



**CITY OF OAK PARK, MICHIGAN
REGULAR COUNCIL MEETING OF THE
38th OAK PARK CITY COUNCIL
August 3, 2020
7:00 PM**

MINUTES

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

PRESENT: Mayor McClellan, Mayor Pro Tem Burns, Council Member Radner
(Arrived at 7:10 pm), Council Member Weiss, Council Member Edgar

ABSENT: None

OTHERS

PRESENT: City Manager Tungate, Director VanVleck, City Attorney Krause,
City Attorney Duff

APPROVAL OF AGENDA:

**CM-08-224-20 (AGENDA ITEM #3) ADOPTION OF THE AGENDA AS
PRESENTED – APPROVED**

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

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

MOTION DECLARED ADOPTED

CONSENT AGENDA:

CM-08-225-20 (AGENDA ITEM #5A-D) CONSENT AGENDA - APPROVED

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

- A. Regular Council Meeting Minutes of July 20, 2020 **CM-08-226-20**
- B. Arts and Cultural Diversity Commission Meeting Minutes of May 14, 2020 and June 11, 2020 **CM-08-227-20**
- C. Library Board Meeting Minutes of January 22, 2020, February 5, 2020, February 18, 2020, April 30, 2020 and June 3, 2020 **CM-08-228-20**
- D. Licenses New and Renewals submitted for August 3, 2020 **CM-08-229-20**

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

MOTION DECLARED ADOPTED

RECOGNITION OF VISITING ELECTED OFFICIALS: None

SPECIAL RECOGNITION/PRESENTATIONS: None

PUBLIC HEARINGS: None

COMMUNICATIONS: None

SPECIAL LICENSES: None

ACCOUNTING REPORTS: None

BIDS: None

ORDINANCES:

CM-08-226-20 (AGENDA ITEM #12A) SECOND READING AND ADOPTION OF AN ORDINANCE TO AMEND THE CITY OF OAK PARK ZONING ORDINANCE, ARTICLE XVIII, SIGNS, SECTIONS 1805, 1807, AND 1814 THAT CORRECTS REFERENCE ERRORS AND ADDS REGULATIONS - APPROVED

Motion by Burns, seconded by Weiss, CARRIED UNANIMOUSLY, to approve the second reading and adopt the following ordinance to amend the City of Oak Park Zoning Ordinance, Article XVIII, Signs, Sections 1805, 1807, and 1814 that corrects reference errors and adds regulations:

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

AN ORDINANCE TO AMEND ARTICLE XVIII - SIGNS, APPENDIX A, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK, MICHIGAN.

THE CITY OF OAK PARK, MICHIGAN ORDAINS:

SECTION 1. Article XVIII, Appendix A, Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to replace Article XVIII, Section 1805, A, 3, with the following:

3. Construction signs meeting the size requirements for temporary signs under subsection 1807. B.

SECTION 2. Article XVIII, Appendix A, Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to replace Article XVIII, Section 1805, G, with the following:

- G. Real estate signs and real estate open house signs meeting the requirements for temporary signs of subsection 1807. B.

SECTION 3. Article XVIII, Appendix A, Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to replace Article XVIII, Section 1805, H, with the following:

- H. Real estate development signs meeting the requirements of subsection 1807. B., conditioned upon removal when the building or development is completed.

SECTION 4. Article XVIII, Appendix A, Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to replace Article XVIII, Section 1807, A, with the following:

- A. The number, display area, and height of signs within the various zoning districts are provided in the Sign Dimensional Standards and Regulations Table [below] and its accompanying footnotes. Additional standards for specific types of signs are given below.

