



**CITY OF OAK PARK, MICHIGAN
REGULAR COUNCIL MEETING OF THE
38th OAK PARK CITY COUNCIL
November 16, 2020
7:00 PM**

MINUTES

Mayor McClellan called the virtual meeting to order at 7:00 p.m. Oak Park City Hall, 14000 Oak Park Boulevard, Oak Park, MI 48237. (248) 691-7544.

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

ABSENT: None
OTHERS

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

APPROVAL OF AGENDA:

CM-11-327-20 (AGENDA ITEM #3) ADOPTION OF THE AGENDA AS PRESENTED – APPROVED

Motion by Burns, seconded by Weiss, CARRIED UNANIMOUSLY, to approve the agenda as presented.

Voice vote:	Yes:	McClellan, Burns, Weiss, Radner, Edgar
	No:	None
	Absent:	None

MOTION DECLARED ADOPTED

CONSENT AGENDA:

CM-11-328-20 (AGENDA ITEM #4A-C) CONSENT AGENDA - APPROVED

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

- A. Zoning Board of Appeals Meeting Minutes of July 28, 2020 and September 22, 2020
CM-11-329-20
- B. Planning Commission Meeting Minutes of July 13, 2020 and October 12, 2020
CM-11-330-20
- C. Request to approve Payment Application No. 2 for the 2020 Decorative Fence Project, M-695 to American Fence Co. of Warren, MI in the amount of \$84,375.43 (**Removed from the Consent Agenda by Council Member Weiss**)
- D. Licenses new and renewals submitted for November 16, 2020 **CM-11-331-20**

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

MOTION DECLARED ADOPTED

**CM-11-331A-20 (AGENDA ITEM #4C) (Removed from the Consent Agenda)
REQUEST TO APPROVE PAYMENT APPLICATION NO. 2 FOR
THE 2020 DECORATIVE FENCE PROJECT, M-695 TO
AMERICAN FENCE CO. OF WARREN, MI IN THE AMOUNT OF
\$84,375.439 - APPROVED**

Motion by Weiss seconded by Burns, CARRIED UNANIMOUSLY, to approve Payment Application No. 2 for the 2020 Decorative Fence Project, M-695 to American Fence Co. of Warren, MI in the amount of \$84,375.43.

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

MOTION DECLARED ADOPTED

RECOGNITION OF VISITING ELECTED OFFICIALS: None

SPECIAL RECOGNITION/PRESENTATIONS: None

PUBLIC HEARINGS:

COMMUNICATIONS: None

SPECIAL LICENSES:

ACCOUNTING REPORTS:

**CM-11-332-20 (AGENDA ITEM #10A) APPROVAL FOR PAYMENT OF
INVOICES SUBMITTED BY GARAN, LUCOW, MILLER, P.C.
FOR LEGAL SERVICES IN THE TOTAL AMOUNT OF \$15,139.29
- APPROVED**

Motion by Burns seconded by Edgar, CARRIED UNANIMOUSLY, to approve payment of invoices #548707, #548708 and #548709 by Garan, Lucow, Miller P.C., for legal services rendered through August 31, 2020 in the total amount of \$14,769.99.

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

MOTION DECLARED ADOPTED

BIDS: None

ORDINANCES: None

CITY ATTORNEY:

CITY MANAGER:

Administration

(AGENDA ITEM #14A) COVID-19 Update.

Mr. Tungate discussed the recent decision from the Governor to mandate a pause in public activity due to the recent surge in Michigan COVID -19 cases. Council then discussed options that would close City Hall, the Community Center and the Library until January 4, 2021. City staff would continue to operate the city following established pandemic protocols and with a limited in person presence whereby staff would work remotely when possible. The Public Safety Department would remain open during this time. There was also consensus to limit the number of employees that could use the city's exercise facility at any given time.

CM-11-333-20 (AGENDA ITEM #14A) MOTION TO CLOSE CITY HALL, THE COMMUNITY CENTER AND THE LIBRARY TO THE PUBLIC BEGINNING NOVEMBER 18, 2020 UNTIL JANUARY 4, 2021. THE PUBLIC SAFETY DEPARTMENT IS TO REMAIN OPEN AND OPERATE AS NORMAL - APPROVED

Motion by Edgar, seconded by Burns, CARRIED UNANIMOUSLY, to close City Hall, the Community Center and the Library to the public beginning November 18, 2020 until January 4, 2021. The Public Safety Department is to remain open and operate as normal.

