recommend approval or conditional approval because the application is incomplete or does not meet applicable ordinances and regulations, the applicant will be notified by letter of the deficiencies in the application. The applicant may thereupon submit additional information or a revised application, as necessary.
- C. When the application has received a recommendation for approval or conditional approval from the department of economic development and communications, the application will be placed on the agenda of a meeting of the planning commission. The applicant will be notified of

the date, time and place of the meeting at which the planning commission will consider the application.

- D. At the scheduled meeting, the planning commission will consider all review letters and reports from the applicable city department, together with such statements, evidence or argument as the applicant may present concerning the application.
- E. The planning commission may issue an approval, conditional approval, or deny approval, of the site plan.
- F. The applicant or a representative should attend all meetings at which their development is scheduled for discussion or action. Failure to appear at the meeting may cause the item to be tabled to the next meeting. The planning commission may take action on a scheduled agenda item regardless of the attendance of the applicant or a representative.

C. *Site plan review criteria.* In reviewing site plans, city departments and the planning commission shall consider and endeavor to assure the following:

- 1. The location of development features, including principal buildings, and open spaces, and the location, design, width, and adequacy of curb cuts, parking areas, driveways, and sidewalks within the site and their relationship to nearby connecting streets and sidewalks providing access to and egress from the site, are such as to minimize possible adverse effects on adjacent properties and so as to relate properly to pedestrian vehicular traffic safety.
- 2. On-site circulation of both vehicular and pedestrian traffic will achieve both safety and convenience of persons and vehicles using or visiting the site.
- 3. Landscaping, earth berms, fencing, signs, and obscuring walls are of such a design and location that the proposed development is aesthetically pleasing and is harmonious with nearby existing or proposed developments.
- 4. Utility service, including proposed water, sanitary sewer and stormwater runoff systems are sufficient to fulfill the projected needs of the development and the recommendation of the city engineer and director of public safety. Approval by a state or county department having jurisdiction, such as the department of health, drain commission or road commission, may also be a prerequisite to approval.
- 5. Notwithstanding any other provisions of this ordinance, the city may require as a condition of site plan approval, landscaping, berming, fencing, construction of walls, marginal access drives or other appurtenances as necessary or desirable to promote the health, safety, and welfare of the community, to provide adequate protection to surrounding properties, to preserve and promote the character of the district and the intent of this chapter, and to achieve a lasting and desirable improvement to the community.

D. *Expiration of site plan approval.* The approval of any site plan under the provisions of this ordinance shall expire and be considered revoked one year

after the date of such approval unless actual construction has commenced in accordance with the issuance of a valid building permit.

E. *Site plan application checklist..*

1. Applicant's name, address and phone number.
2. Name of proposed development.
3. Common description of property and complete legal description.
4. Land acreage and frontage on public roads or rights-of-way.
5. Existing zoning of subject and adjacent properties.
6. Detailed description of the proposed use of the land.
7. Name, address, and phone number of:
 - a) Firm or individual who prepared site plan.
 - b) Legal owner of property.
8. Signature of applicant and legal owner of property, if not the applicant.

F. *Site plan data required.*

1. Name of development and title block.
2. Location map at a scale of one inch equals 2,000 feet, showing site location, major roads, and railroads.
3. A scale of not less than one inch equals 50 feet if the subject property is less than three acres, and one inch equals 100 feet if there are three acres or more.
4. Date, north point, and scale (graphic and written).
5. Seal of registered architect, landscape architect, land surveyor, or civil engineer who prepared the plan. In cases of minor structural alterations where professional services are not required, or for changes in the use of existing buildings, the department of economic development and communications may waive this requirement.
6. Property identification number(s) and the dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties.
7. Location of all existing and proposed structures, uses, number of stories, gross building area, setback lines, distances between structures, and location of loading areas on the subject property.
8. Location of all existing structures within 100 feet of the subject property lines.
9. All existing and proposed aisles, drives, pedestrian paths, roadways, parking areas and number of parking spaces on the subject property. Interior walks and pedestrian or bicycle paths within right-of-way.
10. All existing and proposed roadways, drives, parking areas, and pedestrian paths within 100 feet of the subject property.
11. Location and height of all walls, fences, and screen planting, including a plan for landscaping of the development and the method by which landscaping is to be maintained.

12. Location and widths of all abutting streets, existing and proposed rights-of-way, easements, and pavements.
13. Types of existing and proposed surfacing, such as asphalt or concrete paving.
14. Types of facing materials to be used on structures.
15. Elevations (front, sides, and rear views) of all sides of the building(s).
16. A floor plan drawing showing the specific use areas of all existing and proposed building on-site.
17. Density calculations (for multiple family projects).
18. Principal and accessory buildings.
19. Exterior lighting locations, type of fixtures, and methods of shielding from projecting onto adjoining properties.
20. Trash receptacle and transformer locations and method of screening.
21. Drive or street approaches including acceleration, deceleration and passing lanes, where appropriate.
22. All utilities located on or serving the site, including sizes of water and sewer lines.
23. Loading and unloading areas.
24. Estimated number of full-time and part-time employees.
25. Where large equipment or machinery is to be installed as part of the development, the location, type, horsepower, fuel, dimensions, noise, vibration, and emission levels, and other data of all such equipment or machinery.
26. General location type, and size of proposed signs for all buildings and uses on site.
27. Such other reasonable and relevant information as may be required by the city to assist in the review of the proposed development.
28. Proposed fire lanes and fire lane signs.
29. Proposed traffic circulation pattern and proposed signs and specifications for control of traffic.
30. Measures to be taken to protect existing on-site trees not proposed for removal as part of the development.
31. Landscape plan showing species, spacing, and size of each tree and plant material and ground cover and including required irrigation method.
32. Final site plan approval may be conditioned on approvals being obtained from outside agencies.
33. Site engineering plans prepared by a registered civil engineer. Submission of final engineering plans may be a condition of site plan approval. Plans shall include the following:
 - (a) A proposed grading and drainage plan. The plan should show proposed finished floor elevations, finished grades at structures, proposed storm

collection system, storm outlet(s), ultimate downstream outlet, and, when required, retention/detention basin design calculations. Any areas of filled or reclaimed land shall be identified and all development shall detain stormwater so that the runoff from the property does not negatively impact upon adjacent properties or public and private rights-of-way. Compliance with engineering standards shall be determined by the city engineer. The planning commission shall require compliance with engineering standards, subject to the city engineer's final approval, as a condition of site plan approval.