Sign Dimensional Standards and Regulations

	Wall, canopy, or awning		Freestanding sign			Temporary signs (B)	
District	Number	Maximum size per sign	Number	Maximum size per sign	Maximum height	Maximum size per sign	Maximum height
R-1, R-2	1	15% of front façade, a maximum of 120 square feet for all uses other than single family residential units, duplexes, and attached condominiums.	1	Maximum of 30 square feet for all uses other than single family residential units, duplexes, and attached condominiums.	6 Feet	Maximum of 30 square feet for all uses other than single family residential units, duplexes, and attached condominiums.	Freestanding sign maximum height is 6 feet.
RM-1, RM-2, PMF	1	15% of front façade, a maximum of 120 square feet	1	30 square feet	6 feet	30 square feet	Freestanding sign maximum height is 6 feet.
B-1, B-2, LI, O, PTRED, PCD, PUD, MX-1	1 per business (1)	15% of front façade, a maximum of 120 square feet (3)	1 sign (3)	30 square feet for businesses fronting roadway of 35 m.p.h. or less (2) ,(4), (5)	6 feet (5)	30 square feet	Freestanding sign maximum height is 6 feet

SECTION 5. Article XVIII, Appendix A, Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to replace Article XVIII, Section 1807, A, Footnote (1), with the following:

- (1) Businesses located on a corner lot shall be allowed up to one additional wall sign on the second front façade with an area not to exceed 30 square feet. As a substitution for a freestanding sign, one additional wall sign with an area not to exceed 30 square feet, may be displayed on one side of the building.

SECTION 6. Article XVIII, Appendix A, Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to replace Article XVIII, Section 1807, B, 2. vii, with the following:

- vii. Notwithstanding any other provision of this article, each parcel of property shall be allowed, without a permit, temporary non-commercial signage, not to exceed four signs at any one time, no larger than six square feet each, for a period not to exceed 90 days per calendar year.

SECTION 7. Article XVIII, Appendix A, Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to replace Article XVIII, Section 1814, B, with the following:

- B. Variances. The zoning board of appeals shall have the authority to grant variances from the requirements of this article according to the criteria in subsection 1814.C. In deciding on whether a practical difficulty exists, the board may also consider the following for sign variance requests.

SECTION 8. 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 9. 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 10. Effective Date

This ordinance shall be published as required by the Charter of the City of Oak Park and shall become effective ten (10) days from the date of its passage or upon the expiration of seven (7) days after its publication, whichever is later.

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

MOTION DECLARED ADOPTED

CM-08-227-20 (AGENDA ITEM #12B) SECOND READING AND ADOPTION OF AN ORDINANCE TO AMEND THE CITY OF OAK PARK ZONING ORDINANCE, ARTICLE XVII, GENERAL PROVISIONS, SECTIONS 1709 – OUTDOOR DINING, THAT WOULD ALLOW FOR DECORATIVE LIGHTING IN OUTDOOR DINING USES - APPROVED

Motion by Burns, seconded by Edgar, CARRIED UNANIMOUSLY, to approve the second reading and adopt the following ordinance to amend the City of Oak Park Zoning Ordinance, Article XVII, General Provisions, Sections 1709 – Outdoor Dining, that would allow for decorative lighting in outdoor dining uses:

CITY OF OAK PARK
OAKLAND COUNTY, MICHIGAN

AN ORDINANCE TO AMEND ARTICLE XVII, GENERAL PROVISIONS, SECTION 1709, OUTDOOR DINING, APPENDIX A, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK, MICHIGAN.

THE CITY OF OAK PARK, MICHIGAN ORDAINS:

SECTION 1. Article XVII, General Provisions, Section 1709, B, 6, Appendix "A", Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to read as follows:

6. The Planning Commission may approve decorative or accent lighting as an alternative to shielded light fixtures when it can be demonstrated that there will be no off-site glare and the proposed lighting method is necessary to preserve the intended character of the site.

SECTION 2. 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 3. 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 4. Effective Date

This ordinance shall be published as required by the Charter of the City of Oak Park and shall become effective ten (10) days from the date of its passage or upon the expiration of seven (7) days after its publication, whichever is later.

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

MOTION DECLARED ADOPTED

CM-08-228-20 (AGENDA ITEM #12C) SECOND READING AND ADOPTION OF AN ORDINANCE TO AMEND THE CITY OF OAK PARK ZONING ORDINANCE, ARTICLE XVIII, SIGNS, SECTIONS 1805, 1807, AND 1814 THAT CORRECTS REFERENCE ERRORS AND ADDS REGULATIONS - APPROVED

Motion by Burns, seconded by Weiss, CARRIED UNANIMOUSLY, to approve the second reading and adopt the following ordinance to amend the City of Oak Park Zoning Ordinance, R-1 One Family Dwelling District to address public and private recreation uses:

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

AN ORDINANCE TO AMEND ARTICLE IV, SECTIONS 401, PERMITTED USES, AND 402, SPECIAL LAND USES, AND ARTICLE XIX, SECTION 1915, SPECIAL LAND USES, APPENDIX A, ZONING, OF THE CODE OF ORDINANCES, CITY OF OAK PARK.