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

MOTION DECLARED ADOPTED

Finance

CM-03-334-20 (AGENDA ITEM #14B) MOTION TO RECEIVE THE QUARTERLY INVESTMENT REPORT FOR PERIOD ENDING SEPTEMBER 30, 2020 - APPROVED

Motion by Weiss, seconded by Burns, CARRIED UNANIMOUSLY, to receive and file the following quarterly investment report for period ending September 30, 2020:

First Quarter Fiscal 2020/2021 Investment Report

The State of Michigan Public Act 213 of 2007 requires the City's investment officer to provide a written report quarterly to the governing body concerning the investment of all funds of the City that fall under Public Act 20. Public Act 20 governs how non-pension and non-OPEB funds can be invested. The attached report details the cash and investments (citywide for all funds) held by the City at September 30, 2020. The report includes a description of each investment by type, market and book values, current and yield to maturity interest rates and the number of days to maturity.

The first quarter investment report shows total citywide cash and investments of \$36,101,765 (market value) including cash in the operating account of \$2,278,237 (excluding outstanding checks and other adjustments), short-term investments in the Oakland County Investment Pool of \$31,040,210, money market of \$589 and

long-term investments total \$2,782,729. The City has maximized investment return on short-term cash by utilizing the Oakland County Investment Pool and minimizing the amount maintained in the checking and daily depository accounts. Investment income for the months of July through September 2020 totaled \$85,248.

During the first quarter overall investment returns are still at the same low levels as in the fourth quarter of FY 2019-20; as Economists predicted. The return for the first quarter was approximately 0.94% primarily due to COVID-19 and the Federal Reserve rates nearly zero. As a result, the City is investing short-term and locking up longer term investments if the individual interest rate is favorable. Interest rates for the next quarter are expected to remain low and overall investment will continue to fall as long-term investments continue to mature.

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

MOTION DECLARED ADOPTED

CM-11-335-20 (AGENDA ITEM #14C) RECEIVE AND FILE THE QUARTERLY FINANCIAL REPORT FOR PERIOD ENDING SEPTEMBER 30, 2020 - APPROVED

Motion by Weiss, seconded by Burns, CARRIED UNANIMOUSLY, to receive and file the following Quarterly Financial Report for period ending September 30, 2020:

GENERAL FUND

REVENUES

Total revenues for the first quarter total approximately \$15 million, representing approximately 69% of the annual budget. Overall revenues are on track with budget with the following items of note:

- Property Tax Revenue – City property tax levies are billed July 1 and payable in full without penalty by August 31, 2020. As of the end of the first quarter approximately 92% of the taxes billed had been paid. Any unpaid real property taxes will be purchased from the City by Oakland County in May 2021. Property tax revenue is the primary reason the overall revenues are at 69% to date.
- Intergovernmental Revenue (State Revenue Sharing) – The City receives six bi-monthly payments annually for state-shared revenue. The first quarter report reflects no fiscal 2020 payments as the August 31, 2020 payment by statute is included as part of the June 30, 2020 revenues. The City will receive payments on October 31, December 31, February 28, April 30, June 30 and August 31 (2021) related to the current fiscal year. The estimated annual revenue included in the budget totals \$3,391,000 which is significantly less than prior year due to the impact of COVID-19 on sales tax collections. The State of Michigan has recently adjusted their fiscal year estimates for the City to \$3,570,123; the increase will be reflected in the first quarter budget amendment.
- Fines and forfeiture revenue received from the 45th District Court is budgeted for a total of \$1,700,000 of which \$370,189 or 22% was received in this first quarter. Overall court revenue continues to be less than prior year and less than budget due to COVID-19 and the reduced number of drivers on the road and tickets written. The court has done a good job reducing their costs to offset some of the lost revenue. The revenue received is used to offset a portion of the court's operating costs. Finance will continue to monitor both the court revenue and expenditure budgets and amended as necessary.

