



**CITY OF OAK PARK, MICHIGAN
REGULAR COUNCIL MEETING OF THE
39th OAK PARK CITY COUNCIL
October 2, 2023
7:00 PM**

MINUTES

The meeting was called to order at 7:00 p.m. 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, Council Member Burns, Council Member Radner
Council Member Whitehead

ABSENT: Mayor Pro Tem Edgar

OTHERS

PRESENT: City Manager Tungate, Deputy City Clerk Williams, City Attorney Duff

APPROVAL OF AGENDA:

**CM-10-321-23 (AGENDA ITEM #4) ADOPTION OF THE AGENDA AS PRESENTED
– APPROVED**

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

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

MOTION DECLARED ADOPTED

CONSENT AGENDA:

CM-10-322-23 (AGENDA ITEM #5A-I) CONSENT AGENDA - APPROVED

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

- A. Regular City Council Meeting Minutes for September 18, 2023 **CM-10-323-23**
- B. Beautification Advisory Commission Meeting Minutes for June 20, 2023 **CM-10-324-23**
- C. Traffic Safety Board Meeting Minutes for August 13, 2023 **CM-10-325-23**
- D. Arts and Cultural Diversity Commission Meeting Minutes for August 10, 2023 **CM-10-326-23**
- E. Request to approve payment of invoices from MDOT for the Nine Mile Rd. and Eight Mile Rd. at Hubbell projects for the total amount of \$284,575.26 **CM-10-327-23**
- F. Request to approve payment of invoices from OHM Advisors for GIS DWAM Grant, Nine Mile Road CE, and Capital Ave. Easement for the total amount of \$54,602.12 **CM-10-328-23**
- G. Request to approve Payment Application No. 6 in the amount of \$66,931.24 and Change Order No.5 in the amount of (\$26,871.32) to Inner City Contracting of Detroit, Michigan for the 2023 Water Main and Road Replacement Project, M-750 **CM-10-329-23**
- H. Request to approve Payment Application No. 1 for the 2023 Block Pruning Project, M-748, to Urban Tree Trimming of Detroit MI, in the amount of \$30,985.00 **CM-10-330-23**
- I. Licenses new and renewals submitted for October 2, 2023 **CM-10-331-23**

**MERCHANT'S LICENSES – October 2, 2023
(Subject to All Departmental Approvals)**

<u>NEW MERCHANT</u>	<u>ADDRESS</u>	<u>FEE</u>	<u>BUSINESS TYPE</u>
STAPLES PROPERTY MANAGEMENT LLC	25900 GREENFIELD # 226	\$150.00	OFFICE
FRONT PAIJE DESIGNS	10760 W NINE MILE RD	\$150.00	RETAIL CLOTHING
<u>RENEWALS (2023)</u>	<u>ADDRESS</u>	<u>FEE</u>	
LIVE TMG LLC	21320 COOLIDGE HWY	\$225.00	MUSIC COWORKING SPACE
MEAL PREP II	24711 COOLIDGE HWY	\$150.00	BAKERY/MEAL PREP
STAR BAKERY	26031 COOLIDGE HWY	\$150.00	BAKERY
NEXT LEVEL BARBERSHOP	13641 W NINE MILE RD	\$187.50	BARBERSHOP
DOMINO'S PIZZA	13735 W NINE MILE RD	\$225.00	RESTAURANT

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

MOTION DECLARED ADOPTED

RECOGNITION OF VISITING ELECTED OFFICIALS: None

SPECIAL RECOGNITION/PRESENTATIONS:

(AGENDA ITEM #7A) Special Retirement Recognition for Ted Kozlowski.

Public Safety Director Cooper recognized Ted Kozlowski who is retiring from the Public Safety Department.

PUBLIC HEARINGS:

(AGENDA ITEM #8A) Public Hearing on the establishment of an Industrial Development District at Bollinger Motors, Inc., 14925 W. Eleven Mile Rd., Oak Park, Michigan.

