Oak Park

City Council Agenda

September 20, 2021

AGENDA

REGULAR CITY COUNCIL MEETING
38th CITY COUNCIL
OAK PARK, MICHIGAN
September 20, 2021
7:00 PM

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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 September 14, 2021
B. Special City Council Meeting Minutes of September 14, 2021
C. Parks and Recreation Commission Meeting Minutes of August 18, 2021
D. Planning Commission Meeting Minutes of August 9, 2021

6. RECOGNITION OF VISITING ELECTED OFFICIALS

7. SPECIAL RECOGNITION/PRESENTATIONS: None

8. PUBLIC HEARINGS: None

9. COMMUNICATIONS: None

10. SPECIAL LICENSES: None

11. ACCOUNTING REPORTS: None

A. Approval for payment of invoices submitted by Garan, Lucow, Miller, P.C. for legal services in the total amount of $12,174.84

12. BIDS: None

13. ORDINANCES:

A. Second reading and adoption of an ordinance to amend chapter 2, Administration, of the Code of Ordinances, City of Oak Park, Michigan by amending article VI. Public Library, Sec. 2-651. Appointment of Members and Sec. 2-652. Terms of members; removals; vacancies

B. First reading of an ordinance to amend Chapter 66, Vacating Streets, of the Code of Ordinances of the City of Oak Park, Michigan, by amending Section 66-2 thereof

14. CITY ATTORNEY:

15. CITY MANAGER:

Administration

A. COVID-19 update

B. Resolution declaring a Local State of Emergency through December 31, 2021 for the purpose of permitting the City Council and other public bodies of the City of Oak Park to meet by electronic and telephonic means

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
38th OAK PARK CITY COUNCIL
September 14, 2021
7:00 PM

MINUTES

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

PRESENT: Mayor McClellan, Mayor ProTem Burns, Council Member Whitehead Council Member Edgar

ABSENT: Council Member Radner

OTHERS PRESENT: City Manager Tungate, City Clerk Norris, City Attorney Krause

APPROVAL OF AGENDA:

CM-08-290-21 (AGENDA ITEM #3) ADOPTION OF THE AGENDA AS AMENDED – APPROVED

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

- Amended Item #15A – Resolution scheduling the 2022 Regular City Council Meeting dates

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

MOTION DECLARED ADOPTED

CONSENT AGENDA:

CM-09-291-21 (AGENDA ITEM #5A-I) CONSENT AGENDA - APPROVED

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

A. Regular City Council Meeting Minutes of August 23, 2021 **CM-09-292-21**
B. Request to approve the Calendar Year 2021 Free Garage Sale dates **CM-09-293-21**
C. Traffic Safety Commission Meeting Minutes of July 21, 2021 **CM-09-294-21**
D. Parks and Recreation Commission Meeting Minutes of July 21, 2021 **CM-09-295-21**
E. Recycling Commission Meeting Minutes of July 15, 2021 **CM-09-296-21**
F. Beautification Advisory Commission resolution and nominee recommendations for the 2021 Beautification Awards **CM-09-297-21**

G. Request to approve Payment Application No. 2 for the 2021 Water Main Replacement Project, M-718 to Pamar Enterprises of New Haven, MI. in the amount of $387,357.20 **CM-09-298-21**

H. Request to authorize the Oak Park Recreation Department to renew the Municipal Credits and Community Credits Contract with Suburban Mobility Authority for Regional Transportation (SMART) **CM-09-299-21**

I. Licenses New and Renewals submitted for September 14, 2021 **CM-09-300-21**

MERCHANT'S LICENSES – September 14, 2021
(Subject to All Departmental Approvals)

NEW MERCHANT	ADDRESS	FEE	BUSINESS TYPE
None			

RENEWALS	ADDRESS	FEE	BUSINESS TYPE
SOCKS GALORE WHOLESALE	10355 CAPITAL	$150.00	WORK AND SAFETY GEAR
IMAGE ONE CORPORATION	13201 CAPITAL	$150.00	MANAGE PRINT ENV.
LOVE NAIL & SPA	22118 COOLIDGE	$150.00	SALON AND SPA
MOTOR CITY TAX PROF.	22128 COOLIDGE	$150.00	TAX PREPARATION OFFICE
MR. BIGGS	22151 COOLIDGE	$150.00	RETAIL
CVS PHARMACY #8106	23001 COOLIDGE	$150.00	PHARMACY
OAK PARK URGENT CARE	24661 COOLIDGE	$150.00	MEDICAL CENTER
ARTISTRY OF HAIR	25661 COOLIDGE	$150.00	SALON
EL MAR'S SUBURBAN SHOP	13661 ELEVEN MILE	$150.00	RETAIL DISCOUNT FURRIER
SPECTRUM AUTOWORKS	14799 ELEVEN MILE	$150.00	AUTOMOTIVE REPAIR
ELEVEN MILE SELF STORAGE	14935 ELEVEN MILE	$150.00	SELF STORAGE
LOCLIFE DREAD HOT	21700 GREENFIELD 131	$150.00	NATURAL HAIR SALON
VIP HOME HELP CARE	21700 GREENFIELD 225	$150.00	HOME HELP CARE
NATASHA INTERNATIONAL	21700 GREENFIELD 353	$150.00	WHOLESALE DIAMOND
PERFECT EYEBROW THREADING	21700 GREENFIELD 455	$150.00	EYEBROW AND FACIAL
FAMILY DRIVING SCHOOL	25246 GREENFIELD	$150.00	DRIVING SCHOOL
BLING BLIING GG	26122 GREENFIELD	$150.00	JEWELER
ERIC MENDELSOHN DPM	26106 GREENFIELD A B	$150.00	PODIATRIST
MARINA'S ALTERATIONS	15075 LINCOLN 117	$150.00	CLOTHING ALTERATIONS
HAYNES ENTERPRISE	21171 MEYERS	$150.00	TRUCKING COMPANY
LITTLE CAESARS #30	8801 NINE MILE	$150.00	RESTAURANT
CAPTAIN JAYS	13500 NINE MILE	$150.00	GROCERIES; FISH & CHICKEN
LIGHTHOUSE LIQUOR	13651 NINE MILE	$150.00	LIQOUR STORE
FALLOU'S AFRICAN HAIR BRAID	13721 W. NINE MILE	$150.00	HAIR BRAIDING
OAK PARK FRUIT MARKET	13745 NINE MILE	$150.00	FRUIT MARKET
K & F MEAT MARKET	13911 NINE MILE	$150.00	MEAT MARKET
HOOKAH 101	15401 NINE MILE	$150.00	SMOKE SHOP
ATTISHA FOOD	15450 NINE MILE	$150.00	CONVENIENCE STORE, GAS
ONE STOP CASH ADVANCE	8530 NINE MILE A	$150.00	CASH ADVANCE
SHERWIN WILLIAMS	13101 NORTHEND	$150.00	SALE OF PAINT
DOLLAR VILLAGE DISCOUNT	13201 TEN MILE	$150.00	RETAIL
FANCY LADIES APPAREL	13261 TEN MILE	$150.00	LADIES APPAREL
13351 TEN MILE	13351 TEN MILE	$150.00	RESTAURANT

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

MOTION DECLARED ADOPTED

RECOGNITION OF VISITING ELECTED OFFICIALS: None

SPECIAL RECOGNITION/PRESENTATIONS:

Mayor McClellan presented a proclamation recognizing the 100th anniversary of the First Baptist Church of Oak Park.

PUBLIC HEARINGS: None

COMMUNICATIONS: None

SPECIAL LICENSES: None

ACCOUNTING REPORTS:

CM-09-301-21 **(AGENDA ITEM #10A) PAYMENT OF AN INVOICE SUBMITTED BY THE LAW OFFICES OF SHIFMAN FOURNIER FOR LEGAL SERVICES IN THE TOTAL AMOUNT OF $18,000.00 - APPROVED**

Motion by Burns, Seconded by Edgar, CARRIED UNANIMOUSLY, to approve payment of invoice #14800 to Shifman Fournier for legal services from October 1, 2021 – December 31, 2021 in the total amount of $18,000.00.

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

MOTION DECLARED ADOPTED

BIDS:

CM-09-302-21 **(AGENDA ITEM #12A) REQUEST TO AWARD THE REGULAR BID FOR THE 2021-2022 MISCELLANEOUS CONCRETE PROJECT, M-727 TO MATTIOLI CEMENT COMPANY OF FENTON, MI, FOR THE TOTAL AMOUNT OF $497,201.85. IT IS FURTHER RECOMMENDED THAT THE ALTERNATE BID OF $128,700 ALSO BE APPROVED AND THAT FUNDING FOR THE ALTERNATE BID BE PROVIDED FROM THE MAJOR STREET FUND BALANCE (OF WHICH UP TO $69,171 WILL BE REIMBURSED TO THE CITY FROM THE LRIP GRANT) - APPROVED**

Motion by Burns seconded by Edgar, CARRIED UNANIMOUSLY, to award the bid for the 2021-2022 Miscellaneous Concrete Project, M-727 to Mattioli Cement Company of Fenton, MI, for the total amount of $497,201.85 and to approve the alternate bid of $128,700 and that funding for the alternate bid be provided from the Major Street fund balance (of which up to $69,171 will be reimbursed to the City from the LRIP grant).