- (b) All utilities located on or serving the site, including sizes of water and sewer lines, proposed hydrants, proposed meter size, and proposed fire suppression line into building. Proposed sanitary leads, proposed sanitary sewers or on-site disposal systems must also be shown, as applicable.
 - (c) Proposed streets and drives showing types of surfacing, whether public or private, and grade elevations.
 - (d) If connected to a city water system, show existing invert elevation or lateral at proposed tap manhole and approximate invert; otherwise, Location of existing or proposed well.
 - (e) If connected to a city sanitary system, show existing invert elevation or lateral at proposed tap man-hole and approximate invert
 - (f) Preliminary storm system layout and flow arrows demonstrating that storm flow connections and disposal methods are feasible.
 - (g) Typical cross-sections for streets, roads, alleys, parking lots, etc., as applicable.
 - (h) Existing and proposed ground contours at intervals of one foot.
- I. *Fees.* Any application for site plan approval shall be accompanied by a fee as determined from time to time by resolution of the city council. Such fee may be utilized by the city to determine if the development will conform to the applicable city ordinances, policies, and standards, and for investigation and report of any objectionable elements.
- J. *Performance guarantees.* To insure compliance with the provisions of this ordinance and any conditions imposed by the planning commission, the department of technical and planning services may require that a performance guarantee be deposited with the city to insure the faithful completion of improvements, in accordance with Section 505 (1) of the Michigan Zoning Enabling Act of 2006, Public Act 110 of 2006, as amended. Improvements for which the city may require a performance guarantee include, but are not limited to, landscaping, berms, screen walls, lighting, surfacing of drives, parking areas, and acceleration/deceleration lanes, traffic control devices, sewer or water line improvements, and storm water management systems.

SECTION 2. Conflicting Provisions Repealed

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

SECTION 3. Severability

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

SECTION 4. Effective Date

This ordinance shall be published as required by the Charter of the City of Oak Park and shall become effective ten (10) days from the date of its passage or upon the expiration of seven (7) days after its publication, whichever is later.

MADE, PASSED AND ADOPTED by the Council of the City of Oak Park on this day of _____, 2017.

T. Edwin Norris, City Clerk

I, T. Edwin Norris, the duly authorized Clerk of the City of Oak Park, Michigan, do hereby certify that the foregoing ordinance was adopted by the Council of the City of Oak Park at its regular meeting held on _____, 2017.

T. Edwin Norris
City Clerk

First Reading:
Second Reading:
Adopted:
Published:

**GARAN
LUCOW
MILLER P.C.**
GREAT LAKES LAW FIRM SERVING CLIENTS NATIONALLY

MEMORANDUM

TO: Mayor Marian McClellan
Hon. City Council

FROM: Ebony L. Duff, Esq.

DATE: November 30, 2017

SUBJECT: 123 Net, Inc. - Application for METRO Act Permit

Honorable Mayor and Council:

On November 13, 2017, the City received an Application by 123 Net, Inc. for a METRO Act Permit in the City of Oak Park for access to, and ongoing use of public rights-of-way within the City for the purpose of installation of fiber optic cable. 123 Net submitted its Application and proposed Permit along with the required \$500 one-time Application fee. The applicable statute requires the City to approve or deny access to the Permit within 45 days from the date a provider files an Application for a Permit.

I have undertaken a review of 123 Net's submissions to ensure that they meet the statutory requirements of Public Act No. 48 of 2002 as well as the City of Oak Park Code of Ordinances Chapter 71 regarding Telecommunication Services. The Application states that the proposed route for the cable installation will enter the City at the intersection of Greenfield Rd and W. Nine Mile Rd heading east along the north side of W. Nine Mile Rd. The proposed route will travel approximately 253 feet underground before rising up an existing DTE pole. The remainder of the proposed route will then follow an aerial path along existing DTE poles, eventually leaving the City at the location of Northend Ave and Meyers Rd. The Department of Technical & Planning has reviewed the proposed route map/drawing and has approved of same. 123 Net has also presented a certificate of insurance covering the proposed work which names the City as an additional insured as required by State Law and local Ordinance. The Permit is requested for a term of 5 years which is consistent with the City Ordinance.

As the documents submitted by 123 Net comply with the statutory requirements, I recommend approval of their Application. I have attached a proposed Resolution approving the Application along with a copy of the Application and proposed Permit for your review and approval at the City Council Meeting on December 4, 2017. Please note that I will not be in attendance at the meeting due to an unavoidable conflict, so if you have any questions or would like to discuss the Application in greater detail, please do not hesitate to give me a call.

Thank you for your consideration of this recommendation.

Ebony L. Duff

**CITY OF OAK PARK
RESOLUTION APPROVING 123 NET INC.
APPLICATION FOR METRO ACT PERMIT**

WHEREAS, the City of Oak Park has received a request from 123 Net, Inc. for a METRO Act Right-of-Way Telecommunications Permit for a term of five years; and

WHEREAS, 123 Net, Inc. has submitted an Application for the permit, which complies with the requirements of the Act; and

WHEREAS, the City is aware of no reason to deny the permit.