THE CITY OF OAK PARK, MICHIGAN ORDAINS:

- SECTION 1. Article IV-R1 One Family Dwelling, Section 401, Appendix "A," Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to add the following provision to allow publicly owned parks, parkways, and recreational facilities in R1 Districts:

In a one-family dwelling district, no building or land shall be used and no building shall be erected except for one or more of the following uses:

C. Publicly owned and operated parks, parkways and recreational facilities.

SECTION 2. Article IV-R1 One Family Dwelling, Section 402, Appendix “A,” Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to delete the following provision:

D. Public recreation uses such as parks, playgrounds, golf courses, ball fields, athletic fields and stadiums, subject to the provisions in section 1915.

Section 402, Appendix “A,” Zoning, of the Code of Ordinances of the City of Oak Park, shall be further amended to add the following provision:

D. Private noncommercial recreational areas; institutional or community recreation centers; a nonprofit swimming pool, all subject to the following restrictions:

(i) Any use permitted herein shall not be permitted on a lot or group of lots of record, except in those instances wherein 100 percent of the owners of property immediately abutting and 65 percent of the owners of property within 300 feet of any property line of the site herein proposed for development shall sign a petition indicating concurrence with said site. The petition shall be submitted to the board of appeals for its review.

(ii) The proposed site for any of the community-serving uses permitted herein (i.e., those which would attract persons from beyond the immediate neighborhood) shall have one property line abutting a major thoroughfare, and the site shall be so planned as to provide ingress and egress directly onto the said major thoroughfare.

(iii) Front, side and rear yards shall be at least 80 feet wide, and shall be landscaped in trees, shrubs and grass. All such landscaping and planting shall be maintained in a healthy growing condition, neat and orderly in appearance.

(iv) Buildings erected on the premises shall not exceed one story in height except where due to topography; a lower level shall be permitted when said lower level is entirely below the grade of the major thoroughfare abutting the parcel in question.

(v) Off-street parking shall be provided so as to accommodate at least one-half of the member families and/or individual members. Bylaws of the organization shall be provided in order to establish the membership involved for computing parking requirements.

(vi) Whenever a pool is involved, said pool area shall be provided with a protective fence six feet in height and entry shall be provided by means of a controlled gate or turn style.

- (vii) Where storm sewers are nonexistent or capacity is not ample, adequate on site take-off facilities shall be provided and shall be reviewed and approved by the city engineer as being adequate.

SECTION 3. Article XIX, Special Land Uses, Section 1915, Appendix “A,” Zoning, of the Code of Ordinances of the City of Oak Park is hereby amended to delete the following provision:

- A. No activities shall take place within 30 feet of an abutting residential use or 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 published as required by the Charter of the City of Oak Park and shall become effective ten (10) days from the date of its passage or upon the expiration of seven (7) days after its publication, whichever is later.

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

MOTION DECLARED ADOPTED

**CM-08-229-20 (AGENDA ITEM #12D) SECOND READING AND ADOPTION OF AN ORDINANCE TO AMEND SECTION 62-42, CHAPTER 62, ARTICLE II, DIVISION I, BURNING, OF THE CODE OF ORDINANCES, CITY OF OAK PARK THAT WOULD REMOVE THE BROAD PROHIBITION AGAINST OUTDOOR BURNING TO ALLOW PORTABLE OUTDOOR FIREPLACES USING CLEAN WOODS, AND TO REQUIRE ANNUAL PERMITS FOR CAMPFIRE, OPEN BURNING, OR RECREATIONAL FIRES AS DEFINED BY THE INTERNATIONAL FIRE PROTECTION CODE (2015)
- APPROVED**

Motion by Burns, seconded by Radner, to approve the second reading and adopt the following ordinance to amend Section 62-42, Chapter 62, Article II, Division I, Burning, of

the Code of Ordinances, City of Oak Park that would remove the broad prohibition against outdoor burning to allow portable outdoor fireplaces using clean woods, and to require annual permits for campfires, open burning, or recreational fires as defined by the International Fire Protection Code (2015):

CITY OF OAK PARK
OAKLAND COUNTY, MICHIGAN

AN ORDINANCE TO ADD SECTION 42-6, CHAPTER 42, ARTICLE I, OPEN BURNING, OF THE CODE OF ORDINANCES, CITY OF OAK PARK.