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

MOTION DECLARED ADOPTED

ORDINANCES:

CM-09-303-21 **(AGENDA ITEM #13A) SECOND READING AND ADOPTION OF AN ORDINANCE TO AMEND CHAPTER 82, UTILITIES, OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK, MICHIGAN, BY AMENDING SECTION 82-313 THEREOF - APPROVED**

Motion by Burns, seconded by Whitehead, CARRIED UNANIMOUSLY, to approve the second reading and adopt the following ordinance to amend Chapter 82, Utilities, of the Code of Ordinances of the City of Oak Park, Michigan, by amending Section 82-313 thereof:

CITY OF OAK PARK
OAKLAND COUNTY, MICHIGAN

ORDINANCE NO. O-21-709

AN ORDINANCE TO AMEND CHAPTER 82, UTILITIES, OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK, MICHIGAN, BY AMENDING SECTION 82-313 THEROF

THE CITY OF OAK PARK ORDAINS:

SECTION 1. Chapter 82, Utilities, Article V, Rates and Charges, Section 82-313, Determination, of the Code of Ordinances of the City of Oak Park is hereby amended to read as follows:

ARTICLE V. – RATES AND CHARGES

Sec. 82-313. - Determination.

(a) *Generally.* The rates and charges to be imposed for the consumption and use of water, sewage disposal, and stormwater runoff services furnished by the city shall be determined by ordinance by the city council from time to time and kept on file in the office of the city clerk.

(b) *Enumeration.* The rates and charges for consumption and use of water, sewage disposal, and stormwater runoff services are as follows:

(1) *Water rates.* Effective on all bills rendered on or after July 1, 2021, the rates to be charged for water service shall be as follows:

a. Four dollars and fifty one cents ($4.51) per centum cubic feet (CCF)

b. Monthly meter service and maintenance charges, in addition to subsection (b)(1) of this section as follows:

⅝-inch meter $1.59

¾-inch meter $1.68

1-inch meter $1.81

1½-inch meter $2.68

2-inch meter $3.05

3-inch meter $21.27

4-inch meter $23.19

6-inch meter $26.47

c. The minimum monthly (one-month) water charge (includes water and meter service charge for a ⅝-inch meter service) to each premises connected with the water supply system shall be the sum of $6.10 effective on all bills rendered on or after September 21, 2021, provided that if there were two or more premises using the city water supply and such premises use one meter, the minimum consumption charge herein specified shall apply to each such premises and to the owner or tenant of each such premises, as applicable.

(2) *Sewage disposal rates.* Effective on all bills rendered on or after July 1, 2021 the rates to be charged for sewage disposal shall be as follows:

a. *Basic sewage disposal rate;* Four dollars and eighty six cents ($4.86) per centum cubic feet (CCF) of water consumed. The minimum monthly sewage disposal charge to each sewage disposal services customer shall be ~~$9.72~~ $4.86 effective on all bills rendered on or after September 21, 2021, provided that if there are two or more premises using the city water supply and such premises use one meter, the minimum consumption charge herein specified shall apply to each such premises and to the owner or tenant of each such premises, as applicable.

b. *High-strength surcharge.* Great Lakes Water Authority is responsible for billing this surcharge. Effective with all bills rendered on or after August 1, 2021, for flows beginning on or after July 1, 2021, a high-strength surcharge shall be levied against commercial and industrial customers, other than restaurants, contributing sewage to the sewage disposal system with concentrations of pollutants exceeding the following levels:

1. 275 milligrams per liter (mg/l) of biochemical oxygen demand (BOD);

2. 350 milligrams per liter (mg/l) of total suspended solids (TSS);

3. 12 milligrams per liter (mg/l) of phosphorus (P);

4. 100 milligrams per liter (mg/l) of fats, oils, and grease (fog).

The high strength surcharge will be imposed on the following rates:

Pollutant	Charge per pound of excess pollutant
Biochemical oxygen demand (BOD)	0.347
Total suspended solids (TSS)	0.476
Phosphorus (P)	6.368
Fats, oils and grease	0.111

c. *Industrial waste control charge.* Effective with all bills rendered on or after August 1, 2021, for flows beginning on or after July 1, 2021 an industrial waste control charge shall be levied against non-residential customers in an amount determined by the size of the water meter or meters serving such customers as set forth below:

Water meter size (inches)	Monthly charge
5/8-inch meter	3.54
¾-inch meter	5.31
1-inch meter	8.85
1 ½ -inch meter	19.47
2-inch meter	28.32
3-inch meter	51.33
4-inch meter	70.80
6-inch meter	106.20

No such surcharge shall be levied on the basis of any meter which serves exclusively residential users, including all structures designed for habilitation including, but not limited to, single-family or two-family dwellings, apartment buildings, condominiums, townhouses, and mobile homes, nor shall such surcharge be levied on the basis of any meter used exclusively for fire protection purposes.

(3) *Stormwater runoff rate.* Effective on all bills rendered on or after July 1, 2021, the rate to be charged for stormwater runoff shall be $601.65 per unit.

(4) *Collection policy.* Charges for water, sewage disposal, stormwater runoff, and garbage collection services furnished by the city to any premises shall be a lien thereon, and on March 1 and on September 1 of each year, the person or agency charged with the management of the systems shall certify any such charges which have been delinquent six months or more, to the city assessor who shall enter the same upon the next available tax roll against the premises to which such services shall have been rendered, together with a penalty of an additional ten percent. The charges shall be collected and the lien shall be enforced in the same manner as provided in the respect to taxes assessed upon such roll; provided, that no such charge shall become a lien when a tenant is responsible for the payment of any such charge against any premises and the city has been so notified by the filing of an affidavit that the lease contains a provision that the landlord shall not be liable for payment of water or sewage system bills accruing subsequent to the filing of the affidavit. The affidavit shall be filed with the official in charge of the water works system and 20 days' notice shall be given by the landlord of any cancellation, change in, or termination of the lease. The affidavit shall contain a notation of the expiration date of the lease. In the event of the filing of such affidavit, no further service shall be rendered by the systems to such premises until payment to the city of a cash deposit in accordance with section 82-316.

(5) *Services outside the city.* Water service provided outside the corporate limits of the city shall be provided by contract only with approval of the city council, and in no event shall the rates and charges for such service be less than the rates charged to customers residing within the corporate limits of the city.

SECTION 2. Severability.

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

SECTION 3. Effective Date.

This ordinance shall become effective ten (10) days from the date of its passage and shall be published as required by the Charter of the City of Oak Park.

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

MOTION DECLARED ADOPTED

CM-09-304-21 (AGENDA ITEM #13B) SECOND READING AND ADOPTION OF AN ORDINANCE TO AMEND ARTICLE 2 DIVISION 1 SECTION 201 AND THE OFFICIAL ZONING MAP CONTAINED THEREIN, BEING PART OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK, MICHIGAN, BY CHANGING THE USE DISTRICT OF CERTAIN PARCELS OF LAND CURRENTLY ZONED PUD, PLANNED UNIT DEVELOPMENT TO LI, LIGHT INDUSTRIAL DISTRICT - APPROVED

Motion by Burns, seconded by Edgar, CARRIED UNANIMOUSLY, to approve the second reading and adopt the following ordinance to amend Article 2 Division 1 Section 201 and the Official Zoning Map contained therein, being part of the Code of Ordinances of the City of Oak Park, Michigan, by changing the use district of certain parcels of land currently zoned PUD, Planned Unit Development to LI, Light Industrial District:

CITY OF OAK PARK
OAKLAND COUNTY, MICHIGAN

ORDINANCE NO. O-21-710

AN ORDINANCE TO AMEND ARTICLE 2 DIVISION 1 SECTION 201 AND THE OFFICIAL ZONING MAP CONTAINED THEREIN, BEING PART OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK, MICHIGAN, BY CHANGING THE USE DISTRICT OF CERTAIN PARCELS OF LAND CURRENTLY ZONED PUD, PLANNED UNIT DEVELOPMENT TO LI, LIGHT INDUSTRIAL DISTRICT

THE CITY OF OAK PARK ORDAINS:

SECTION 1. The Code of Ordinances of the City of Oak Park is hereby amended by changing the use district of the following addresses and parcels currently zoned PUD, Planned Unit Development, according to the City's Official Zoning District Map, Article 2, Division 1, Section 201 to LI, Light Industrial Use 2 District.

21200 Greenfield Rd., 15100 Eight Mile Rd., and 15000 Eight Mile Rd. Property ID's # 52-25-31-325-005, 52-25-31-326-010, 52-25-31-326-011. Current owner's: Spirit Realty, L.P., Armory Plaza, LLC. Forgotten Harvest, Inc.

SECTION 2. It is hereby ordered that the Official Zoning District Map of the City of Oak Park, as herein amended, be incorporated with this ordinance and be considered a part hereof and be published in connection herewith.

SECTION 3. It is further ordered that from and after the effective date of this ordinance, the above described parcels of land shall be in the LI, Light Industrial District, and be subject to the regulations pertaining to such a district.

SECTION 4. Conflicting Provisions Repealed

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

SECTION 5. Severability

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

SECTION 6. Effective Date

This ordinance shall be effective thirty (30) days from the date of adoption and shall be published as required by the Charter of the City of Oak Park.

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

MOTION DECLARED ADOPTED

CM-09-305-21 (AGENDA ITEM #13C) SECOND READING AND ADOPTION OF AN ORDINANCE TO ADD SECTIONS 18-185 TO 18-190, DIVISION 4, CHAPTER 18, ARTICLE IV, FAIR HOUSING, OF THE CODE OF ORDINANCES, CITY OF OAK PARK - APPROVED

Motion by Burns, seconded by Radner, CARRIED UNANIMOUSLY, to approve the second reading and adopt the following ordinance to add sections 18-185 to 18-190, Division 4, Chapter 18, Article IV, Fair Housing, of the Code of Ordinances, City of Oak Park:

CITY OF OAK PARK
OAKLAND COUNTY, MICHIGAN

ORDINANCE NO. O-21-711

AN ORDINANCE TO ADD SECTIONS 18-185 TO 18-190, DIVISION 4, CHAPTER 18, ARTICLE IV, FAIR HOUSING, OF THE CODE OF ORDINANCES, CITY OF OAK PARK

THE CITY OF OAK PARK ORDAINS:

SECTION 1. Chapter 18, Buildings and Building Regulations, Article IV, Housing, of the Code of Ordinances of the City of Oak Park is hereby amended by adding Division 4, Fair Housing, Sections 18-185 to 18-190 as follows:

ARTICLE IV. HOUSING
Division 4. Fair Housing

Sec. 18-185. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Discriminate. To make a decision, offer to make a decision or refrain from making a decision based in whole or in part on person's or his or her relatives' or associates' source of income. Discrimination includes the use of facially neutral practices that have an adverse impact based on source of income.