NOW, THEREFORE, BE IT RESOLVED, by the City Council for the City of Oak Park, Oakland County, Michigan, that:

1. The request by 123 Net, Inc. for the City to grant a five year METRO Act Permit is hereby approved.
2. The Mayor, City Manager, and City Clerk are authorized and directed to execute the METRO Act Right-of-Way Permit, in substantially the form attached hereto.
3. All resolutions inconsistent with this Resolution be and hereby are rescinded to the extent of such inconsistency.

Roll Call Vote: Yes,
 No,
 Absent,

**METRO Act
Unilateral Form
Revised 12/06/02**

**RIGHT-OF-WAY
TELECOMMUNICATIONS PERMIT**

This permit issued this ____ day of _____, 20__ by the City of Oak Park.

1 Definitions

- 1.1 Date of Issuance shall mean the date set forth above.
- 1.2 Manager shall mean Municipality's [Mayor/Manager/Supervisor/Village President] or his or her designee.
- 1.3 METRO Act shall mean the Metropolitan Extension Telecommunications Right-of Way oversight Act, Act No. 48 of the Public Acts of 2002, as amended.
- 1.4 Municipality shall mean the City of Oak Park, a Michigan municipal corporation.
- 1.5 Permit shall mean this document.
- 1.6 Permittee shall mean 123.Net, Inc. organized under the laws of the State of Michigan whose address is 24700 Northwestern Hwy., Ste. 700, Southfield, MI 48075.
- 1.7 Public Right-of-Way shall mean the area on, below, or above a public roadway, highway, street, alley, easement, or waterway, to the extent Municipality has the ability to grant the rights set forth herein. Public Right-of-Way does not include a federal, state, or private right-of-way.
- 1.8 Telecommunications Facilities or Facilities shall mean the Permittee's equipment or personal property, such as copper and fiber cables, lines, wires, switches, conduits, pipes, and sheaths, which are used to or can generate, receive, transmit, carry, amplify or provide telecommunication services or signals. Telecommunication Facilities or Facilities do not include antennas, supporting structures for antennas, equipment shelters or houses, and any ancillary equipment and miscellaneous hardware used to provide federally licensed commercial mobile service as defined in Section 332(d) of Part I of Title III of the Communications Act of 1934, Chapter 652, 48 Stat. 1064, 47 U.S.C. 332 and further defined as commercial mobile radio service in 47 CFR 20.3, and service provided by any wireless, two-way communications device.
- 1.9 Term shall have the meaning set forth in Part 7.

2 Grant

- 2.1 Municipality hereby issues a permit under the METRO Act to Permittee for access to and ongoing use of the Public Right-of-Way identified on Exhibit A to construct, install and maintain Telecommunication Facilities on the terms set forth herein.
- 2.1.1 Exhibit A may be modified by Manager upon written request by Permittee.
- 2.1.2 Any decision of Manager on a request by Permittee for a modification may be appealed by Permittee to Municipality's legislative body.
- 2.2 Overlashing. Permittee shall not allow the wires or any other facilities of a third party to be overlashed to the Telecommunication Facilities without Municipality's prior written consent. Municipality's right to withhold written consent is subject to the authority of the Michigan Public Service Commission under Section 361 of the Michigan Telecommunications Act, MCL § 484.2361.
- 2.3 Nonexclusive. The rights granted by this Permit are nonexclusive. Municipality reserves the right to approve, at any time, additional permits for access to and ongoing usage of the Public Right-of-Way by telecommunications providers and to enter into agreements for use of the Public Right-of-Way with and grant franchises for use of the Public Right-of-Way to telecommunications providers, cable companies, utilities and other providers.

3 Contacts, Maps and Plans

- 3.1 Permittee Contacts. The names, addresses and the like for engineering and construction related information for Permittee and its Telecommunication Facilities are as follows:
- 3.1.1 The address, e-mail address, phone number and contact person (title or name) at Permittee's local office (in or near Municipality) is **Bill Bell, Fiber Project Manager, 24700 Northwestern Hwy., Ste 700, Southfield, MI 48075, (248) 228-8251, bbell@123.net.**
- 3.1.2 If Permittee's engineering drawings, as-built plans and related records for the Telecommunication Facilities will not be located at the preceding local office, the location address, phone number and contact person (title or department) for them is _____. [N/A]
- 3.1.3 The name, title, address, e-mail address and telephone numbers of

Permittee's engineering contact person(s) with responsibility for the design, plans and construction of the Telecommunication Facilities is same as in 3.1.1.

3.1.4 The address, phone number and contact person (title or department) at Permittee's home office/regional office with responsibility for engineering and construction related aspects of the Telecommunication Facilities is same as in 3.1.1.

3.1.5 Permittee shall at all times provide Manager with the phone number at which a live representative of Permittee (not voice mail) can be reached 24 hours a day, seven (7) days a week, in the event of a public emergency.

3.1.6 Permittee shall immediately notify Municipality in writing as set forth in Part 12 of any inaccuracies or changes in the preceding information.

3.2 Route Maps. Within ninety (90) days after the substantial completion of new Facilities in a Municipality, a provider shall submit route maps showing the location of the Telecommunication Facilities to both the Michigan Public Service Commission and to the Municipality, as required under Section 6(7) of the METRO Act, MCLA 484.3106(7).

3.3 As-Built Records. Permittee, without expense to Municipality, shall, upon forty-eight (48) hours notice, give Municipality access to all "as-built" maps, records, plans and specifications showing the Telecommunication Facilities or portions thereof in the Public Right-of-Way. Upon request by Municipality, Permittee shall inform Municipality as soon as reasonably possible of any changes from previously supplied maps, records, or plans and shall mark up maps provided by Municipality so as to show the location of the Telecommunication Facilities.