THE CITY OF OAK PARK, MICHIGAN ORDAINS:

Chapter 42- Fire Prevention and Protection

Article I - In General

Sec. 42-6- Open Burning

- (a) This section applies to all outdoor burning and open burning and is intended to promote and safeguard the public health, safety and welfare of the citizens of the City of Oak Park by regulating the air pollution and fire hazards of open burning and outdoor burning.
- (b) This section shall not apply to:
 - (1) Grilling or cooking food using charcoal cookers, propane or natural gas in cooking or filling appliances, braziers, hibachis, grills, outdoor fireplaces or gas-fired stoves and similar semi-enclosed devices on the premises of a one-family detached dwelling.
 - (2) Burning for the purpose of generating heat in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation.
 - (3) The use of propane, acetylene, nature gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.
 - (4) The use of non-ash producing fuels not less than 15 feet from combustible materials, when used in metal containers for the heating of building materials or for the warmth of workers.
 - (5) This article does not apply to open burning being used by the fire department in connection with training and performance of its duties.
- (c) Definitions. The following definitions shall apply to this section:

Campfire means a small outdoor fire with a diameter of less than four feet enclosed by non-combustible materials intended for recreation or cooking but not including a fire intended for disposal of waste, wood or refuse.

Clean wood means natural wood which has not been painted, varnished or coated with a similar material; has not been pressure treated with preservatives; and does not contain resins or glues as in plywood or other composite wood products.

Construction and demolition waste means building waste materials, including but not limited to waste shingles, insulation, lumbar, treated wood, painted wood, wiring, plastics, packaging, and rubble that results from construction, remodeling, repair, and demolition operations on a house, commercial or industrial building, or other structure.

Department means the City of Oak Park Public Safety

Open burning means kindling or maintaining a fire where the products of combustion are omitted directly into the ambient air without passing through a stack or a chimney.

Outdoor burning means open burning or burning in a portable outdoor fireplace.

Portable outdoor fireplace means a solid-fuel-burning fireplace that may be constructed of steel, concrete, clay or other noncombustible material. A portable outdoor fireplace may be open in design, or may be equipped with a small hearth opening and a small chimney or chimney opening in the top.

Recreational fire means any outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height for pleasure, religious, ceremonial, cooking, warmth, or similar purposes.

Refuse means putrescible and non-putrescible solid waste, including incinerator ash, incinerator residue, street cleanings and solid market and industrial wastes and including ashes, garbage, rubbish and yard wastes.

- (d) General prohibition on open burning. Open burning, outdoor burning, recreational fires and campfires are prohibited in the City of Oak Park unless the burning is specifically permitted by this section.
- (e) Portable outdoor fireplaces may be installed and used in the City of Oak Park without a permit on single family, residential lots only in accordance with all of the following provisions:
 - (1) The portable outdoor fireplace shall not be used to burn refuse.
 - (2) The portable outdoor fireplace shall burn only clean wood.
 - (3) The portable outdoor fireplace shall be located at least 25 feet from the nearest structure which is not on the same property as the portable outdoor fireplace and at least 15 feet from the nearest structure on the same property as the portable outdoor fireplace.
 - (4) The portable outdoor fireplace shall not cause a nuisance to neighbors.
 - (5) Operational hours for any portable outdoor fireplace shall be limited to the time between 11:00 a.m. and 1:00 a.m. Eastern Standard Time.
 - (6) The use of a portable outdoor fireplace shall be supervised by at least one person who is 18 years of age or older.
 - (7) There shall be at minimum a garden hose connected to a reliable water supply, or a 2a10BC rated fire extinguisher within 20 feet of any use of a portable outdoor fireplace.
- (f) Permits. No person shall maintain any campfire, open burning or recreational fire without a burning permit issued by the Department of Public Safety. The fee for the annual burning permit shall be an amount established by council by resolution, and shall be submitted to the department for issuance of a burning permit, along with an application on a form to be established and maintained by the department. An annual permit expires on December 31 of each year. Campfires, open burning or recreational fires under this section may be used on single family, residential lots in accordance with all of the following requirements:
 - (1) Open burning, campfires, and recreational fires shall burn only clean wood.
 - (2) All open burning, campfires, and recreational fires shall be located at least 20 feet from the nearest structure which is not on the same property as the portable