Housing facility. Any dwelling unit or facility in which it is intended persons regularly will sleep and keep personal belongings including, but not limited to, a house, apartment, rooming house, housing cooperative, homeless shelter, hotel, motel, tourist home, retirement home or nursing home.

Person. "Person" includes one or more persons, corporations, partnerships, limited liability companies, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in cases under title 11, receivers, and fiduciaries.

Source of Income. As used in this chapter, source of income refers to any lawful source of money paid directly to person or family or indirectly on behalf of person or family, including, but not limited to (a) money derived from any lawful profession or occupation; (b) money derived from any contract, agreement, loan, or settlement; from any court order, such as court-ordered child support or alimony; from any gift or bequest; or from any annuity or life insurance policy; and (c) money derived from any benefit or subsidy program, including, but not limited to, any housing assistance, such as Housing Choice Vouchers, Veterans Affairs Supportive Housing (VASH) Vouchers, or any other form of housing assistance payment or credit whether or not paid or attributed directly to a landlord; public assistance; emergency rental assistance; veterans benefit; Social Security or other retirement program; supplemental security income; VA and FHA loans, and any other program administered by any federal, state, or local agency or nonprofit entity.

Sec. 18-186. Discriminatory housing practices.

No person shall discriminate based on source of income in the following:

(1). Leasing, selling or otherwise making available any housing facility.

(2). The terms, conditions, maintenance, or repair in providing any housing facility.

(3). Make, print, or publish, or cause to be made, printed, or published any written or

oral notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on source of income or expressing any intent to make any such preference, limitation, or discrimination.

(4). Refusing to lend money for the purchase or repair of any real property or insure any real property solely because the location in the City of such real property.

(5). Promoting real estate transactions by representing that changes are occurring or will occur in any area with respect to any protected classification.

(6). Coerce, threaten, or retaliate against a person for making a compliant or assisting in the investigation regarding a violation or alleged violation of this division, nor require, conspire with, assist or coerce another person to retaliate against a person for making a complaint or assisting in an investigation.

Sec. 18-187. – Exceptions

Notwithstanding anything contained in this division, the following practices shall not be violations of this chapter.

(1). Nothing in this part, other than the prohibitions against discriminatory advertising,

applies to:

(a) The sale or rental of any single family house by an owner, provided the following conditions are met:

(i) The owner does not own or have any interest in more than three single family houses at any one time.

(ii) The house is sold or rented without the use of a real estate broker, agent or salesperson or the facilities of any person in the business of selling or renting dwellings. If the owner selling the house does not reside in it at the time of the sale or was not the most recent resident of the house prior to such sale, the exemption in this paragraph (a)(1) of this section applies to only one such sale in any 24-month period.

(b) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his or her residence.

(2). For a religious organization or institution to restrict any of its facilities of housing or accommodations which are operated as a direct part of religious activities to persons and clergy of the denomination involved.

(3). To refuse to enter a contract with a minor that is not emancipated.

(4). To provide discounts on products or service to students, minors, veterans, and senior citizens.

(5). To discriminate in any arrangement for the sharing of a dwelling unit by a person who is sharing the unit.

(6). Nothing herein contained shall be construed to prohibit any affirmative action laws passed by any level of government.

Sec. 18-188. – Penalties

(1) A violation of any provision of this division is a civil infraction punishable by a fine of not more than $500.00, plus all costs of the action. The court may issue and enforce any judgment, writ, or order necessary to enforce this chapter.

(2) Nothing contained in this chapter shall be construed to limit in any way the remedies, legal or equitable, which are available to the City or any other person for the prevention or correction of discrimination.

Sec. 18-189. – Private actions for damages or injunctive relief

(1) To the extent allowed by law, a person who is the victim of discriminatory action in violation of this chapter may bring a civil action for appropriate injunctive relief or damages or both against the person(s) who acted in violation of this chapter.

(2) As used in subsection (1), "damages" means damages for injury or loss caused by each violation of this chapter, including reasonable attorney fees.

(3) Private actions and remedies under this section shall be in addition to any actions for violations which the City may take.

Sec. 18-190. - Effective dates.

Sections 18-188 and 18-189 shall go into effect two years after the enactment of this Division. The remaining sections of this Division shall go into effect upon enactment.

SECTION 2. Severability.

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

SECTION 3. Effective Date.

This ordinance shall become effective ten (10) days from the date of its passage and shall be published as required by the Charter of the City of Oak Park.

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

MOTION DECLARED ADOPTED

CM-09-306-21 (AGENDA ITEM #13D) FIRST READING OF AN ORDINANCE TO AMEND CHAPTER 2, ADMINISTRATION, OF THE CODE OF ORDINANCES, CITY OF OAK PARK, MICHIGAN BY AMENDING ARTICLE VI. PUBLIC LIBRARY, SEC. 2-651. APPOINTMENT OF MEMBERS AND SEC. 2-652. TERMS OF MEMBERS; REMOVALS; VACANCIES - APPROVED

Motion by Burns, seconded by Whitehead, CARRIED UNANIMOUSLY, to approve the second reading and adopt the following ordinance to add sections 18-185 to 18-190, Division 4, Chapter 18, Article IV, Fair Housing, of the Code of Ordinances, City of Oak Park:

CITY OF OAK PARK
OAKLAND COUNTY, MICHIGAN

AN ORDINANCE TO AMEND CHAPTER 2, ADMINISTRATION,
OF THE CODE OF ORDINANCES, CITY OF OAK PARK, MICHIGAN BY AMENDING ARTICLE VI.
PUBLIC LIBRARY, SEC. 2-651. APPOINTMENT OF MEMBERS AND SEC.
2-652. TERMS OF MEMBERS; REMOVALS; VACANCIES

THE CITY OF OAK PARK ORDAINS:

SECTION 1. Ordinance – Chapter 2, Administration, of the Code of Ordinances, City of Oak Park, Michigan, Article VI. Public Library, Sec. 2-651. Appointment of Members and Sec. 2-652. Terms of Members; Removals; Vacancies are hereby amended to read as follows:

Sec. 2-651. Appointment of members.

The board of directors of the public library shall consist of ~~nine members~~ no less than five members, appointed by the mayor with the approval of the city council. Directors shall be chosen from the citizens at large, with reference to their fitness for such office, and not more than one member of the city council shall be at any one time a member of said board.

Sec. 2-652. Terms of members; removals; vacancies.

The term of appointment of a Director shall be two years. Present members of the board of directors may serve as Directors until their existing respective terms expire. The Board of Directors shall organize by electing at its regular meeting a President, Vice President, Secretary, and such other officials as may be necessary for the proper conduct of the duties of the Board. Current officers will continue to hold office until the next election. ~~Five members of the Board~~ The presence of a majority of members shall constitute a quorum for the transaction of business. The Mayor may, by and with the consent of the city council, remove any director for misconduct or neglect of duty. Vacancies in the board of directors occasioned by removals, resignations, or otherwise shall be reported to the city council, and be filled in like manner as original appointments. No director shall receive compensation as such.

SECTION 2. SAVINGS CLAUSE.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect, are saved and may be consummated according to the law in forced when they were commenced.

SECTION 3. SEVERABILITY.

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

SECTION 4. EFFECTIVE DATE.

This Ordinance shall become effective ten (10) days from the date of its passage and shall be published as required by the Charter of the City of Oak Park.

CITY ATTORNEY: No Report

CITY MANAGER:

City Clerk

CM-09-307-21 **(AGENDA ITEM #15A) RESOLUTION ADOPTING THE 2022 REGULAR MEETING SCHEDULE OF THE OAK PARK CITY COUNCIL - APPROVED**

Motion by Whitehead seconded by Edgar, CARRIED, to approve the following resolution scheduling the 2022 Regular City Council Meeting dates. Whitehead moved, seconded by Edgar to change June 19 to June 20 for observed holiday of Juneteenth. Motion passed with the following vote: Yes – McClellan, Edgar, Whitehead; No – Burns:

RESOLUTION ADOPTING THE 2022 REGULAR MEETING
SCHEDULE OF THE OAK PARK CITY COUNCIL

WHEREAS, the Home Rule Charter for the City of Oak Park, Michigan in Chapter 7 captioned The Council: Procedure and Miscellaneous Powers and Duties in Section 7.1 entitled Regular meetings, specifies that the council shall provide by resolution for the time and place of its regular meetings and shall hold at least two regular meetings each month.

WHEREAS, the City of Oak Park City Council Rules of Procedure, in Section 2 captioned City Council Meetings, Subsection A entitled Regular Meetings specifies that the Regular meetings of the City Council will be held on the first and third Mondays of each month, unless that day is a holiday or holiday eve.

WHEREAS, the City of Oak Park City Council Rules of Procedure, in Section 2 captioned City Council Meetings, Subsection A entitled Regular Meetings further specifies that before the end of the year, the Council will approve by resolution the Regular meeting schedule for the following calendar year, including exceptions to the first and third Monday meetings.

WHEREAS, the Michigan "Open Meetings Act" (MCL 15.261 et. seq.) in Section 5, Subsection (2) provides that for regular meetings of a public body, there shall be posted within 10 days after the first meeting of the public body in each calendar or fiscal year a public notice stating the dates, times, and places of its regular meetings.