- Federal grants revenue is higher than originally anticipating as the City is receiving federal CARES funds passed through the State of Michigan and Oakland County related to the COVID-19 pandemic. The revenue will be used to offset both unbudgeted expenditures incurred since March 2020 along with reimbursement of some allowable budgeted costs (which will be used to offset some of the revenue lost). Finance will be bringing forward budget amendments for both the revenue and any related unbudgeted expenditures.
- Recreation program fees continue to lag behind both prior and the current year reduced budget due to the COVID-19 pandemic and related shutdown. Program fees are currently at approximately 28% of budget and historically represent closer to 40% through the first quarter. Some of the revenue loss has been offset by cost savings and budget amendments will be forthcoming in the second quarter to reflect the most recent projects.

EXPENDITURES

Total expenditures for the first quarter total approximately \$4.1 million, representing approximately 19% of the annual budget. Overall departmental expenditure budgets are on track with the following items of note (departments over 25%):

- The Human Resources Department is at 42% for the first quarter due to the retirement of the department director and the related unbudgeted payout off accumulated sick and vacation time. The payout amount has been included in the first quarter budget amendment.
- Elections is at 32% of their budget due to the timing of when the elections take place. The presidential primary was during the first quarter and the general election will be in November resulting in the majority of the budget being expended during the first six months of the year. The overall net budget for the department is in line with current annual projections.
- The Special Events Recreation Department is at 39% of their budget due to the seasonality nature of recreation programs. The overall net budget for the department is in line with current annual projections. All other recreation departments are running significantly under budget due to the COVID-19 pandemic and will be amended during the second quarter (see note on recreation revenues above).
- Non-Departmental is currently at 28% of their budget as this department is primarily transfers to other funds and the majority of the transfers take place as needed.
- Communications Department is at 28% of their budget due to additional costs incurred from hiring a communications consultant to assist with COVID-19 and other related updates for the residents and business within the City. The increased cost is included in the first quarter budget amendment.

The unaudited Fiscal Year End 2019-20 shows a small use of fund balance of \$23,741 and includes favorable variances attributed to the various projects not completed. There are rollover budget requests in Budget Amendment #2021-2 for these funds. Overall the General Fund operations are in line with the annual budget. The projected fund balance remains at the targeted level of 21% of annual expenditures.

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

MOTION DECLARED ADOPTED

CM-11-336-20

**(AGENDA ITEM #14D) BUDGET AMENDMENT #2021-2 FOR
PERIOD ENDING SEPTEMBER 30, 2019 - APPROVED**

Motion by Burns, seconded by Radner, CARRIED UNANIMOUSLY, to adopt the following resolution approving Budget Amendment #2021-2 for period ending September 30, 2019 as follows:

RESOLUTION

NOW, THEREFORE BE IT RESOLVED that the following
Budget Amendment #2021-2 is authorized:

	INCREASE (DECREASE)
GENERAL FUND	
REVENUES	
INTERGOVERNMENTAL	\$ 440,758
CHARGES FOR SERVICES	(26,154)
TOTAL REVENUES	414,604
EXPENDITURES	
HUMAN RESOURCES	45,360
COMMUNITY & ECONOMIC DEVELOPMENT	39,869
PUBLIC WORKS	260,000
PUBLIC INFORMATION	69,375
TOTAL EXPENDITURES	414,604
	\$
Net Increase to Fund Balance	-

ECONOMIC DEVELOPMENT CORPORTATION FUND	
REVENUES	
INTERGOVERNMENTAL	\$ -
TOTAL REVENUES	-
EXPENDITURES	
OPERATIONS	12,624
TOTAL EXPENDITURES	12,624
Net Increase to Fund Balance	\$ (12,624)
	INCREASE (DECREASE)

MAJOR STREETS FUND	
REVENUES	

	\$
INTEREST INCOME	-
TOTAL REVENUES	-
EXPENDITURES	
CAPITAL OUTLAY	407,319
TOTAL EXPENDITURES	407,319
Net Increase to Fund Balance	\$ (407,319)

LOCAL STREETS FUND

REVENUES	
	\$
INTEREST INCOME	-
TOTAL REVENUES	-
EXPENDITURES	
CAPITAL OUTLAY	166,141
TOTAL EXPENDITURES	166,141
Net Increase to Fund Balance	\$ (166,141)

CORRIDOR IMPROVEMENT FUND

REVENUES	
INTERGOVERNMENTAL	\$ 4,000
OTHER REVENUE	6,600
TOTAL REVENUES	10,600
EXPENDITURES	
CAPITAL OUTLAY	78,500
TOTAL EXPENDITURES	78,500
Net Increase to Fund Balance	\$ (67,900)