outdoor fireplace and at least 15 feet from the nearest structure on the same property as the portable outdoor fireplace.

(3) The open burning, campfire, and recreational fires shall not cause a nuisance to neighbors.

(4) Operational hours for any open burning, campfires, and recreational fires shall be limited to the time between 11:00 a.m. and 1:00 a.m. Eastern Standard Time.

(5) All burning shall be supervised by at least one person who is 18 years of age or older.

(6) There shall be at minimum a garden hose connected to a reliable water supply, or a 2a10BC rated fire extinguisher within 20 feet of any use of any open burning, campfire, and recreational fire.

- (g) All forms of open burning, including use portable outdoor fireplaces, are prohibited on days when the Southeast Michigan Council of Government (SEMCOG) has declared an air quality or ozone action day.
- (h) The fire inspector or any authorized officer, agent, employee or representative of the City of Oak Park that presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this article.
- (i) Enforcement and penalties. The fire inspector and his or her public safety department designee, any City of Oak Park public safety officers, and any representative of the Department of Technical and Planning are authorized to enforce the provisions of this article. Failure to comply with this section shall constitute a nuisance in violation of Chapter 38, Article III of the Code of Ordinances. A violator shall pay costs which may include all expenses, direct and indirect, that the City has incurred in connection with the violation. In addition, the City shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this section. Each day that a violation of this section exists shall constitute a separate violation of this section.

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, Weiss, Radner, Edgar
	No:	None
	Absent:	None

MOTION DECLARED ADOPTED

CITY ATTORNEY: No Report

CITY MANAGER:

Administration

CM-08-230-20

(AGENDA ITEM #14A) REQUEST TO APPOINT MAYOR PRO TEM BURNS AS THE COUNCIL REPRESENTATIVE TO THE LIBRARY BOARD - APPROVED

Motion by Weiss, seconded by Edgar, CARRIED UNANIMOUSLY, to appoint Mayor Pro Tem Burns as the Council Representative to the Library Board.

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

MOTION DECLARED ADOPTED

Economic Development and Communications

**CM-08-231-20 (AGENDA ITEM #14B) OBSOLETE PROPERTY
REHABILITATION ACT (OPRE) POLICY - APPROVED**

Motion by Burns, seconded by Radner, CARRIED UNANIMOUSLY, to approve the
Obsolete Property Rehabilitation Act (OPRE) Policy:

**CITY OF OAK PARK
Obsolete Property Rehabilitation Act Procedure
and Guidelines for Tax Exemption Application**

Section A - OPRA Tax Exemption Certificate Application Guidelines

Introduction

The intent of this document is to outline the procedures and guidelines adopted by the City of Oak Park regarding the rehabilitation of properties considered obsolete through the Obsolete Property Rehabilitation Act (PA 146 of 2000).

The City of Oak Park's heritage and culture present the community with a unique opportunity to encourage and support sustainable economic development. The City is committed to working closely with entrepreneurs, business owners and developers to provide a business-friendly climate while meeting the needs of the Oak Park community.

OPRA Facts

This incentive is designed to assist in the redevelopment of older buildings in which the facility is contaminated, blighted, or functionally obsolete. Certificates may be given for eligible projects that take place on an obsolete property and result in a commercial or commercial housing building project.

The community freezes the existing taxable value on a designated facility no less than 1 year and no more than 12 years. This creates an incentive for the property owner which allows the rehabilitation to be property-tax free, with the exception of school taxes.