4 Use of Public Right-of-Way

4.1 No Burden on Public Right-of-Way. Permittee, its contractors, subcontractors, and the Telecommunication Facilities shall not unduly burden or interfere with the present or future use of any of the Public Right-of-Way. Permittee's aerial cables and wires shall be suspended so as to not endanger or injure persons or property in or about the Public Right-of-Way. If Municipality reasonably determines that any portion of the Telecommunication Facilities constitutes an undue burden or interference, due to changed circumstances, Permittee, at its sole expense, shall modify the Telecommunication Facilities or take such other actions as Municipality may determine is in the public interest to remove or alleviate the burden, and Permittee shall do so within a reasonable time period. Municipality will attempt to require all occupants of a pole or conduit whose facilities are a burden to remove or alleviate the burden concurrently.

- 4.2 No Priority. This Permit does not establish any priority of use of the Public Right-of-Way by Permittee over any present or future permittees or parties having agreements with Municipality or franchises for such use. In the event of any dispute as to the priority of use of the Public Right-of-Way, the first priority shall be to the public generally, the second priority to Municipality, the third priority to the State of Michigan and its political subdivisions in the performance of their various functions, and thereafter as between other permit, agreement or franchise holders, as determined by Municipality in the exercise of its powers, including the police power and other powers reserved to and conferred on it by the State of Michigan.
- 4.3 Restoration of Property. Permittee, its contractors and subcontractors shall immediately (subject to seasonal work restrictions) restore, at Permittee's sole expense, in a manner approved by Municipality, any portion of the Public Right-of-Way that is in any way disturbed, damaged, or injured by the construction, installation, operation, maintenance or removal of the Telecommunication Facilities to a reasonably equivalent (or, at Permittee's option, better) condition as that which existed prior to the disturbance. In the event that Permittee, its contractors or subcontractors fail to make such repair within a reasonable time, Municipality may make the repair and Permittee shall pay the costs Municipality incurred for such repair.
- 4.4 Marking. Permittee shall mark the Telecommunication Facilities as follows: Aerial portions of the Telecommunication Facilities shall be marked with a marker on Permittee's lines on alternate poles which shall state Permittee's name and provide a toll-free number to call for assistance. Direct buried underground portions of the Telecommunication Facilities shall have (1) a conducting wire placed in the ground at least several inches above Permittee's cable (if such cable is nonconductive); (2) at least several inches above that, a continuous colored tape with a statement to the effect that there is buried cable beneath; and (3) stakes or other appropriate above ground markers with Permittee's name and a toll-free number indicating that there is buried telephone cable below. Bored underground portions of the Telecommunication Facilities shall have a conducting wire at the same depth as the cable and shall not be required to provide the continuous colored tape. Portions of the Telecommunication Facilities located in conduit, including conduit of others used by Permittee, shall be marked at its entrance into and exit from each manhole and handhole with Permittee's name and a toll-free telephone number.
- 4.5 Tree Trimming. Permittee may trim trees upon and overhanging the Public Right-of-Way so as to prevent the branches of such trees from coming into contact with the Telecommunication Facilities, consistent with any standards adopted by Municipality. Permittee shall dispose of all trimmed materials. Permittee shall minimize the trimming of trees to that essential to maintain the integrity of the Telecommunication Facilities. Except in emergencies, all

trimming of trees in the Public Right-of-Way shall have the advance approval of Manager.

- 4.6 Installation and Maintenance. The construction and installation of the Telecommunication Facilities shall be performed pursuant to plans approved by Municipality. The open cut of any Public Right-of-Way shall be coordinated with the Manager or his designee. Permittee shall install and maintain the Telecommunication Facilities in a reasonably safe condition. If the existing poles in the Public Right-of-Way are overburdened or unavailable for Permittee's use, or the facilities of all users of the poles are required to go underground then Permittee shall, at its expense, place such portion of its Telecommunication Facilities underground, unless Municipality approves an alternate location. Permittee may perform maintenance on the Telecommunication Facilities without prior approval of Municipality, provided that Permittee shall obtain any and all permits required by Municipality in the event that any maintenance will disturb or block vehicular traffic or are otherwise required by Municipality.
- 4.7 Pavement Cut Coordination. Permittee shall coordinate its construction and all other work in the Public Right-of-Way with Municipality's program for street construction and rebuilding (collectively "Street Construction") and its program for street repaving and resurfacing (except seal coating and patching) (collectively, "Street Resurfacing").
- 4.7.1 The goals of such coordination shall be to encourage Permittee to conduct all work in the Public Right-of-Way in conjunction with or immediately prior to any Street Construction or Street Resurfacing planned by Municipality.
- 4.8 Compliance with Laws. Permittee shall comply with all laws, statutes, ordinances, rules and regulations regarding the construction, installation, and maintenance of its Telecommunication Facilities, whether federal, state or local, now in force or which hereafter may be promulgated. Before any installation is commenced, Permittee shall secure all necessary permits, licenses and approvals from Municipality or other governmental entity as may be required by law, including, without limitation, all utility line permits and highway permits. Permittee shall comply in all respects with applicable codes and industry standards, including but not limited to the National Electrical Safety Code (latest edition adopted by Michigan Public Service Commission) and the National Electric Code (latest edition). Permittee shall comply with all zoning and land use ordinances and historic preservation ordinances as may exist or may hereafter be amended.
- 4.9 Street Vacation. If Municipality vacates or consents to the vacation of Public Right-of-Way within its jurisdiction, and such vacation necessitates the removal and relocation of Permittee's Facilities in the vacated Public Right-of-Way,

Permittee shall, as a condition of this Permit, consent to the vacation and remove its Facilities at its sole cost and expense when ordered to do so by Municipality or a court of competent jurisdiction. Permittee shall relocate its Facilities to such alternate route as Municipality, applying reasonable engineering standards, shall specify.

