

Oak Park

City Council Agenda

December 3, 2018





AGENDA
REGULAR CITY COUNCIL MEETING
37th CITY COUNCIL
OAK PARK, MICHIGAN
December 3, 2018
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 City Council Meeting Minutes of November 19, 2018
 - B. Zoning Board of Appeals Meeting Minutes of October 23, 2018
 - C. Corridor Improvement Authority Meeting Minutes of October 18, 2018
 - D. Retirement Board Meeting Minutes of July 23, 2018
 - E. Parks and Recreation Commission Meeting Minutes of September 12, 2018
 - F. Request to accept the Planning Commission's recommendation to approve a Special Land Use for Yeshiva Beth Yehudah, 14390 Ten Mile Road
 - G. Request to accept the Planning Commission's recommendation to approve a Special Land Use for Henderson Automotive, 14600 Eight Mile Road
 - H. Request to accept the Planning Commission's recommendation to approve a Special Land Use for a restaurant that serves alcoholic liquor for Eddie's Gourmet Restaurant, 25920 Greenfield
 - I. Licenses - New and Renewals as submitted for December 3, 2018
6. **RECOGNITION OF VISITING ELECTED OFFICIALS**
 7. **SPECIAL RECOGNITION/PRESENTATIONS:**
 - A. City Manager Employee Recognition – Robert Barrett, Director of Technical & Planning
 8. **PUBLIC HEARINGS:**
 - A. Public Hearing to receive public comment on the request by Eddie Hanna d/b/a Eddie's Gourmet Restaurant, 25920 Greenfield Road for the issuance of a Class C Liquor License
 - B. Resolutions approving a Class C Liquor License to Eddie Hanna d/b/a Eddie's Gourmet Restaurant, 25920 Greenfield Road
 9. **COMMUNICATIONS:** None
 10. **SPECIAL LICENSES:** None
 11. **ACCOUNTING REPORTS:** None

12. BIDS:

- A. Request to award bids for the 2018 45th District Court Building Renovation Project, M-684 for the total amount of \$1,532,301.00 and to further request that an appropriation from the City's Building fund balance of \$42,674 and the City's General Fund balance of \$12,572 be used to complete the roofing on the Community Center and Library

13. ORDINANCES: None

14. CITY ATTORNEY:

15. CITY MANAGER:

Department of Public Works

- A. Request to approve Change Order No. 1 in the amount of \$1,711.16 and Payment Application No. 2 in the amount of \$71,851.94 to Lacaria Concrete Construction for the 2018-2019 Catch Basin Line Replacement Project, M-687

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
37th OAK PARK CITY COUNCIL
November 19, 2018
7:00 PM**

MINUTES

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

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

ABSENT: None

OTHERS

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

APPROVAL OF AGENDA:

CM-11-399-18 (AGENDA ITEM #4) ADOPTION OF THE AGENDA AS PRESENTED – APPROVED

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

- Omit Items 15D and 15E
- Add Item 15H - Thanksgiving Holiday hours

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

MOTION DECLARED ADOPTED

CONSENT AGENDA:

CM-11-400-18 (AGENDA ITEM #5A-C) CONSENT AGENDA - APPROVED

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

- A. Regular Council Meeting Minutes of November 5, 2018 **CM-11-401-18**
- B. Payment of invoices from OHM Advisors for SAW Grant Support, Architectural and Engineering Design Development and Technology Design for the 45th District Court in the total amount of \$39,675.00 **CM-11-402-18**
- C. Licenses - New and Renewals as submitted for November 19, 2018 **CM-11-403-18**

**MERCHANT'S LICENSES – November 19, 2018
(Subject to All Departmental Approvals)**

<u>NEW MERCHANT</u>	<u>ADDRESS</u>	<u>FEE</u>	<u>BUSINESS TYPE</u>
BABY RAY PRODUCTION	21700 GREENFIELD 259	\$150.00	PRODUCTION/EVENT PLAN
FAMILY DRIVING SCHOOL	25246 GREENFIELD	\$150.00	DRIVING SCHOOL
NEW VINTAGE USA	21840 WYOMING PL.	\$150.00	ELECTRONIC INSTRUMENTATION

<u>RENEWALS</u>	<u>ADDRESS</u>	<u>FEE</u>	<u>BUSINESS TYPE</u>
PERSONAL UNIFORM SERVICE	10100 CAPITAL	\$150.00	UNIFORM SERVICE
SUPERIOR ELECTRIC	10280 CAPITAL	\$150.00	ELECTRICAL CONTRACTOR
PLUMBING TECHS PIPECON	12700 CAPITAL	\$150.00	PLUMBING CONTRACTOR
BMI ROAD SERVICE	13380 CAPITAL	\$150.00	ROAD SERVICES
DREAMS OF GOLD JEWELRY	24760 COOLIDGE	\$150.00	JEWELRY RETAIL
IMPRESSIVE TILE	12992 EIGHT MILE	\$150.00	CEILINGS & FLOORS RETAILER
HULL BROTHERS RENTAL	12992 EIGHT MILE B	\$150.00	EQUIPMENT RENTAL
BERTONI HOLDINGS	13600 EIGHT MILE	\$150.00	GAS STATION
EMBASSY MOTEL	14380 W. EIGHT MILE	\$150.00	MOTEL
BARTON MALOW COMPANY	21090 FERN	\$150.00	CONSTRUCTION MGMT
1800 PAY BENY	21380 GREENFIELD	\$150.00	PAWN SHOP
DIAMOND NAILS	21700 GREENFIELD 118	\$150.00	NAIL SALON
KROME JEWELERS	21700 GREENFIELD 302	\$150.00	JEWELRY RETAIL
HERMAN'S CREATIONS	21700 GREENFIELD 324	\$150.00	JEWELRY RETAIL
CARING NURSES OF MICHIGAN	23300 GREENFIELD 213	\$150.00	HOME HEALTH CARE
LUZOD REPORTING SERVICE	25900 GREENFIELD 414	\$150.00	OFFICE
SOLTMAN HEATING AND COOL	8650 NINE MILE	\$150.00	HVAC CONTRACTOR
SILVIA'S EUROPEAN HAIR DES.	10132 NINE MILE	\$150.00	HAIR DESIGN
MEDSOURCE PHARMACY	15300 NINE MILE 2	\$150.00	RETAIL PHARMACY

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

MOTION DECLARED ADOPTED

RECOGNITION OF VISITING ELECTED OFFICIALS: None

SPECIAL RECOGNITION/PRESENTATIONS: None

PUBLIC HEARINGS:

(AGENDA ITEM #8A) Public Hearing to receive public comments on the allocation of the 2019 Community Development Block Grant (CDBG) funds

Mayor McClellan opened the public hearing to receive public comments for the allocation of the 2019 Community Development Block Grant Funds at 7:05 P.M. Janet Vermeulen, Troy, Michigan, spoke on behalf of HAVEN, an Oakland County agency, and requested \$2,500.00 of the CDBG allocation to be used for support of their assistance to domestic violence victims and sexual assault survivors. Marie Verheyen, Walled Lake, Michigan, spoke on behalf of the Oakland Livingston Human Services Agency and summarized their support of the Oak Park yard services program for seniors. The public hearing was closed at 7:13 PM.

CM-11-404-18

**(AGENDA ITEM #8B) RESOLUTION APPROVING THE
RECOMMENDED ALLOCATIONS OF THE 2019 COMMUNITY
DEVELOPMENT BLOCK GRANT (CDBG) FUNDS AND
AUTHORIZING THE MAYOR TO SIGN THE APPLICATION AND
SUB RECIPIENT AGREEMENT ON BEHALF OF THE CITY
- APPROVED**

Motion by Radner, seconded by Weiss, CARRIED UNANIMOUSLY, to approve the following resolution approving the recommended allocations of the 2019 Community Development Block Grant Funds and to authorize the Mayor to sign the application and sub recipient agreement on behalf of the City:

**RESOLUTION APPROVING THE 2019
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 November 19, 2018 for the purposes of receiving comments regarding the proposed use of Program Year 2019 Community Development Block Grant funds in the approximate amount of \$118,325.00; 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	\$88,325.00
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.

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

MOTION DECLARED ADOPTED

COMMUNICATIONS: None

SPECIAL LICENSES: None

ACCOUNTING REPORTS:

CM-11-405-18 (AGENDA ITEM #11A) APPROVAL FOR PAYMENT OF INVOICES SUBMITTED BY GARAN, LUCOW, MILLER, P.C. FOR LEGAL SERVICES IN THE TOTAL AMOUNT OF \$19,605.54 - APPROVED

Motion by Burns, seconded by Radner, CARRIED UNANIMOUSLY, to approve payment of invoices #504350, #504351, #504352, #504353, #504354 and #504355 by Garan, Lucow, Miller P.C., for legal services rendered through October 31, 2018 in the total amount of \$19,605.54.

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

MOTION DECLARED ADOPTED

BIDS: None

ORDINANCES:

CM-11-406-18 (AGENDA ITEM #13A) SECOND READING AND ADOPTION OF AN ORDINANCE TO AMEND CHAPTER 82, ARTICLE III, SEWERS, DIVISION 1, SECTION 82-101 OF THE CITY OF OAK PARK CODE OF ORDINANCES – APPROVED

Motion by Radner, seconded by Burns, CARRIED UNANIMOUSLY, to approve the second reading and adopt the following ordinance to amend Chapter 82, Article III, Sewers, Division 1, Section 82-101 of the City of Oak Park Code of Ordinances:

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

AN ORDINANCE TO AMEND SECTIONS 82-101 OF CHAPTER 82, ARTICLE III, SEWERS, OF THE CODE OF ORDINANCES, CITY OF OAK PARK

THE CITY OF OAK PARK ORDAINS:

SECTION 1: Section 82-101, Definitions, of Chapter 82, Article III, Sewers, of the Code of Ordinances, City of Oak Park, is hereby amended to include the following definitions:

Authorized enforcement agency means the city engineer and his/her authorized representatives, which shall specifically include all inspectors and code enforcement, and any other individual designated by the Mayor of the City of X to enforce this Ordinance. Where applicable the terms may also mean the director of the Michigan Department of Environmental Quality or his/her designated official, and/or the United States EPA Administrator or his/her designated official.

Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

City means the City of Oak Park.

Clean Water Act means the federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Construction activity means activities subject to NPDES construction permits. These include construction projects resulting in land disturbance of five acres or more requiring an issued permit and small construction activities impacting one to five acres of land deemed to operate under a national permit. Such activities include, but are not limited to, clearing and grubbing, grading, excavating, and demolition.

Hazardous materials means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illegal discharge means any direct or indirect non-stormwater discharge to the storm drain system, except as exempted in this Ordinance.

Illicit connections mean either of the following:

- (1) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including, but not limited to, any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency, or
- (2) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Industrial activity means activities subject to NPDES industrial permits as defined in 40 CFR, Section 122.26(b)(14).

MS4 means a municipal separate storm sewer system.

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit means a permit issued by United States Environmental Protection Agency (EPA), or by the State of Michigan under authority delegated pursuant to 33 USC § 1342(b) and codified in the Michigan Natural Resources and Environmental Protection Act Protection at MCL 324.101, et seq., that authorizes the discharge of pollutants to waters of the United States or State of Michigan, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-stormwater discharge means any discharge to the storm drain system that is not composed entirely of stormwater.

Pollutant means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and

accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Storm sewer system or storm drainage system means a publicly owned facility by which stormwater is collected and/or conveyed, including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Stormwater means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.

Stormwater pollution prevention plan means a document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

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

MOTION DECLARED ADOPTED

CM-11-407-18 (AGENDA ITEM #13B) SECOND READING AND ADOPTION OF AN ORDINANCE TO AMEND CHAPTER 82, ARTICLE III, SEWERS, DIVISION 1, SECTION 82-109 OF THE CITY OF OAK PARK CODE OF ORDINANCES – APPROVED

Motion by Weiss, seconded by Burns, CARRIED UNANIMOUSLY, to approve the second reading and adopt the following ordinance to amend Chapter 82, Article III, Sewers, Division 1, Section 82-109 of the City of Oak Park Code of Ordinances:

CITY OF OAK PARK OAKLAND COUNTY, MICHIGAN

AN ORDINANCE TO ADD SECTION 82-109 OF CHAPTER 82, ARTICLE III, SEWERS, TO THE CODE OF ORDINANCES, CITY OF OAK PARK.

THE CITY OF OAK PARK ORDAINS:

SECTION 1: Section 82-109, Stormwater Management, is hereby added to Chapter 82, Article III, Sewers, of the Code of Ordinances, City of Oak Park, to read as follows:

Sec. 82-109- Stormwater Management

The purpose of this section is to provide for the health, safety, and general welfare of the citizens of the City through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This Ordinance establishes methods for controlling the

introduction of pollutants into the municipal storm sewer system in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this section are:

- (1) To regulate the contribution of pollutants to the municipal storm sewer system by stormwater discharges by any user.
- (2) To prohibit illicit connections and discharges to the municipal storm sewer system.
- (3) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this article.

This section shall apply to all water entering the storm drain system generated on any developed or undeveloped lands unless expressly exempted by an authorized enforcement agency.

This section shall be enforceable by the Department of Technical and Planning or other authorized enforcement agency.

The standards set forth herein and promulgated pursuant to this section are minimum standards; therefore, this Ordinance does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

A. DISCHARGE PROHIBITIONS

1) Prohibition of illegal discharges.

No person shall discharge or cause to be discharged into the storm drain system or watercourses, any materials, including, but not limited to, pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited; however, the following discharges are exempt from prohibition as described:

- (i) The discharges and flows from firefighting activities if they are identified as not being a significant source of pollutants to the waters of the state.
- (ii) Discharges specified in writing by the Department of Technical and Planning as being necessary to protect public health and safety.
- (iii) Dye testing, when there has been verbal notification to the Department of Technical and Planning and state department of environmental quality procedures have been followed.
- (iv) Discharges permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.
- (v) The following discharges or flows if they are identified as not being a significant contributor to violations of water quality standards: water line flushing and discharges from potable water sources; landscape irrigation runoff, lawn watering runoff, and irrigation waters; diverted stream flows and flows from riparian habitats and wetlands; rising groundwaters and springs; uncontaminated pumped groundwater, except for groundwater cleanups specifically authorized by NPDES permits; foundation drains, water from crawl space pumps, footing drains and basement sump pumps; air conditioning condensation; waters from noncommercial car washing; street wash water; dechlorinated swimming pool water from single-, two- or three-family residences. Other swimming pools shall not be discharged to stormwater or to surface waters of the state without NPDES permit authorization from the MDEQ.

2) Prohibition of illicit connections.

- (i) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

(ii) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(iii) A person is considered to be in violation of this article if the person connects a line conveying sewage to a storm drain system or MS4, or allows such a connection to continue.

3) Prohibition of Direct Dumping or Disposal of Materials into the MS4.

(1) The direct dumping of materials or discharges into the MS4 is prohibited except for those illicit discharges identified as not being a significant contributor to violations of water quality standards.

B. RIGHT OF ENTRY

The Department of Technical and Planning or other authorized enforcement agency shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling and testing of suspected non-stormwater discharges in accordance with the provisions of this article. Refusal of reasonable access to the Department of Technical and Planning and/or representatives of the authorized enforcement agency to any part of the premises is a violation of this article.

C. SUSPENSION OF STORM SEWER SYSTEM ACCESS

1) Suspension due to illicit discharges in emergency situations.

The Department of Technical and Planning or other authorized enforcement agency may, without prior notice, suspend storm sewer system discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the storm sewer system or the Waters of the United States or this state. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the storm sewer system or waters of the United States or this state, or to minimize danger to persons.

2) Suspension due to the detection of illicit discharge.

Any person discharging to the storm sewer system in violation of this article may have their storm sewer system access terminated if such termination would abate or reduce an illicit discharge. The city engineer will notify a violator of the proposed termination of its storm sewer system access. The violator may petition the city engineer for reconsideration and hearing.

3) Violation.

A person violates this article if the person reinstates storm sewer system access to premises terminated pursuant to this section, without the prior approval of the Department of Technical and Planning or other authorized enforcement agency.

D. INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Department of Technical and Planning prior to the allowing of discharges to the MS4.

E. MONITORING OF DISCHARGES

The Department of Technical and Planning has the right to require non-residential dischargers to install monitoring equipment as necessary if a non-stormwater discharge is suspected. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

F. REQUIREMENTS TO PREVENT, CONTROL, AND REDUCE STORM WATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES

The Department of Technical and Planning or its designee will adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a storm water pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

G. WATERCOURSE PROTECTION

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately-owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

H. NOTIFICATION OF SPILLS

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City Engineer within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

I. ENFORCEMENT

1) Notice of Violation

Whenever the Department of Technical and Planning finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the City may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (i) The performance of monitoring, analyses, and reporting;
- (ii) The elimination of illicit connections or discharges;
- (iii) That violating discharges, practices, or operations shall cease and desist;
- (iv) The abatement or remediation of storm water pollution or contamination of hazards and the restoration of any affected property; and
- (v) Payment of a fine to cover administrative and remediation costs; and
- (vi) The implementation of source control or treatment BMPs.

2) Abatement of a Violation.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by the City or its designee at the violator's expense.

J. APPEAL OF NOTICE OF VIOLATION

Any person receiving a Notice of Violation may appeal the determination of the City. The notice of appeal must be received by the City Clerk within 30 days from the date of the Notice of Violation. Hearing on the appeal before the City Council shall take place within 30 days from the date of receipt of the notice of appeal. The decision of the City Council shall be final.

K. ENFORCEMENT MEASURES AFTER APPEAL

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 30 days of the decision of the City Council upholding its decision, then representatives of the City or its designees shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the City or its designee to enter upon the premises for the purposes set forth above.

L. COST OF THE ABATEMENT OF THE VIOLATION

Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 10 days. If the amount due is not paid by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. Any person violating any of the provisions of this article shall become liable to the city by reason of such violation. The liability shall be paid in not more than 12 equal payments. Interest at the rate of five percent (5%) per annum shall be assessed on the balance beginning on the first day following discovery of the violation.

M. INJUNCTIVE RELIEF

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. If a person has violated or continues to violate the provisions of this ordinance, the City may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

N. APPEAL OF NOTICE OF VIOLATION

In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the City may impose upon a violator alternative compensatory actions; including, but not limited to storm drain stenciling, attendance at compliance workshops, and cleanup.

O. VIOLATIONS DEEMED A PUBLIC NUISANCE

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the

violator's expense. The City of may also simultaneously or alternatively initiate a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance.

P. Penalties

- (1) Any person who has violates this ordinance shall be guilty of a civil infraction and subject to the penalties set forth in Chapter 3, Sec. 3-4 of the City of Oak Park Code of Ordinances.
- (2) The City may recover all attorney's fees; court costs; and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses. These costs shall be in addition to the penalties for municipal civil infractions set forth in Chapter 3, Sec. 3-4. The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state, or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

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

MOTION DECLARED ADOPTED

CITY ATTORNEY: No Report

CITY MANAGER:

City Clerk

CM-11-408-18 (AGENDA ITEM #15A) APPOINTMENT OF ABRAHAM (AVI) SNIDER TO THE ZONING BOARD OF APPEALS - APPROVED

Motion by Weiss, seconded by Burns, CARRIED UNANIMOUSLY, to appoint Abraham (Avi) Snider to the Zoning Board of Appeals for a term ending August 31, 2021.