Through application materials, applicants must demonstrate that completion of the rehabilitation will lead to increased commercial activity, the creation or retention of jobs, or an increase in residency. It must also be demonstrated by the applicant that "but for" the exemption, the rehabilitation would not occur.

The City of Oak Park, in an ongoing spirit of cooperation and collaboration, expects all applicants to be current in their property tax payments, hold no liens against their property, have no outstanding fines, and be in compliance with all city codes.

The period of time for OPRA certificates is determined by City Council based upon the guidelines contained in this policy.

Oak Park City Council retains discretionary power for final determination and is not bound to using the information included in these Guidelines when acting on a request for OPRA Certificates.

The city will forward the application to the State Tax Commission for final approval or disapproval.

Eligible Facilities

A granted exemption covers only the specific project that is the subject of the application.

A facility eligible for OPRA must be a commercial property or a commercial housing property, located within the boundaries of the City of Oak Park, that meet the definition of "blighted" or "functionally obsolete" as defined by the Brownfield Redevelopment Financing Act of 1996.

"Blighted", as defined by the Brownfield Redevelopment Financing Act of 1996 means that the structure:

- 1) Has been declared a public nuisance in accordance with a local housing, building, plumbing, fire, or other related code or ordinance.
- 2) Is an attractive nuisance to children because of physical conditions, use, or occupancy.
- 3) Is a fire hazard or is otherwise dangerous to the safety of persons or property.
- 4) Has had the utilities, plumbing, heating, or sewerage permanently disconnected, destroyed, removed, or rendered ineffective so that the property is unfit for its intended use.
- 5) Is a tax reverted property owned by the City of Oak Park, Oakland County, or the State of Michigan.
- 6) The current state of the property makes it unfit for its intended use.
- 7) A building that is "functionally obsolete" is unable to be used for what it was originally intended due to a substantial loss in value. Factors responsible for the loss in value include overcapacity, changes in technology, deficiencies or superadequacies in design or other similar factors that affect the property itself or the property's relationship with other surrounding property.

Application Process

- 1) A written request is made from the applicant to the City regarding the creation of an OPRA District.
- 2) Creation of OPRA District by the City.
- 3) Notice is given by certified mail to property owners within the proposed district.
 - A public hearing is held regarding the proposed district.
 - A resolution to create the OPRA district is adopted by City Council.

- 4) Application, fee of \$650 or 2% of the total amount of taxes abated over the life of the certificate, whichever is lower; and supporting materials are submitted to the City Clerk's office.
 - City Council holds a public hearing for the exemption certificate application.
 - City Council takes action on the application within 60 days after receipt by the Clerk.
 - Once the application is approved, it is sent to the State True Commission, and is acted upon within 60 days (either approved or disapproved).

Revocation

If at any time during the abatement period the terms and conditions are violated, the exemption may be revoked. The abatement holder is required to keep all property truces current to receive true abatement. This shall include real and personal property assessed to the abatement holder at all locations within the City of Oak Park.

Questions?

Contact the Economic Development Department at (248) 691-7404 with further questions regarding OPRA certificates.

Section B - Criteria for Granting OPRA Tax Exemption Certificates

Priority will be given to applicants whose proposed projects can meet or exceed the City's criteria for granting tax abatements. Supporting evidence for any application must demonstrate that:

- 1) There are no outstanding back taxes, fines, or liens owed to the City.
- 2) Upon completion of the project, a Certificate of Occupancy has been obtained.
- 3) The applicant will offer employees a living wage who work on the improvement or expansion of the facility, and to other employees of the applicant working in the workplace or location receiving the abatement.
- 4) The applicant, contactors, sub-contractors and tenants will make a concerted effort to employ residents of the City of Oak Park.
- 5) The project will use context sensitive design in building development with special attention to storm water management and energy efficient design.
- 6) Preferably, new projects represent new economy businesses, green technologies, and/or innovative business models.
- 7) The implementation of a project has not begun prior to the establishment of the Obsolete Property Rehabilitation District and tax abatement approval.