NOW, THEREFORE, BE IT RESOLVED that the regular meetings of the Oak Park City Council for calendar year 2022 shall be held in the Council Chambers at the Oak Park City Hall, 14000 Oak Park Boulevard, Oak Park, Michigan, telephone number (248) 691-7544, at 7:00 P.M. on the following dates:

January 3 and 18 (On Monday, January 17, 2022 City Offices are closed in observance of Martin Luther King Jr. Day)
February 7 and 21
March 7 and 21
April 4 and 18
May 2 and 16
June 7 (Religious Holiday on Monday, June 6, 2022) **and 21** (Juneteenth observed on Monday, June 20, 2022)
July 5 (On Monday, July 4, 2022 City Offices are closed in observance of Independence Day)
July 18
August 1 and 15
September 6 (On Monday, September 5, 2022 City Offices are closed in observance of Labor Day)
September 19
October 3 and 24 (Religious Holiday on Monday, October 17, 2022)
November 7 and 21
December 5 and 19

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Clerk be and is hereby directed to give public notice of the forgoing regular dates and times for City Council meetings and the place at which meetings are to be held consistent with the requirements of Section 5, Subsection (2) of the "Open Meetings Act".

Roll Call Vote:	Yes:	McClellan, Edgar, Whitehead
	No:	Burns
	Absent:	Radner

MOTION DECLARED ADOPTED

Public Works

CM-09-308-21 **(AGENDA ITEM #15B) REQUEST TO APPROVE AN AGREEMENT FROM DTE ENERGY FOR DECORATIVE LED LIGHTING ALONG THE NINE MILE LINEAR PARK (ROSEWOOD TO SCOTIA) FOR THE TOTAL AMOUNT OF $89,596.08 SUBJECT TO REVIEW OF THE AGREEMENT BY THE CITY ATTORNEY - APPROVED**

Motion by Edgar seconded by Whitehead, CARRIED UNANIMOUSLY, to approve an agreement from DTE Energy for decorative LED lighting along the Nine Mile Linear Park (Rosewood to Scotia) for the total amount of $89,596.08 subject to review of the agreement by the City Attorney.

Roll Call Vote:	Yes:	McClellan, Edgar, Whitehead
	No:	Burns
	Absent:	Radner

MOTION DECLARED ADOPTED

Economic Development

CM-09-309-21 **(AGENDA ITEM #15C) REQUEST TO APPROVE THE NINE MILE PUBLIC ART AD HOC COMMITTEE RECOMMENDATIONS FOR PUBLIC ART TO BE PLACED ALONG THE NINE MILE LINEAR PARK - APPROVED**

Motion by Burns seconded by Whitehead, CARRIED UNANIMOUSLY, to approve the following Nine Mile Public Art Ad Hoc Committee recommendations for public art to be placed along the Nine Mile Linear Park:

Nine Mile Linear Park

Artist	Piece	Total Cost
Dale Rogers	8ft American Dog	$16,800
Dale Teachout	Tree Hugger	$1,515
Dale Teachout	Basketball	$1,515
Foster Willey	Indigenous Oak	$20,000
		$39,830

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

MOTION DECLARED ADOPTED

CM-09-310-21 (AGENDA ITEM #15D) REQUEST TO APPROVE THE RECOMMENDED FEE FOR VACATING A STREET/ALLEY IN THE AMOUNT OF $950 FOR UNDER 21 PARCELS AND $1,300 FOR 21 OR MORE PARCELS - APPROVED

Motion by Burns seconded by Whitehead, CARRIED UNANIMOUSLY, to approve the recommended fee for vacating a street/alley in the amount of $950 for under 21 parcels and $1,300 for 21 or more parcels.

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

MOTION DECLARED ADOPTED

CALL TO THE AUDIENCE:

Ken Sherman, 23840 Jerome St., expressed concerns about DTE and congratulated the city for a job well done on the Oak Park Blvd street project.

Brandi Shelton, expressed concerns about the interaction with the city concerning her businesses.

Donald Jones, 24660 Westhampton, provided multiple suggestions for improvements to the city.

ADJOURNMENT:

There being no further business to come before the City Council, Mayor McClellan adjourned the meeting at 8:33 P.M.

T. Edwin Norris, City Clerk

Marian McClellan, Mayor

CITY OF OAK PARK, MICHIGAN
SPECIAL COUNCIL MEETING OF THE
38th OAK PARK CITY COUNCIL
September 14, 2021
6:00 PM

MINUTES

The Special Meeting was called to order at 6:03 PM by Mayor McClellan in the Executive Conference Room of City Hall, 14000 Oak Park Boulevard, Oak Park, MI 48237. (248) 691-7544

PRESENT: Mayor McClellan, Mayor Pro Tem Burns, Council Member Edgar, Council Member Whitehead

ABSENT: Council Member Radner

OTHERS PRESENT: City Manager Tungate, City Clerk Norris, City Attorney Krause

All agreed to allow the following addition to the special meeting agenda: (Council member Radner provided a written statement supporting the addition to the agenda.)

- Conduct an interview and consider making an appointment to the Oak Park Library Board.

SPECIAL BUSINESS:

(AGENDA ITEM A1) Added to the Agenda. Interview candidates for City Boards and Commissions

Council conducted an interview with Leslie Richie as a candidate to fill a vacancy on the Oak Park Library Board.

(AGENDA ITEM A) Reappointments to City Boards and Commissions

SCM-09-286-21 REAPPONTMENTS OF MEMBERS TO BOARDS AND COMMISSIONS – APPROVED

Motion by Burns, seconded by Whitehead, CARRIED UNANIMOUSLY, to authorize the following reappointments of members to city boards and commissions:

APPOINTEE	BOARD	TERM TO EXPIRE
Sudha Sekhar	Arts & Cultural Diversity Commission	August 2024
Avi Snider	Arts & Cultural Diversity Commission	August 2024
Michelle Stevenson	Arts & Cultural Diversity Commission	August 2024
Lonnie Tabb-Upshaw	Arts & Cultural Diversity Commission	August 2024
Herschel Goldstein	Board of Review	August 2024
James Gulley	Board of Review	August 2024
Jack Blumenkopf	Corridor Improvement Authority	August 2025
Zakiya Hollifeld	Library Board	August 2023

Mickey Alderman	Parks & Recreation Commission	August 2024
Alexander Simpson	Parks & Recreation Commission	August 2024
Patrick North	Parks & Recreation Commission	August 2024
Joe Brown	Planning Commission	August 2024
Gary Torgow	Planning Commission	August 2024
Marie Walters-Gill	Planning Commission	August 2024
Steven Gold	Recycling & Environmental Conservation	August 2024
Alvin Lewis	Recycling & Environmental Conservation	August 2024
Aaron Tobin	Traffic Safety Board	August 2024
Jack Blumenkopf	Zoning Board of Appeals	August 2024
James Huston	Zoning Board of Appeals	August 2024
Avi Snider	Zoning Board of Appeals	August 2024

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

MOTION DECLARED ADOPTED

SCM-09-287-21 MOTION TO NOT REAPPOINT AND DIRECT THE CITY CLERK TO SEND LETTERS OF APPRECIATION FOR PAST SERVICE – APPROVED

Motion by Edgar, seconded by Whitehead, CARRIED UNANIMOUSLY, to not reappoint and direct the City Clerk to send letters of appreciation for past service to the following:

Max Milstein	Library Board
Linda Morange	Library Board
Jina Sawani	Library Board
Paul Bannon	Recycling & Environmental Conservation Commission
Roselyn McKay	Recycling & Environmental Conservation Commission
Denise Trombley	Recycling & Environmental Conservation Commission

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

MOTION DECLARED ADOPTED

(AGENDA ITEM B) Added to the Agenda. Consider new appointments to City Boards and Commissions

SCM-09-288-21 APPONTMENTS TO CITY BOARDS AND COMMISSIONS – APPROVED

Motion by Whitehead, seconded by Edgar, CARRIED UNANIMOUSLY, to authorize the following appointments of candidates to city boards and commissions:

Appointments to City Boards and Commissions:

APPOINTEE	BOARD	TERM TO EXPIRE
Leslie Richie	Library Board	August 2023

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

MOTION DECLARED ADOPTED

(AGENDA ITEM B) COVID-19 update and discussion

City Manager Tungate provided an update on COVID-19 and provided recommendations for protocol changes regarding mask wearing, vaccinations and booster vaccines.

SCM-09-289-21 MOTION TO APPROVE PROTOCOL CHANGES RECOMMENDED BY THE CITY MANAGER – APPROVED

Motion by Whitehead, seconded by Burns, CARRIED UNANIMOUSLY, to approve the following COVID-19 protocol changes as of September 14, 2021:

Masks

1. All members of the public (whether vaccinated or not) must wear masks to enter and while in City facilities
    a. New sinage will be placed at all entrances to City facilities
2. Unvaccinated staff must wear masks while in the common areas of City facilities
3. All staff must wear masks when directly interacting with the public when 6 feet of distance cannot be maintained

Vaccinations

1. Pending formal implementation of President Biden‘s OSHA directive (within the next 80 days), we could mandate vaccinations for all staff unless there is a medical or religious exemption
2. Unvaccinated employees must submit to weekly testing beginning October 1, 2021 or as soon as feasible thereafter
    a. Testing will be conducted at one of our wellness centers
    b. Testing kits cost approximately $22 per kit
    c. Employees must test negative before reporting to work
    d. Employees may be charged for this time out of their own time banks (includes medical or religious exemptions)

3. To recover some of these additional out-of-pocket costs the City is currently examining the legality of charging a healthcare surcharge for unvaccinated employees
   a. Average cost of a patient hospitalized for COVID is $50,000

Booster Vaccine

1. When/if it is determined that a booster shot is warranted, employees will be allowed to leave work to receive their shot and recover from the after-effects of the shot without having to charge their own time banks
   a. Currently trying to determine if HFHS can provide these shots at our Community Center

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

MOTION DECLARED ADOPTED

CALL TO THE AUDIENCE:

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

ADJOURNMENT:

There being no further business to come before the City Council, Mayor McClellan adjourned the special meeting at 6:56 P.M.