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

MOTION DECLARED ADOPTED

Economic Development

CM-11-409-18 (AGENDA ITEM #15B) REQUEST TO APPROVE A COST-SHARING AGREEMENT WITH LOCAL COMMUNITIES FOR THE SOUTHEAST MICHIGAN REGIONAL BIKE SHARE PROGRAM - APPROVED

Motion by Weiss, seconded by Radner, CARRIED, to approve a Cost-Sharing Agreement with the cities of Ferndale, Huntington Woods, Berkley, Royal Oak, Madison Heights, and Detroit for the Southeast Michigan Regional Bike Share Program.

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

MOTION DECLARED ADOPTED

Economic Development and Public Information Director Marrone indicated the City of Oak Park has been awarded a regional bike sharing program grant with Ferndale, Huntington Woods, Berkley, Royal Oak, Madison Heights, and Detroit as an extension of the successful MOGO bike sharing program currently operating throughout the City of Detroit. The City of Ferndale is coordinating the TAP grant on behalf of the communities and has prepared a cost sharing agreement to be approved by City Council. The estimated cost for Oak Park is \$40,749 and it is budgeted in the Public Improvement Fund (fund 401) for FY 2018-19. The bike share program includes a one-time purchase of the bikes and docking stations and an ongoing operational cost broken down per docking station. The ongoing operational costs are \$89/month per dock and includes total operation of the system, bike repairs and maintenance. The operational cost structure of this regional program will be further negotiated in the process and sponsorships for the costs will be secured.

Department of Public Works

CM-11-410-18 (AGENDA ITEM #15C) REQUEST TO APPROVE PROPOSED CHANGE ORDER NO. 1 IN THE AMOUNT OF \$1,250.00 AND PAYMENT NO. 1 (FINAL) IN THE AMOUNT OF \$57,042.00 TO ALLIED, INC., FOR THE 2018 MECHANICS IN-GROUND TRUCK LIFT REBUILD PROJECT, M-685 - APPROVED

Motion by Radner, seconded by Burns, CARRIED UNANIMOUSLY, to approve proposed Change Order No. 1 in the amount of \$1,250.00 and Payment No. 1 (FINAL) in the amount of \$57,042.00 to Allied, Inc., for the 2018 Mechanics In-Ground Truck Lift Rebuild Project, M-685.

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

MOTION DECLARED ADOPTED

Assistant City Manager Yee summarized the proposed invoices for Change Order No. 1 and Payment No. 1 (FINAL) for the 2018 Mechanics In-Ground Truck Lift Rebuild Project, M-685. The proposed Change Order is an addition to the contract for concrete and old frame removals that were not part of the original scope. This project is 100% complete.

Finance

(AGENDA ITEM #15D) Request to approve an investment policy for the City of Oak Park Retiree Health Care – General and Public Safety Fund (Removed from the agenda)

(AGENDA ITEM #15E) Request to approve investment managers for the City of Oak Park Retiree Health Care – General and Public Safety Fund (Removed from the agenda)

CM-11-411-18 (AGENDA ITEM #15F) REQUEST TO APPROVE CORRECTIVE ACTION PLANS FOR OAK PARK PENSION AND RETIREE HEALTH CARE SYSTEMS - APPROVED

Motion by Radner, seconded by Burns, CARRIED UNANIMOUSLY, to approve corrective action plans for the following Oak Park pension and retiree health care systems:

Public Safety Retiree Health Care System
General Employees' Retiree Health Care System
District Court Retiree Health Care System
Public Safety Pension System
General Employees' Pension System

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

MOTION DECLARED ADOPTED

Finance Director Crawford reported that on May 17, 2018 the City of Oak Park was notified by the State Treasury Department that our waiver applications filed in April 2018 for the underfunded status of the Oak Park pension and health care systems were denied. As a result of Section 3 of PA 202 of 2017, the City must submit a corrective action plan to address the underfunded status of each Oak Park pension and health care system. She reported further that the State Treasury Department will submit our corrective action plans to the Municipal Stability Board (MSB) for their review. The MSB will receive the corrective action plans at their next scheduled meeting and approve or reject the plans within 45 days from the date of the meeting.

Administration

CM-11-412-18 (AGENDA ITEM #15G) RESOLUTION APPROVING A TEMPORARY OAK PARK CENSUS COMPLETE COUNT COMMITTEE – APPROVED

Motion by Burns, Seconded by Weiss, CARRIED UNANIMOUSLY, to adopt the following resolution approving a temporary Oak Park Census Complete Count Committee:

RESOLUTION APPROVING A TEMPORARY OAK PARK CENSUS COMPLETE COUNT COMMITTEE

BE IT RESOLVED, the City Council of the City of Oak Park hereby authorizes the formation of a census complete count committee; and

BE IT FURTHER RESOLVED, the complete count committee shall act to encourage residents to complete the 2020 census; and

BE IT FURTHER RESOLVED, the initial members and chair of the complete count committee shall be appointed by the city council; and

BE IT FURTHER RESOLVED, the complete count committee is authorized to appoint additional members as it sees fit; and

BE IT FINALLY RESOLVED, the census complete count committee shall terminate upon the completion of the data gathering portion of the 2020 census or Dec 31, 2020, whichever comes first.

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

MOTION DECLARED ADOPTED

(AGENDA ITEM #15H) City Manager Tungate reviewed the Thanksgiving Holiday schedule for City Hall and the Library.

CALL TO THE AUDIENCE:

There were no members of the audience wishing to speak.

CALL TO THE COUNCIL:

Mayor McClellan discussed the recent general election and thanked the Clerk's office and everyone involved in putting it on. She also wished everyone a Happy Thanksgiving.

Mayor Pro Tem Radner wished everyone a good night.

Council Member Burns reported on the workshops she and Council Member Weiss attended at the 2018 National League of Cities Conference in Los Angeles, California. She also discussed recently approved projects by the Planning Commission.

Council Member Weiss also discussed her time at the National League of Cities Conference and reviewed the leaf pick up schedule.

Council Member Rich thanked everyone for coming and wished them a good night.

ADJOURNMENT:

There being no further business to come before the City Council, Mayor McClellan adjourned the meeting at 8:00 P.M.

T. Edwin Norris, City Clerk

Marian McClellan, Mayor

**CITY OF OAK PARK, MICHIGAN
ZONING BOARD OF APPEALS
OCTOBER 23, 2018
MEETING MINUTES**

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

PRESENT: Vice Chairperson Huston
Commissioner Anderson
Commissioner Blumenkopf
Commissioner Seligson

ABSENT: Chairperson Landau
Commissioner Barton
Commissioner Peiss

OTHERS
PRESENT: City Planner Kevin Rulkowski
Community & Economic Development Director Kimberly Marrone
Deputy City Clerk Lisa Vecchio

APPROVAL OF ZONING BOARD OF APPEALS MINUTES OF AUGUST 28, 2018

MOTION BY Seligson, SECONDED BY Anderson, to approve the meeting minutes of August 28, 2018.

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

MOTION CARRIED

COMMUNICATIONS:

City Planner Rulkowski presented the Board with a letter from Chairperson Louis Landau confirming his resignation from the ZBA. The letter was read into record.

OLD BUSINESS: None

NEW BUSINESS:

a) **CASE 18-06:**

APPLICANT:

Mr. Yousif Kada
13855 Nine Mile Road
Oak Park, Michigan

PROPERTY:

13855 Nine Mile Road

Property Identification Number: 52-25-31-226-006

ORDINANCE REQUIREMENTS AND REQUEST:

Two variances are requested:

1. Article XVI requires that the rear yard setback to be twenty (20) feet. The applicant is requesting a waiver of ten (10) feet to allow for a rear yard setback of ten (10) feet.
2. Article XVII, Section 1726, G, requires that the proposed building addition be required to provide 12 parking spaces on site. The applicant is requesting a waiver of eleven (11) parking spaces to allow for one (1) parking space to be provided on site.

STAFF FINDINGS OF FACT:

1. Article XVI requires that the rear yard setback to be twenty (20) feet.
2. The applicant is requesting a waiver of ten (10) feet to allow for a rear yard setback of ten (10) feet.
3. Article XVII, Section 1726, G, requires that the proposed building addition be required to provide 12 parking spaces on site.
4. The applicant is requesting a waiver of eleven (11) parking spaces to allow for one (1) parking space to be provided on site.
5. The subject property is currently B-1, Neighborhood Business District.
6. The adjacent buildings in this area do not meet the twenty (20) foot rear yard setback.
7. The proposed 413 square foot addition would fill-in a fourteen (14) by thirty (30) square foot area in the southeast corner of the property to the south of the existing building.
8. Across the alley, adjacent to the rear of the applicant's building is a bus parking area for a school facility (Oak Park Freshman Institute).
9. The municipal parking area from K & F International Market (13911 Nine Mile) to Westhampton Street currently provides parking for 67 vehicles.
10. The applicant has agreed to pay the cost to the City to have two concrete islands removed in the adjacent municipal parking lot to create two additional parking spaces.
11. The Planning Commission on October 8, 2018 approved the Site Plan for the proposed addition subject to the Zoning Board of Appeals granting the required variances.

STAFF RECOMMENDATIONS:

Mr. Yousif Kada is proposing to construct a building addition and renovate an existing building at 13855 Nine Mile Road. The proposed 800 square foot addition to the existing 1,648 square foot building is designed to create two new retail spaces. The building formerly housed a medical office. Mr. Kada also owns the adjacent K & F International Market at 13911 Nine Mile Road.

The proposed addition does not meet the setback requirements of the Zoning Ordinance. The Zoning Ordinance requires the rear yard setback to be 20 feet and the Site Plan shows a proposed rear yard building setback of 10 feet.

In addition, like most of the properties in the City's Neighborhood Business District, the existing building does not meet the minimum parking requirement because they were constructed prior to minimum parking regulations. In this situation the Zoning Ordinance would require a new building of this size with the proposed addition (2,447 square feet total) to provide 12 parking spaces. The proposed Site Plan indicates one parking space would be provided as well as locations for two dumpsters in the rear of the building. To help address this parking shortage, the applicant has agreed to pay the cost to the City to have two concrete islands removed in the adjacent municipal parking area to create two additional parking spaces. This proposal has been reviewed by the City Engineering Division and they found the proposal acceptable.

In this situation the applicant has few options to provide additional parking. And not allowing a small expansion of the building to match the size and dimensions of the other buildings on the block does not seem to be fair to the applicant. Especially considering the applicant is proposing to pay the cost of creating two parking spaces in the City right-of-way.

Considering the proposed addition will fill-in a relatively underutilized area by creating a small amount of additional retail space, the variance requests seems reasonable. The proposed addition and its impact on parking will most likely not have a negative effect on the character of the surrounding area. Although strict compliance with the rear setback provisions would not unreasonably prevent the owner from using the property for a permitted purpose, it would render conformity unnecessarily burdensome in this case.

Mr. Kada was present to answer any questions and to explain that this will be an addition to expand the building.

MOTION BY Blumenkopf, SECONDED BY Seligson, that based on the information presented in the Planning Division Report, and additional findings of fact discussed during the review of case # 18-06, I move to **approve** the request

of Mr. Mr. Yousif Kada, 13855 Nine Mile Road,

1. for a waiver of ten (10) feet, from the requirements in Article XVI, to allow for the rear yard setback to be ten (10) feet.
2. for a waiver of eleven (11) parking spaces, from the requirements in Article XVII, Section 1726, G, to allow for one (1) parking space to be provided on site.

Subject to the applicant to paying the cost to the City of creating two parking spaces in the adjacent City municipal parking lot.

VOTE: Yes: Anderson, Blumenkopf, Huston, Seligson
No: None

MOTION CARRIED

b) **CASE 18-07:**

APPLICANT:

Yeshiva Beth Yehudah
14390 Ten Mile Road
Oak Park, Michigan

PROPERTY:

14390 Ten Mile Road
Property Identification Number: 52-25-19-452-019

ORDINANCE REQUIREMENTS AND REQUEST:

The following variances are requested:

1. Article XIX, Section 1907, B, requires school buildings to be set back fifty (50) feet from all property lines. The applicant is requesting a waiver of twenty-seven (27) feet to allow for a front yard setback of twenty-three (23) feet, a waiver of twenty (20) feet to allow for a rear yard setback of thirty (30) feet, a waiver of twenty (20) feet to allow for an east side yard setback of thirty (30) feet.
2. Article XVI, Section 1600, requires that the maximum height of a building be two (2) stories and twenty-seven (27) feet. The applicant is requesting a waiver of one additional building story and a maximum building height of forty-seven (47) feet.
3. Article XVII, Section 1726, B, requires parking space length to be twenty (20) feet. The applicant is requesting a waiver to allow required parking spaces to be eighteen (18) feet in length.

STAFF FINDINGS OF FACT:

1. The subject property is currently zoned R-1, One Family Dwelling District.
2. Article XIX, Section 1907, B, requires school buildings to be set back fifty (50) feet from all property lines.
3. The applicant is requesting a waiver of twenty-seven (27) feet to allow for a front yard setback of twenty-three (23) feet, a waiver of twenty (20) feet to allow for a rear yard setback of thirty (30) feet, a waiver of twenty (20) feet to allow for an east side yard setback of thirty (30) feet.
4. Article XVI, Section 1600, requires that the maximum height of a building be two (2) stories and twenty-seven (27) feet.
5. The applicant is requesting a waiver of one additional building story and a maximum building height of forty-seven (47) feet.
6. Article XVII, Section 1726, B, requires parking space length to be twenty (20) feet.
7. The applicant is requesting a waiver to allow required parking spaces to be eighteen (18) feet in length.
8. The applicant cites the Michigan Bureau of Construction Code requirement which allows for an 18 foot parking space depth.

9. If the reduced parking space dimension of 18 feet is permitted the proposed site plan meets the required minimum number of parking spaces.
10. The existing Yeshiva Beth Yehudah school building is 45,875 square feet.
11. The proposal would demolish the existing school building and initially construct a two-story, 90,704 square foot school. The future plan would add a third floor (30,340 square feet) in five to ten years.
12. The subject property is bounded on the south across West Ten Mile Road by single family residential homes, on the north by Victoria Park and the I-696 expressway, on the east across Kenosha Street by the Michigan State Police Post and the east across Church Street by the Beth Jacob pre-school and High School.
13. If the location of the proposed school is approved, the nearest residential home (across Ten Mile Road to the south) would be 165 feet away.
14. The subject property has a Ten Mile Road frontage of 317.72 feet and a Church street frontage of 602.88.
15. The subject property is 4.24 acres in size.
16. The Planning Commission is scheduled to hold a Public Hearing on the Special Land Use request of Yeshiva Beth Yehudah for a Kindergarten through Eighth grade school at their November 12, 2018 meeting.

STAFF RECOMMENDATIONS:

The applicant, Yeshiva Beth Yehudah, is proposing to construct a new Kindergarten through Eighth grade girl's school on the site of the current school at 14390 Ten Mile Road. The proposal would demolish the existing school building and initially construct a two-story, 90,704 square foot school. The future plan would add a third floor (30,340 square feet) in five to ten years.

To allow for the proposed school to be constructed on the existing site, the applicant has requested variances for front, side and rear yard setbacks. Although the site is 4.2 acres in size there are many required site features (required parking, landscaping, etc.) that necessitate the building be designed in a way that it encroaches into some of the setback areas. The required 50 foot building setback is the maximum setback required in the all of the City's zoning districts and they were designed to provide for adequate open space and buffering distance from adjacent uses. In this case, given the location of the school and the types and proximity of adjacent uses, strict compliance with setback requirements would seem unwarranted.

Although strict compliance with the required setback provisions may not unreasonably prevent the applicant from using the property for a permitted purpose, it would render conformity unnecessarily burdensome in this case. In addition, based on the unique circumstances of the location of the property, the requested setback variances would provide substantial justice to the applicant without causing harm to other property owners in the district.

Similarly, considering the height restrictions for this zoning district were designed for a single family use, applying them to an educational use in this particular location, would be difficult to justify.

Although strict compliance with the required height provisions may not unreasonably prevent the applicant from using the property for a permitted purpose, it would render conformity unnecessarily burdensome in this case. In addition, based on the unique circumstances of the location of the property, the requested height variance would provide substantial justice to the applicant without causing harm to other property owners in the district.

The State of Michigan has authority for site plan review and approval of public school facilities. In this case, because the applicant is a private school, the City has authority for site plan review. As noted by the applicant, the Michigan Bureau of Construction Code, in their review of school facilities, permits a parking space depth of 18 feet and the applicant is requesting a variance to allow for this depth. The City Zoning Ordinance requires parking spaces to be a depth of 20 feet with a maneuvering lane of 22 feet. The applicant is proposing a maneuvering lane width of 24 feet. Given the increase in the lane width it seems reasonable to allow for a reduced parking space depth.

Although strict compliance with the required parking provisions may not unreasonably prevent the applicant from using the property for a permitted purpose, it would render conformity unnecessarily burdensome in this case. In addition, based on the increase in the maneuvering lane width, the requested parking space depth variance would provide substantial justice to the applicant without causing harm to other property owners in the district.

Taking the above findings of fact and the staff's commentary into consideration, it is the recommendation of the Planning Division to approve all of the variances requested.

Vice Chairperson Huston read a letter of support from Edward and Erica Sendler, 24760 Sussex, for the new construction into record.

Project architect, Michael Dyser, was present to answer questions and explain that Yeshiva Beth Yahuda is growing and they need more space to accommodate students.

MOTION BY Anderson, SECONDED BY Seligson, that based on the information presented in the Planning Division Report, and additional findings of fact discussed during the review of case # 18-07, I move to **approve** the request

of Yeshiva Beth Yehudah, 14390 Ten Mile Road,

1. for a waiver from the provisions in Article XIX, Section 1907, B, which requires school buildings to be set back fifty (50) feet from all property lines, to allow for a front yard setback of twenty-three (23) feet, and a rear yard setback of thirty (30) feet, and an east side yard setback of thirty (30) feet.
2. for a waiver from the provisions in Article XVI, Section 1600, which requires the maximum height of a building be two (2) stories and twenty-seven (27) feet, to allow for an additional building story with a maximum building height of forty-seven (47) feet.

3. for a waiver from the provisions in Article XVII, Section 1726, B, which requires parking space length to be twenty (20) feet, to allow required parking spaces to be eighteen (18) feet in length.

VOTE: Yes: Anderson, Blumenkopf, Huston, Seligson
No: None

MOTION CARRIED

ADJOURNMENT:

There being no objections, Chairperson Landau adjourned the meeting at 7:44 p.m.

Lisa Vecchio, Deputy City Clerk/Director of Elections



CITY OF OAK PARK

Corridor Improvement Authority

5C
Mayor
Marian McClellan
Mayor Pro Tem
Solomon Radner
Council Members
Carolyn Burns
Ken Rich
Regina Weiss
City Manager
Erik Tungate

CITY OF OAK PARK CORRIDOR IMPROVEMENT AUTHORITY BOARD MEETING OCTOBER 18, 2018 MINUTES

Meeting was called to order at 12:01 p.m., in the Executive Conference Room at Oak Park City Hall, 14000 Oak Park Boulevard, Oak Park, Michigan, by Chairperson Colbert and roll call was made.

PRESENT:
Chairperson Colbert
Vice Chairperson Blumenkopf
Board Member Attisha
Board Member DeVergilio
Mayor McClellan (arrived at 12:04 p.m.)
Board Member Moulden
Board Member Peteet (arrived at 12:14 p.m.)

ABSENT: none

OTHERS PRESENT: Community & Economic Development Director Kimberly Marrone
Deputy City Clerk Lisa Vecchio

3. APPROVAL OF AGENDA OF OCTOBER 18, 2018

MOTION by Blumenkopf, SECONDED by Moulden, to approve the agenda for October 18, 2018 as submitted.