PUBLIC IMPROVEMENT FUND

REVENUES	
	\$
INTEREST INCOME	-
TOTAL REVENUES	-

EXPENDITURES	
CAPITAL OUTLAY	239,207
TOTAL EXPENDITURES	239,207
Net Decrease to Fund Balance	\$ (239,207)
INCREASE (DECREASE)	

CITY OWNED PROPERTY FUND

REVENUES	
INTEREST EARNINGS	\$ -
TOTAL REVENUES	-
EXPENDITURES	
OPERATIONS	3,744
CAPITAL OUTLAY	82,000
TOTAL EXPENDITURES	85,744
Net Decrease to Fund Balance	\$ (85,744)

WATER AND SEWER FUND

REVENUES	
INTEREST EARNINGS	\$ -
TOTAL REVENUES	-
EXPENDITURES	
REPAIRS AND MAINTENANCE	87,899
CAPITAL OUTLAY	276,875
TOTAL EXPENDITURES	364,774
Net Decrease to Fund Balance	\$ (364,774)

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

MOTION DECLARED ADOPTED

CM-11-337-20 (AGENDA ITEM #14E) REQUEST TO APPROVE THE RENEWAL OF MICHIGAN INDIGENT DEFENSE COMMISSION (MIDC) COUNSEL COORDINATOR PROFESSIONAL SERVICES CONTRACTS SUBJECT TO CITY ATTORNEY REVIEW AND APPROVAL - APPROVED

Motion by Burns, seconded by Weiss, CARRIED UNANIMOUSLY, to approve the renewal of Michigan Indigent Defense Commission (MIDC) Counsel Coordinator Professional Services Contracts with John Angott and Karolyn Miller subject to city attorney review and approval.

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

MOTION DECLARED ADOPTED

The MIDC was created by legislation in 2013 to ensure the State's public defense system is fair, cost-effective, and constitutional. The MIDC has released a set of standards to be followed by all courts in the State, which have been approved by the Department of Licensing and Regulatory Affairs. Each local system is asked to create a plan and cost analysis annually to ensure compliance with these standards, with costs for compliance being borne by the State. The City worked closely with the District Court and our local MIDC representative to complete a Compliance Plan and cost analysis for Fiscal Year 2020-21 resulting in a fully executed formal grant agreement on October 26, 2020. Our Plan this year includes renewals of the contracts for two Michigan Assigned Counsel Coordinators (MACC). A MACC is responsible for maintaining a roster of defense attorneys, evaluating performance, approving payments, authorizing investigative resources, working with the City's Finance Department to submit quarterly reports, and performing other duties to ensure the City's compliance with MIDC Standards.

Public Safety

CM-11-338-20 (AGENDA ITEM #14F) REQUEST TO APPROVE THE EARLY PURCHASE OF THE COUNTY WIDE RADIO PROJECT IN THE AMOUNT OF \$113,695.50 AND AUTHORIZE THE USE OF THE \$6,304.50 BALANCE FROM THE ORIGINAL ESTIMATE OF \$120,000 TO BE USED TO COVER THE UNKNOWN EXPENSES OF ADAPTING THE SYSTEM TO CURRENT INFRASTRUCTURE/PATROL VEHICLES - APPROVED

Motion by Burns, seconded by Weiss, CARRIED UNANIMOUSLY, to approve the early purchase of the County Wide Radio Project in the amount of \$113,695.50 and authorize the use of the \$6,304.50 balance from the original estimate of \$120,000 to be used to cover the unknown expenses of adapting the system to current infrastructure/patrol vehicles.

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

MOTION DECLARED ADOPTED

Human Resources

**CM-11-339-20 (AGENDA ITEM #14G) REQUEST TO APPROVE THE
NATIONWIDE LOAN PROGRAM ADOPTION AGREEMENT
- APPROVED**

Motion by Edgar, seconded by Burns, CARRIED UNANIMOUSLY, to approve the
Nationwide Loan Program Adoption Agreement.

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

MOTION DECLARED ADOPTED

CALL TO THE AUDIENCE:

There were no audience members who wished to speak.

ADJOURNMENT:

There being no further business to come before the City Council, Mayor McClellan adjourned the
meeting at 8:04 P.M.

T. Edwin Norris, City Clerk

Marian McClellan, Mayor