- 4.10 Relocation. If Municipality requests Permittee to relocate, protect, support, disconnect, or remove its Facilities because of street or utility work, or other public projects, Permittee shall relocate, protect, support, disconnect, or remove its Facilities, at its sole cost and expense, including where necessary to such alternate route as Municipality, applying reasonable engineering standards, shall specify. The work shall be completed within a reasonable time period.
- 4.11 Public Emergency. Municipality shall have the right to sever, disrupt, dig-up or otherwise destroy Facilities of Permittee if such action is necessary because of a public emergency. If reasonable to do so under the circumstances, Municipality will attempt to provide notice to Permittee. Public emergency shall be any condition which poses an immediate threat to life, health, or property caused by any natural or man-made disaster, including, but not limited to, storms, floods, fire, accidents, explosions, water main breaks, hazardous material spills, etc. Permittee shall be responsible for repair at its sole cost and expense of any of its Facilities damaged pursuant to any such action taken by Municipality.
- 4.12 Miss Dig. If eligible to join, Permittee shall subscribe to and be a member of "MISS DIG," the association of utilities formed pursuant to Act 53 of the Public Acts of 1974, as amended, MCL § 460.701 et seq., and shall conduct its business in conformance with the statutory provisions and regulations promulgated thereunder.
- 4.13 Underground Relocation. If Permittee has its Facilities on poles of Consumers Energy, Detroit Edison or another electric or telecommunications provider and Consumers Energy, Detroit Edison or such other electric or telecommunications provider relocates its system underground, then Permittee shall relocate its Facilities underground in the same location at Permittee's sole cost and expense.
- 4.14 Identification. All personnel of Permittee and its contractors or subcontractors who have as part of their normal duties contact with the general public shall wear on their clothing a clearly visible identification card bearing Permittee's name, their name and photograph. Permittee shall account for all identification cards at all times. Every service vehicle of Permittee and its contractors or subcontractors shall be clearly identified as such to the public, such as by a magnetic sign with Permittee's name and telephone number.

5 Indemnification

- 5.1 Indemnity. Permittee shall defend, indemnify, protect, and hold harmless Municipality, its officers, agents, employees, elected and appointed officials, departments, boards, and commissions from any and all claims, losses, liabilities, causes of action, demands, judgments, decrees, proceedings, and expenses of any nature (collectively "claim" for this Part 5) (including, without limitation, attorneys' fees) arising out of or resulting from the acts or omissions of Permittee, its officers, agents, employees, contractors, successors, or assigns, but only to the extent such acts or omissions are related to the Permittee's use of or installation of facilities in the Public Right-of-Way and only to the extent of the fault or responsibility of Permittee, its officers, agents, employees, contractors, successors and assigns.
- 5.2 Notice, Cooperation. Municipality will notify Permittee promptly in writing of any such claim and the method and means proposed by Municipality for defending or satisfying such claim. Municipality will cooperate with Permittee in every reasonable way to facilitate the defense of any such claim. Municipality will consult with Permittee respecting the defense and satisfaction of such claim, including the selection and direction of legal counsel.
- 5.3 Settlement. Municipality will not settle any claim subject to indemnification under this Part 5 without the advance written consent of Permittee, which consent shall not be unreasonably withheld. Permittee shall have the right to defend or settle, at its own expense, any claim against Municipality for which Permittee is responsible hereunder.

6 Insurance

- 6.1 Coverage Required. Prior to beginning any construction in or installation of the Telecommunication Facilities in the Public Right-of-Way, Permittee shall obtain insurance as set forth below and file certificates evidencing same with Municipality. Such insurance shall be maintained in full force and effect until the end of the Term. In the alternative, Permittee may satisfy this requirement through a program of self-insurance, acceptable to Municipality, by providing reasonable evidence of its financial resources to Municipality. Municipality's acceptance of such self-insurance shall not be unreasonably withheld.
- 6.1.1 Commercial general liability insurance, including Completed Operations Liability, Independent Contractors Liability, Contractual Liability coverage, railroad protective coverage and coverage for property damage from perils of explosion, collapse or damage to underground utilities, commonly known as XCU coverage, in an amount not less than Five Million Dollars (\$5,000,000).
- 6.1.2 Liability insurance for sudden and accidental environmental contamination with minimum limits of Five Hundred Thousand Dollars

(\$500,000) and providing coverage for claims discovered within three (3) years after the term of the policy.

6.1.3 Automobile liability insurance in an amount not less than One Million Dollars (\$1,000,000).

6.1.4 Workers' compensation and employer's liability insurance with statutory limits, and any applicable Federal insurance of a similar nature.

6.1.5 The coverage amounts set forth above may be met by a combination of underlying (primary) and umbrella policies so long as in combination the limits equal or exceed those stated. If more than one insurance policy is purchased to provide the coverage amounts set forth above, then all policies providing coverage limits excess to the primary policy shall provide drop down coverage to the first dollar of coverage and other contractual obligations of the primary policy, should the primary policy carrier not be able to perform any of its contractual obligations or not be collectible for any of its coverages for any reason during the Term, or (when longer) for as long as coverage could have been available pursuant to the terms and conditions of the primary policy.

6.2 Additional Insured. Municipality shall be named as an additional insured on all policies (other than worker's compensation and employer's liability). All insurance policies shall provide that they shall not be canceled, modified or not renewed unless the insurance carrier provides thirty (30) days prior written notice to Municipality. Permittee shall annually provide Municipality with a certificate of insurance evidencing such coverage. All insurance policies (other than environmental contamination, workers' compensation and employer's liability insurance) shall be written on an occurrence basis and not on a claims made basis.

6.3 Qualified Insurers. All insurance shall be issued by insurance carriers licensed to do business by the State of Michigan or by surplus line carriers on the Michigan Insurance Commission approved list of companies qualified to do business in Michigan. All insurance and surplus line carriers shall be rated A+ or better by A.M. Best Company.

6.4 Deductibles. If the insurance policies required by this Part 6 are written with retainages or deductibles in excess of \$50,000, they shall be approved by Manager in advance in writing. Permittee shall indemnify and save harmless Municipality from and against the payment of any deductible and from the payment of any premium on any insurance policy required to be furnished hereunder.