VOTE: Yes: All
No: None

MOTION CARRIED

4. APPROVAL OF MINUTES OF AUGUST 16, 2018

MOTION by Moulden, SECONDED by Attisha, to approve the minutes of August 16, 2018 as submitted.

VOTE: Yes: All
No: None

MOTION CARRIED

5. PUBLIC COMMENT: None

6. UNFINISHED BUSINESS:

A. Banner Design

Community & Economic Development Director Kimberly Marrone presented the Board with multiple sample options for the banner design. Taking elements from a few of the samples, the board was able to decide on a style for the banner that incorporates: bright green or darker green background, vertical "Oak Park" on right side with logo in lettering, sunflower image on top left corner. The Board discussed brainstorming an action word to correctly portray where we see the City of Oak Park headed into the future.

7. NEW BUSINESS:

A. Promote Small Business Saturday

Director Marrone provided information about Small Business Saturday, happening November 24, 2018, as well as some incentives that are available to small businesses for participating. By registering as a participant, a small business could win \$1,000. She asked that the Board members distribute materials to Oak Park businesses to get them involved. Each member agreed to take a section of the City to spread the word on this opportunity.

8. FINANCIAL REPORT: None

9. BOARD MEMBER COMMENT:

Chairperson Colbert welcomed newly appointed Board Member, Kevin DeVergilio to the CIA. Kevin introduced himself to the Board; he is the manager of Real Team Real Estate in Oak Park, and will serve a business owner position on the CIA.

10. ADJOURNMENT

MOTION by Moulden, SECONDED by Attisha, to adjourn the meeting. Chairperson Colbert adjourned the meeting at 12:40 p.m.

Lisa Vecchio, Deputy City Clerk



**CITY OF OAK PARK, MICHIGAN
EMPLOYEES' RETIREMENT SYSTEM AND
PUBLIC SAFETY RETIREMENT SYSTEM BOARD OF TRUSTEES
CONCURRENT MEETING**

**July 23, 2018
4:30 PM**

MINUTES

Chairperson Tungate called the meeting to order at 4:34 PM and asked the City Clerk to call roll.

EMPLOYEES' RETIREMENT SYSTEM:

TRUSTEES PRESENT: Trustee McClellan, Trustee Tungate, Trustee Waxenberg, Trustee DeCoster

TRUSTEES ABSENT: Trustee Mlynczyk

ALSO PRESENT: City Clerk Norris, Finance Director Crawford, Human Resources Director Brooks, Director of Strategic Planning Crystal McLain, Assistant City Manager Yee and Human Resource Generalist Carla Allen

PUBLIC SAFETY RETIREMENT SYSTEM:

TRUSTEES PRESENT: Trustee Tungate, Trustee McClellan, Trustee Batora

TRUSTEES ABSENT: Trustee Rich, Trustee Tetler

ALSO PRESENT: City Clerk Norris, Finance Director Crawford, Human Resources Director Brooks, Director of Strategic Planning Crystal McLain, Assistant City Manager Yee and Human Resource Generalist Carla Allen

ERS-07-011-18

**MINUTES FROM THE APRIL 23, 2018 ERS/PSRS
CONCURRENT MEETING – APPROVED**

Motion by McClellan, seconded by Waxenberg, CARRIED UNANIMOUSLY, to approve the Minutes from the April 23, 2018 ERS/PSRS Concurrent Meeting.

Voice Vote:	Yes:	Tungate, McClellan, Waxenberg, DeCoster
	No:	None
	Absent:	Mlynczyk

MOTION DECLARED ADOPTED

**PSRS-07-012-18 MINUTES FROM THE APRIL 23, 2018 ERS/PSRS
CONCURRENT MEETING – APPROVED**

Motion by Batora, seconded by McClellan, CARRIED UNANIMOUSLY, to approve the Minutes from the April 23, 2018 ERS/PSRS Concurrent Meeting.

Voice Vote:	Yes:	Tungate, McClellan, Batora
	No:	None
	Absent:	Rich, Tetler

MOTION DECLARED ADOPTED

(Agenda Item #4A Old Business) Public Safety new hire vesting eligibility (PSRS)

Chairperson Tungate called upon Human resources Director Brooks who indicated the inquiry regarding new hire vesting eligibility that has been brought up in previous retirement board meetings by Trustee Batora is a matter for the labor attorney and city attorney. She indicated there are current discussions taking place to determine the answer that would be provided through the Union. It was once again clarified that this matter was not for the Retirement Board to consider.

(Agenda Item #5A) Watkins Ross Presentation

Cheryl Gabriel from Watkins Ross discussed the certified actuarial valuation reports for each retirement system. Complete reports are on file with the city clerk. The present value of projected benefits for the Employees' Retirement System through 7/1/17 is \$40,947,851 and \$81,966,851 for the Public Safety Retirement System. Ms. Gabriel reported that the main reason for reported losses in projected valuations was due to using a 7% assumed rate of return instead of 8%. A lengthy discussion took place regarding the impact this assumption would have on the city's required contributions to the systems.

The board reviewed the reporting requirements for Public Act 202 and discussed the estimated funding status of each plan using variables including contribution percentage and years of amortization. The city will continue to develop strategies to help meet required funding obligations.

(Agenda Item #5B) PNC Presentation

Kirk VanDagens and Henry Wilson from PNC presented a 2018 Second Quarter Investment Review dated June 30, 2018. A complete report is on file in the City Clerk's Office. They provided a market update and economic and asset class outlook and

presented a portfolio summary for both systems reporting that the market value of the Employees' Retirement System as of June 30, 2018 was \$19,644,163 and the market value of the Public Safety Retirement System was \$42,390,160.

(Agenda Item #5C) Eligible Domestic Relations Order (EDRO) Erik S. Sanders) PSRS

Finance Director Crawford indicated the EDRO did not require board action therefore the matter was not discussed nor acted upon.

(Agenda Item #6A-J) Financial Reports (ERS)

**ERS-07-012-18 RECEIVE AND APPROVE ERS FINANCIAL REPORTS
(APRIL – JUNE, 2018) – APPROVED**

Motion by Waxenberg, seconded by DeCoster, CARRIED UNANIMOUSLY, to receive and approve the following reports for the period April 1, 2018 – June 30, 2018:

- A. PNC Investment Management Report
- B. Fiduciary Net Assets Statement – Fund 731
- C. PNC Financial Report
- D. Disbursements made by the Retirement System

DATE	CHECK#	PAYEE/DESCRIPTION	AMOUNT
04/30/2018	EFT (JE#4974)	PNC Inst. Mgmt. Investment Counseling Fees for 01/01/2018 -03/31/2018.	\$ 14,093.09
05/10/2018	146953	Watkins Ross Administration and Actuarial Fees for the period of 12/01/201703/31/2018.	\$ 2,325.00
QUARTERLY DISBURSEMENTS			\$16,418.09
ACTUARY FEE REIMBURSEMENT:			-0-
TOTAL QUARTERLY DISBURSEMENTS:			\$16,418.09

- E. Fiduciary Net Assets Statement – Fund 680
- F. Retirees Actuarial Statements - None
- G. Municipal and Military Buy-Back Calculations - None
- H. Correspondence of Retirement Submission - None
- I. Necrology Report

DATE	NAME
06/06/2018	Doering, Juergen
06/19/2018	Klann, Howard

- J. Miscellaneous Information - None

Voice Vote: Yes: Tungate, McClellan, Waxenberg, DeCoster
 No: None
 Absent: Mlynczyk

MOTION DECLARED ADOPTED

(Agenda Item #6A-J) Financial Reports (PSRS)

**PSRS-07-013-18 RECEIVE AND APPROVE PSRS FINANCIAL REPORTS
(APRIL – JUNE, 2018) – APPROVED**

Motion by McClellan, seconded by Batora, CARRIED UNANIMOUSLY, to receive and approve the following reports for the period April 1, 2018 – June 30, 2018:

- A PNC Investment Management Reports
- B Fiduciary Net Assets Statement – Fund 733
- C. PNC Financial Report
- D. Disbursements made by the Retirement System

DATE	CHECK#	PAYEE/DESCRIPTION	AMOUNT
04/30/2018	EFT (JE#4975)	PNC Inst. Mgmt. Investment Counseling Fees for 01/01/2018 -03/31/2018.	\$ 28,336.06
05/10/2018	146953	Watkins Ross Administration and Actuarial Fees for the period of 01/01/2018 -03/31/2018.	\$ 2,600.00
QUARTERLY DISBURSEMENTS			\$30,936.06
ACTUARY FEE REIMBURSEMENT:			(137.50)
TOTAL QUARTERLY DISBURSEMENTS:			\$30,798.56

- E. Fiduciary Net Assets Statement – Fund 680
- F. Retirees Actuarial Statements – None

NAME	DEPARTMENT	DATE	STATUS
Danishevskaya, Elena	Public Safety	05/26/2018	Final

- G. Municipal and Military Buy-Back Calculations - None
- H. Correspondence of Retirement Submission – None

- I. Necrology Report - None
- J. Miscellaneous Information - None

Voice Vote:	Yes:	Tungate, McClellan, Batora
	No:	None
	Absent:	Rich, Tetler

MOTION DECLARED ADOPTED

PUBLIC COMMENTS:

There were no members of the public present wishing to speak.

ADJOURNMENT:

The meeting adjourned at 6:25 PM.

T. Edwin Norris, City Clerk

CITY OF OAK PARK
DEPARTMENT OF PARKS AND RECREATION COMMISSION MEETING MINUTES
September 12, 2018

The meeting was called to order by Alexander Simpson, Chairperson, at 7:05 pm.

Present: Alexander Simpson, Mickey Alderman, Juanita Bell, Beverly Wiggins, Patrick North

Members Absent: Dwight Thomas, Diane Spiller, Jim & Barb Weiskopf

Council Member Present: Regina Weiss

Recreation Staff Present: Laurie Stasiak

Approval of minutes of Parks and Recreation Commission Park Bus Tour Meeting for September 12, 2018. Motion to accept by Beverly Wiggins. Seconded by Mickey Alderman
Minutes Approved

Council Comments:

Park Bus Tour Meeting was a great idea. Thanks to the leadership for providing the visitation. Revisit ordinance as it relates to animals as pets. Short discussion on the idea of residents having chickens as pets in the city.

Recreation Updates: Park Tour

Funds are not available this fiscal year for some of the park improvements discussed on the tour.

Suggestions for securing private donations/sponsorship/grants/partnership

No information available regarding the Master Plan from the DNR. Several communities are in front of us for review. Not to be concerned we will be reviewed later this fall. The city did not apply for a DNR Grant this year.

Ideas/suggestions shared: involvement from the community on future recreation ideas/suggestions/projects.

Oak Park Junior Knights Basketball League is now open for registration. Stop by the recreation office to pick up flyers/registration packets or register online. Please contact David Pitts, Recreation Coordinator at 248-691-7562, or [www. Oakparkmi.gov](http://www.Oakparkmi.gov) for additional information. Fall Friday Kickball is played in Shepherd Park with 7 teams in place. Youth Quad City Soccer Leagues are finishing up.

Pool 2018:

Over 9,060 total participants for all summer programs. Female Only Swims attendance up 57%/Male Only Swims attendance up 96%, overall participant increase of 18% from 2017. Splash Bash had record attendance each session.

Drawbacks:

Young staff/Increase training/Hire more lifeguards/Need more female lifeguards

Will provide Red Cross Certification

Congrats to Laurie for a job well done.

Kudos to Commissioner Patrick North for purchasing family seasonal pool passes and his willingness to provide a Tanker Trailer for display during future events upon request/approval/and availability.

Farmers' Market last day is Wednesday, September 26th.

Stir Fry cooking demonstration was today and next Wednesday will be a salad demonstration.

Beaumont provided Health Education with a possibility to expand next year.

Music and Food Vendors were available.

Humana donated close to \$15,000 and is talking of being a sponsor next year.

An end-of-season breakfast is being planned for vendors on October 17.

Autumn Fest Open House is Saturday, September 22, from 1:00 – 4:00 pm on the grounds between the library and city hall. This event is free and open to the public. Limited volunteers are needed.

Boo Bash October 2018 will need volunteers and is expected 6500+ attendants.

New Business – Commission

Discussion Topic: Oak Park has Talent with thoughts to roll out the finalist during Summer Blast. The "How To" discussion to continue at upcoming meetings.

2019 Meeting Dates:

It was moved by Beverly Wiggins and seconded by Mickey Alderman that the Parks and Recreation Commission 2019 Meeting Schedule be accepted. Motion passed.

The next scheduled meeting is Wednesday, October 17, 2018 in Room 4.

It was motioned to adjourn the meeting by Patrick North and seconded by Juanita Bell at 8:24 pm.

Respectfully submitted by Juanita Bell, Recording Secretary.

**CITY OF OAK PARK
DEPARTMENT OF PARKS AND RECREATION COMMISSION MEETING MINUTES
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Respectfully submitted by Juanita Bell, Recording Secretary.



BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN

AGENDA OF: December 3, 2018

AGENDA #

SUBJECT: Recommendation of Planning Commission for Special Land Use, Yeshiva Beth Yehudah, 14390 Ten Mile Road.

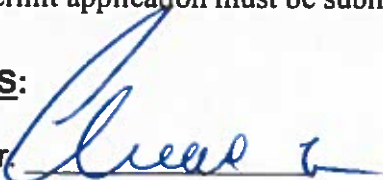
DEPARTMENT: Economic Development & Communications, Planning Division

SUMMARY: At the November 12, 2018 meeting, the Planning Commission conducted a Public Hearing on a Special Land use request for Yeshiva Beth Yehudah, 14390 Ten Mile Road, for a kindergarten through eighth grade school. The Planning Commission voted to recommend to the City Council approval of the Special Land Use with conditions.

RECOMMENDED ACTION: The City Council consider accepting the recommendation of the Planning Commission for approval of the Special Land Use for Yeshiva Beth Yehudah, 14390 Ten Mile Road, subject to the following conditions:

- 1) Approval by the Engineering Division of an acceptable storm water management plan.
- 2) Approval by the Engineering Division of the design of the entryways into the site and onto Church Street.
- 3) Approval by the Engineering Division and Public Safety Department of the locations of the fire hydrants and fire suppression building connections.
- 4) Dumpster enclosure detail which meets the Zoning Ordinance requirements to be submitted as part of building plans.
- 5) Parking lot and building lighting to be shielded so it does not create a nuisance for traffic or nearby residential uses.
- 6) All ground and rooftop equipment screened as required by the Zoning Ordinance.
- 7) No signs are approved as part of the Site Plan Review process. A separate sign permit application must be submitted.

APPROVALS:

City Manager: 

Director: 

Finance Director: _____

EXHIBITS: Memorandum.



CITY OF OAK PARK

DEPARTMENT OF COMMUNITY &
ECONOMIC DEVELOPMENT

MEMORANDUM

TO: Planning Commission members DATE: November 2, 2018
FROM: Kevin Rulkowski, AICP, City Planner FILE: Planning/Yeshiva
Beth Yehudah SLU
SUBJECT: Special Land Use Public Hearing, Yeshiva Beth Yehudah, 14390 Ten Mile Road.

A Public Hearing has been scheduled for the November 12th meeting to review the request of Yeshiva Beth Yehudah, 14390 Ten Mile Road, for Special Land Use approval for a kindergarten through eighth grade school.

Special Land Use Standards

The Special Land Use section of the Zoning Ordinance (Article XIX) requires the proposed use to meet a number of general standards (Section 1900) as well as use specific standards for educational institutions (Section 1907).

Section 1900 General Standards:

- A. The proposed special land use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and/or vicinity and applicable regulations of the zoning district in which it is to be located.
- B. The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location of and access to off-street parking, and provisions for pedestrian safety.
- C. The location, size, intensity, site layout and periods of operation of any such proposed use shall be designed to eliminate any possible nuisance emanating therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust,

noise, fumes, vibration, smoke or lights.

D. The proposed use shall be such that the proposed location and height of building or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.

E. The proposed use shall relate harmoniously with the physical and economic aspects of adjacent land uses as regards to prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the city.

F. The proposed use is necessary for the public convenience at the proposed location.

G. The proposed use is designed, located, planned and to be operated that the public health, safety and welfare will be protected.

The Planning Division finds that the information contained in the application package and on the Site Plan satisfactorily meets the eight general standards identified in Section 1900 Special Land Uses in the Zoning Ordinance.

Section 1907 Educational Institutions

A. All ingress and egress from said site shall be directly onto a major or secondary thoroughfare, as designated on the city's adopted master plan.

B. No building other than a single-family residential dwelling shall be closer than 50 feet to any property line and/or existing or proposed public right-of-way.

C. All service and storage areas shall be screened from view by a masonry wall at least six feet high, approved by the city council after review by the planning commission.

D. All areas for student and staff parking shall be set back at least 50 feet from an abutting residential district or residential use.

E. No outdoor use areas (playgrounds, athletic facilities) shall take place within 75 feet of an abutting residential use.

F. The site plan shall clearly demonstrate that the parcel size has the ability to provide adequate space for buildings, parking, setback, open space, landscaping, and the like.

The Planning Division finds that the information contained in the application package and on the Site Plan satisfactorily meets the standards identified in Section 1907 Educational Institutions of the Special Land Uses section in the Zoning Ordinance.

Site Plan Review

A Site Plan is required as part of the Special Land Use process. The Site Plan has been reviewed to ensure that the proposed use would function properly on the site.

The applicant, Yeshiva Beth Yehudah, is proposing to construct a new kindergarten through eighth grade girl's school on the site of the current school at 14390 Ten Mile Road. The proposal would demolish the existing school building and initially construct a two-story, 90,704 square foot school. The future plan would add a third floor (30,340 square feet) in five to ten years.

The property is zoned R-1 One Family Dwelling District and as noted educational institutions are permitted as Special Land Uses.

To allow for the proposed school to be constructed on the existing site, the applicant requested and were granted variances for front, side and rear yard setbacks. Although the site is 4.2 acres in size there are many required site features (required parking, landscaping, etc.) that necessitated the building be designed in a way that it encroaches into some of the setback areas. The required 50 foot building setback is the maximum setback required in all of the City's zoning districts and they were designed to provide for adequate open space and buffering distance from adjacent uses. In this case, given the location of the school and the types and proximity of adjacent uses, strict compliance with setback requirements was considered unwarranted by the Zoning Board of Appeals.

Similarly, considering the height restrictions for this zoning district were designed for a single family use (27 feet), applying them to an educational use in this particular location would be difficult to justify. The Zoning Board of Appeals granted a height variance to construct a third floor in the future.

The proposed school building has a modern attractive appearance, as seen on the elevation page, which will blend well with the adjacent High School and State Police Post.

The Site Plan shows an 86 space parking lot on the west side of the building that is accessed off of Church Street. The parking calculation on the Site Plan shows that based on the number of staff and students proposed, the facility meets the minimum parking requirements.

The traffic circulation pattern for the main parking lot, as well as the one-way traffic lane that provides drop-off to the east side of the school, is efficiently designed and should provide good traffic flow throughout the site. When the girl's high school across Church Street was proposed in 2012 a traffic study was developed by consulting engineers Hubbell, Roth and Clark to address access, circulation and the queuing operations of the needs of both facilities. That analysis was incorporated into the design of the proposed Site Plan presented now.

At this time the storm water management plan has yet to be fully developed and will need to be submitted to the Engineering Division for final review and approval. In addition, the design of the entryways into the site and onto Church Street will also need final approval by the Engineering Division.

The landscaping plan for the project shows a combination of new trees and shrubs concentrated in front of the building and along Church Street near the corner. The proposed landscaping plan satisfactorily meets the minimum Zoning Ordinance requirement for landscaping. The landscaping plan notes that "all landscape areas shall be irrigated to maintain proper plant cover".