T. Edwin Norris, City Clerk

Marian McClellan, Mayor

CITY OF OAK PARK

Department of Recreation

Mayor
Marian McClellan
Mayor Pro Tem
Carolyn Burns
Council Members
Solomon Radner
Julie Edgar
Shaun Whitehead
City Manager
Erik Tungate

CITY OF OAK PARK

PARKS AND RECREATION COMMISSION
REGULAR MEETING: August 18, 2021
Meeting was held at Lessenger Park

I. Meeting called to order at: 7:07 pm
By: Andrew Cissell

II. Introductions/Members Present: Andrew Cissell, Dwight Thomas, Beverly Wiggins, Mickey Alderman, Theresa Lorick-Henderson, Alexander Simpson, Juanita Bell

Members Excused: n/a

Members Absent: Patrick North, Diane Spiller

City Council Members Present: Julie Edgar
Staff Members Present: Laurie Stasiak, Recreation Director

Guests Present: None

III. Approval of Agenda for **August 18, 2021**.

Motion: Juanita Bell
Seconded: Beverly Wiggins
Agenda Approved

IV. Approval of Minutes of Parks and Recreation Commission Meeting of **July 21, 2021.**

Motioned by: Dwight Thomas
Seconded by: Mickey Alderman
Meeting minutes: Approved

V. Council Comments – Julie Edgar

The city is currently approving licenses for new businesses that are located by the Water Tower Social District area of Oak Park.

Town Hall meeting on Monday about water rates-and what is on the new monthly bills.

VI. Recreation Updates:

Oak Park Farmers Market

We are entering our 7th week of our 13 week season, and it has been very busy! Our vendors have been very successful, the weather for the most part has been great and our Family Market Day was well attended. August 4th saw our first ever "Flash Mob At the Market" and everyone thoroughly loved it! Our senior dance group was wonderful! The market has been averaging around $1000/week in food assistance.

Senior Picnic Lunches:

A total of 146 seniors have attended all of the senior lunches from July 9 through August 13. Great times were had by all, enjoying seeing all of their friends and neighbors. Officer Benson has attended several of the lunches, karaoke was a huge it, and the food was great! Oak Street Health has been a co-partner in these lunches sponsoring $3/participant.

Senior Pop Concerts:

While the music was fabulous, and those that attended, thoroughly enjoyed themselves the turn - out was rather poor, as there was no magazine put in time to get the word out. The last senior concert is Thursday August 19 featuring Chrissy Morgan. Concert times are form 1-2 pm at Shelter One.

Thursday Evening Concerts:

Thursday August 12 saw our first scheduled concert rained out. Mainstreet Soul has agreed to reschedule for September 2. Humana and Oak Street Health are co-sponsoring this concert. Concert to be held at Shepherd Park.

Thursday August 19 we will see Bobby Murray take the stage from 7-8:30 pm. Concert to be held at Shepherd Park. Value Wholesale Inc. is the sponsor of this concert.

Thursday August 26 will showcase the band Persuasion! Tis concert will be held at the Oak Park Water Tower Social District from 7-8:30 m. We are highlighting the new breweries on eleven mile road. Sponsorship sponsored by the three breweries on Eleven Mile: Oak Park Social; The Dog & Pony Show, and Unexpected Brewery.

Plans are still underway for the September 9th concert to be sponsored solely by Humana Inc.

Mark your calendar for the Oak Park Autumn Fest , October 2! The BBQ battle returns, there will be a food court, music, games for all ages and more!

Senior Classes to begin in the Community Center the second week in September. Theater trips are also scheduled, with two of them sold out already!

The last day of the pool is this Saturday, 8/21 and the dog swim is on Sunday, 8/22. We had a slow weekend due to the power outages, however, we are picking back up this week. It's been a pretty steady season in regards to all aquatic activities.

Summer Camp ended on 8/6! It was a smaller turnout in the beginning, but we ended up maxing out as the weeks went on! It was a very good year for camp being short staffed and the inability to go on weekly field trips. But the activities were very organized and the staff really did a great job at engaging the children.
Summer Kickball will be ending in two weeks, and fall leagues will start right after Labor Day. There were 12 teams in our summer session.
Youth Baseball is now over and we are registering for Fall Soccer. The quad-cities are deliberating joining the Madison Heights league as a whole. It was a good experience joining the 14U division, so we will make a decision on that by the spring. We currently have roughly 30 kids signed up in fall soccer, which is good seeing as we are still a month away from the start of the season.
Recreation, Library, and Oak Park Schools are coming together to provide teen programming in the high school. The objective is to offer programs that the teens will enjoy. This includes a weekly hip-hop dance class, mentorship program, intramural high school basketball, teen council and E-sports! The school has agreed to sponsor some of the activities. I will have more information as we inch closer to the school year.
We will continue Teen Council meetings in the fall once the participation kicks back in, after all of the summer fun! The teen council meetings will be taking place at the high school. More information to come on that!

VII. Old Business – Commission

a. Dog Park: Today was the town hall meeting it was postponed last week due to the weather. Everyone that showed up is for the dog park, meeting went well. We had trainers that came out and wrote down some good information on our chart paper.
b. Some residents wanted to know the following:
#1 concern - how are they going to keep the dog park clean
#2. What kind of education will you provide before you give out the key fobs

VIII New Business – Commission

a .Oak Park Got Talent Ad Hoc Committee
We need to reach out to other commissioners for help
The date is set for Father's day weekend - June 17, 18, 19, 2022
Need to contact Mr. White (Detroit Youth Choir) he works for the Oak Park School District
b. Decide how many acts and have time slots
This is a three day event Fri-Sat.
Ideas: Consider small church service to welcome everyone

Need a separate meeting for Oak Park Got Talent (possibly starting in October)

IX. **Public Comments:** Please respect the three-minute time limit. This is not a question-answer session. However, it is an opportunity to voice your thoughts with the Commission.

X. Announcements: Next meeting, Tuesday, Sept. 14

XI. Meeting adjourned at: 8:00 pm

Motioned by Dwight Thomas
Seconded by: Beverly Wiggins
Motion Passed

Respectfully submitted,

Theresa Lorick- Henderson
Recording Secretary

CITY OF OAK PARK PLANNING COMMISSION
SPECIAL MEETING, MONDAY AUGUST 9, 2021
MINUTES

The meeting was called to order at 7:01 p.m. in the City Council Chambers, 14000 Oak Park Blvd, Oak Park, MI 48237, by Vice Chairperson Brown and roll call was made.

PRESENT:	Vice Chairperson Brown Commissioner Burns Commissioner McClellan Commissioner Seligson Commissioner Tungate Commissioner Walters-Gill
ABSENT:	Chairperson Torgow Commissioner Eizelman Commissioner Tkatch
OTHERS PRESENT:	Community & Economic Development Director, Kim Marrone Deputy City Clerk, Lisa Vecchio

3. APPROVAL OF AGENDA OF AUGUST 9, 2021:

MOTION by McClellan, SECONDED by Burns, to **approve** the agenda of August 9, 2021.

VOTE: Yes: All
No: None
MOTION CARRIED

4. APPROVAL OF MINUTES OF JULY 12, 2021:

MOTION by McClellan, SECONDED by Burns, to **approve** the minutes of July 12, 2021 with no corrections.

VOTE: Yes: All
No: None
MOTION CARRIED

5. COMMUNICATIONS/CORRESPONDENCE: None

6. PUBLIC HEARING:

A. Public Hearing to consider a proposed rezoning of 21200 Greenfield Rd., 15100 Eight Mile Rd., and 15000 Eight Mile Rd., from PUD, Planned Unit Development District to LI, Light Industrial District.

Vice Chairperson Brown opened the public hearing at 7:07pm. There were no comments. Vice Chairperson Brown closed the public hearing at 7:08pm.

B. Planning Commission action regarding the proposed rezoning of 21200 Greenfield Rd., 15100 Eight Mile Rd., and 15000 Eight Mile Rd., from PUD, Planned Unit Development District to LI, Light Industrial District.

Vice Chairperson Brown referenced Director Marrone's report dated August 3, 2021:

As was discussed during the last Planning Commission meeting the Armory Properties will soon be completely developed. As you may recall the property was rezoned to PUD, Planned Unit Development to help attract development while offering flexibility. With no more available vacant land on the site, it is now time to rezone all properties to Light Industrial to reflect the various uses on those sites.

A Public Hearing is scheduled for the August meeting to hear public comments on the proposed rezoning of 21200 Greenfield Rd., 15100 Eight Mile Rd., and 15000 Eight Mile Rd., from PUD, Planned Unit Development District to LI, Light Industrial District.

The following considerations were noted during the review of this rezoning:

1. The proposed rezoning is for three parcels: 21200 Greenfield Rd., 15100 Eight Mile Rd., and 15000 Eight Mile Rd.

2. 21200 Greenfield Rd. is the site of FedEx Ground Transportation. 15000 Eight Mile Rd. is the site of the new Forgotten Harvest Headquarters. 15100 Eight Mile Rd. is the site of a new spec industrial use to be built in the near future.

3. Once the final property is developed at 15100 Eight Mile Rd. all uses will be Industrial, eliminating the need for the PUD zoning.

4. The adjacent parcels to the north and west of the subject property are zoned R-1 One Family Dwelling District and LI Light Industrial District. The adjacent parcels to the West of the subject property are zoned LI, Light Industrial District.