6.5 Contractors. Permittee's contractors and subcontractors working in the Public Right-of-Way shall carry in full force and effect commercial general liability, environmental contamination liability, automobile liability and workers'

compensation and employer liability insurance which complies with all terms of this Part 6. In the alternative, Permittee, at its expense, may provide such coverages for any or all its contractors or subcontractors (such as by adding them to Permittee's policies).

- 6.6 Insurance Primary. Permittee's insurance coverage shall be primary insurance with respect to Municipality, its officers, agents, employees, elected and appointed officials, departments, boards, and commissions (collectively "them"). Any insurance or self-insurance maintained by any of them shall be in excess of Permittee's insurance and shall not contribute to it (where "insurance or self-insurance maintained by any of them" includes any contract or agreement providing any type of indemnification or defense obligation provided to, or for the benefit of them, from any source, and includes any self-insurance program or policy, or self-insured retention or deductible by, for or on behalf of them).

7 Term

- 7.1 Term. The term ("Term") of this Permit shall be until the earlier of:

- 7.1.1 Five years or less from the Date of Issuance; or
- 7.1.2 When the Telecommunication Facilities has not been used to provide telecommunications services for a period of one hundred and eighty (180) days by Permittee or a successor or an assignee of Permittee; or
- 7.1.3 When Permittee, at its election and with or without cause, delivers written notice of termination to Municipality at least one-hundred and eighty (180) days prior to the date of such termination; or
- 7.1.4 Upon either Permittee or Municipality giving written notice to the other of the occurrence or existence of a default by the other party under Sections 4.8, 6, 8 or 9 of this Permit and such defaulting party failing to cure, or commence good faith efforts to cure, such default within sixty (60) days (or such shorter period of time provided elsewhere in this Permit) after delivery of such notice; or
- 7.1.5 Unless Manager grants a written extension, one year from the Date of Issuance if prior thereto Permittee has not started the construction and installation of the Telecommunication Facilities within the Public Right-of-Way and two years from the Date of Issuance if by such time construction and installation of the Telecommunication Facilities is not complete.

8 Performance Bond or Letter of Credit

- 8.1 Municipal Requirement. Municipality may require Permittee to post a bond (or letter of credit) as provided in Section 15(3) of the METRO Act, as amended [MCL § 484.3115(3)].

9 Fees

- 9.1 Establishment; Reservation. The METRO Act shall control the establishment of right-of-way fees. The parties reserve their respective rights regarding the nature and amount of any fees which may be charged by Municipality in connection with the Public Right-of-Way.

10 Removal

- 10.1 Removal; Underground. As soon as practicable after the Term, Permittee or its successors and assigns shall remove any underground cable or other portions of the Telecommunication Facilities from the Public Right-of-Way which has been installed in such a manner that it can be removed without trenching or other opening of the Public Right-of-Way. Permittee shall not remove any underground cable or other portions of the Telecommunication Facilities which requires trenching or other opening of the Public Right-of-Way except with the prior written approval of Manager. All removals shall be at Permittee's sole cost and expense.

10.1.1 For purposes of this Part 10, "cable" means any wire, coaxial cable, fiber optic cable, feed wire or pull wire.

- 10.2 Removal; Above Ground. As soon as practicable after the Term, Permittee, or its successor or assigns at its sole cost and expense, shall, unless waived in writing by Manager, remove from the Public Right-of-Way all above ground elements of its Telecommunication Facilities, including but not limited to poles, pedestal mounted terminal boxes, and lines attached to or suspended from poles.

- 10.3 Schedule. The schedule and timing of removal shall be subject to approval by Manager. Unless extended by Manager, removal shall be completed not later than twelve (12) months following the Term. Portions of the Telecommunication Facilities in the Public Right-of-Way which are not removed within such time period shall be deemed abandoned and, at the option of Municipality exercised by written notice to Permittee as set forth in Part 12, title to the portions described in such notice shall vest in Municipality.

- 11 Assignment. Permittee may assign or transfer its rights under this Permit, or the persons or entities controlling Permittee may change, in whole or in part, voluntarily, involuntarily, or by operation of law, including by merger or consolidation, change in the ownership or control of Permittee's business, or by other means, subject to the following:

- 11.1 No such transfer or assignment or change in the control of Permittee shall be effective under this Permit, without Municipality's prior approval (not to be unreasonably withheld), during the time period from the Date of Issuance until the completion of the construction of the Telecommunication Facilities in those portions of the Public Right-of-Way identified on Exhibit A.
- 11.2 After the completion of such construction, Permittee must provide notice to Municipality of such transfer, assignment or change in control no later than thirty (30) days after such occurrence; provided, however,
- 11.2.1 Any transferee or assignee of this Permit shall be qualified to perform under its terms and conditions and comply with applicable law; shall be subject to the obligations of this Permit, including responsibility for any defaults which occurred prior to the transfer or assignment; shall supply Municipality with the information required under Section 3.1; and shall comply with any updated insurance and performance bond requirements under Sections 6 and 8 respectively, which Municipality reasonably deems necessary, and
- 11.2.2 In the event of a change in control, it shall not be to an entity lacking the qualifications to assure Permittee's ability to perform under the terms and conditions of this Permit and comply with applicable law; and Permittee shall comply with any updated insurance and performance bond requirements under Sections 6 and 8 respectively, which Municipality reasonably deems necessary.
- 11.3 Permittee may grant a security interest in this Permit, its rights thereunder or the Telecommunication Facilities at any time without notifying Municipality.

12 Notices

- 12.1 Notices. All notices under this Permit shall be given as follows:

12.1.1 If to Municipality, to _____.

12.1.2 If to Permittee, to **Bill Bell at 24700 Northwestern Hwy., Ste. 700, Southfield, MI 48075, with a copy to bbell@123.net.**

- 12.2 Change of Address. Permittee and Municipality may change its address or personnel for the receipt of notices at any time by giving notice thereof to the other as set forth above.