A dumpster enclosure area is indicated on the site plan in the northeast corner of the property. A dumpster enclosure detail will need to be submitted as part of the building plans that meets the Zoning Ordinance requirements.

The Site Plan does not indicate the location or type of any proposed lighting for the facility. The parking lot lighting as well as any lighting for the building will need to be shielded so it does not create a nuisance for traffic or nearby residential uses.

The Site Plan shows an electrical transformer and generator in the northeast corner of the building with a masonry screening wall. Any additional ground or rooftop equipment will need to be screened as required by the Zoning Ordinance or placed on the roof in a manner that it cannot be seen.

A monument sign is indicated in the southwest corner of the property. 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.

Staff Recommendation

It is the recommendation of the Planning Division to approve the Special Land Use and Site Plan for the proposed educational institution with the following conditions:

- 1) Approval by the Engineering Division of an acceptable storm water management plan.
- 2) Approval by the Engineering Division of the design of the entryways into the site and onto Church Street.
- 3) Approval by the Engineering Division and Public Safety Department of the locations of the fire hydrants and fire suppression building connections.
- 4) Dumpster enclosure detail which meets the Zoning Ordinance requirements to be submitted as part of building plans.
- 5) Parking lot and building lighting to be shielded so it does not create a nuisance for traffic or nearby residential uses.
- 6) All ground and rooftop equipment screened as required by the Zoning Ordinance.
- 7) No signs are approved as part of the Site Plan Review process. A separate sign permit application must be submitted.

**BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN****AGENDA OF:** December 3, 2018**AGENDA #**

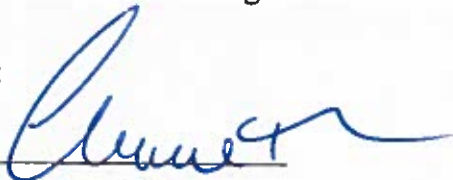
SUBJECT: Recommendation of Planning Commission for Special Land Use, Henderson Automotive, 14600 Eight Mile Road.

DEPARTMENT: Economic Development & Communications, Planning Division

SUMMARY: At the November 12, 2018 meeting, the Planning Commission conducted a Public Hearing on a Special Land use request for Henderson Automotive, 14600 Eight Mile Road, for a towing service with vehicle dealer and repair. The Planning Commission voted to recommend to the City Council approval of the Special Land Use with conditions.

RECOMMENDED ACTION: The City Council consider accepting the recommendation of the Planning Commission for approval of the Special Land Use for Henderson Automotive, 14600 Eight Mile Road, subject to the following conditions:

- 1) An application for a Land Improvement Permit to be submitted to the Engineering Division for the site improvements (drive approaches and stormwater management).
- 2) Determine a new location for the dumpster enclosure to the rear of the property to the satisfaction of the City Planner. A dumpster enclosure detail to be submitted as part of the application for a Building Permit.
- 3) A detailed landscape plan to be submitted as part of the application for a Building Permit.
- 4) Repair or replace the existing parking lot surface to the satisfaction of the Building Division in accordance with the Property Maintenance Code and applicable Zoning Ordinance provisions.
- 5) Repair, replace or remove the existing driveway on the northern boundary of the property.
- 6) Repair and make functional existing parking lot lighting and ensure the parking lot lighting is downward casting and not a nuisance to adjacent traffic.

APPROVALS:City Manager: Director: 

Finance Director: _____

EXHIBITS: Memorandum.



CITY OF OAK PARK

DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT

MEMORANDUM

TO: Planning Commission members DATE: November 6, 2018
FROM: Kevin Rulkowski, AICP, City Planner FILE: Planning/Henderson
Auto SLURPT1811
SUBJECT: Special Land Use Public Hearing, Henderson Automotive, 14600 Eight
Mile Road

A Public Hearing has been scheduled for the November 12th meeting to review the request of Henderson Automotive, 14600 Eight Mile Road, for approval of a towing service with vehicle dealer and repair.

Special Land Use Standards

The Special Land Use section of the Zoning Ordinance (Article XIX) requires the proposed use for a towing service with vehicle dealer and repair to meet a number of general standards (Section 1900) as well as use specific standards for Vehicle Dealers (Section 1917) and Repair Garages (Section 1904).

Section 1900 General Standards:

- A. The proposed special land use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and/or vicinity and applicable regulations of the zoning district in which it is to be located.
- B. The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location of and access to off-street parking, and provisions for pedestrian safety.
- C. The location, size, intensity, site layout and periods of operation of any such proposed use shall be designed to eliminate any possible nuisance emanating therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights.

D. The proposed use shall be such that the proposed location and height of building or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.

E. The proposed use shall relate harmoniously with the physical and economic aspects of adjacent land uses as regards to prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the city.

F. The proposed use is necessary for the public convenience at the proposed location.

G. The proposed use is designed, located, planned and to be operated that the public health, safety and welfare will be protected.

H. The proposed use shall not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or other permitted land uses in the zoning district.

General Special Land Use findings:

The Planning Division finds that the information contained in the application package and on the Site Plan satisfactorily meets the eight general standards identified in Section 1900 Special Land Uses in the Zoning Ordinance.

Sec. 1904. - Vehicle repair garages.

Vehicle repair garages including body repair, body painting, engine rebuilding, rust-proofing, and similar activities, may be permitted in certain districts specified in this ordinance, subject to the following:

- A. No vehicles awaiting service shall remain on-site for more than 36 hours.
- B. All repair services shall be conducted within a completely enclosed building.
- C. All trash storage areas shall be screened from view by a six-foot high enclosure approved by the city council, after review by the planning commission. The trash containers shall be emptied at least once each week. All discarded vehicle parts shall be kept inside the enclosure and shall not be permitted to accumulate for periods longer than one week unless stored within the building.
- D. A six-foot high masonry face brick wall or poured concrete wall with brick pattern on both sides, shall be located on all property lines which abut any residential district. In addition, a five-foot wide greenbelt shall be installed adjacent to the required wall. This greenbelt shall be planted in accordance with the following:
 - a. One three-inch caliper deciduous tree per 30 feet of wall length.
 - b. Four 24-inch to 30-inch high or wide evergreen or deciduous shrubs per 30 feet of wall length.

- c. Groundcover shall be either grass, woodchips, or decorative stone. Weedmat shall be installed under stone or woodchips.
- E. Management plans shall be submitted for the collection, storage, and recycling or proper disposal of all new, used or waste automotive fluids resulting from repair or service operations.

Sec. 1917. - Vehicle dealers (classes A, B, W).

Vehicle dealers shall be subject to the following regulations except as otherwise specified in this ordinance:

- A. General provisions. In B-2, general business districts, and LI, light industrial districts, the following minimum standards apply:
 - 1. All vehicle dealers shall have a solely dedicated permanent structure containing not less than 500 square feet of interior floor space to be used as business or sales office, in which customers may enter and transact business, and in which heating, plumbing, and restrooms are provided. Such building shall also include a bay in which vehicles can be brought in for minor servicing, cleaning, and preparation for sales.
 - 2. All cleaning and refurbishing of vehicles must be performed within an enclosed permanent building. No repair or refinishing shall be done outside on the lot.
 - 3. Outdoor loudspeakers or public address systems shall not be permitted.
 - 4. The required vehicle display area shall conform to the following requirements:
 - a. Access to each individual vehicle shall be provided. Vehicles shall not be positioned in a stacked or packed formation.
 - b. There shall be no storage or display of vehicles in the public right-of-way.
 - c. Vehicles for sale shall be prohibited from parking within any maneuvering lane or driveway.
 - d. Outdoor storage of inoperable or part-stripped vehicles shall be prohibited from the site.
 - 5. The setback areas along street frontages shall not be used for the parking or for the storage/display of vehicles. Separate off-street parking shall be provided in compliance with the regulations contained in section 1726 and the following provision:
 - a. The minimum number of parking spaces to be provided shall be calculated based on the formula of five spaces plus one space per each 15 used car storage/display spaces.
 - 6. Grounds shall meet, or be improved to comply with, the following site design requirements:
 - a. The site shall be hard-surfaced, graded and drained in accordance with the regulations of section 1726. Concrete curbing shall be provided along the perimeter of the parking area.

- b. Maneuvering lanes for the storage/display area shall be a minimum of 20 feet in width.
 - c. The setback areas along street frontages shall be a landscaped greenbelt measuring minimum of ten feet in width. Landscape plans must be included in application for review. See landscape provisions in section 1716 of the ordinance.
 - d. Overhead service doors shall not face or open toward residentially zoned property.
- 7. A six-foot-high masonry wall of face brick, six-foot-high simulated brick pattern poured concrete wall, or a six-foot-high pressure-treated wood or vinyl obscuring fence. The plan shall detail the location, height and type of wall/fence proposed, shall be located on all property lines which abut any residential district.
 - a. Where the storage yard abuts residentially zoned property there shall be a ten-foot wide landscaped greenbelt, between the property line and the fence/wall. Said greenbelt shall be planted in accordance with section 1716.
- 8. All lighting on the site shall be shielded. All glare shall be eliminated from all light fixtures and not encroach upon abutting properties. Lighting shall otherwise not direct illumination upon abutting properties, or emit illumination upon abutting properties in a manner that or of such magnitude that encroaches upon their peace. The light poles shall be no higher than 20 feet. Upward-directed lighting, searchlights, moving beams, and spotlights shall not be permitted.
- 9. A vehicle dealer licensed business shall be issued only for use on the premises named in the license application and such location shall not be changed without the approval of the city clerk. The clerk shall not approve such a transfer unless the new location conforms with all applicable ordinances.
- B. LI, light industrial districts. Classes B and W vehicle dealer licenses permitted only in combination with a towing, body shop (collision-related mechanical repair and unitized body structural repair only) or custom utility vehicle manufacturer subject to the following:
 - 1. The minimum lot area for a class B vehicle dealer shall be a solely dedicated 5,000 square feet and for class W licenses a solely dedicated 2,500 square feet.
 - 2. There shall be provided a minimum of ten storage/display spaces for class B licenses and five storage/display spaces for class W licenses.

Specific Special Land Use findings:

- 1. The Site Plan notes "vehicles awaiting repairs shall remain on site no more than 36 hours".
- 2. The Site Plan notes "repairs and maintenance to be done in specified area inside building".
- 3. The Site Plan notes "walled six foot high dumpster enclosure that is to be emptied weekly". A dumpster enclosure detail will need to be submitted as part of the building plans that meets the Zoning Ordinance requirements.
- 4. The Site Plan notes "refurbish existing lighting maintaining/providing shielding to keep

- light off adjacent ROW and neighboring properties.”
5. The Site Plan notes “sound systems are not permitted”.
 6. The Site Plan shows vehicle display area meets the Zoning Ordinance requirements.
 7. The Site Plan shows the vehicle display and customer parking areas meet the Zoning Ordinance requirements.

The Planning Division finds the submitted information demonstrates Henderson Automotive, 14600 Eight Mile Road, satisfactorily meets the specific standards for Vehicle Dealers (Section 1917) and Repair Garages (Section 1904).

Site Plan Review

A Site Plan is required as part of the Special Land Use process and a Site Plan has been submitted.

Henderson Automotive, currently operates a Towing Service with a Class B used auto sales at 13390 Capital. The business is proposing to move into an existing and vacant building at 14600 Eight Mile Road. The submitted Site Plan indicates the 11,707 square foot building will be used to house the offices of the towing service as well as the used car business. In addition, automotive repair facilities will also be operating within the building.

The property is zoned LI, Light Industrial District and the Zoning Ordinance permits the proposed Vehicle Dealers and Repair Garages as a Special Land Use as discussed above.

The proposed Site Plan shows that a large vehicle display area will be created on a new asphalt parking lot to the west of the building and along Eight Mile Boulevard. A large stormwater retention pond is shown to the north of this hard surface area to provide stormwater management for the site. An application for a Land Improvement Permit will have to be submitted to the Engineering Division for the site improvements (drive approaches and stormwater management). An existing drive off of Hubbell Avenue will allow for access to the business as well as the existing drive off of Eight Mile Boulevard. The existing parking lot in front of the building as well as the drive along the east side of the building is in need of repair or replacement. Along the back property line there is a driveway that is currently unusable. This driveway will have to be replaced or removed.

A dumpster enclosure is shown along the back portion of the vehicle display area. A general notation describes the dumpster enclosure. A better location for the dumpster enclosure would be in the back of the building or near the driveway apron in the northwest corner of the site. The applicant has agreed to locate the dumpster enclosure in a less conspicuous location on the site. A dumpster enclosure detail to be submitted as part of the application for a Building Permit.

A notation on the Site Plan describes the requirement for landscaping and an automated irrigation system. A detailed landscape plan will need to be submitted as part of the application for a Building Permit.

In addition to the Zoning Ordinance regulations the State of Michigan has created *established place of business* requirements that must be met to receive a Vehicle Dealer License (Class "A" (new) and "B" (used) licenses). The applicant will be applying for a Class "B" Used Vehicle Dealer License. As part of the Site Plan Review process the site is reviewed to ensure that the State land use requirements are met before Zoning Approval is granted. The State established *place of business requirements* for new and used vehicles dealers' state:

- The premises must contain a permanently enclosed building or structure either owned, leased, or rented by a dealer, which is not a residence, tent temporary stand, or any temporary quarters;
- The building or structure is required to be continuously occupied in good faith for the purpose of selling, buying, trading, leasing, or otherwise dealing in motor vehicles;
- All books, records, and files necessary to conduct the business of a Class "A" or "B" dealer must be maintained in the building or structure;
- A building or structure housing an office of at least 150 square feet in size, equipped with standard office furniture, working utilities, a working restroom, and a working telephone listed in the name of the business on the dealer's license;
- Land space of no less than 1,300 square feet to accommodate the display of a minimum of 10 vehicles of the kind and type that the dealer is licensed to sell and an additional 650 square feet for customer parking. The display and customer parking areas must be adequately surfaced and well lit during business hours;
- An exterior sign displaying the name of the dealership that is permanently affixed to the building or land with letters clearly visible from a highway identifies the premises;
- Conspicuous posting of the dealer's regular hours of operation. The posted hours must be not less than 30 hours per week.
- The premises must contain a registered repair facility on site for the repair and servicing of motor vehicles of a type sold at the established place of business, unless the dealer has entered into a written servicing agreement with a registered repair facility at a location not to exceed 10 miles distance from the established place of business. If repairs are conducted pursuant to a servicing agreement, the servicing agreement must be conspicuously posted in the office;
- The premises meet all applicable zoning and municipal requirements;

After reviewing the State land use requirements, the proposed Site Plan meets the minimum standards, specifically the ten space display area (37 identified as parking and display spaces on the Site Plan). In addition, the Site Plan shows the location of the dealership office and repair/maintenance area.

No general areas have been identified to store vehicles as part of the Towing Service. The Zoning Ordinance requires outdoor storage areas to be screened. The applicant has indicated there will not be vehicles stored on site as part of the Towing Service and a notation on the Site Plan states this condition.

A notation on the Site Plan states “vehicles awaiting repairs shall remain on-site for no more than 36 hours” and “inoperable vehicles and stripped parts are prohibited from the site”.

The Site Plan does not indicate any new signs for the business. A separate application will need to be submitted for any proposed signs.

Staff Recommendation

It is the recommendation of the Planning Division to approve the Special Land Use and Site Plan for Henderson Automotive, 14600 Eight Mile Road, for a towing service with vehicle dealer and repair with the following conditions:

- 1) An application for a Land Improvement Permit to be submitted to the Engineering Division for the site improvements (drive approaches and stormwater management).
- 2) Determine a new location for the dumpster enclosure to the rear of the property to the satisfaction of the City Planner. A dumpster enclosure detail to be submitted as part of the application for a Building Permit.
- 3) A detailed landscape plan to be submitted as part of the application for a Building Permit.
- 4) Repair or replace the existing parking lot surface to the satisfaction of the Building Division in accordance with the Property Maintenance Code and applicable Zoning Ordinance provisions.
- 5) Repair, replace or remove the existing driveway on the northern boundary of the property.
- 6) Repair and make functional existing parking lot lighting and ensure the parking lot lighting is downward casting and not a nuisance to adjacent traffic.

**BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN****AGENDA OF:** December 3, 2018**AGENDA #**

SUBJECT: Recommendation of Planning Commission for Special Land Use, Eddie's Gourmet Restaurant, 25920 Greenfield.

DEPARTMENT: Economic Development & Communications, Planning Division

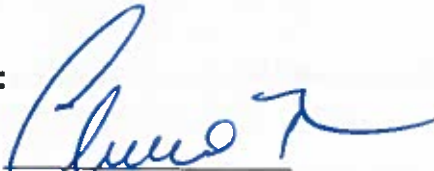
SUMMARY: At the November 12, 2018 meeting, the Planning Commission conducted a Public Hearing on a Special Land use request for Eddie's Gourmet Restaurant, 25920 Greenfield, for a Restaurant that serves Alcoholic Liquor. The Planning Commission voted to recommend to the City Council approval of the Special Land Use with conditions.

RECOMMENDED ACTION: The City Council consider accepting the recommendation of the Planning Commission for approval of the Special Land Use for Eddie's Gourmet Restaurant, 25920 Greenfield, subject to the following conditions:

- 1) There shall at all times be maintained and provided culinary facilities to cook and prepare food, and tables and seating areas to accommodate dining on the premises by not fewer than 20 patrons at any time.
- 2) Not more than 50 percent of the gross floor area open to the general public shall be used for purposes other than seating for diners, consisting of tables, chairs, booths, and necessary aisle ways. Public restroom facilities shall not be considered in this determination.
- 3) Not less than 50 percent of the gross sales of the restaurant annually are derived from the sale of food and nonalcoholic beverages prepared for consumption on the premises as required by the Michigan Liquor Control Commission.
- 4) Repair or replace the screening around the dumpster enclosure to the satisfaction of the Building Division in accordance with the Property Maintenance Code and applicable Zoning Ordinance provisions.
- 5) Patch and repair the parking lot surface to the satisfaction of the Building Division in accordance with the Property Maintenance Code and applicable Zoning Ordinance provisions.
- 6) Re-set the damaged parking lot bumper blocks and replace damaged parking lot bumper blocks.
- 7) Paint, repair, replace or remove damaged guard rail on the north and east property lines.
- 8) Ensure the existing parking lot lighting is downward casting and not a nuisance to adjacent traffic.

APPROVALS:

City Manager:



Director:



Finance Director:

EXHIBITS: Memorandum.



CITY OF OAK PARK

DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT

MEMORANDUM

TO: Planning Commission members DATE: October 31, 2018
FROM: Kevin Rulkowski, AICP, City Planner FILE: Planning/EddiesGourmet
RestSLURPT1811
SUBJECT: Special Land Use Public Hearing, Eddie's Gourmet Restaurant, 25920
Greenfield

A Public Hearing has been scheduled for the November 12th meeting to review the request of Eddie's Gourmet Restaurant, 25920 Greenfield, for approval of a restaurant that serves alcoholic liquor.

Special Land Use Standards

The Special Land Use section of the Zoning Ordinance (Article XIX) requires the proposed use for a Restaurant that serves Alcoholic Liquor to meet a number of general standards (Section 1900) as well as use specific standards for Restaurants Serving Alcoholic Liquor (Section 1930).

Section 1900 General Standards:

- A. The proposed special land use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and/or vicinity and applicable regulations of the zoning district in which it is to be located.
- B. The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location of and access to off-street parking, and provisions for pedestrian safety.
- C. The location, size, intensity, site layout and periods of operation of any such proposed use shall be designed to eliminate any possible nuisance emanating therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights.