5. The proposed zoning change should have no significant impact to the traffic conditions in the area.

6. The proposed zoning change will be consistent and compatible with existing land uses in the area.

Based on the above considerations, the Planning Division recommends rezoning the following parcels: 21200 Greenfield Rd., 15100 Eight Mile Rd., and 15000 Eight Mile Rd., from PUD, Planned Unit Development District to LI, Light Industrial District.

The proposed properties to be rezoned described as:

15000 Eight Mile Rd., Parcel ID 52-25-31-326-011
T1N, R11E, SEC 31 PART OF SW 1/4 BEG AT PT DIST N 03-38-40 W 151.04 FT & S 87-38-26 W 43.01 FT FROM S 1/4 COR, TH S 87-38-26 W 471.97 FT, TH N 03-05-21 W 956.58 FT, TH N 86-21-20 E 462.58 FT,TH S 03-38-40 E 967.12 FT TO BEG 10.32 A 12-9-19 FR 006 SPLIT/COMBINED ON 12/12/2019 FROM 52-25-31-326-006; (6-4-15 FR 003)

15100 Eight Mile Rd., Parcel ID 52-25-31-326-010

T1N, R11E, SEC 31 PART OF SW 1/4 BEG AT PT DIST N 03-38-40 W 151.04 FT & S 87-38-26 W 43.01 FT & S 87-38-26 W 471.97 FT FROM S 1/4 COR, TH S 87-38-26 W 795.93 FT, TH N 03-05-21 W 938.73 FT, TH N 86-21-20 E 795.91 FT, TH S 03-05-21 E 956.58 FT TO BEG 17.31 A 12-9-19 FR 006 SPLIT/COMBINED ON 12/12/2019 FROM 52-25-31-326-006; (6-4-15 FR 003)

21200 Greenfield Rd., Parcel ID 52-25-31-326-005
T1N, R11E SEC 31 PART OF SW 1/4 BEG AT PT DIST N03-38-40 W 151.04 FT & S 87-38-26 W 43.01 FT & N 03-38-40 W 967.12 FT FROM S 1/4 COR, TH S 86-21-20 W 1258.49 FT, TH N 03-05-21 W 225.34 FT, TH S 87-31-35 W 667.76 FT, TH N 02-48-12 W 191.53 FT, TH S 87-30-24 W 494.85 FT, TH S 55-44-13 W 91.18 FT, TH N 02-31-21 W 93.01 FT, TH S 84-32-22 E 54.80 FT, TH N 87-30-24 E 509.35 FT, TH N 02-34-55 W 435.80 FT, TH N 87-25-59 E 671.34 FT, TH N 03-10-00 W 623.29 FT, TH N 87-16-39 E 1244.81 FT, TH S 03-38-40 E 1494.41 FT TO BEG. 54 A. (6-4-15 FR 003 & 351-038)

MOTION by McClellan, SECONDED by Seligson, to **approve** the rezoning of 21200 Greenfield Rd., 15000 Eight Mile Rd., from PUD, Planned Unit Development District to L1, Light Industrial District.

VOTE: Yes: Brown, Burns, McClellan, Seligson, Tungate, Walters-Gill
No: None
MOTION CARRIED

7. CONSENT AGENDA: None

8. MATTERS FOR CONSIDERATION:

A. OLD BUSINESS

B. NEW BUSINESS

1. OPUS Eight Mile Development, 15100 Eight Mile Road, Final Site Plan review

Mike Robinson, OPUS Development Company, 9700 Higgins, Rosemont, IL addressed the Commission regarding the construction of the proposed industrial building on Eight Mile Rd.

Vice Chairperson Brown referenced Director Marrone's report dated August 5, 2021:

OPUS Development Company LLC has submitted a site plan to develop a large portion of the former National Guard Armory site (17.3 acres) into a warehousing and storage facility with ancillary spaces consisting of future office spaces and multiple tenant spec facility. The proposed area of development will encompass 17.3 acres of the remaining vacant land on the former Armory property. The Site Plan shows the construction of one building: a 275,484 square foot warehousing and storage building. In addition one storm water detention area is identified on the Site Plan.

The property proposed for the development of this facility is currently zoned Planned Unit Development, PUD but if approved at tonight's meeting will be rezoned to Light Industrial, LI.

Whether the property is zoned PUD, Planned Unit Development District or Light Industrial, LI, warehousing and storage uses are specifically permitted in this district. The proposed locations of the identified building exceed the minimum front, rear and side yard setback requirements of 25, 25, 10 feet, respectively. The proposed building is less than the maximum building height requirement of 45 feet.

Based on the total square footage of the proposed building on the Site Plan (275,484 square feet) the Zoning Ordinance requires a minimum of 163 parking spaces. Sheet AS-1 (Proposed Site Plan) shows an employee parking area of 236 parking spaces and an area designated for possible future parking needs of 92 spaces. A facility of this size is also required to have 10 loading spaces. The proposed development exceeds this requirement by providing 28 spaces as well as 78 spaces for trailer parking. The site is also required to provide 28 bike parking spaces and has met that requirement. As noted in the Zoning Ordinance, a parking area of this size is required to have a number of landscaped islands to improve the appearance of such a large area of continuous asphalt. This site requires 1,180 s.f. of landscaped area and 12 trees which are both provided. The Site Plan shows the required number of landscaped islands and they are populated with Firestarter Black Tupelo and American Sentry Linden trees. Around the perimeter of the parking lot additional landscaping consisting of a combination of shrubs and Black Hills Spruce, Serbian Spruce, Common Hackberry and River Birch trees will also greatly improve the visual quality of the parking area.

The zoning ordinance now includes architectural standards for all developments. A requirement of 2,744 s.f. (20%) of the south face is required to be comprised of windows and doors. The proposed site plan meets those requirements per Article 3, Division 2, Section 358.

A photometrics plan has been included to the Site Plan submission to demonstrate compliance with the Zoning Ordinance provisions regarding on-site lighting. The Zoning Ordinance requires the intensity of light within a site shall not exceed one (1) footcandle at any property line, except where it abuts a service drive or other public right-of-way. The plan does demonstrate that on the perimeter of the development, on the property line, the minimum Zoning Ordinance requirements are met.

Overall, the Site Plan shows great effort in using landscape treatments to reduce the visual impact of the facility. The landscaping ordinance requirement is to provide 68,135 s.f. of landscaping with 1 tree and 2 shrubs per s.f. The proposed site plan provides 156,376 s.f. of landscaped area with 170 trees and 341 shrubs. The selected plants and grass are drought resistant and native to the area. An attached landscape plan indicates that due to the nature of the plants an irrigation system will not be installed. Per City ordinance: All landscaped areas shall be provided with functional underground irrigation system. If the landscape materials used may survive without irrigation, the applicant must demonstrate or provide data to confirm that irrigation is not needed for survival. While the landscape plan provides sufficient data to show an irrigation system is not needed a revised landscape plan shall include the following language as a condition of approval: Maintenance. Landscaped areas and plant materials required by this chapter shall be kept free from refuse and debris. Plant materials, including lawn, shall be maintained in a healthy growing condition, neat and orderly in appearance in accordance with the approved site plan. If any plant material dies or becomes diseased, it shall be replaced within thirty (30) days written notice from the City or within an extended time period as specified in said notice.

The primary access to the employee parking lot and truck traffic heading into the facility will be off Eight Mile Road. The traffic engineers for the developer have begun to work with the Michigan Department of Transportation (MDOT) to create a new curb cut for an additional access to Eight Mile Road. The new design will allow better traffic flow into the site.

There is a considerable amount of new hard surface areas that will require storm water management. Engineers for the developer will work with the City engineers to develop the storm water management plan for the proposed facility. As part of the storm water management plan, one storm water detention area has been identified to the north and east. A storm water detention area or pond is designed to temporarily hold water during a rain event. The water in the storm water detention ponds then slowly enters the City storm water system so that the larger storm water system is not overburdened. The storm water detention ponds will be dry the majority of the time. Final plans for the proposed storm water management system will be reviewed and approved by the Engineering Division as part of a Land Improvement permit.

There is one dumpster identified on the Site Plan which will be constructed of a masonry wall and a wood door.

There is no indication on the elevation or Site Plan of any proposed rooftop or ground equipment. Any new ground or rooftop equipment will need to be screened as required by the Zoning Ordinance.

No new signs other than handicap parking and fire lane signs are indicated on the Site Plan and therefore only those signs are approved as part of the Site Plan review.

Based on the above considerations, the Planning Division recommends approval of the Final Site Plan, with the following conditions:

1) *Plans for the proposed storm water management system will need to be reviewed and approved by the Engineering Division as part of a Land Improvement permit.*
2) *All proposed roof top or ground level mechanical equipment must be screened as required by the Zoning Ordinance.*
3) *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.*
4) *A revised landscape plan will be provided to include the following language: Maintenance. Landscaped areas and plant materials required by this chapter shall be kept free from refuse and debris. Plant materials, including lawn, shall be maintained in a healthy growing condition, neat and orderly in appearance in accordance with the approved site plan. If any plant material dies or becomes diseased, it shall be replaced within thirty (30) days written notice from the City or within an extended time period as specified in said notice.*

MOTION by McClellan, SECONDED by Burns, to **approve** the final site plan for OPUS Eight Mile Development, 15100 Eight Mile Road.

VOTE: Yes: Brown, Burns, McClellan, Seligson, Tungate, Walters-Gill
No: None
MOTION CARRIED

9. PLANNING COMMISSION MATTERS FOR DISCUSSION – from members only: None

10. PUBLIC COMMENTS ON ITEMS NOT SCHEDULED FOR PUBLIC HEARING: None

11. ADJOURNMENT

There being no further business, Vice Chairperson Brown adjourned the meeting at 7:27 p.m.