Mayor McClellan opened the public hearing at 7:06 p.m. Ray Howse, 26571 Tulare St., Meredith Long, 26561 Tulare St., and Michael Long, 26551 Tulare, spoke in opposition to the Industrial Facilities District. Randy Bernstein, 26471 Raine, asked what is planned for the complex?

General Counsel from Bollinger Motors explained the proposed use of the facility and confirmed no manufacturing will take place on site and modifications will be inside the facility only. Mayor McClellan closed the public hearing at 7:42 p.m.

Mayor McClellan also read the following statement from Mayor Pro Tem Edgar who was not present:

My understanding is that this tax abatement will not amount to many thousands of dollars and that it will enable Bollinger to begin work on building out its property on 11 Mile Road. Nonetheless, I am opposed on principle to giving tax breaks to corporations. In a free market economy, corporations such as Bollinger will either sink or swim depending on whether the public buys its product. I want to see the company succeed here in Oak Park, but the city will lose out on important tax revenues if we subsidize Bollinger's growth. We can't very well go to residents for a tax increase in November while we grant a tax break to a for-profit entity."

CM-10-332-23

**(AGENDA ITEM #8B) RESOLUTION ESTABLISHING AN
INDUSTRIAL DEVELOPMENT DISTRICT FOR BOLLINGER
MOTORS, INC., 14925 W. ELEVEN MILE RD., OAK PARK,
MICHIGAN - APPROVED**

Motion by Burns, Seconded by Whitehead, CARRIED UNANIMOUSLY, to adopt the following resolution approving an industrial development district for Bollinger Motors, Inc., 14925 W. Eleven Mile Rd., Oak Park, Michigan:

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF OAK PARK

RESOLUTION TO ESTABLISH INDUSTRIAL DEVELOPMENT DISTRICT
FOR BOLLINGER MOTORS, INC.

WHEREAS, Pursuant to Act No. 198 of the Public Acts of 1974, as amended, the City Council of the City of Oak Park has the authority to establish Industrial Development Districts within the City of Oak Park; and

WHEREAS, Bollinger Motors, Inc., has petitioned the City Council of the City of Oak Park to establish an Industrial Development District on its property located at 14925 W. Eleven Mile Rd., Oak Park, Michigan hereinafter described; and

WHEREAS, before acting on said application, the City of Oak Park held a hearing on October 2, 2023, at which the applicant, the Assessor and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, Construction acquisitions, alterations, or installation of a proposed facility has not commenced at the time of filing the request to establish this district; and

WHEREAS, Written notice has been given by mail to all owners of real property located within the district, and to the public by newspaper advertisement in the Daily Tribune on September 13, 2023; and

WHEREAS, On October 2, 2023 a public hearing was held at which all the owners of real property within the proposed Industrial Development District and all residents and taxpayers of the City of Oak Park were afforded an opportunity to be heard thereon; and

WHEREAS, The City Council deems it to be in the public interest of the City of Oak Park to establish the Industrial Development District as proposed.

BE IT HEREBY RESOLVED, By the City Council of the City of Oak Park that:

The following described parcel of land situated in the City of Oak Park, Oakland County, and State of Michigan, to wit:

T1N, R11E, SEC 19 PART OF NW 1/4 BEG AT PT DIST N 87-45-00 E 1320 FT FROM NW SEC COR, TH N 87-45-00 E 330 FT, TH S 754.50 FT, TH N 88-43-31 W 328.05 FT, TH N 88-55-35 W 140 FT, TH N ALG E LINE OF RAINE AVE TO N SEC LINE, TH N 87-45-00 E 140 FT TO BEG EXC N 33 FT TAKEN FOR RD 7.78 A

Be and hereby is established as an Industrial Development District pursuant to the provision of Act No. 198 of the Public Acts of 1974 to be known as the Bollinger Motors, Inc. Industrial Development District Number 23-01.