D. The proposed use shall be such that the proposed location and height of building or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.

E. The proposed use shall relate harmoniously with the physical and economic aspects of adjacent land uses as regards to prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the city.

F. The proposed use is necessary for the public convenience at the proposed location.

G. The proposed use is designed, located, planned and to be operated that the public health, safety and welfare will be protected.

H. The proposed use shall not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or other permitted land uses in the zoning district.

The Planning Division finds that the information contained in the application package and on the Site Plan satisfactorily meets the eight general standards identified in Section 1900 Special Land Uses in the Zoning Ordinance.

Sec. 1930. - Establishments serving alcoholic liquor for consumption on the premises.

Establishments serving alcoholic liquor for consumption on the premises may be permitted in certain districts specified in this section, subject to the following:

A. All establishments serving alcoholic liquor for consumption on the premises are subject to the following:

1. The proposed establishment serving alcoholic liquor for consumption on the premises is not located within 500 feet of a place of worship or school building. The distance between the place of worship or school building and the contemplated location shall be measured along the center line of the street or streets of address between two fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the place of worship or school building nearest to the contemplated location and from the part of the contemplated location nearest to the place of worship or school building. Notwithstanding the stated distance requirements, no proposed establishment serving alcoholic liquor for consumption on the premises will be permitted to serve alcoholic liquor if the proposed establishment serving alcoholic liquor for consumption on the premises is located on a parcel of land adjacent to a parcel of land with a place of worship or school building. This provision may be waived by the city council if the affected school(s) or place(s) of worship, through its duly appointed or elected governing body, affirmatively waives, in writing, its right to object to the restaurant and the city council determines that the proposed establishment serving alcoholic liquor for

consumption on the premises will not adversely affect the operation of the school or place of worship.

2. The layout of the site of the proposed establishment serving alcoholic liquor for consumption on the premises and its relationship to streets serving access to the site shall be in a manner that vehicular and pedestrian traffic to and from the proposed establishment serving alcoholic liquor for consumption on the premises, and the potential assembly of persons connected therewith, will not be hazardous, endangering, or inconvenient to the surrounding neighborhood and commercial district.
 3. The proposed establishment serving alcoholic liquor for consumption on the premises will be compatible with adjacent uses of land, considering the proximity of residential dwellings, places of worship, schools, public structures, and other places of public gatherings.
 4. The proposed establishment serving alcoholic liquor for consumption on the premises will not be contrary to the public interest or injurious to nearby properties.
 5. The proposed establishment serving alcoholic liquor for consumption on the premises will not have the possible effect of downgrading and blighting the surrounding neighborhood.
 6. The proposed establishment serving alcoholic liquor for consumption on the premises will not reasonably be expected to diminish the value of properties in the immediate area.
- B. For restaurants serving alcoholic liquor for consumption on the premises the following additional requirements:
1. There shall at all times be maintained and provided culinary facilities to cook and prepare food, and tables and seating areas to accommodate dining on the premises by not fewer than 20 patrons at any time.
 2. Not more than 50 percent of the gross floor area open to the general public shall be used for purposes other than seating for diners, consisting of tables, chairs, booths, and necessary aisle ways. Public restroom facilities shall not be considered in this determination.
 3. Not less than 50 percent of the gross sales of the restaurant annually are derived from the sale of food and nonalcoholic beverages prepared for consumption on the premises as required by the Michigan Liquor Control Commission.
 4. All truck well, loading dock and loading/truck service areas shall be located and designed to minimize negative impact on adjoining properties.

Specific standards findings:

1. The location of the Eddie's Gourmet restaurant does not meet the specific spacing requirements of Section 1930 C and is located within 500 feet of a school, park, or place of worship. The applicant has received a letter from the adjacent Congregation Ahavas Yisroel, 25952 Greenfield stating they do not object to Eddie's Gourmet restaurant

- serving alcoholic liquor. City Council has the authority to waive this requirement.
2. The interior layout of the Eddie's Gourmet restaurant accommodates over 20 patrons as indicated on the submitted floor plan.
 3. Not more than 50 percent of the gross floor area open to the general public is used for purposes other than seating for diners, consisting of tables, chairs, booths, and necessary aisle ways.

The Planning Division finds the submitted information demonstrates the Eddie's Gourmet restaurant, that is proposing to serve alcoholic liquor, satisfactorily meets the specific standards for Restaurants serving Alcoholic Liquor (Section 1930).

Site Plan Review

A Site Plan is required as part of the Special Land Use process and a sketch Site Plan has been submitted. Eddie's Gourmet restaurant operates in a 1,516 square foot building at the northeast corner of Greenfield Road and Lincoln Avenue. The Site Plan shows that the restaurant provides 14 parking spaces on site. There is a dumpster in front of the building with a wooden trash enclosure that is in need of some repair. The restaurant has operated at this location and in this manner for a great number of years. The addition of serving alcohol at the restaurant will most likely not measurably increase the business intensity but only enhance the restaurant experience for its current patrons.

A number of minor site improvements should be required as part of any approval for the restaurant to begin serving alcohol:

- 1) Repair or replace the screening around the dumpster enclosure to the satisfaction of the Building Division in accordance with the Property Maintenance Code and applicable Zoning Ordinance provisions.
- 2) Patch and repair the parking lot surface to the satisfaction of the Building Division in accordance with the Property Maintenance Code and applicable Zoning Ordinance provisions.
- 3) Re-set the damaged parking lot bumper blocks and replace damaged parking lot bumper blocks.
- 4) Paint, repair, replace or remove damaged guard rail on the north and east property lines.
- 5) Ensure the existing parking lot lighting is downward casting and not a nuisance to adjacent traffic.

Staff Recommendation

It is the recommendation of the Planning Division to approve the Special Land Use and Site Plan for Eddie's Gourmet Restaurant, 25920 Greenfield, as a restaurant serving alcoholic liquor with the following conditions:

- 1) There shall at all times be maintained and provided culinary facilities to cook and prepare food, and tables and seating areas to accommodate dining on the premises by not fewer than 20 patrons at any time.

- 2) Not more than 50 percent of the gross floor area open to the general public shall be used for purposes other than seating for diners, consisting of tables, chairs, booths, and necessary aisle ways. Public restroom facilities shall not be considered in this determination.
- 3) Not less than 50 percent of the gross sales of the restaurant annually are derived from the sale of food and nonalcoholic beverages prepared for consumption on the premises as required by the Michigan Liquor Control Commission.
- 4) Repair or replace the screening around the dumpster enclosure to the satisfaction of the Building Division in accordance with the Property Maintenance Code and applicable Zoning Ordinance provisions.
- 5) Patch and repair the parking lot surface to the satisfaction of the Building Division in accordance with the Property Maintenance Code and applicable Zoning Ordinance provisions.
- 6) Re-set the damaged parking lot bumper blocks and replace damaged parking lot bumper blocks.
- 7) Paint, repair, replace or remove damaged guard rail on the north and east property lines.
- 8) Ensure the existing parking lot lighting is downward casting and not a nuisance to adjacent traffic.

MERCHANT'S LICENSES -DECEMBER 3RD, 2018

(Subject to All Departmental Approvals)

NEW MERCHANT	ADDRESS	FEES	BUSINESS TYPE
2018 RENEWALS	ADDRESS	FEES	BUSINESS TYPE
DISCOVERED OPERATING WITHOUT A BL	ADDRESS	FEES	BUSINESS TYPE
2019 RENEWALS	ADDRESS	FEES	BUSINESS TYPE
ERNIE'S MARKET	8500 CAPITAL	\$150.00	DELI
MICHIGAN DESSERT CORP	10750 CAPITAL	\$150.00	FOOD DISTRIBUTION OFFICE
EXCELL SNOW & TURF MAINTENANCE	11000 CAPITAL	\$150.00	LANDSCAPING
TAMOUS ELECTRICAL SERVICES	21380 COOLIDGE	\$150.00	ELECTRICAL CONTRACTOR
PARTY TIME RENTAL	12980 EIGHT MILE	\$150.00	PARTY RENTAL SUPPLY
8 MILE SMOKE	15180 EIGHT MILE	\$150.00	DISTRIBUTOR OF SMOKE AND VAPE
MCDONALDS	21000 GREENFIELD	\$150.00	FAST FOOD
MR. M'S VACUUM REPAIR	23300 GREENFIELD 108	\$150.00	VACUUM REPAIRS
PAPER GOODS WAREHOUSE	26048 GREENFIELD	\$150.00	DISTRIBUTOR OF PARTY GOODS, ETC
REALTEAM REAL ESTATE	8250 NINE MILE	\$150.00	REAL ESTATE BROKER
WING'S GARDEN	8410 NINE MILE	\$150.00	RESTAURANT
UNIVERSAL STAINED GLASS DESIGN	8550 NINE MILE	\$150.00	STAINED GLASS GIFT SHOP
PAIRS FOOD STORE	9000 NINE MILE	\$150.00	FOOD STORE
KNIGHT LIGHT CANDLE COMPANY	10332 NINE MILE	\$150.00	CANDLE STORE
AA1 APPLIANCES	10400 NINE MILE	\$150.00	RESALE APPLIANCE STORE
CRESCENT PATTERN COMPANY	8720 NORTHEND	\$150.00	PATTERN COMPANY
ATLAS CUT STONE	12920 NORTHEND	\$150.00	LIMESTONE & STONE SUPPLIES
LAWFORD FABRICATING CO.	21650 WYOMING CT.	\$150.00	PROTOTYPE TOOLING

TO: The Oak Park City Council

FROM: Erik Tungate, City Manager

DATE: November 28, 2018

RE: Approval of the Class C Liquor License Application for
Eddie's Gourmet Restaurant (Eddie Hanna), 25920 Greenfield Road

PURPOSE(S) OF ACTION:

To consider the approval of the issuance of a Class C Liquor License for the above-described establishment.

BACKGROUND/KEY ISSUES/CONTRIBUTING FACTORS:

Chapter 6, captioned Alcoholic Liquor, Article III, entitled Regulation of On-the-Premises Consumption of the Code of Ordinances in Section 6-54. - Licensing policy, specifies that an applicant for a license must obtain approval from both the State of Michigan and the City of Oak Park, that new licenses and transfers of licenses into the City require the prior approval of the City Council and that no person shall engage in the business of selling alcoholic liquor for consumption on the premises in the City of Oak Park, Michigan without first obtaining a special land use approval, as required by the Zoning Act and entering into a contract with the City. In addition, Sec. 6-55. - Restaurant requirements, stipulates that the City Council shall not approve any application for a license to sell alcoholic liquor for consumption on the premises unless the use of the license is in connection with and incidental to a restaurant operation that maintains and provides culinary facilities to cook and prepare food, and tables and seating areas to accommodate dining on the premises by not fewer than 20 patrons at any time; and the restaurant is required to operate consistent with the hours established by the Michigan Liquor Control Commission for such establishments.

Sec. 6-56. - Application for license, outlines the process for obtaining a Class C Liquor License from the City.

Sec. 6-58. - Review procedures, requires that the City Clerk distribute an application for a Class C Liquor License to the appropriate departments for certifications by the Director of Technical and Planning Services that the building or structures to which the License will apply meet all applicable building and property maintenance codes or that acceptable building plans for work which will satisfy all such codes have been submitted, that the location is appropriately zoned for the proposed use and that any required zoning approvals, including site plan approval, have been applied for or obtained and certification by the Director of Public Safety that the proposed Licensee(s) is/are of good moral character and that the Licensed Premises are in compliance with

all applicable fire safety regulations. Also, the Clerk must certify that the proposed Licensee(s) has a current license for operation of a restaurant at the proposed Licensed Premises or meets applicable requirements for issuance of such a license. In addition, given that Subsection (c) (17) specifies that one of the review factors to be considered when analyzing a request for a license or related permit(s) is whether the applicant is delinquent on any taxes or other payment obligations to the City, as part of its review process the Administration requires certification from the Finance Director or their designee that the proposed Licensee(s) is not in default on any obligations due the municipality and/or Oakland County (for anything that was transferred by the City to the County for collection).

Further, Subsection (b) (1) of Sec. 6-58 provides that when a completed application and fee have been received, the city council shall schedule a public hearing to consider the request for a new license and related permit(s). Subsection (e) then specifies that after review by staff and recommendation, and a public hearing, if the City Council is satisfied that the establishment or operation will provide a benefit to the City and constitute an asset to the community, it will adopt a resolution granting approval, subject to the satisfaction of any conditions stated in the resolution. Approval of the license shall be conditioned on any necessary remodeling or new construction for the use of the license be completed within six (6) months of the action of the City Council or the Michigan Liquor Control Commission approving such license, whichever last occurs. Any unusual delay in the completion of such remodeling or construction may subject the license to revocation. The Ordinance also includes provisions addressing the issuance of entertainment permits along with other regulatory provisions.

Sec. 1930 of the Zoning Ordinance addresses restaurants serving alcoholic liquor and provides that such establishments may be permitted in certain zoning districts upon review of a special land use request by the Planning Commission and subsequently, approval of the site plan by the Council. At its meeting held on November 12, 2018 the City of Oak Park Planning Commission recommended to the City Council that it approve the Request of Eddie's Gourmet Restaurant (Eddie Hanna) located at 25920 Greenfield for Special Land Use to Operate a Restaurant that Serves Alcoholic Liquor. Given the approval of the Special Land Use by the Planning Commission, the Site Plan has been submitted for consideration by the City Council at its meeting scheduled for December 3, 2018.

Eddie's Gourmet Restaurant (Eddie Hanna) has applied to the Michigan Liquor Control Commission for a Class C Liquor License at 25920 Greenfield. Prior to issuing a Class C Liquor License the Liquor Control Commission pursuant to MCL 436.1501 requires local government approval in the form of a resolution from the local legislative body. In addition, as outlined above, the Applicant has filed the requisite documents as confirmed in the attached Class C Liquor License Requirements Checklist to seek the issuance of a license by the City permitting the consumption of alcoholic liquor on the premises of a restaurant operation.

As stated previously, pursuant to Sec. 6-58 of the Code, when a completed application has been received the City Council shall schedule a public hearing to consider the request for a new license and related permit(s). In reference to the Application from Eddie's Gourmet Restaurant (Eddie Hanna) located at 25920 Greenfield we are requesting that subsequent to the Council considering the Site Plan if favorable action is taken, the Public Hearing on the Application be

held at the December 3, 2018 Regular Meeting at 7:00 P.M. or as soon thereafter as the matter may be heard.

It is the recommendation of the Administration, subject to any comments, conditions, and/or explanations contained in the Class C Liquor License Requirements Checklist which are incorporated and/or specified in the attached proposed Resolution Approving the Application of Eddie's Gourmet Restaurant (Eddie Hanna) for the establishment, located at 25920 Greenfield for a Class C Liquor License on the Premises of a Restaurant Operation that at the conclusion of the Public Hearing after analyzing the review factors specified in Sec. 6-58 (c) of the Code that (unless evidence is presented that would serve as a basis for denial of the issuance of the license(s)) the City Council adopt resolutions approving the issuance of the licenses by both the Michigan Liquor Control Commission and the City of Oak Park.

SUPPORTING DOCUMENTATION/INFORMATION ATTACHED:

1. Class C Liquor License Requirements Checklist for Alcoholic Liquor on the Premises of a Restaurant Operation.
2. Local Government Approval Resolution for the Michigan Liquor Control Commission
4. City of Oak Park Contract for Class C License
5. Proposed Resolution Approving the Application of Eddie's Gourmet Restaurant (Eddie Hanna) for the establishment, located at 25920 Greenfield for a City of Oak Park Class C Liquor License on the Premises of a Restaurant Operation.

xc: T. Edwin Norris, City Clerk
Kimberly Marrone, Director of the Department of Community and Economic Development

CITY OF OAK PARK, MICHIGAN

**CLASS C LIQUOR LICENSE OR TAVERN LICENSE
REQUIREMENTS CHECKLIST FOR CONSUMPTION OF
ALCOHOLIC LIQUOR ON THE PREMISES OF A RESTAURANT OPERATION**

The following checklist is intended to assist the elected and appointed representatives of the City of Oak Park, Michigan in determining whether an applicant for a Class C Liquor License or Tavern License from the municipality has provided all of the required documentation and/or information as specified in the City's Class C Liquor License/Tavern License Application Process (any subsequent reference in this Checklist to a Class C Liquor License includes a Tavern License if that is what the applicant is seeking) and pursuant to **Article III, Sections 6-51 – 6-68** and **Ordinance No. O-13-597 (Zoning Ordinance)** of the Code of Ordinances, City of Oak Park, Michigan.

City of Oak Park Class C Liquor License Application No.: 001-2018

Name of Establishment Applying for a Class C Liquor License: Eddie's Gourmet Restaurant

Name of Applicant and/or its Principals/Shareholders: Eddie's Gourmet Food Inc. (Eddie Hanna)

Location: 25920 Greenfield, Oak Park, MI 48237

A. Remittance of Application Fees

- ☒ New On-Premises Consumption or Full Transfer of Ownership: \$800.00
- ☐ Adding Additional Owners to a License for On-Premises Consumption: \$200.00
- ☒ Special Land Use Site Plan Review: \$600.00
- ☒ Background Check: \$75.00
- ☐ Annual Renewal: \$150.00

B. Distance Compliance Certification

- ☒ Issued ☐ Pending

C. Request for Special Land Use to Operate a Restaurant that Serves Alcoholic Liquor

- ☒ Approved by the City of Oak Park Planning Commission at its meeting held on November 12, 2018.
- ☒ Presented (Site Plan) for consideration by the Oak Park City Council at its meeting to be held on December 3, 2018.