_____
Lisa Vecchio, Deputy City Clerk

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

1155 Brewery Park Blvd, Ste 200
Detroit, Michigan 48207
313-446-1530
Tax I.D. 38-1879991

Invoice 571897

September 16, 2021

Erik Tungate
City of Oak Park
14000 Oak Park Blvd.
Oak Park, MI 48327

Re: In Re: City of Oak Park

Client 7406
Matter 1

Statement for City Attorney Legal Services

For Legal Services Rendered Through Tuesday, August 31, 2021

$12,083.34 Fee Total

Costs Advanced:

Date	Description	Amount
08/16/21	Reproduction Charges 10 @ 0.15	1.50
	Total Costs Advanced	**$ 1.50**

Total Fees and Disbursements: $12,084.84

Invoices for legal services are due upon receipt. To ensure proper application of your payment, Please indicate our invoice number and client/matter number on your remittance.

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

1155 Brewery Park Blvd, Ste 200
Detroit, Michigan 48207
313-446-1530
Tax I.D. 38-1879991

Invoice 571898

September 16, 2021

Erik Tungate
City of Oak Park
14000 Oak Park Blvd.
Oak Park, MI 48327

Re: Leonard Cohen & Sara M. Cohen v City of Oak Park

Client 7406
Matter 46

Statement for City Attorney Legal Services

For Legal Services Rendered Through Tuesday, August 31, 2021

$ 15.00 Fee Total

Total Costs Advanced	**$ 0.00**

Total Fees and Disbursements: $ 15.00

Invoices for legal services are due upon receipt. To ensure proper application of your payment, Please indicate our invoice number and client/matter number on your remittance.

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

1155 Brewery Park Blvd, Ste 200
Detroit, Michigan 48207
313-446-1530
Tax I.D. 38-1879991

Invoice 571899

September 16, 2021

Erik Tungate
City of Oak Park
14000 Oak Park Blvd.
Oak Park, MI 48327

Re: Tina Polk and Richard Newton v City of Oak Park, County of Oakland, et al.

Client 7406
Matter 24

Statement for City Attorney Legal Services

For Legal Services Rendered Through Tuesday, August 31, 2021

$ 75.00 Fee Total

Total Costs Advanced	**$ 0.00**

Total Fees and Disbursements: $ 75.00

Invoices for legal services are due upon receipt. To ensure proper application of your payment, Please indicate our invoice number and client/matter number on your remittance.

CITY OF OAK PARK
OAKLAND COUNTY, MICHIGAN

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 2, ADMINISTRATION, OF THE CODE OF ORDINANCES, CITY OF OAK PARK, MICHIGAN BY AMENDING ARTICLE VI. PUBLIC LIBRARY, SEC. 2-651. APPOINTMENT OF MEMBERS AND SEC. 2-652. TERMS OF MEMBERS; REMOVALS; VACANCIES

THE CITY OF OAK PARK ORDAINS:

SECTION 1. Ordinance – Chapter 2, Administration, of the Code of Ordinances, City of Oak Park, Michigan, Article VI. Public Library, Sec. 2-651. Appointment of Members and Sec. 2-652. Terms of Members; Removals; Vacancies are hereby amended to read as follows:

Sec. 2-651. Appointment of members.

The board of directors of the public library shall consist of ~~nine members~~ no less than five members, appointed by the mayor with the approval of the city council. Directors shall be chosen from the citizens at large, with reference to their fitness for such office, and not more than one member of the city council shall be at any one time a member of said board.

Sec. 2-652. Terms of members; removals; vacancies.

The term of appointment of a Director shall be two years. Present members of the board of directors may serve as Directors until their existing respective terms expire. The Board of Directors shall organize by electing at its regular meeting a President, Vice President, Secretary, and such other officials as may be necessary for the proper conduct of the duties of the Board. Current officers will continue to hold office until the next election. ~~Five members of the Board~~ The presence of a majority of members shall constitute a quorum for the transaction of business. The Mayor may, by and with the consent of the city council, remove any director for misconduct or neglect of duty. Vacancies in the board of directors occasioned by removals, resignations, or otherwise shall be reported to the city council, and be filled in like manner as original appointments. No director shall receive compensation as such.

SECTION 2. SAVINGS CLAUSE.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect, are saved and may be consummated according to the law in forced when they were commenced.

SECTION 3. SEVERABILITY.

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

SECTION 4. EFFECTIVE DATE.

This Ordinance shall become effective ten (10) days from the date of its passage and shall be published as required by the Charter of the City of Oak Park.

MADE, PASSED AND ADOPTED by the Council of the City of Oak Park, on this _____ of _____, 2021.

_____
T. EDWIN NORRIS
City Clerk

_____
MARIAN McCLELLAN
Mayor

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

_____
T. EDWIN NORRIS, City Clerk

[Proposed 9-20-21]

CITY OF OAK PARK
RESOLUTION REGARDING FIRST READING OF PROPOSED AMENDMENT TO SECTION 66-2 TO CHAPTER 66, ARTICLE I, OF THE CODE OF ORDINANCES

At a Regular Meeting of the City Council of the City of Oak Park, Oakland County, Michigan, held at Oak Park City Hall located at 14000 Oak Park Boulevard on Monday, September 20, 2021 at 7:00 pm.

Present:

Absent:

The following preamble and resolution was offered by _____ and seconded by _____.

WHEREAS, the City of Oak Park desires to amend section 66-2 of Chapter 66 of the Code of Ordinances to provide a procedure for the vacation of streets, alleys or public grounds within the City that is consistent with State law

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

1. The first reading of the proposed amendments to Section 66-2 is hereby approved in substantially the form attached hereto.

Roll Call Vote: Yes,
No,
Absent,

RESOLUTION DECLARED ADOPTED

_____
Edwin T. Norris, City Clerk

CITY OF OAK PARK
OAKLAND COUNTY, MICHIGAN

ORDINANCE NO._____

AN ORDINANCE TO AMEND CHAPTER 66, VACATING STREETS, OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK, MICHIGAN, BY AMENDING SECTION 66-2 THEREOF

THE CITY OF OAK PARK ORDAINS:

SECTION 1. Chapter 66, Streets, Sidewalks, and Other Public Places, Section 66-2, Vacating streets, of the Code of Ordinances of the City of Oak Park is hereby amended to read as follows:

ARTICLE I.-

Sec. 66-2.- Vacating Streets

The council shall have power, as provided in Section 8.6, Chapter 8, of the City Charter, to vacate any street, alley or public ground, or any part thereof within the city, subject to state law. Such power may be exercised only by ordinance.

(1). Action to vacate any street, alley or public ground, or part thereof, may be initiated by:

A. The council, acting on its own; or

B. The petition of an owner or owners of property immediately adjoining any portion of the street, alley or public ground, or any part thereof sought to be vacated, upon payment of an administrative fee to be determined by City Council. Fifty percent (50%) of such fee shall be refundable if said petition is withdrawn by all signatories to the petition prior to mailing of notices for a public hearing on said petition. The remaining balance of the fee, along with the entire fee after mailing of the referenced notice, shall be nonrefundable.

(2). Public hearing by planning commission- Notice. Following delivery of a completed petition of a property owner to the Economic Development Director for the City of Oak Park, the commission shall hold a public hearing on the proposed vacating of the street, alley or public ground, or any part thereof, as described in such resolution, and make its report and recommendation thereon to the council; provided, however, that at least fifteen (15) days' notice of the time and place of such public hearing shall be published in the official newspaper or a newspaper of general circulation in the city, and shall be given by United States mail:

A. To all persons owning property abutting on such street, alley or public ground, or any part thereof; and

B. To all persons whose sole access to property owned by them will be taken away by the vacating of such street, alley or public ground, or any part thereof, at the respective addresses of such persons as indicated in the last assessment roll; and

C. To each public utility company and each railroad company owning or operating any public utility or railroad across, upon or within three hundred (300) feet of such street, alley or public ground, or any part thereof.

(3). Declaration by resolution. The council shall hold a public hearing on the proposed vacating of any street, alley or public ground or any part thereof, the council shall by resolution so declare its intent, and a copy of such resolution shall be delivered to the Oakland County Register of Deeds. Any ordinance vacating a street, alley or public ground, or any part thereof, shall be adopted in the same manner as other ordinances, except as otherwise provided in this chapter. Action of the council refusing to vacate any street, alley or public ground, or any part thereof, shall be by resolution to be passed in the same manner as other resolutions.

(4). Vesting of title of vacated land. Title to the land included within any street, alley or public ground, or any part thereof, vacated under the provisions of this chapter shall vest in the person or persons entitled to the same under Sections 226 and 227a of 1967 PA 288, as amended; provided, however, that in any case not controlled by state law, the council may provide for the vesting of title by the same ordinance in which any street, alley or public ground, or any part thereof, is vacated, and may in such instances authorize the making and delivery of quitclaim deeds on behalf of the city to facilitate such vesting of title.

(5). Ordinance adopting vacation- Filing and recordation requirements. Within thirty (30) days after the adoption of an ordinance vacating any street, alley or public ground, or any part thereof, the city clerk shall file with the register of deeds for the county of Oakland and the Auditor General for the state, a certified copy of such ordinance, together with his certificate giving the name or names of any plat, subdivision or addition affected by such ordinance. The city clerk shall further cause copies of such ordinance to be recorded or filed in such other place or places, and shall perform such other acts in relation thereto as may be required by law.

SECTION 2. Severability. No other portion, paragraph or phrase of the Code of Ordinances of the City of Oak Park shall be affected by this ordinance, except as to the above section and in the event any portion, section or subsection of this ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this ordinance or of the Code of Ordinances of the City of Oak Park.

SECTION 3. Effective Date.

This Ordinance shall take effect ten (10) days from the date of its passage and shall be published as required by the Charter of the City of Oak Park.

MADE, PASSED AND ADOPTED by the Council of the City of Oak Park on this 20th day of September, 2021.