NOW FURTHERMORE BE IT RESOVLED that it is the intent of the City Council of the City of Oak Park that said district, Bollinger Motors, Inc. Industrial Development District 23-01, shall expire and become null and void on December 30, 2030, unless extended.

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

MOTION DECLARED ADOPTED

(AGENDA ITEM #8C) Public Hearing on the application of Bollinger Motors, Inc. for an Industrial Facilities Exemption Certificate with respect to a new facility.

Mayor McClellan opened the public hearing at 7:47 p.m. Meridith Long, 26561 Tulare St., spoke against granting the certificate sighting opposition to offering the tax break and potential traffic concerns. Mayor McClellan closed the public hearing at 7:50 p.m.

CM-10-333-23 (AGENDA ITEM #8D) RESOLUTION APPROVING THE APPLICATION OF BOLLINGER MOTORS, INC. FOR AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE WITH RESPECT TO A NEW FACILITY - APPROVED

Motion by Radner, seconded by Burns, CARRIED UNANIMOUSLY, to approve the following resolution approving the application of Bollinger Motors, Inc. for an Industrial Facilities Exemption Certificate with respect to a new facility:

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF OAK PARK

RESOLUTION APPROVING APPLICATION OF BOLLINGER MOTORS, INC. FOR INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE FOR A NEW FACILITY

WHEREAS, pursuant to P.A. 198 of 1974, M.C.L. 207.551 et seq., after a duly noticed public hearing held October 2, 2023, this City Council by resolution established Industrial Development No. 23-01, and

WHEREAS, Bollinger Motors, Inc. has filed an application for an Industrial Facilities Exemption Certificate with respect to a new facility to be acquired and installed within the Industrial Development District No. 23-01; and

WHEREAS, before acting on said application, the City of Oak Park held a hearing on October 2, 2023, at which the applicant, the Assessor and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, installation of new machinery and equipment had not begun earlier than the date of the acceptance of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, construction of building improvements had not begun earlier than the date of acceptance of the application for the Industrial Facilities Exemption Certificate;” and

WHEREAS, completion of the facility is calculated to and will at the time of issuance have the reasonable likelihood to retain, create, or prevent the loss of employment in the City of Oak Park; and

WHEREAS, the aggregate SEV of real and personal property exempt from ad valorem within the City of Oak Park, after granting this certificate, will not exceed 5% of an amount equal to the sum of the SEV of the unit, plus the SEV of personal and real property thus exempted,

BE IT HEREBY RESOLVED, By the City Council of the City of Oak Park that:

1. The City Council finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act. No. 198 of 1974, shall not have the effect of substantially impeding the operation of the City of Oak Park, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Oak Park.

2. The application of Bollinger Motors, Inc. for an Industrial Facilities Exemption Certificate with respect to a new facility, which the personal property to be installed and real property building improvements on the following described parcel of real property situated within the City of Oak Park Industrial Development District No. 23-01 to wit:

T1N, R11E, SEC 19 PART OF NW 1/4 BEG AT PT DIST N 87-45-00 E 1320 FT FROM NW SEC COR, TH N 87-45-00 E 330 FT, TH S 754.50 FT, TH N 88-43-31 W 328.05 FT, TH N 88-55-35 W 140 FT, TH N ALG E LINE OF RAINE AVE TO N SEC LINE, TH N 87-45-00 E 140 FT TO BEG EXC N 33 FT TAKEN FOR RD 7.78 A

Be and the same hereby approved.

3. The Industrial Facilities Exemption Certificate when issued shall remain in force and effect for a period of 6 years.

4. In accordance with Section 22 of the Act, which requires a written agreement between the local government unit and the person to whom a certificate is to be issued as a condition of the issuance of a new industrial facilities exemption certificate, the City Council hereby approves and authorizes the execution of a written agreement with Bollinger Motors, Inc., in substantially the form attached hereto, by appropriate City officials, the agreement to provide that if Bollinger Motors, Inc. moves out of the City before the expiration of the Certificate, or begins to take steps to do so, then Bollinger Motors, Inc. shall immediately repay to the City the amount of tax benefit derived by the Company as a result of the approval of the Application by the City and issuance of the Certificate by the State Tax Commission, (the "Benefit"), as estimated by the City Treasurer.