D. Submission and Review of Background Check Information

- ☒ Investigation Completed by Representative(s) of the Department of Public Safety on November 20, 2018.
- ☒ Investigation Confirmed that there are No Issues that Preclude the Issuance of a Class C Liquor License in the Name of the Applicant

E. Application(s)

- ☒ Complete in All Appropriate/Requisite Sections
- ☒ Signed, Dated and Notarized

F. Proof of Possession of Property

- ☐ Deed ☐ Land Contract
- ☒ Lease ☐ Assignment of Lease
- ☐ Sublease ☐ Bill of Sale and/or Lease for Equipment/Furniture/Fixtures

G. Business Entity/Organization/Structure Documents

- ☒ Corporation (Copy of Articles of Incorporation Attached to Application)
- ☐ Partnership (General or Limited – Full Names, Dates of Birth and Home Addresses of All Partners and Copy of Articles of Partnership/Agreement Attached to Application)
- ☐ Sole Proprietorship (If Doing Business Under an Assumed Name a Copy of the D/B/A Certificate was Attached to the Application)
- ☐ Other (i.e. LLC – Details Provided as Required in Class C Liquor License Application)

H. Financial Qualifications/Information

- ☐ Copy of Loan Document(s)/Affidavits Detailing the Sources of Funding for Business
- ☒ Information Provided Concerning Source of Funding for Acquisition/Opening/Operating the Licensed Business

I. Management Information

- ☒ Provided Name, Address and Telephone Number of Individual Who Will Serve as the Manager of the Licensed Business
- ☒ Provided Name, Address and Telephone Number of Individual Who is Authorized to Sign Checks and Pay Bills in Connection with the Operation of the Licensed Business

J. Description of Proposed Facilities in Some Detail

- ☒ Detail Provided Including Square Footage, Seating Capacity, Parking Capacity, Etc.
- ☐ Copy of Site Plan (If Necessary) and Description/Diagram (Detailed Floor Plan) of the Premises

K. Dancing or Entertainment

- ☐ Yes - Description of Planned Entertainment: _____. Pursuant to state law and/or local ordinance(s), Applicant is required to obtain any permit(s) for dancing required by the Michigan Liquor Control Commission and must maintain a dance floor that is not less than 100 square feet, is well defined and without tables, chairs, or other obstacles while customers are dancing. **Authorizing dancing at the venue does not allow topless activity or adult entertainment of any kind.**
- ☒ No

L. Status of City of Oak Park Business License

- ☒ Applicant has Current Valid City Business License(s) as Required Based on Business Activity
- ☐ Applicant has Submitted an Application for a Business License(s)
- ☐ Applicant is Current on All Applicable Business License(s) Fees

M. Applicant, and/or its Principals/Shareholders are Not in Default on Any Obligations Due the City of Oak Park and/or Oakland County

- ☒ Personal Property Taxes: \$0.00
- ☒ Real Property Taxes: \$0.00
- ☒ Special Assessments: \$0.00
- ☒ Sewer and Water: \$0.00

N. **Documents Submitted by Applicant Pursuant to Section 20 of the City of Oak Park,
Michigan Class C Liquor License Application**

- ☒ Contract with the City of Oak Park
- ☒ Varied Menu of Food Items Consisting of Not Less Than 10 Food Items Cooked or Prepared on the Premises

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DEPARTMENTAL CERTIFICATIONS REQUIRED BY SECTION 6-58 (a) OF THE CODE OF ORDINANCES, CITY OF OAK PARK, MICHIGAN OR THE CITY ADMINISTRATION

City of Oak Park Class C Liquor License Application No.: 001-2018

Name of Establishment Applying for a Class C Liquor License: Eddies Gourmet Restaurant

Name of Applicant and/or its Principals/Shareholders: Eddie Hanna

Location: 25920 Greenfield, Oak Park, MI 48237

DEPARTMENT OF TECHNICAL AND PLANNING

Certification that the buildings or structures to which the License will apply meet all applicable building and property maintenance codes or that acceptable building plans for work which will satisfy all such codes have been submitted and the proposed Licensed Premises are appropriately zoned for the use and that any required zoning approvals, including site plan approval, have been applied for or obtained.

☒ Recommended for Approval

☐ Recommended for Approval with Comments/Conditions/Explanations: The owner has applied for a business license and building plans have been submitted and approved. The applicant/owner must obtain a certificate of occupancy for the subject premises prior to opening and the structure must pass all building and fire inspections.

☐ Not Recommended for Approval


(Print Name) Robert Barrett

Director of the Department of Technical and Planning or Their Designee

Date: 11/20/18

DEPARTMENTAL CERTIFICATIONS REQUIRED BY SECTION 6-58 (a) OF THE CODE OF ORDINANCES, CITY OF OAK PARK, MICHIGAN OR THE CITY ADMINISTRATION

City of Oak Park Class C Liquor License Application No.: 001-2018

Name of Establishment Applying for a Class C Liquor License: Eddies Gourmet Restaurant

Name of Applicant and/or its Principals/Shareholders: Eddie Hanna

Location: 25920 Greenfield, Oak Park, MI 48237

DEPARTMENT OF PUBLIC SAFETY

Certification that the proposed Licensee(s) is of good moral character and the Proposed Licensed Premises are in compliance with all applicable fire safety regulations.

- ☒ Recommended for Approval
☐ Recommended for Approval with Comments/Conditions/Explanations:

NO DEROGATORY INFORMATION FOUND ON BACKGROUND
CHECK OF MR. HANNA OR BUSINESS LOCATION.

☐ Not Recommended for Approval


(Print Name) COOPER, STEVE

Director of the Department of Public Safety or Their Designee

Date: 20 NOVEMBER 2018

DEPARTMENTAL CERTIFICATIONS REQUIRED BY SECTION 6-58 (a) OF THE CODE OF ORDINANCES, CITY OF OAK PARK, MICHIGAN OR THE CITY ADMINISTRATION

City of Oak Park Class C Liquor License Application No.: 001-2018

Name of Establishment Applying for a Class C Liquor License: Eddies Gourmet Restaurant

Name of Applicant and/or its Principals/Shareholders: Eddie Hanna

Location: 25920 Greenfield, Oak Park, MI 48237

CITY CLERK

Certification that the proposed Licensee(s) has a current valid license for operation of a restaurant at the proposed Licensed Premises or meets applicable requirements for the issuance of such a license.

☒ Recommended for Approval

☐ Recommended for Approval with Comments/Conditions/Explanation: Subject to all final departmental approvals and issuance by Oakland County of a valid license for operation of a restaurant at the proposed Licensed Premises within six (6) months of the action of the City Council or the Michigan Liquor Control Commission approving the Class C Liquor License, whichever last occurs.

☐ Not Recommended for Approval



(Print Name) T. Edwin Norris

City Clerk or Their Designee

Date: 11-28-18

DEPARTMENTAL CERTIFICATIONS REQUIRED BY SECTION 6-58 (a) OF THE CODE OF ORDINANCES, CITY OF OAK PARK, MICHIGAN OR THE CITY ADMINISTRATION

City of Oak Park Class C Liquor License Application No.: 001-2018

Name of Establishment Applying for a Class C Liquor License: Eddies Gourmet Restaurant

Name of Applicant and/or its Principals/Shareholders: Eddie Hanna

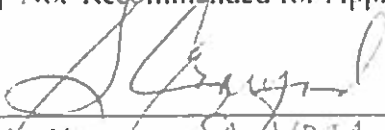
Location: 25920 Greenfield, Oak Park, MI 48237

DEPARTMENT OF FINANCE

Certification that the proposed Licensee(s) is not in default on any obligations due the City of Oak Park and/or Oakland County.

- ☒ Recommended for Approval
☐ Recommended for Approval with Comments/Conditions/Explanation:

☐ Not Recommended for Approval


(Print Name) SANDRA CRAWFORD
Finance Director or Their Designee
Date: 10-8-2018

Based on the Certifications provided by the appropriate representatives of the departments of Finance, Public Safety, Technical and Planning and the City Clerk it is recommended that subject to any conditions specified by those administrative offices/officials the City Council adopt a Resolution approving the issuance of a Class C Liquor License to:

City of Oak Park Class C Liquor License Application No.: 001-2018

Name of Establishment Applying for a Class C Liquor License: Eddies Gourmet Restaurant

Name of Applicant and/or its Principals/Shareholders: Eddie Hanna

Location: 25920 Greenfield, Oak Park, MI 48237

Comments/Conditions/Explanations:



Kimberly Marrone

Director of Community and Economic Development or Her Designee

Date: 10-28-18

Based on the Certifications provided by the appropriate representatives of the departments of Finance, Public Safety, Technical and Planning and the City Clerk subject to any conditions specified by those administrative offices/officials and pursuant to the recommendation of the Director of the Department of Community and Economic Development as well as having completed my analysis and assessment of the documentation and information submitted by the Applicant it is requested that the City Council consider adopting a Resolution approving the issuance of a Class C Liquor License to:

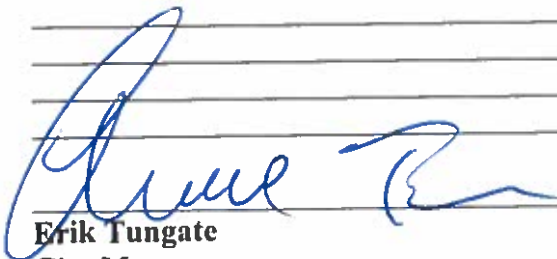
City of Oak Park Class C Liquor License Application No.: 001-2018

Name of Establishment Applying for a Class C Liquor License: Eddies Gourmet Restaurant

Name of Applicant and/or its Principals/Shareholders: Eddie Hanna

Location: 25920 Greenfield, Oak Park, MI 48237

Comments/Conditions/Explanations:



Erik Tungate

City Manager

Date: 11-28-18



Michigan Department of Licensing and Regulatory Affairs
Liquor Control Commission (MLCC)
Toll Free: 866-813-0011 • www.michigan.gov/lcc

Business ID: _____
Request ID: _____
(For MLCC use only)

Local Government Approval
(Authorized by MCL 436.1501)

Instructions for Applicants:

- You must obtain a recommendation from the local legislative body for a new on-premises license application, certain types of license classification transfers, and/or a new banquet facility permit.

Instructions for Local Legislative Body:

- Complete this resolution or provide a resolution, along with certification from the clerk or adopted minutes from the meeting at which this request was considered.

At a regular meeting of the Oak Park city council/board
(regular or special) (township, city, village)
called to order by Mayor Marian McClellan on December 3, 2018 at 7:00 P.M.
(date) (time)

the following resolution was offered:

Moved by _____ and supported by _____

that the application from Eddie's Gourmet Food Inc. (Eddie Hanna) d/b/a Eddie's Gourmet Restaurant
(name of applicant - if a corporation or limited liability company, please state the company name)

for the following license(s): Class C Liquor License
(list specific licenses requested)

to be located at: 25920 Greenfield Road, Oak Park, MI 48237

and the following permit, if applied for:

☐ Banquet Facility Permit Address of Banquet Facility: _____

It is the consensus of this body that it recommends this application be considered for
(recommends/does not recommend)
approval by the Michigan Liquor Control Commission.

If disapproved, the reasons for disapproval are _____

Vote

Yeas: _____

Nays: _____

Absent: _____

I hereby certify that the foregoing is true and is a complete copy of the resolution offered and adopted by the Oak Park city
council/board at a regular meeting held on December 3, 2018
(regular or special) (date) (township, city, village)

T. Edwin Norris

Print Name of Clerk

Signature of Clerk

Date

Under Article IV, Section 40, of the Constitution of Michigan (1963), the Commission shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. Further, the Commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the licensure of businesses and individuals.

Please return this completed form along with any corresponding documents to:

Michigan Liquor Control Commission

Mailing address: P.O. Box 30005, Lansing, MI 48909

Hand deliveries or overnight packages: Constitution Hall - 525 W. Allegan, Lansing, MI 48933

Fax to: 517-763-0059

CITY OF OAK PARK, MICHIGAN CONTRACT FOR CLASS C LIQUOR LICENSE

Applicant's Name: Eddie's Gourmet Food Inc. (Eddie Hanna)

Name of Business: Eddie's Gourmet Restaurant

Relationship to Business: Eddie Hanna, Incorporator

Location/Premises Address: 25920 Greenfield Road, Oak Park Michigan 48237

This Contract for Class C Liquor License (hereinafter referred to as the "Contract") is entered into this ____ day of _____, 2018, by and between Eddie's Gourmet Food Inc. (Eddie Hanna) d/b/a Eddie's Gourmet Restaurant the address of which is 25920 Greenfield Road, Oak Park, Michigan 48237 (hereinafter referred to as the "Licensee") and the City of Oak Park, Michigan, a Michigan Municipal Corporation, the address of which is 14000 Oak Park Boulevard, Oak Park, Michigan 48237, (hereinafter referred to as the "City").

RECITALS:

WHEREAS, Licensee is seeking to obtain a Class C Liquor License pursuant to Article III, Sections 6-51 through 6-68 of the Code of Ordinances of the City and Sections 1930 – 1401 of the City's Zoning Ordinance;

WHEREAS, local legislative approval is required by the above-described ordinances for the issuance of a Class C Liquor License;

WHEREAS, Licensee wishes to enter into this Contract for a Class C Liquor License as an inducement to the City to approve the request for the issuance of a Class C Liquor License;

WHEREAS, the City believes that a successful business relies, in part, on the strength, cooperation and support of the neighborhood around it, and that the strength of the neighborhood relies, in part, on the responsibility, vitality, and strength of the businesses operating within it;

WHEREAS, the City wishes to maintain the livability and safety of the neighborhood and minimize nuisance issues, crime and fear of crime in and around restaurants with class c liquor licenses;

WHEREAS, the City has established a policy that it will not issue class c liquor licenses; approve the transfer of class c liquor licenses, whether active or in escrow; or approve transfers of stock with regard to class c liquor licenses unless the license applicant is willing to abide by the terms of the provisions contained in this Contract;

WHEREAS, Licensee agrees to operate under and fully perform the obligations set out hereunder; and

WHEREAS, the City is relying upon this Contract in granting its approval for the issuance of the Class C Liquor License as described herein.

NOW, THEREFORE, in consideration of their mutual promises and other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, the Licensee and City (or parties) agree as follows:

CONTRACT

Based upon the above-described Recitals, which are incorporated herein by reference and are acknowledged to be correct and true, the Licensee and the City now wish to embody in this Contract their final understanding regarding their respective rights and obligations concerning the issuance of a Class C Liquor License to the Licensee.

1. The City will, in reliance upon Licensee's agreement herein, permit the Licensee to obtain a Class C Liquor License for use solely at 25920 Greenfield Road, Oak Park, Michigan 48237 (hereinafter referred to as the "Location"). Nothing in this Contract shall prohibit the Licensee from selling, assigning or transferring its interest in the Class C Liquor License and/or business, nor from transferring the location of the Class C Liquor License within the boundaries of the City, subject to the prior approval of the Oak Park City Council (hereinafter referred to as the "Council") pursuant to Ordinance No.: O-13-596. In addition, any expansion of the structure at the licensed Location shall also require the prior approval of the Council.
2. In the event the Licensee obtains the approval of the Council for the transfer, sale or assignment of its interest in the Class C Liquor License and/or business to another person or entity, Licensee shall require that the purchaser(s) abide by the terms of this Contract, in writing, or in the alternative, enter into a new contract with the City under the same terms and conditions stated herein.
3. Licensee does hereby agree that it shall establish and/or maintain a restaurant with a Class C Liquor License as defined in Article III, Section 6-55 of the Code of Ordinances of the City at the Location.
4. Licensee acknowledges that it must obtain a Special Land Use Permit for a restaurant with a Class C Liquor License pursuant to Sections 1930 – 1401 of the City's Zoning Ordinance. It is further agreed that Licensee shall comply with all provisions of the special land use permit or any amendments thereto, as a condition of this Contract. Licensee further acknowledges and agrees that a violation of any provision of the special land use permit or the Michigan Liquor Control Code (hereinafter referred to as the "Code") is a violation of the terms of this Contract entitling the City to exercise any or all remedies provided herein.

5. Licensee further agrees that it shall not apply or seek from the Michigan Liquor Control Commission (hereinafter referred to as the "Commission") any permit endorsements to its Class C Liquor License whether available in the current Code or in future Michigan Liquor Control Codes, or amendments thereto, without the prior approval of the Council.
6. Licensee further agrees that it shall not seek any change in its license status/class whether such changes are available now in the current Code or the Code of Ordinances of the City or in future Michigan Liquor Control Codes or the Code of Ordinances of the City, or amendments thereto, without the prior approval of the Council.
7. Licensee further agrees that it shall adhere to all federal, state and local laws, regulations and ordinances currently in effect or as subsequently amended or enacted. The parties hereto understand and agree that this Contract has been authorized by all applicable federal and state constitutions and laws and City Charter/Ordinances, and all parties hereto agree that they shall be estopped from asserting a contrary position in the future, and, furthermore, all parties hereto shall be entitled to injunctive relief in regard to any actions by any other parties hereto that are inconsistent with the foregoing.
8. The Licensee shall not under any circumstances, sell alcoholic liquor at hours inconsistent with those established by the Commission for such establishments. While operating at the Location, the Licensee agrees to keep the exterior of the premises free of graffiti, litter, and trash. The Licensee will utilize appropriate methods (such as locking dumpsters) to minimize the availability of trash and recyclable or returnable materials for transients after hours. Delivery trucks and trash haulers will not provide services to the Location between the hours of 10:00 P.M. and 7:00 A.M. The Licensee shall take reasonable actions to manage and control the noise level of patrons inside and outside the restaurant. The Licensee shall post signs inside and outside and remind departing patrons (if appropriate) to be considerate of residents and surrounding businesses and to keep the noise down in the neighborhood. Licensee further agrees to keep the Location clean and in good repair to the satisfaction of the City and to maintain the Location in compliance with all applicable federal, state or local requirements including , but not limited to, all health and safety requirements, fire and building codes, the Americans with Disabilities Act of 1990, etc. Licensee further acknowledges that it is the Licensee's responsibility to consult with all regulatory agencies that have jurisdiction over the Location and to comply with all applicable regulations and laws.
9. In order to verify that the Licensee is in compliance with Article III, Section 6-55 of the Code of Ordinances of the City, the Licensee agrees to submit, upon request, to the City, a certified financial statement prepared and verified by a Certified Public Accountant including, upon request supporting documents including but not limited to: (1) Financial statements including gross receipts, beer, wine and spirits sales receipts, other sales and service receipts, beer, wine and spirits purchases, and any other purchases. (2) Itemized invoices and receipts used to prepare the financial statements. (3) Itemized list of selling prices for all types of items sold during the statement period, as well as an explanation of specialized terms, such as "happy hour". Licensee further agrees that audits may be required throughout the duration of the Class C Liquor License and this Contract.

10. The City shall, at all times, be free to independently establish in good faith and to its satisfaction, in its discretion, the existence or non-existence of a fact or facts which are disclosed in documents or other evidence required by the terms of this Contract or the City of Oak Park Class C Liquor License Application Process and Article III, Sections 6-51 through 6-68 of the Code of Ordinances of the City and Sections 1930 – 1401 of its Zoning Ordinance.
11. Licensee further agrees that its failure to follow any of the provisions herein or the submission of false information or the omission of pertinent information to the City shall be grounds for the Commission and/or the City to suspend, revoke or not renew Licensee's Class C Liquor License and/or for the Council to revoke the special land use permit, either of which would prohibit Licensee from operating the restaurant with a Class C Liquor License. Licensee further agrees that in addition to the City's right to seek suspension, revocation or non-renewal of the Licensee's Class C Liquor License and/or revocation of the special land use permit, the City retains any and all rights to enforce this Contract that may be available to it in law or equity. Licensee further agrees that it shall reimburse the City all of its costs and actual attorneys' fees incurred by the City in seeking the suspension, revocation or non-renewal of Licensee's Class C Liquor License and revocation of the special land use permit, as well as enforcing such other rights as may be available at law and/or equity.
12. To the fullest extent permitted by law, Licensee and any entity or person for whom Licensee is legally liable, agrees to be responsible for any liability, defend, pay on behalf of, indemnify, and hold harmless the City, its elected and appointed officials, all employees and volunteers, all boards, commissions and/or authorities and board members, employees and volunteers and others working on behalf of the City against any and all claims, demands, suits, or loss, including all costs connected therewith, including all administrative proceedings/court costs and actual attorney fees, and for any damages which may be asserted, claimed or recovered against or from the City, its elected and appointed officials, all employees and volunteers, all boards, commissions and/or authorities and board members, employees and volunteers and others working on behalf of the City, by reason of personal injury, including bodily injury, death, sickness, disease and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with Licensee's operation of a restaurant with a class c liquor license at the Location.
13. Any controversy or claim arising out of or relating to this Contract, or the breach thereof, not within the jurisdiction of the Commission, shall be settled either by commencement of litigation in Oakland County Circuit Court (State of Michigan), the United States District Court for the Eastern District of Michigan, Southern Division, and, if the amount in controversy is less than the minimum amount required for one of those courts to assume jurisdiction, the 45th Judicial District Court for the State of Michigan which district includes the City of Oak Park or by arbitration. If both parties elect to have the dispute resolved by arbitration, it shall be settled pursuant to Chapter 50 of the Revised Judicature Act for the State of Michigan, and administered by the American

Arbitration Association with one arbitrator being used or three arbitrators in the event any party's claim exceeds \$1,000,000. If arbitration is initiated each party shall bear its own costs and expenses and an equal share of the arbitrator's fees and the administrative fees of arbitration. Once a decision has been issued by an arbitrator, the prevailing party based upon this Contract shall be entitled to reasonable attorneys' fees and all arbitration costs in addition to any other recoveries allowed by law. Such arbitration shall qualify as statutory arbitration pursuant to MCL §600.5001 et. seq., and the Oakland County Circuit Court or any court having jurisdiction shall render judgment upon the award of the arbitrator made pursuant to this Contract. Any arbitration shall take place in Oakland County, Michigan.