13 Other items

- 13.1 No Cable, OVS. This Permit does not authorize Permittee to provide commercial cable type services to the public, such as "cable service" or the services of an "open video system operator" (as such terms are defined in the Federal Communications Act of 1934 and implementing regulations, currently 47 U.S.C. §§ 522 (6), 573 and 47 CFR § 76.1500).
- 13.2 Effectiveness. This Permit shall become effective when Permittee has provided any insurance certificates and bonds required in Parts 6 and 8, and signed the acknowledgement of receipt, below.
- 13.3 Authority. This Permit satisfies the requirement for a permit under Section 5 of the METRO Act [MCL 484.3105].
- 13.4 Interpretation and Severability. The provisions of this Permit shall be liberally construed to protect and preserve the peace, health, safety and welfare of the public, and should any provision or section of this Permit be held unconstitutional, invalid, overbroad or otherwise unenforceable, such determination/holding shall not be construed as affecting the validity of any of the remaining conditions of this Permit. If any provision in this Permit is found to be partially overbroad, unenforceable, or invalid, Permittee and Municipality may nevertheless enforce such provision to the extent permitted under applicable law.
- 13.5 Governing Law. This Permit shall be governed by the laws of the State of Michigan.

City of Oak Park

By: _____
Its: _____
Date: _____

Acknowledgement of Receipt: Permittee acknowledges receipt of this Permit granted by Municipality.

123.Net, Inc.

By: _____
Its: _____
Date: _____

**BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN****AGENDA OF:** December 4, 2017 **AGENDA#**

SUBJECT: Request approval of Maintenance and Operation agreement with the Michigan Department of Transportation for gateway sign, ornamental pedestrian fencing and decorative street lighting to be installed as a part of the 2017 I-696 at Coolidge Highway Bridge Enhancement Project, M-670.

DEPARTMENT: Technical & Planning – Engineering GWS

SUMMARY: The Engineering Division is requesting approval and adoption of a resolution certifying rights and obligations regarding the performance, maintenance, and operation of Gateway signage, ornamental pedestrian fencing, and decorative street lighting installation work. Upon completion of construction, the City will, at its sole cost and expense, inspect, maintain and operate the facilities constructed.

FINANCIAL STATEMENT: There is \$350,000 budgeted in the FY 2017-18 budget for this expenditure.

RECOMMENDED ACTION: It is recommended that the City Council approve the attached Maintenance and Operation agreement 17-5505 with the Michigan Department of Transportation for a gateway sign, ornamental pedestrian fencing and decorative street lighting to be installed as a part of the 2017 I-696 at Coolidge Highway Bridge Enhancement Project, M-670 and to authorize the City Manager and City Clerk to sign the contract on behalf of the City.

APPROVALS:

City Manager: _____

Department Director: _____

Director of Finance: _____

Budgeted: ☒**EXHIBITS:** Agreement



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
LANSING

KIRK T. STEUDLE
DIRECTOR

November 7, 2017

Mr. Ed Norris, City Clerk
City of Oak Park
14000 Oak Park Boulevard
Oak Park, Michigan 48237

Dear Mr. Norris:

RE: Contract Number: 17-5505
Control Section: 63102
Permit Reference #: 48509

Enclosed are the original and one copy of the above described contract between your organization and the Michigan Department of Transportation (MDOT). Please take time to read and understand this contract.

1. Do not date the contracts. MDOT will date the contracts when they are executed.
2. If this contract meets with your approval, secure the authorized signatures on the enclosed contracts.
3. Attach two (2) original certified resolutions. The resolution should specifically name the officials who are authorized to sign the contract and include the contract number. If you need an example of a resolution, please contact Kathy Fulton at fultonk@michigan.gov or (517) 373-4161.
4. Return the signed original and one copy of the above-described contract and attach two (2) original certified resolutions to:

Attention: Kathy J. Fulton
MDOT – Development Services Division, 2nd Floor
425 West Ottawa Street, P.O. Box 30050
Lansing, MI 48909

To ensure that the work for this project is not delayed, return the contracts within 35 days from the date of this letter. A copy of the executed contract will be returned to your organization.

If you have questions on the content of this contract, or revisions are required, please contact Deirdre Thompson, Local Government Contract Engineer at thompsond@michigan.gov or (517) 335-2265.

Enclosure

PERMIT
SPECIAL TRUNKLINE
MAINTENANCE

DA
Control Section 63102
Permit Reference Number 48509
Contract 17-5505

THIS CONTRACT is made and entered into this date of _____, by and between the MICHIGAN DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the "DEPARTMENT"; and the CITY OF OAK PARK, a Michigan municipal corporation, hereinafter referred to as the "AGENCY"; for the purpose of fixing the rights and obligations of the parties in agreeing to the maintenance and operation of gateway sign, ornamental pedestrian fencing and decorative street lighting to be installed by the AGENCY on Structure S18 of 63102 which carries Coolidge Highway over the Highway I-696.

WITNESSETH:

WHEREAS, the AGENCY is proposing the installation of a gateway sign and lighting within the trunkline roadway limited access right-of-way; and

WHEREAS, the DEPARTMENT has determined it to be acceptable to have the AGENCY construct the proposed work which is hereinafter referred to as the "PROJECT" and are further described and located as follows:

Gateway sign, ornamental pedestrian fencing, and decorative street lighting installation work on Structure S18 of 63102 which carries Coolidge Highway over the Highway I-696; together with necessary related work, located within the corporate limits of the AGENCY; and

WHEREAS, the AGENCY will be responsible for the entire cost of the PROJECT; and

WHEREAS, the parties hereto have reached an understanding with each other regarding the performance of the PROJECT work and the maintenance and operation of the facility to be constructed as the PROJECT and desire to set forth this understanding in the form of a written agreement.