5. That all resolutions inconsistent with the foregoing resolution be, and the same hereby are, hereby rescinded.

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

MOTION DECLARED ADOPTED

(AGENDA ITEM #8E) Public hearing for Special Assessment Districts #708 Delinquent Utilities, #709 False Alarms, #710 Property Blight and #711 Sidewalk Replacement.

Mayor McClellan opened the Public Hearing on Special Assessment Districts 708, Delinquent Utilities; #709 – Delinquent False Alarms; and #710 - Property Blight and #711, Sidewalk Replacement at 7:55 p.m. and invited interested parties to speak. Najeeb Shareef, 21350 Ridgedale and Kimberly Brantley,

2111 Kipling, spoke about exceptions for unpaid utilities. The special assessment exceptions listed below were also read into the record then Mayor McClellan closed the Public Hearing at 8:07 p.m.

CM-10-334-22 (AGENDA ITEM #8E) ADOPTION OF SPECIAL ASSESSMENT RESOLUTIONS TO CONFIRM THE ROLLS AND SET THE DUE DATE OF NOVEMBER 14, 2023 TOGETHER WITH PENALTY OF TEN PERCENT (10%) FOR SPECIAL ASSESSMENT DISTRICTS #708 - DELINQUENT UTILITIES; #709 – DELINQUENT FALSE ALARMS; #710 - PROPERTY BLIGHT AND NO. 711 – SIDEWALK REPLACEMENT INVOICES – APPROVED

Motion by Burns, seconded by Whitehead, CARRIED UNANIMOUSLY, to adopt the following Special Assessment Resolution (No. 9) confirming the rolls, and Special Assessment Resolution (No. 10) setting the due date of November 14, 2023 with penalty for Special Assessment districts: No. 708 – Unpaid Utility Invoices; No. 709 – Unpaid False Alarm Invoices; No. 710 – Unpaid Property Blight Invoices and No. 711 – Sidewalk Replacement Invoices; withholding the temporary exceptions pending further review by the City Manager to report back to the City Council as to whether they will be kept on the Roll, added on at a later date or removed permanently:

**CITY OF OAK PARK
MICHIGAN**

SPECIAL ASSESSMENT RESOLUTION NO. 9

**DISTRICT NO. 708
DISTRICT NO. 709
DISTRICT NO. 710
DISTRICT NO. 711**

The mayor announced that this was the time set to review the Special Assessment Roll as prepared and revised by the City Assessor for unpaid expenses incurred on private premises, assessed in Special Assessment Rolls No. 708, 709, 710 and 711.

There were objections received as follows:

SAD	Address	Parcel ID #
708 - Unpaid Utility Invoices		
	21350 Ridgedale	52-25-31-429-011
	21111 Kipling	52-25-31-476-020
	23000 Eastwood	52-25-29-376-014
	13011 Oak Park Blvd.	52-25-29-330-005
	23421 Cloverlawn	52-25-30-404-034
	24320 Oneida	52-25-29-276-025
	14097 Lincoln	52-25-19-402-009
	23860 Majestic	52-25-29-428-002
	21900 Harding	52-25-31-154-008
710 - Unpaid Property Blight Invoices		
	21921 Eastwood	52-25-32-105-016
	21111 Kipling	52-25-31-476-020

BE IT RESOLVED that Special Assessment Rolls No. 708, 709, 710 and 711 as prepared and revised by the City Assessor, are hereby confirmed.

CITY OF OAK PARK
MICHIGAN

SPECIAL ASSESSMENT RESOLUTION NO. 10

DISTRICT NO. 708
DISTRICT NO. 709
DISTRICT NO. 710
DISTRICT NO. 711

At a Regular Meeting of the City Council of the City of Oak Park, held the 2nd day of October 2023 at 7:00 PM, City Hall, 14000 Oak Park Boulevard, Oak Park, MI 48237.