14. If the City waives any provision(s) of this Contract, or shall fail to enforce any of the conditions or provisions of this Contract, such waiver shall not be deemed to be a continuing waiver and shall never be construed as such; and the City shall thereafter have the right to insist upon the enforcement of such conditions or provisions. The City may waive any default, condition, promise, obligation or requirement applicable to the Licensee, provided that any such waiver shall apply only to the extent expressly given and shall not be deemed or construed to waive any such other default, condition, promise, obligation or requirement in any past or future instance. Furthermore, no provision of this Contract shall be amended, waived, modified, discharged or terminated, except by an instrument in writing signed by the parties thereto.
15. This Contract shall be governed by, construed, performed, interpreted and enforced in accordance with the laws of the State of Michigan. Notwithstanding the place where any party executed this Contract, the state of incorporation or location of the principal office of any party, or the place where any portion of this Contract is to be performed, all parties hereto consent to the jurisdiction and venue of the Oakland County Circuit Court (State of Michigan), the United States District Court for the Eastern District of Michigan, Southern Division, and, if the amount in controversy is less than the minimum amount required for one of those courts to assume jurisdiction, the 45th Judicial District Court for the State of Michigan which district includes the City of Oak Park. Each party hereto hereby irrevocably waives any objection, which they may now, or hereafter, have to the commencement of any action, proceeding or suit in the foregoing courts, or any claim that such action, proceeding or suit has been brought in an inconvenient forum.
16. If performance of any provision hereof or any transaction related hereto is limited by law, then the obligation to be performed shall be reduced accordingly; and if any clause or provision herein contained operates or would prospectively operate to invalidate this Contract in part, then the invalid part of said clause or provision only shall be held for naught and severed from this Contract, as though not contained herein, and the remainder of this Contract shall remain operative and in full force and effect. If any provision of this Contract, or the application thereof to any part hereto or circumstances related hereto shall, to any extent, be declared by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this Contract shall not be affected thereby, if the remaining terms hereof reasonably carry out the basic intent of this Contract and each and

every provision of this Contract shall be valid and enforceable, on an individual basis, to the fullest extent permitted by law.

17. This Contract shall be binding upon and apply and inure to the benefit of the parties hereto and their respective assigns, heirs, legal representatives, representatives, successors and transferees. Any reference to the Licensee in this Contract shall be deemed to include a reference to its assigns, heirs, legal representatives, representatives, successors and transferees. However, nothing herein shall authorize the assignment hereof by the Licensee. The covenants, conditions, and the agreements herein contained are hereby declared binding on the City and Licensee. It is further agreed that there shall be no change, modification, or alteration hereof, except in writing, signed by both parties hereto. Neither party shall assign any of the rights under this Contract without prior approval, in writing, of the other. Any attempt at assignment without prior written consent shall be void and of no effect. In the case of the filing of any probate, voluntary or involuntary bankruptcy or other insolvency action, the City shall be immediately notified and retains the option to terminate this Contract forthwith upon such notice or anytime thereafter.
18. The parties by mutual agreement, without invalidating this Contract may make additions, alterations, amendments, changes, deletions, modifications or other revisions to this Contract. Such additions, alterations, amendments, changes, deletions, modifications or other revisions shall be authorized in writing and signed by the appropriate representative(s) of the parties. The parties agree to consider good faith reasonable requests for amendments to this Contract which may be made by either party hereto and to look favorably upon any such request provided it is consistent with this Contract and would not substantially alter the basic terms and intentions hereof or substantially impair the rights or increase the obligations or costs of any party hereto. No additions, alterations, amendments, changes, deletions, modifications or other revisions to this Contract shall be binding upon the parties hereto unless reduced to writing and signed by each party.
19. All notices between the parties required or permitted by any provision of this Contract shall be in writing and sent by registered or certified mail and addressed as follows:

To the City: Attention: City Manager
 14000 Oak Park Blvd.
 Oak Park, MI 48237

and

Attention: Ebony L. Duff
City Attorney
1000 Woodbridge Street
Detroit, MI 48207

To the Licensee: Attention: Eddie Hanna

25920 Greenfield Road
Oak Park, MI 48237

Such addresses may be changed by written notice to the other party.

20. None of the provisions of this Contract are intended to, or shall be, merged by reason of the approval by the Council of a Class C Liquor License for the Licensee, and no such action by the Council shall be deemed to affect, alter or impair the provisions of this Contract.
21. All representations, warranties and indemnities set forth in this Contract shall survive any termination of the term of this Contract.
22. This Contract may be executed in any number of counterparts, and when so executed by all parties, shall be deemed one and the same instrument binding upon all the parties.
23. Time is of the essence with respect to each and every term and condition of this Contract.
24. Each party represents and warrants to the other that the individual executing this Contract on their behalf has the authority to execute this Contract on behalf of such entity and has obtained all necessary approvals required thereof. In the event legal process is initiated by any person challenging the lawfulness of this Contract, then each party shall engage their own legal counsel and take such actions as are commercially reasonable, each at their own expense, to defend the lawfulness of this Contract.
25. This Contract shall remain in effect and shall not terminate so long as the Location has a valid Class C Liquor License issued by the City and neither party is in breach of any of the terms of the Contract.

This Contract contains the entire agreement between the parties on the subject matters hereof and there are no understandings, agreements, representations, or conditions in respect to such subject matters either oral or written, except as herein contained and as contained in the City of Oak Park Class C Liquor License Application and Process and Article III, Sections 6-51 through 6-68 of the Code of Ordinances of the City and Sections 1930 – 1401 of the City's Zoning Ordinance which are incorporated by reference herein as if fully written. No amendment hereof shall be valid, unless in writing signed by the parties.

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**SIGNATURE PAGE
CONTRACT FOR CLASS C LIQUOR LICENSE
BETWEEN
THE CITY OF OAK PARK
AND EDDIE'S GOURMET FOOD INC.
EDDIE HANNA (D/B/A EDDIE'S GOURMET RESTAURANT)**

IN WITNESS WHEREOF, the parties hereby have executed this Contract as of the date set forth above.

WITNESS:

LICENSEE: _____
Eddie Hanna

For: Eddies Gourmet Food Inc. d/b/a Eddie's
Gourmet Restaurant

Its: Incorporator

Dated: _____

WITNESS:

CITY OF OAK PARK
a Michigan Municipal Corporation

Marian McClellan, Mayor

Erik Tungate, City Manager

T. Edwin Norris, City Clerk

Approved as to Form:

By: _____
Ebony L. Duff, City Attorney

**A RESOLUTION OF THE OAK PARK, MICHIGAN CITY COUNCIL
APPROVING THE REQUEST OF EDDIE'S GOURMET FOOD INC.
(EDDIE HANNA) D/B/A EDDIE'S GOURMET RESTAURANT
FOR A CLASS C LIQUOR LICENSE
ON THE PREMISES OF A RESTAURANT OPERATION**

WHEREAS, pursuant to state law and the Code of Ordinances, City of Oak Park, Michigan it is unlawful for any person to sell, or possess for sale, any alcoholic beverage unless licensed to do so and all licenses required are in full force and effect; and

WHEREAS, Eddie's Gourmet Food Inc. (Eddie Hanna) d/b/a Eddie's Gourmet Restaurant (hereinafter referred to as Eddie's) located 25920 Greenfield Road has applied for a Class C Liquor License to allow the sale of spirits from both the Michigan Liquor Control Commission and the City of Oak Park.

NOW, THEREFORE, BE IT RESOLVED, that Eddie's application for a Class C Liquor License to allow the sale of spirits on the Premises of a Restaurant Operation is hereby approved subject to the following conditions:

1. The Michigan Liquor Control Commission issuing a Class C Liquor License to Eddie's Gourmet Food Inc. (Eddie Hanna) d/b/a Eddie's Gourmet Restaurant located at 25920 Greenfield Road, Oak Park, Michigan 48237.
2. Upon issuance of the Class C Liquor License by the Michigan Liquor Control Commission Eddie's shall provide the City Clerk's Office with copies of the license and a Certificate of Liquor Insurance for the subject business.
3. Eddie's executes a Contract for a Class C Liquor License with the City of Oak Park, Michigan.

BE IT FURTHER RESOLVED, that subject to the conditions described in the immediately preceding paragraph and all departmental authorizations, upon approval of a Class C Liquor License by the Michigan Liquor Control Commission for Eddie's Gourmet Food Inc. (Eddie Hanna) d/b/a Eddie's Gourmet Restaurant located at 25920 Greenfield Road, Oak Park, Michigan 48237, the City Clerk is hereby authorized to issue a Class C Liquor License on the Premises of a Restaurant Operation with an expiration date of April 30, 2020 to Eddie's; and

BE IT FURTHER RESOLVED, that this Resolution shall be effective upon its approval by the City Council.

I hereby certify that the forgoing constitutes a true and complete copy of a resolution adopted by the City Council of the City of Oak Park, County of Oakland, State of Michigan, at a regular meeting held on December 3, 2018 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 267 of the 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 3, 2018 **AGENDA #**

SUBJECT: Report on bids for the 2018 45th District Court Building Renovation Project, M-684.

DEPARTMENT: DPW/Technical & Planning – Engineering KJY

SUMMARY: At the August 6, 2018 regular meeting of the Oak Park City Council, the request to bid the 2018 45th District Court Building Renovation Project, M-684 was approved (CM-08-272-18). The project was advertised and on November 1, 2018, bids were received and opened. The attached summary of bids from Frank Rewold and Son Inc. shows the total bid amount of \$1,532,301 including previously approved amounts for the Construction Manager's contract.

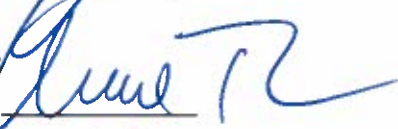
The summary (attached in more detail) is as follows:

	Budgeted	Bid Amount
Court Building Fund (470-70-900-970):	\$1,300,000	\$1,127,255
Court Technology (256-50-136-956):	\$ 190,000	\$ 149,800
City Roofing (101-18-265-970):	\$ 200,000	\$ 255,246

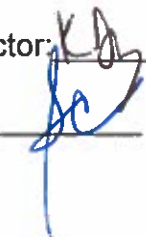
FINANCIAL STATEMENT: Funding is available in the Municipal Building Construction Fund, Court Casflow Assistance Fund, and City's General Fund for this expenditure. There is also a request for the additional funding from the City's Building fund and General Fund for the roofing portion on the Community Center and Library.

RECOMMENDED ACTION: It is recommended City Council award the above bids for the 2018 45th District Court Building Renovation Project, M-684 for the total amount of \$1,532,301.00. It is further recommended that an appropriation from the City's Building fund balance of \$42,674 and the City's General Fund balance of \$12,572 be used to complete the roofing on the Community Center and Library. The remaining project is budgeted as shown above.

APPROVALS:

City Manager: 

Department Director: 

Finance Director: 

Budgeted: ☒

EXHIBITS: overall project budget, bid recommendations

Court Renovation Project Breakdown

Item	Cost	Court share	Court Technology (caseflow budget)	City share	Description
1 Architecture/Design	\$73,425	\$73,425			
2 Technology Design	\$28,026		\$28,026		
3 Asbestos abatement	\$18,000	\$18,000			Estimated amount, proposals due 12/10/18
4 Technology Construction	\$149,800		\$149,800		Bid Categories Q, R, and S
5 Court construction (without tech & City roofing)	\$1,127,255	\$1,127,255			Total cost \$1,532,301 less items 4 and 6
6 City share of roofing	\$255,246			\$255,246	\$200,000 budgeted, will need budget adjustment
7 Builders risk insurance (estimated)	\$5,000	\$5,000			
Totals:	\$1,656,752	\$1,223,680	\$177,826	\$255,246	
Budgeted:		\$1,300,000	\$190,000	\$200,000	
				\$42,674	Remaining amount in Building Fund
				\$12,572	Additional Fund Balance required

FRANK REWOLD
AND SON INC.

303 East Third St. • Rochester, MI 48307
(248) 651-7242 • Fax (248) 651-5174
www.frankrewold.com



November 27, 2018

Mr. Kevin Yee, P.E.
Assistant City Manager/Director of Public Works/City Engineer
City of Oak Park
10600 Capital Avenue
Oak Park, MI 48237

RE: Award Recommendation for City of Oak Park 45th District Court Renovations

Dear Mr. Yee:

Frank Rewold and Son Inc. accepted bids through City of Oak Park City Clerk for the City of Oak Park 45th District Court Renovations project on November 1, 2018 at 2:00 p.m. This project was publically advertised as required. A prebid meeting was held October 25, 2018 at 11:00 a.m. A public bid opening was held November 1, 2018 at 2:00 p.m., and all bids were sealed upon delivery, publically opened, and read aloud.

All bids were recorded on the attached *Bid Opening Summary*. A total of 63 bids were received for this project. Frank Rewold and Son Inc. interviewed the lowest qualified bidders and based on the interviews, recommend the attached contract awards.

Please contact me at (248) 601-1226 if you have any questions about the bid process or this recommendation.

Sincerely,

FRANK REWOLD AND SON INC.

A handwritten signature in black ink, appearing to read "Kurt Ryder".

Kurt Ryder
Estimator

c: Dave DeCoster, City of Oak Park
Nancy Waldmann, 45th District Court
Misty Raatz, OHM Advisors
Jason Rewold, FRS
Gene Ferrera, FRS
Ryan Schaller, FRS
Tony Zotos, FRS

Attachments: 2

Contract Recommendations		Subtotals	Totals
<u>Bid Category A - Temporary Fencing</u>			
American Fence & Supply Co.	Base Bid	\$ 3,882	
21200 Schoenherr	M.A. 1 - Courtroom wood panel refinish	-	
Warren, MI 48089	M.A. 2 - Larger egress window	-	
	M.A. 3 - Out-of-custody meeting room	-	
	M.A. 4 - In-custody meeting room	-	
	M.A. 5 - Covered trough at roof	-	
	M.A. 6 - Network communication card	-	
	M.A. 7 - Door replacement/modification	-	
	T.A. - 24' gate openings in lieu of 12'	-	
	T.A. - Delete one set of temporary fence	-	
	Performance and Labor Bond	-	
	Contract Recommendation		\$ 3,882
<u>Bid Category B - Selective Demolition</u>			
DKI International	Base Bid	\$ 38,000	
6775 Daly Rd., Suite 101	M.A. 1 - Courtroom wood panel refinish	-	
West Bloomfield, MI 48322	M.A. 2 - Larger egress window	-	
	M.A. 3 - Out-of-custody meeting room	800	
	M.A. 4 - In-custody meeting room	-	
	M.A. 5 - Covered trough at roof	-	
	M.A. 6 - Network communication card	-	
	M.A. 7 - Door replacement/modification	-	
	T.A. - Eliminate floor grinding	-	
	T.A. - Floor grinding after hours	-	
	T.A. - Slab sawcuts after hours	-	
	T.A. - Second floor removal after hours	-	
	T.A. - To provide temporary sheeting	800	
	Performance and Labor Bond	-	
	Contract Recommendation		\$ 39,600

<u>Bid Category C - Concrete</u>			
McCarthy Construction Co.	Base Bid	\$ 5,380	
1033 Rig St.	M.A. 1 - Courtroom wood panel refinish	-	
Commerce Twp., MI 48390	M.A. 2 - Larger egress window	-	
	M.A. 3 - Out-of-custody meeting room	-	
	M.A. 4 - In-custody meeting room	-	
	M.A. 5 - Covered trough at roof	-	
	M.A. 6 - Network communication card	-	
	M.A. 7 - Door replacement/modification	-	
	Performance and Labor Bond	-	
	Contract Recommendation		\$ 5,380
<u>Bid Category D - Masonry</u>			
D.C. Byers Co.	Base Bid	\$ 41,150	
5715 Rivard St.	M.A. 1 - Courtroom wood panel refinish	-	
Detroit, MI 48211	M.A. 2 - Larger egress window	-	
	M.A. 3 - Out-of-custody meeting room	-	
	M.A. 4 - In-custody meeting room	4,700	
	M.A. 5 - Covered trough at roof	-	
	M.A. 6 - Network communication card	-	
	M.A. 7 - Door replacement/modification	-	
	T.A. - Interior sawcuts after hours	-	
	T.A. - Exterior/2nd floor sawcuts after hours	-	
	Performance and Labor Bond	-	
	Contract Recommendation		\$ 45,850
<u>Bid Category E - Structural Steel and Miscellaneous Metals</u>			
Commercial Contracting Corporation	Base Bid	\$ 14,597	
4260 N. Atlantic Blvd.	M.A. 1 - Courtroom wood panel refinish	-	
Auburn Hills, MI 48326	M.A. 2 - Larger egress window	-	
	M.A. 3 - Out-of-custody meeting room	-	
	M.A. 4 - In-custody meeting room	191	
	M.A. 5 - Covered trough at roof	-	
	M.A. 6 - Network communication card	-	
	M.A. 7 - Door replacement/modification	-	
	Performance and Labor Bond	-	
	Contract Recommendation		\$ 14,788

<u>Bid Category F - Carpentry</u>			
Clark Contracting Services	Base Bid	\$ 79,400	
2660 Superior Court	M.A. 1 - Courtroom wood panel refinish	-	
Auburn Hills, MI 48326	M.A. 2 - Larger egress window	-	
	M.A. 3 - Out-of-custody meeting room	-	
	M.A. 4 - In-custody meeting room	1,600	
	M.A. 5 - Covered trough at roof	-	
	M.A. 6 - Network communication card	-	
	M.A. 7 - Door replacement/modification	-	
	T.A. - Delete paneling re-work at courtroom	(4,900)	
	T.A. - Parapet nailers 'if required'	-	
	T.A. - Temporary plastic sheeting	-	
	T.A. - Temporary walls and removal	1,800	
	Performance and Labor Bond	800	
	Contract Recommendation		\$ 78,700
<u>Bid Category G - Roofing</u>			
Butcher & Butcher Construction Co.	Base Bid	\$ 444,668	
3885 Industrial Dr.	M.A. 1 - Courtroom wood panel refinish	-	
Rochester Hills, MI 48309	M.A. 2 - Larger egress window	-	
	M.A. 3 - Out-of-custody meeting room	-	
	M.A. 4 - In-custody meeting room	-	
	M.A. 5 - Covered trough at roof	-	
	M.A. 6 - Network communication card	-	
	M.A. 7 - Door replacement/modification	-	
	T.A. - Shop fab'd metal in lieu of manuf.		
	T.A. - Delete roof cover board		
	T.A. - Delete Community Center Area A	-	
	T.A. - Delete Community Center Area C	-	
	T.A. - Delete Community Center Area D	-	
	T.A. - Delete Courthouse Area A1	(41,292)	
	T.A. - Delete Courthouse Area A2	-	
	T.A. - Delete Courthouse Area A4	-	
	T.A. - Delete Courthouse Area B	-	
	T.A. - Delete Courthouse Area NE Canopy	-	
	Performance and Labor Bond	6,393	
	Contract Recommendation		\$ 409,769