T. EDWIN NORRIS, City Clerk **MARIAN MCCLELLAN, Mayor**

I, **T.EDWIN NORRIS**, the duly authorized Clerk of the City of Oak Park, Michigan, do hereby certify that the foregoing Ordinance was adopted by the Council of the City of Oak Park at its regular meeting held on September 20, 2021

T. EDWIN NORRIS, City Clerk

CHAPTER 66 - STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES
SEC. 66-2. VACATING STREETS

Sec. 66-2. - Vacating streets.

~~Vacated portions of streets and alleys shall be eliminated from the street plan map. The vacating of any street or alley shall be done by resolution, which resolution shall amend the map. After the introduction of such resolution and before its final adoption, the council shall hold a public hearing thereon, and shall post or publish notices of such hearing at least one week prior thereto.~~

Council authority to vacate property. The council shall have power, as provided in Section 8.6, Chapter 8, of the City Charter, to vacate any street, alley or public ground, or any part thereof within the city, subject to state law. Such power may be exercised only by ordinance.

(1). Action to vacate any street, alley or public ground, or part thereof, may be initiated by:

A. The council, acting on its own; or

B. The petition of an owner or owners of property immediately adjoining any portion of the street, alley or public ground, or any part thereof sought to be vacated, upon payment of an administrative fee to be determined by City Council. Fifty percent (50%) of such fee shall be refundable if said petition is withdrawn by all signatories to the petition prior to mailing of notices for a public hearing on said petition. The remaining balance of the fee, along with the entire fee after mailing of the referenced notice, shall be nonrefundable.

(2). Public hearing by planning commission- Notice. Following delivery of a completed petition of a property owner to the Economic Development Director for the City of Oak Park, the commission shall hold a public hearing on the proposed vacating of the street, alley or public ground, or any part thereof, as described in such resolution, and make its report and recommendation thereon to the council; provided, however, that at least fifteen (15) days' notice of the time and place of such public hearing shall be published in the official newspaper or a newspaper of general circulation in the city, and shall be given by United States mail:

A. To all persons owning property abutting on such street, alley or public ground, or any part thereof; and

B. To all persons whose sole access to property owned by them will be taken away by the vacating of such street, alley or public ground, or any part thereof, at the respective addresses of such persons as indicated in the last assessment roll; and

C. To each public utility company and each railroad company owning or operating any public utility or railroad across, upon or within three hundred (300) feet of such street, alley or public ground, or any part thereof.

(3). Declaration by resolution. The council shall hold a public hearing on the proposed vacating of any street, alley or public ground or any part thereof, the council shall by resolution so declare its intent, and a copy of such resolution shall be delivered to the Oakland County Register of Deeds. Any ordinance vacating a street, alley or public ground, or any part thereof, shall be adopted in the same manner as other ordinances, except as otherwise provided in this chapter.

Action of the council refusing to vacate any street, alley or public ground, or any part thereof, shall be by resolution to be passed in the same manner as other resolutions.

(4). Vesting of title of vacated land. Title to the land included within any street, alley or public ground, or any part thereof, vacated under the provisions of this chapter shall vest in the person or persons entitled to the same under Sections 226 and 227a of 1967 PA 288, as amended; provided, however, that in any case not controlled by state law, the council may provide for the vesting of title by the same ordinance in which any street, alley or public ground, or any part thereof, is vacated, and may in such instances authorize the making and delivery of quitclaim deeds on behalf of the city to facilitate such vesting of title.

(5). Ordinance adopting vacation- Filing and recordation requirements. Within thirty (30) days after the adoption of an ordinance vacating any street, alley or public ground, or any part thereof, the city clerk shall file with the register of deeds for the county of Oakland and the Auditor General for the state, a certified copy of such ordinance, together with his certificate giving the name or names of any plat, subdivision or addition affected by such ordinance. The city clerk shall further cause copies of such ordinance to be recorded or filed in such other place or places, and shall perform such other acts in relation thereto as may be required by law.

CITY OF OAK PARK, MICHIGAN

RESOLUTION NO. O-21-_____

A RESOLUTION DECLARING A LOCAL STATE OF EMERGENCY FOR THE PURPOSE OF PERMITTING THE CITY COUNCIL AND OTHER PUBLIC BODIES OF THE CITY OF OAK PARK TO MEET BY ELECTRONIC AND TELEPHONIC MEANS

PRESENT:

ABSENT:

WHEREAS, as recently as May 4, 2021 the Director of the Michigan Department of Health and Human Services (MDHHS) made the following findings:

"The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. COVID-19 spreads through close human contact, even from individuals who may be asymptomatic.

On March 10, 2020, MDHHS identified the first two presumptive-positive cases of COVID-19 in Michigan. As of March 1, 2021, Michigan had seen 589,150 confirmed cases and 15,534 confirmed deaths attributable to COVID-19. Michigan was one of the States most heavily impacted by COVID-19 early in the pandemic, with new cases peaking at nearly 2,000 per day in late March. Strict preventative measures and the cooperation of Michiganders drove daily case numbers dramatically down to fewer than 200 confirmed cases per day in mid-June, greatly reducing the loss of life. Beginning in October, Michigan again experienced an exponential growth in cases. New cases peaked at nearly 10,000 cases per day in mid-November, followed by increases in COVID-19 hospitalizations and deaths.

On November 15, 2020, MDHHS issued an order enacting protections to slow the high and rapidly increasing rate of spread of COVID-19. Cases, hospitalizations, and deaths remained high through early December, threatening hospital and public health capacity. On December 7, 2020, December 18, 2020, and January 13, 2021, MDHHS issued orders sustaining those protections. These orders played a crucial role in slowing the spread in Michigan and have brought new cases down to about 1,500 per day. These lower rates prevented Michigan's healthcare system from being overwhelmed with a holiday surge.

Positivity, case rates, and hospitalizations have improved since the April peak, but all metrics remain high. Positivity remains above 12% and the case rate for Michigan is above 350 cases per million. As of May 3, there are still over 3,000 Michiganders

hospitalized with COVID-19, and 15.9% of all available inpatient beds were occupied by patients who had COVID-19. During this time, Michigan had the highest number of cases and case rate in the nation, as well as COVID-19 hospital utilization, and COVID-19 ICU utilization according to data from the CDC and U.S. Health and Human Services. The state death rate was 6.5 deaths per million people on May 1, and there are approximately 450 weekly deaths in Michigan attributable to COVID-19. This is an increase of over 350% from the 1.4 deaths per million on March 9, 2020.

Even where COVID-19 does not result in death, and where Michigan's emergency and hospital systems are not heavily burdened, the disease can cause great harm. Recent estimates suggest that one in ten persons who suffer from COVID-19 will experience long-term symptoms, referred to as "long COVID." These symptoms, including fatigue, shortness of breath, joint pain, depression, and headache, can be disabling. They can last for months, and in some cases, arise unexpectedly in patients with few or no symptoms of COVID-19 at the time of diagnosis. COVID-19 has also been shown to damage the heart and kidneys. Furthermore, minority groups in Michigan have experienced a higher proportion of "long COVID." The best way to prevent these complications is to prevent transmission of COVID-19.

Effective March 30, 2021, the authority for Michigan public bodies to hold electronic "virtual" meetings under the Michigan Open Meetings Act for any reason expired. Pursuant to MCL 15.263(2), beginning March 31, 2021, and continuing until December 31, 2021, a public body may only conduct electronic meetings during the occurrence of a statewide or local state of emergency or state of disaster declared pursuant to law or charter or local ordinance by a local official, governing body, or chief administrative officer that would risk the personal health or safety of members of the public if the meeting were held in person.

New and unexpected challenges continue to arise with the increase in cases attributed to new COVID-19 variants that have a disparate impact on unvaccinated populations and children under the age of 12 that are currently not eligible for vaccination. This further complicates the battle against COVID-19. As of September 13, 2021, the State of Michigan reported 6,093 new cases of COVID-19, with the 7-day average for daily cases at 2,304, a significant jump since the beginning of July, 2021. A total of 57.6% of Michigan residents sixteen years of age and older are currently fully vaccinated, with 66.4% having received at least one dose.

As of September 14, 2021, the Oakland County Health Department reported 139 new COVID-19 cases. Total confirmed cases in Oakland County have risen to 112,831, and increase from 102,302 as of July 1, 2021.

WHEREAS, the City Council desires to conduct the public business of the City in a manner so as not to risk the personal health or safety of members of the public, City staff, or members serving on public bodies of the City.

NOW, THEREFORE, IT IS RESOLVED, THAT pursuant to the authority contained at § 3 of the Home Rule Cities Act, MCL 117.3 (j) authorizing cities to provide for the public health and safety of persons; §3 of the Open Meetings Act, MCL 15.263 (2) permitting a public body to meet by electronic or telephonic means upon declaration of a local state of emergency or state of disaster if meeting in person would place at risk the personal health or safety of members of the public or members of the public body; and §10 (b) of the Emergency Management Act permitting the Mayor to declare a local state of emergency;

I, Marian McClellan, Mayor of the City of Oak Park based on the findings made by the Michigan Department of Health and Human Services and the Oakland County Health Department regarding the public health threat posed by the COVID-19 novel coronavirus and its variant strains declare a local state of emergency to permit the City Council and all other public bodies of the City of Oak Park to continue to meet by electronic and telephonic means, and respectfully request the City Council affirm this action through December 31, 2021.

The above resolution was offered by _____

and supported by _____.

AYES:

NAYS:

ABSTAIN:

RESOLUTION DECLARED ADOPTED.

CERTIFICATE

The foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Oak Park at a regular meeting held on September 20, 2021. Public notice was given and the meeting was conducted in compliance with the Michigan Open Meetings Act (PA 267 of 1976) as amended by PA 254 of 2020. Minutes of the meeting will be available as required by the Act.

_____

T. Edwin Norris, City Clerk