NOW, THEREFORE, in consideration of the premises and of the mutual undertakings of the parties and in conformity with applicable law, it is agreed:

1. The AGENCY will construct the PROJECT at no cost to the DEPARTMENT.
2. The AGENCY shall cause to be performed all the PROJECT work as defined in the permit obtained from the DEPARTMENT. It is understood that portions or all of the

PROJECT work will be placed under contract by the AGENCY. The performance of the PROJECT work will be subject to the conditions established in PERMIT REFERENCE NUMBER 48509.

3. Upon completion of construction, the AGENCY will, at its sole cost and expense, inspect, maintain and operate the facility constructed as the PROJECT. All future maintenance activities will require a permit from the DEPARTMENT. The AGENCY shall conform with all DEPARTMENT permit requirements for any work to be performed within the state trunkline right-of-way. As built plans will be provided to the Oakland Transportation Service Center.

- A. The AGENCY agrees that the PROJECT location will be maintained so as to assure that any Trunkline facilities, structures and the area within the Trunkline right-of-way boundaries will be kept in good condition, both as to safety and appearance. All unauthorized drawings, graffiti and vandalism shall be removed by the AGENCY at no cost the DEPARTMENT. The maintenance of the facilities by the AGENCY will be accomplished in a manner so as not to cause interference with the reconstruction, maintenance or operation of the Trunkline facility and right-of-way.
- B. The DEPARTMENT reserves the right to enter the PROJECT location for the purpose of inspection, maintenance or reconstruction of the Trunkline facility when necessary. Additionally, the DEPARTMENT reserves the right to access the PROJECT location as deemed necessary for inspection relating to the DEPARTMENT'S interests. Such inspections are made for the DEPARTMENT'S own purposes and shall not relieve the AGENCY of its duties and obligations under the terms of this agreement. Any deficiencies discovered will be corrected or repaired by the AGENCY at no cost to the DEPARTMENT.
- C. Prior to occupancy and/or use of the PROJECT location, the DEPARTMENT will inspect and approve the construction of the PROJECT.
- D. Maintenance for the decorative street lighting portion of the PROJECT work shall include, but not be limited to replacement of lights and poles, as needed. All expenses for electrical service shall be the responsibility of the AGENCY.

4. The parties hereto agree to comply with all applicable requirements of the Natural Resources and Environmental Protection Act, 1994 P.A., 451, MCL 324.01 et. Seq. for all PROJECT work performed under this contract and future maintenance work, and the AGENCY shall require its contractors and subcontractors to comply with the same.

5. The AGENCY will not store, allow the storage of or discharge of any radioactive, toxic, flammable, poisonous, explosive or other dangerous, hazardous materials, or waste on the said premises. In addition, the AGENCY will not permit objectionable smoke, fumes, vapors, or odors to rise above the grade line of the Trunkline. No signs, displays or devices may be erected on the right-of-way for the PROJECT unless specified herein or approved by the DEPARTMENT.

6. It is expressly understood and agreed that in case of non-performance of any of the covenants herein made by the AGENCY and after said AGENCY has been furnished written notice of same by the DEPARTMENT and has been granted a reasonable period of time as determined by the DEPARTMENT for performance or correction thereof, this agreement shall be terminated and said AGENCY shall lose and be barred from all rights, remedies, and actions both at law and in equity upon or under this agreement.

7. It is expressly understood that use of the trunkline right-of-way is subject to the paramount right of the DEPARTMENT and that upon a determination by the DEPARTMENT that such right-of-way is required for the construction, operation, and/or maintenance of any present or proposed trunkline or trunkline use, this contract may be terminated at the discretion of the DEPARTMENT and the facility constructed as the PROJECT may be removed without reimbursement to the AGENCY.

8. Upon termination of this agreement, the AGENCY will peacefully yield up said PROJECT in as good order and condition as when delivered to the AGENCY at no cost to the DEPARTMENT. In the event this agreement is terminated and if the DEPARTMENT deems it necessary to request the removal of any facility occupying the premises, such removal shall be accomplished by the AGENCY in a manner as prescribed by the DEPARTMENT, at no cost to the DEPARTMENT or the Federal Highway Administration.

9. Any removal or modification of the facilities of the AGENCY, when necessary for Trunkline purposes, shall be performed by the AGENCY at no cost to the DEPARTMENT. Upon failure to so perform, the DEPARTMENT at its discretion may perform such work at the cost of the AGENCY or terminate this agreement.

10. The AGENCY recognizes and acknowledges that private and/or public utility companies may require the modification of the AGENCY'S facilities and it shall cooperate with the utility when requested by the DEPARTMENT at no cost to the DEPARTMENT, or interference with the Trunkline right of way and Trunkline facility.

11. It is understood that if the AGENCY discontinues, abandons or changes the usage of the PROJECT right-of-way, then this agreement shall be terminated and the DEPARTMENT shall have the right to immediately remove the facility constructed as the PROJECT without reimbursement to the AGENCY.

12. Each party to this Contract will remain responsive for any and all claims arising out of its own acts and/or omissions during the performance of the Contract, as provided by this contract or by law. In addition, this is not intended to increase or decrease either party's liability for or immunity from tort claims. This Contract is also not intended to nor will it be interpreted as giving either party a right of indemnification, either by contract or by law, for claims arising out of the performance of this Contract.

13. This contract shall become binding on the parties hereto and of full force and effect upon the signing thereof by the duly authorized officials for the AGENCY and for the DEPARTMENT and upon the adoption of a resolution approving said contract and authorizing the signatures thereto of the respective officials of the AGENCY, a certified copy of which resolution shall be attached to this contract.

IN WITNESS WHEREOF, the parties hereto have caused this contract to be executed the day and year first above written.

CITY OF OAK PARK

MICHIGAN DEPARTMENT
OF TRANSPORTATION

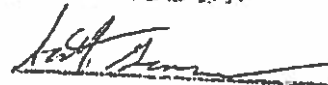
By _____
Title:

By _____
Department Director MDOT

By _____
Title:



ROB
10/26/17

APPROVED BY:

for Administrator
Real Estate
Date 11/6/17