Bid Category H - Doors and Hardware			
LaForce	Base Bid	\$ 13,687	
1060 W. Mason St., P.O. Box 10068	M.A. 1 - Courtroom wood panel refinish	-	
Green Bay, WI 54307	M.A. 2 - Larger egress window	-	
	M.A. 3 - Out-of-custody meeting room	-	
	M.A. 4 - In-custody meeting room	4,590	
	M.A. 5 - Covered trough at roof	-	
	M.A. 6 - Network communication card	-	
	M.A. 7 - Door replacement/modification	-	
	Performance and Labor Bond	-	
	Contract Recommendation		\$ 18,277
Bid Category I - Glass and Glazing			
B&B Glass Co.	Base Bid	\$ 25,062	
3885 Industrial Dr.	M.A. 1 - Courtroom wood panel refinish	-	
Rochester Hills, MI 48309	M.A. 2 - Larger egress window	4,200	
	M.A. 3 - Out-of-custody meeting room	-	
	M.A. 4 - In-custody meeting room	1,200	
	M.A. 5 - Covered trough at roof	-	
	M.A. 6 - Network communication card	-	
	M.A. 7 - Door replacement/modification	12,024	
	T.A. - Delete all exterior window work	-	
	Performance and Labor Bond		
	Contract Recommendation		\$ 42,486
Bid Category J - Painting			
Bella Paint & Design	Base Bid	\$ 5,500	
4905 Carrington Dr.	M.A. 1 - Courtroom wood panel refinish	10,000	
Rochester, MI 48306	M.A. 2 - Larger egress window		
	M.A. 3 - Out-of-custody meeting room	300	
	M.A. 4 - In-custody meeting room	300	
	M.A. 5 - Covered trough at roof		
	M.A. 6 - Network communication card		
	M.A. 7 - Door replacement/modification		
	Volt. Alt. - Miscellaneous Painting	540	
	Performance and Labor Bond	-	
**2nd Low Bid. Low Bid Withdrew Due to Error	Contract Recommendation		\$ 16,640

Bid Category K - Flooring			
Ideal Floor Covering	Base Bid	\$ 21,774	
P.O. Box 81006	M.A. 1 - Courtroom wood panel refinish	-	
Rochester, MI 48308	M.A. 2 - Larger egress window	-	
	M.A. 3 - Out-of-custody meeting room	500	
	M.A. 4 - In-custody meeting room	750	
	M.A. 5 - Covered trough at roof	-	
	M.A. 6 - Network communication card	-	
	M.A. 7 - Door replacement/modification	250	
	T.A. - Floor grinding	-	
	T.A. - Floor grinding after hours	-	
	T.A. - Spray-lock adhesive at carpet	-	
	T.A. - Kostar or equivalent at resilient	-	
	Performance and Labor Bond	-	
	Contract Recommendation		\$ 23,274
Bid Category L - Signage			
Curb Appeal Concepts	Base Bid	\$ 864	
4040 Montgomery Dr.	M.A. 1 - Courtroom wood panel refinish	-	
Shelby Twp., MI 48316	M.A. 2 - Larger egress window	-	
	M.A. 3 - Out-of-custody meeting room	72	
	M.A. 4 - In-custody meeting room	143	
	M.A. 5 - Covered trough at roof	-	
	M.A. 6 - Network communication card	-	
	M.A. 7 - Door replacement/modification	-	
	Performance and Labor Bond	-	
**2nd Low Bid. Low Bid Withdrew Due to Error	Contract Recommendation		\$ 1,078

<u>Bid Category M - Fixed Seating</u>			
Sauder Courtroom Furniture	Base Bid	\$ 21,188	
930 W. Barre Rd.	M.A. 1 - Courtroom wood panel refinish	-	
Archbold, OH 43502	M.A. 2 - Larger egress window	-	
	M.A. 3 - Out-of-custody meeting room	-	
	M.A. 4 - In-custody meeting room	-	
	M.A. 5 - Covered trough at roof	-	
	M.A. 6 - Network communication card	-	
	M.A. 7 - Door replacement/modification	-	
	T.A. - Podium and counsel tables	2,175	
	Performance and Labor Bond	-	
**2nd Low Bid. Low Bid Withdrew Due to Error		Contract Recommendation	\$ 23,363
<u>Bid Category N - Plumbing</u>			
Solomon Plumbing Co.	Base Bid	\$ 12,900	
29665 William K Smith Dr., Suite A	M.A. 1 - Courtroom wood panel refinish	-	
New Hudson, MI 48165	M.A. 2 - Larger egress window	-	
	M.A. 3 - Out-of-custody meeting room	-	
	M.A. 4 - In-custody meeting room	-	
	M.A. 5 - Covered trough at roof	-	
	M.A. 6 - Network communication card	-	
	M.A. 7 - Door replacement/modification	-	
	Performance and Labor Bond	-	
	Contract Recommendation		\$ 12,900
<u>Bid Category O - Mechanical</u>			
Quality Aire Systems	Base Bid	\$ 238,000	
P.O. Box 130230	M.A. 1 - Courtroom wood panel refinish	-	
Ann Arbor, MI 48113	M.A. 2 - Larger egress window	-	
	M.A. 3 - Out-of-custody meeting room	-	
	M.A. 4 - In-custody meeting room	1,000	
	M.A. 5 - Covered trough at roof	-	
	M.A. 6 - Network communication card	1,500	
	M.A. 7 - Door replacement/modification	-	
	T.A. - Coordination with commissioning	-	
	Performance and Labor Bond	2,200	
	Contract Recommendation		\$ 242,700

<u>Bid Category P - Electrical</u>			
Advantage Electric & Controls	Base Bid	\$ 61,560	
13240 West Star Dr.	M.A. 1 - Courtroom wood panel refinish	-	
Shelby Twp., MI 48315	M.A. 2 - Larger egress window	-	
	M.A. 3 - Out-of-custody meeting room	-	
	M.A. 4 - In-custody meeting room	1,020	
	M.A. 5 - Covered trough at roof	-	
	M.A. 6 - Network communication card	-	
	M.A. 7 - Door replacement/modification	-	
	T.A. - Delete rewiring of mechanical units	-	
	T.A. - Coordination with commissioning	-	
	Performance and Labor Bond	800	
**4th Low Bid. Low Bids Not Scope Complete	Contract Recommendation		\$ 63,380
<u>Bid Category Q - Data Cabling</u>			
The DataCom Group	Base Bid	\$ 15,475	
3979 Holt Rd.	M.A. 1 - Courtroom wood panel refinish	-	
Holt, MI 48842	M.A. 2 - Larger egress window	-	
	M.A. 3 - Out-of-custody meeting room	-	
	M.A. 4 - In-custody meeting room	340	
	M.A. 5 - Covered trough at roof	-	
	M.A. 6 - Network communication card	-	
	M.A. 7 - Door replacement/modification	-	
	Performance and Labor Bond	-	
	Contract Recommendation		\$ 15,815
<u>Bid Category R - Security and Audio</u>			
Midstate Security	Base Bid	\$ 104,470	
5975 Crossroads Commerce Pkwy. SW	M.A. 1 - Courtroom wood panel refinish	-	
Wyoming, MI 49519	M.A. 2 - Larger egress window	-	
	M.A. 3 - Out-of-custody meeting room	-	
	M.A. 4 - In-custody meeting room	-	
	M.A. 5 - Covered trough at roof	-	
	M.A. 6 - Network communication card	-	
	M.A. 7 - Door replacement/modification	-	
	Performance and Labor Bond	2,300	
**2nd Low Bid. Low Bid Withdrew Due to Error	Contract Recommendation		\$ 106,770

<u>Bid Category S - Data Equipment</u>			
Amcomm Telecommunications	Base Bid	\$ 27,215	
12482 Emerson Dr.	M.A. 1 - Courtroom wood panel refinish	-	
Brighton, MI 48116	M.A. 2 - Larger egress window	-	
	M.A. 3 - Out-of-custody meeting room	-	
	M.A. 4 - In-custody meeting room	-	
	M.A. 5 - Covered trough at roof	-	
	M.A. 6 - Network communication card	-	
	M.A. 7 - Door replacement/modification	-	
	Performance and Labor Bond	-	
**3rd Low Bid. Low Bids Not Scope Complete	Contract Recommendation		\$ 27,215
	Total Contract Recommendations		\$ 1,191,867

Other Project Costs		Subtotals	Totals
	Allowances		
	General Contingency - 6%	\$ 71,512	
	Parapet Nailers Where 'If Required'	\$ 3,100	
	After-Hours Work (Quoted)	\$ 7,750	
	Additional Overtime	\$ 1,500	
	Unknown Coil Size Adjustment	\$ 2,500	
	Final Cores/Keying	\$ 1,750	
	Paneling Rework	\$ 4,900	
	Roof Substrate Replacement	\$ 5,000	
	Roof Nailers	\$ 5,000	
	Court Room Monitor	\$ 4,000	
	Existing Above Ceiling Work Repair	\$ 7,500	
	Dust Control	\$ 1,000	
	Temporary Signage	\$ 1,000	
	Restoration	\$ 2,000	
	Security	\$ 1,000	
	Porta-John	\$ 3,000	
	Mechanical Distribution Not Shown	\$ 1,500	
	Floor Patch/Prep	\$ 1,500	
	General Wall Patch/Painting Prep	\$ 2,000	
	Temporary Protection	\$ 7,500	
	Concrete X-Ray	\$ 1,500	
	Additional Supplemental Moving Labor	\$ 5,000	
	Updated Switch	\$ 1,500	
	Final Cleaning	\$ 3,500	
	Roofing Breakout Correction	\$ (37,851)	
	Permits and Fees	\$ -	
	Allowance Subtotal		\$ 108,661
	CM General Conditions and Staff		180,586
	CM Bond (All Bid Cat. Less F,G,O,P,R)		3,992
	General Liability Insurance		4,010
	CM Fee (2.9%)		43,184
	Total Other Project Costs		\$ 340,433

Owner Items			
	Design Fees	-	
	Commissioning	-	
	Owner Contingency	-	
	Misc. Furniture Package	-	
	Furniture/Equipment Moving	-	
	JAVS	-	
	Testing	-	
	Permits and Fees	-	
	RTA Mechanical/Plumbing	-	
	Hazardous Material Testing/Abatement	-	
	Total Owner Items		\$ -
Total Included Project Costs			\$ 1,532,301



BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN

AGENDA OF: December 3, 2018

AGENDA #

SUBJECT: Proposed Change Order No. 1 and Payment Application No. 2 for the 2018-2019 Catch Basin Line Replacement Project, M-687.

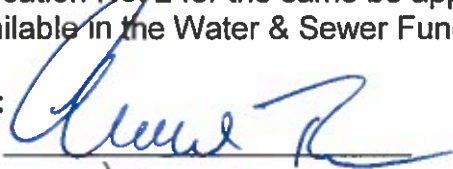
DEPARTMENT: Technical & Planning/DPW – Engineering *KJY / GWS*

SUMMARY: Attached are Proposed Change Order No. 1 and Payment Application No. 2 for the 2018-2019 Catch Basin Line Replacement Project, M-687. The Change Order is an increase due to the discovery of additional locations where structure adjustments were required and where additional pavement replacement was needed. This project is replacing sewer pipes in several areas throughout the City. This project is approximately 89% complete.

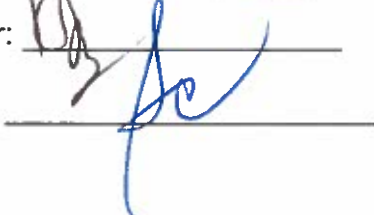
FINANCIAL STATEMENT:	Original Contract Amount:	\$205,220.00
	Proposed Change Order No. 1	\$ 1,711.16
	Proposed New Contract Amount:	\$206,931.16
	Total Completed to Date:	\$185,662.16
	Less Retainage:	\$ 10,261.00
	Net Earned:	\$175,401.16
	Deductions:	\$ 0.00
	Balance:	\$175,401.16
	Payments to Date:	\$103,549.22
	Amount Due Lacaria Concrete Construction:	\$ 71,851.94

RECOMMENDED ACTION: It is recommended that Proposed Change Order No. 1 for the 2018-2019 Catch Basin Line Replacement Project, M-687 to Lacaria Concrete Construction be approved for the amount of \$1,711.16. It is further recommended that Payment Application No. 2 for the same be approved for the total amount of \$71,851.94. Funding is available in the Water & Sewer Fund for this project. (No. 592-18-550-970)

APPROVALS:

City Manager: 

Department Director: 

Director of Finance: 

Budgeted: ☒

EXHIBITS: Proposed Change Order No. 1, Payment Application No. 2, Project Area Map

PAYMENT APPLICATION

PROJECT: 2018 CATCH BASIN LINE REPLACEMENT PROJECT

JOB NUMBER: M-687

OWNER: CITY OF OAK PARK

APPLICATION NO.: 2

CONTRACTOR: LACARIA CONCRETE CONST.
3720 CENTRAL
DETROIT, MI 48100

PERIOD ENDING: 11/16/2018

ITEM	DESCRIPTION	ORIGINAL BID QUANTITY	U/M	UNIT PRICE	PERIOD QUANTITY	PERIOD AMOUNT	QUANTITY TO DATE	AMOUNT TO DATE
1	REMOVE CONCRETE PAVEMENT MODIFIED	678	SYD	\$30.00	213.79	\$6,413.70	749.86	\$22,489.80
2	CONCRETE PAVEMENT W/INT CURB AND GUTTER 8" CONC. MODIFIED	615	SYD	\$90.00	371.88	\$33,449.20	664.88	\$59,821.20
3	SIDEWALK CONC. NON-REINFORCED 6" SIDEWALK/DRIVE APP MODIFIED	479	SFT	\$9.00	281.87	\$2,536.83	383.79	\$3,454.11
4	SIDEWALK CONC. NON-REINFORCED 4" SIDEWALK/DRIVE APP MODIFIED	100	SFT	\$9.00	156.00	\$1,404.00	156.00	\$1,404.00
5	ADJUSTING DRAINAGE STRUCTURES	5	EA	\$650.00	0.00	\$0.00	12.00	\$7,800.00
6	24" CURB AND GUTTER SECTION 7" CONCRETE NON REINFORCED	42	LFT	\$50.00	21.40	\$1,070.00	21.40	\$1,070.00
7	SEWER REMOVE LESS THAN 24"	512	LFT	\$45.00	123.00	\$5,535.00	499.50	\$22,477.50
8	SEWER 10" SCHEDULE 40 PVC PIPE TRENCH DETAIL B	486	LFT	\$39.00	115.00	\$4,485.00	440.50	\$17,179.50
9	SEWER 12" SCHEDULE 40 PVC PIPE TRENCH DETAIL B	28	LFT	\$45.00	6.00	\$360.00	39.00	\$1,755.00
10	AGGREGATE BASE UNDER 8" CONCRETE (6" 21AA CR. LIMESTONE)	615	SYD	\$13.00	106.77	\$1,387.97	495.85	\$6,446.05
11	DRAINAGE STRUCTURE REMOVING MODIFIED	2	EA	\$790.00	0.00	\$0.00	0.00	\$0.00
12	DRAINAGE STRUCTURE, 24" INLET MODIFIED	2	EA	\$3,200.00	0.00	\$0.00	0.00	\$0.00
13	DRAINAGE STRUCTURE, 48" DIAMETER MODIFIED	2	EA	\$8,000.00	1.00	\$8,000.00	1.00	\$8,000.00
14	DRAINAGE STRUCTURE COVER	760	LBS	\$3.00	1,070.00	\$3,210.00	4,055.00	\$12,165.00
15	SEWER TRAP, 12" AND UNDER	12	EA	\$300.00	0.00	\$0.00	0.00	\$0.00
16	SEWER TAP, 12" AND UNDER	5	EA	\$300.00	0.00	\$0.00	0.00	\$0.00
17	4" OR 6" PVC PIPE WITH BACKFILL	20	LFT	\$50.00	0.00	\$0.00	20.00	\$1,000.00
18	TUCK POINT DRAINAGE STRUCTURE	5	EA	\$300.00	0.00	\$0.00	2.00	\$600.00
19	CLASS A SODDING	105	SYD	\$10.00	0.00	\$0.00	0.00	\$0.00
20	CAST IN PLACE DETECTABLE/TACTILE WARNING SURFACE	20	SFT	\$300.00	20.00	\$6,000.00	20.00	\$6,000.00
21	MOBILIZATION, 5% MAX	1	LSUM	\$8,000.00	0.00	\$0.00	1.00	\$8,000.00
22	MINOR TRAFFIC DEVICES, 5% MAX	1	LSUM	\$8,000.00	0.00	\$0.00	1.00	\$8,000.00
23	PROJECT CLEAN UP, 5% MAX	1	LSUM	\$8,000.00	0.00	\$0.00	0.00	\$0.00
24	INSPECTION CREW DAYS	\$320	DAY	24.00	6.50	\$0.00	20.50	\$0.00
Period Total Amount:						\$71,851.70	Amount to Date:	\$185,662.16

Earnings This Period: \$71,851.70

Original Contract Amount: \$205,220.00
Proposed Change Order #1: \$1,711.16
New Contract Amount: \$206,931.16

Total Earnings to Date: \$185,662.16

Less Retainage: \$10,261.00

Net Earned: \$175,401.16

Deductions: \$0.00

Balance: \$175,401.16

Payments to Date: \$103,549.22

AMOUNT DUE LACARIA CONCRETE CONSTRUCTION: \$71,851.94

Accepted By:

LACARIA CONCRETE CONSTRUCTION

Date: 11/27/18

Approved By:

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

Date: 11/27/2018

CHANGE ORDER

JOB NUMBER: M-687

CHANGE ORDER NO.: 1

PAGE: 1 of 2

**You are hereby directed to comply with the changes/extras to the contract documents.
This change order reflects work completed or anticipated. Documentation supporting these changes is on file with the City Engineer.**

[illegible]

Item No.	Description	Original Bid Quantity	Unit	Unit Price	Increased Quantity	Quantity to Date	Increased Amount
1	Remove Concrete Pavement, Modified SP	678	SYD	\$30.00	71.66	749.66	\$2,149.80
2	Concrete Pavement w/Int Curb and Gutter 9" Conc. Modified	615	SYD	\$90.00	49.68	664.68	\$4,471.20
4	Sidewalk Conc. Non-Reinforced 4" Conc. Sidewalk/Drive app, Modified	100	SFT	\$9.00	156.00	156.00	\$1,404.00
5	Adusting Drainage Structures	5	EACH	\$650.00	7.00	12.00	\$4,550.00
9	Sewer 12" schedule 40 PVC pipe trench detail B	26	LFT	\$45.00	13.00	39.00	\$585.00
14	Drainage Structure Cover	760	LBS	\$3.00	3,295	4,055	\$9,885.00
						Totals:	\$23,045.00

CHANGE ORDER

PROJECT: 2018 Catch Basin Line Replacement Project
OWNER: City of Oak Park, Michigan
CONTRACTOR: Lacaria Concrete Construction
3720 Central
Detroit, MI 48100

JOB NUMBER: M-687
CHANGE ORDER NO.: 1
PAGE: 2 of 2

SUMMARY

Total Increase	\$23,045.00
Total Decrease	(\$21,333.84)
Total Amount for Change Order No. 1:	\$1,711.16

Original Contract Amount:	\$205,220.00
Change Order No. 1:	\$1,711.16
New Contract Amount	\$206,931.16


Lacaria Concrete Construction
11/27/18
Date


Gerrajh Surles, Assistant City Engineer
11/27/2018
Date

City of Oak Park Catch Basin Line Replacement Project, M-687

**Budget Amount
\$250,000**