- 8) The applicant is an equal opportunity employer.
- 9) The project is in compliance with the OPRA, City and State Law, as applicable.
- 10) The tax abatement is required for the success of the project. This evidence will be in the form of a written statement addressed to City Council as well as a site plan submitted with application materials.
- 11) Careful consideration will be taken in reviewing and approving tax abatement requests when the total of tax abatement granted in Oak Park reaches or exceeds 5% of taxable value.
- 12) Compliance of the applicant in meeting previous obsolete property rehabilitation requirement, and employment goals and investment projections (if relevant).
- 13) The impacts on public right of way and general circulation patterns.
- 14) General site improvements such as paving, parking areas, increases in landscaping ground vegetation, and signage improvements.
- 15) The value of the rehabilitation must include improvements aggregating 10% or more of the true cash value of the property at the commencement of the rehabilitation of the obsolete property. The impact on property values in the general area of the project.
- 16) In determining the number of years to grant an exemption, Council will consider the amount of the total investment in the project and the number of years to complete the project.
- 17) Other considerations considered unique or of benefit to the Oak Park community.

Applications will further be considered in light of the following general economic development/redevelopment goals of the City of Oak Park:

1. Promoting the growth and expansion of existing businesses and the growth and development of local entrepreneurs.
2. Encouraging the adaptive reuse of historic and underutilized buildings including properties that are currently tax exempt, and supporting Brownfield cleanup and redevelopment.
3. Attracting businesses that diversify the city's commercial and industrial base and contribute to the economic and social well-being of the community.
4. Supporting and attracting businesses that further develop the local workforce by increasing the personal income of residents, diversifying the job base, and creating new jobs.
5. Promoting energy efficiency in building renovations and rebuilds.

6. Continuously improving the quality of life in Oak Park.

Section C - Duration of Obsolete Property Rehabilitation Exemption Certificate

After review, the City shall determine the eligibility of the application. If the applicant is eligible, the City Assessor and/ Economic Development Director shall recommend to Council the duration of the Obsolete Property Rehabilitation Exemption Certificate based on the following:

Personal Property:

1. The amount of investment and a thorough analysis of the life expectancy and/or the State Tax Commission's Standard Depreciation Schedule of the personal property.
2. An additional one (I) year may be granted for every five (5) years that the firm has been located within the City of Oak Park.
3. An additional one (I) year may be granted for every twenty-five (25) additional employees hired as a result of the project.

Certificates shall not be issued for a term longer than an existing lease on the real property. Certificates shall not be issued for a term longer than twelve (12) years.

Real Property:

1. New real property investments may receive a (6) year certificate for an initial investment of \$1,000,000.
2. An additional one (1) year may be granted for every five (5) years that the firm has been located within the City of Oak Park.
3. An additional one (1) year may be granted for every twenty-five (25) employees hired as a result of the project.
4. An additional one (I) year may be granted for every \$500,000 of investment over the initial minimum investment of \$500,000.

Any portion of the procedures and guidelines outlined may be waived by the City Council if it is in the best interest of the City and in accordance with State law. The City of Oak Park also reserves the right to consider additional goals and criteria that are consistent with the interests of the City.

Section D - OPRA Tax Exemption Certificates Applicant Checklist of Documents and Attachments

Four copies of each of the following materials should be submitted to the City:

- I. Statement of interest regarding creation of an OPRA district.
2. Complete OPRA application submitted to City Clerk's Office with required filing fee.
3. A complete list of renovation or construction costs.

4. A detailed statement outlining why OPRA is needed for the project. The statement should address the project in relation to the City criteria for granting OPRA certificates and economic development goals (found in these Guidelines), as well as why you feel that the project is eligible for this exemption.
5. A site plan for the proposed project (if applicable).

It is the burden of the applicant to provide sufficient materials to support an application. The City of Oak Park holds no responsibility in the submission of an application or supporting materials. Incomplete applications will not be considered.

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

MOTION DECLARED ADOPTED

CALL TO THE AUDIENCE:

There were no members of the audience wishing to speak.

ADJOURNMENT:

There being no further business to come before the City Council, Mayor McClellan adjourned the meeting at 7:35 P.M.

T. Edwin Norris, City Clerk

Marian McClellan, Mayor