



**CITY OF OAK PARK, MICHIGAN
REGULAR COUNCIL MEETING OF THE
38th OAK PARK CITY COUNCIL
September 20, 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

ABSENT: Council Member Radner, Council Member Edgar

OTHERS

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

APPROVAL OF AGENDA:

CM-09-311-21 (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, Whitehead
	No:	None
	Absent:	Radner, Edgar

MOTION DECLARED ADOPTED

CONSENT AGENDA:

CM-09-312-21 (AGENDA ITEM #5A-D) CONSENT AGENDA - APPROVED

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

- A. Regular City Council Meeting Minutes of September 14, 2021 **CM-09-313-21**
- B. Special City Council Meeting Minutes of September 14, 2021 **CM-09-314-21**
- C. Parks and Recreation Commission Meeting Minutes of August 18, 2021 **CM-09-315-21**
- D. Planning Commission Meeting Minutes of August 9, 2021 **CM-09-316-21**

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

MOTION DECLARED ADOPTED

RECOGNITION OF VISITING ELECTED OFFICIALS: None

SPECIAL RECOGNITION/PRESENTATIONS: None

PUBLIC HEARINGS: None

COMMUNICATIONS: None

SPECIAL LICENSES: None

ACCOUNTING REPORTS:

CM-09-317-21 (AGENDA ITEM #11A) APPROVAL FOR PAYMENT OF INVOICES SUBMITTED BY GARAN, LUCOW, MILLER, P.C. FOR LEGAL SERVICES IN THE TOTAL AMOUNT OF \$12,174.84 - APPROVED

Motion by Burns, seconded by Whitehead, CARRIED UNANIMOUSLY, to approve payment of invoices #57897, #57898 and #57899 by Garan, Lucow, Miller P.C., for legal services rendered through August 31, 2021 in the total amount of \$12,174.84.

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

MOTION DECLARED ADOPTED

BIDS: None

ORDINANCES:

CM-09-318-21 (AGENDA ITEM #13A) 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 - APPROVED

Motion by Burns, seconded by Whitehead, CARRIED UNANIMOUSLY, to approve the second reading and adopt the following 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:

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 force 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.

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

MOTION DECLARED ADOPTED

CM-09-319-21 (AGENDA ITEM #13B) 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 - APPROVED

Motion by Burns, seconded by Whitehead, CARRIED UNANIMOUSLY, to approve the first reading of the following 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:

CITY OF OAK PARK
OAKLAND COUNTY, MICHIGAN

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.

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

MOTION DECLARED ADOPTED

CITY ATTORNEY: No Report

CITY MANAGER:

Administration

(AGENDA ITEM #15A) COVID-19 update.

City Manager Tungate presented information regarding the increasing number of COVID-19 cases and outlined new mask requirements being implemented in city buildings. The public entering city facilities are required to wear a mask regardless of vaccination status and employees are required to wear a mask when working with the public when 6 feet of distance cannot be maintained.

CM-09-320-21

(AGENDA ITEM #15B) 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 - APPROVED

Motion by Whitehead seconded by Edgar, CARRIED UNANIMOUSLY, to approve the following 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:

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

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.

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

MOTION DECLARED ADOPTED

CALL TO THE AUDIENCE:

Ken Sherman, 23840 Jerome St., asked about the local state of emergency and if it applies to the Oak Park School District. City Manager Tungate answered that it does and would allow the school board to conduct their meetings remotely through December 2021.

County Commissioner Charles Cavell was present to provide an update on activities pertaining to Oakland County.

Ed Bass, 24250 Kipling, expressed the need for Oak Park to improve their court facilities for tennis and pickle ball.

ADJOURNMENT:

There being no further business to come before the City Council, Mayor McClellan adjourned the meeting at 8:30 P.M.

T. Edwin Norris, City Clerk

Marian McClellan, Mayor