WHEREAS, by resolution adopted October 2, 2023, Special Assessment Rolls No. 708, 709, 710 and 711 were confirmed by the City Council.

NOW, THEREFORE, BE IT RESOLVED THAT: Said Special Assessment Rolls shall be due in one (1) installment payable on November 14, 2023, in full, together with a penalty of ten percent (10%).

BE IT FURTHER RESOLVED THAT: An unpaid installment of said Special Assessment Roll shall bear penalty at an annual rate of five percent (5%) after due date November 14, 2023.

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

MOTION DECLARED ADOPTED

SPECIAL LICENSES: None

ACCOUNTING REPORTS: None

BIDS: None

ORDINANCES: None

CITY ATTORNEY: No Report

CITY MANAGER:

Municipal Services/CIA

CM-10-335-23 (AGENDA ITEM #15A) REQUEST TO APPROVE A FAÇADE IMPROVEMENT GRANT TO DANNY KALLABAT REGARDING BUSINESSES AT 13805-13845 W. NINE MILE RD. FOR A MAXIMUM OF 50% OF THE PROJECT COSTS IN AN AMOUNT NOT TO EXCEED \$12,500 OR \$2,500 PER BUSINESS - APPROVED

Motion by Radner, seconded by Burns, CARRIED UNANIMOUSLY, to approve a façade improvement grant to Danny Kallabat regarding businesses at 13805-13845 W. Nine Mile Rd. for a maximum of 50% of the project costs in an amount not to exceed \$12,500 or \$2,500 per business.

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

MOTION DECLARED ADOPTED

CALL TO THE AUDIENCE:

Sylva Haywood, 21750 Kenosha, expressed concerns about rental property in her neighborhood.

Mark Phillips, 13670 Nadine, thanked the city for allowing the dog park mural to be painted in memory of their son.

CLOSED SESSION:

CM-10-336-22 (AGENDA ITEM #18) MOTION TO ADJOURN INTO CLOSED SESSION TO DISCUSS ATTORNEY-CLIENT PRIVILEGED COMMUNICATION REGARDING PENDING LITIGATION FOR PROPERTY AT 21950 EASTWOOD AND 13200 OAK PARK BLVD - APPROVED

Motion by Burns, Seconded by Whitehead, CARRIED UNANIMOUSLY, to adjourn into Closed Session to discuss attorney-client privileged communication regarding pending litigation for property at 21950 Eastwood and 13200 Oak Park Blvd.

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

MOTION DECLARED ADOPTED

The Closed Session began at 7:30 PM. The Regular Meeting was reconvened at 8:27 PM.

CM-10-337-22 CLOSED SESSION MINUTES - APPROVED

Motion by Burns, seconded by Whitehead, CARRIED UNANIMOUSLY, to approve the minutes of the 10-02-23 Closed Session.

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

MOTION DECLARED ADOPTED

CM-10-338-23 MOTION TO APPROVE THE CITY ATTORNEY TO PROCEED WITH FILING ACTIONS TO ABATE PUBLIC NUISANCE IN THE OAKLAND COUNTY CIRCUIT COURT RELATIVE TO PROPERTIES LOCATED AT 21950 EASTWOOD AND 13200 OAK PARK BLVD - APPROVED

Motion by Radner, seconded by Whitehead, CARRIED UNANIMOUSLY, to approve the City Attorney to proceed with filing actions to abate public nuisance in the Oakland County Circuit Court relative to properties located at 21950 Eastwood and 13200 Oak Park Blvd.

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

MOTION DECLARED ADOPTED

ADJOURNMENT:

There being no further business to come before the City Council, Mayor McClellan adjourned the meeting at 8:35 p.m.

T. Edwin Norris, City Clerk

Marian McClellan, Mayor