



**CITY OF OAK PARK, MICHIGAN
REGULAR COUNCIL MEETING OF THE
38th OAK PARK CITY COUNCIL
July 20, 2020
7:00 PM**

MINUTES

Mayor McClellan called the virtual meeting to order at 7:03 p.m. Oak Park City Hall, 14000 Oak Park Boulevard, Oak Park, MI 48237. (248) 691-7544.

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

ABSENT: None

OTHERS

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

APPROVAL OF AGENDA:

**CM-07-199-20 (AGENDA ITEM #3) ADOPTION OF THE AGENDA AS
PRESENTED – APPROVED**

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

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

MOTION DECLARED ADOPTED

CONSENT AGENDA:

CM-07-200-20 (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 6, 2020 **CM-07-201-20**
- B. Parks and Recreation Commission Meeting Minutes of February 19, 2020 **CM-07-202-20**
- C. Planning Commission Meeting Minutes of June 8, 2020 **CM-07-203-20**
- D. Licenses New and Renewals submitted for July 20, 2020 **CM-07-204-20**

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

MOTION DECLARED ADOPTED

RECOGNITION OF VISITING ELECTED OFFICIALS:

County Commissioner Helaine Zack reported on issues pertaining to Oakland County and the City of Oak Park.

SPECIAL RECOGNITION/PRESENTATIONS: None

PUBLIC HEARINGS: None

COMMUNICATIONS: None

SPECIAL LICENSES: None

ACCOUNTING REPORTS:

CM-07-205-20 (AGENDA ITEM #10A) APPROVAL FOR PAYMENT OF INVOICES SUBMITTED BY GARAN, LUCOW, MILLER, P.C. FOR LEGAL SERVICES IN THE TOTAL AMOUNT OF \$16,855.23 - APPROVED

Motion by Burns, seconded by Weiss, CARRIED UNANIMOUSLY, to approve payment of invoices #541142, #541143 and #541144 by Garan, Lucow, Miller P.C., for legal services rendered through June 30, 2020 in the total amount of \$16,855.23.

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

MOTION DECLARED ADOPTED

BIDS:

CM-07-206-20 (AGENDA ITEM #11A) REQUEST TO AWARD THE BID FOR THE 2020 CATCH BASIN LINE REPLACEMENT PROJECT, M-712 TO GREAT LAKES CONTRACTING SOLUTIONS CO. IN THE AMOUNT OF \$197,597.75 AND TO FURTHER REQUEST THAT FUNDING THAT WAS NOT UTILIZED IN THE 2019-2020 BUDGET FROM THE WATER AND SEWER FUND NO. 592-18-550-970 BE UTILIZED FOR THIS EXPENDITURE - APPROVED

Motion by Weiss, seconded by Burns, CARRIED UNANIMOUSLY, to award the bid for the 2020 Catch Basin Line Replacement Project, M-712 to Great Lakes Contracting Solutions Co. in the amount of \$197,597.75 and to further request that funding that was not utilized in the 2019-2020 budget from the Water and Sewer Fund No. 592-18-550-970 be utilized for this expenditure.

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

MOTION DECLARED ADOPTED

Assistant City Manager Yee indicated that the request to bid the 2020 Catch Basin Line Replacement Project, M-712 was approved at the June 15, 2020 regular meeting of the Oak Park City Council (CM-06-166-20). The project was advertised and 37 contractors viewed the contract documents. On July 9, 2020, two bids were received and opened. The low bidder, Great Lakes Contracting Solutions Co. of Waterford, MI submitted a bid of \$197,597.75. The Engineering Department conducted a reference check as the city not worked with this company in the past. All references stated that Great Lakes performed great work. There is \$223,000 budgeted in the 2019-20 Water and Sewer No. 592-18-550-970 for this expenditure.

ORDINANCES:

CM-07-207-20 (AGENDA ITEM #12A) FIRST READING 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 first reading 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.

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

MOTION DECLARED ADOPTED

CM-07-208-20 (AGENDA ITEM #12B) FIRST READING 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 first reading 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.

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

MOTION DECLARED ADOPTED

CM-07-209-20 (AGENDA ITEM #12C) FIRST READING 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 Radner, CARRIED UNANIMOUSLY, to approve the first reading of an ordinance to amend the City of Oak Park Zoning Ordinance, R-1 One Family Dwelling District to address public and private recreation uses.

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

MOTION DECLARED ADOPTED

CM-07-210-20 (AGENDA ITEM #12D) FIRST READING 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 AS AMENDED

Motion by Weiss, seconded by Edgar, to approve the first reading 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 campfires, open burning, or recreational fires as defined by the International Fire Protection Code (2015).

Motion by Weiss, seconded by Edgar, CARRIED, to amend the ordinance by changing the minimum distance requirement from 20 feet to 25 feet.

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

Motion to approve the first reading of the amended ordinance that amends Section 62-42, Chapter 62, Article II, Division I, Burning, of the Code of Ordinances, City of Oak Park.

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

MOTION DECLARED ADOPTED

CITY ATTORNEY:

City Attorney Duff indicated the reason for the Closed Session (Agenda Item #17) is to discuss pending litigation regarding Oak Park Crown Pointe, LLC v. City of Oak Park, MTT #18-003490-TT.

CITY MANAGER:

Administration

CM-07-211-20 (AGENDA ITEM #14A) REQUEST TO APPROVE THE APPOINTMENT OF ALYSSA KLEIN, AISHA TYLER AND KRISTIE PRICE TO THE OAK PARK YOUTH ASSISTANCE BOARD - APPROVED

Motion by Edgar, seconded by Weiss, CARRIED UNANIMOUSLY, to approve the appointment of Alyssa Klein, Aisha Tyler and Kristie Price to the Oak Park Youth Assistance Board.

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

MOTION DECLARED ADOPTED

Economic Development and Communications

CM-07-212-20 (AGENDA ITEM #14B) REQUEST TO ACCEPT THE RECOMMENDATION OF THE PLANNING COMMISSION AND APPROVE DISTRIBUTION OF THE DRAFT MASTER PLAN UPDATE - APPROVED

Motion by Edgar, seconded by Burns, CARRIED UNANIMOUSLY, to accept the recommendation of the Planning Commission and approve distribution of the Draft Master Plan Update.

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

MOTION DECLARED ADOPTED

Department of Public Works

CM-07-213-20 (AGENDA ITEM #14C) REQUEST TO APPROVE THE PROFESSIONAL SERVICES PROPOSAL FROM UIS SCADA FOR WATER SYSTEM IMPROVEMENTS FOR A TOTAL OF \$52,875.00 AND TO FURTHER REQUEST THAT FUNDING THAT WAS NOT UTILIZED IN THE 2019-2020 BUDGET FROM THE WATER AND SEWER FUND NO. 592-18-540-970 BE UTILIZED FOR THIS EXPENDITURE - APPROVED

Motion by Burns, seconded by Weiss, CARRIED UNANIMOUSLY, to approve the professional services proposal from UIS SCADA for water system improvements for a total of \$52,875.00 and to further request that funding that was not utilized in the 2019-2020 budget from the Water and Sewer Fund No. 592-18-540-970 be utilized for this expenditure.

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

MOTION DECLARED ADOPTED

(AGENDA ITEM #14D) Assistant City Manager Yee provided an update regarding the fence project on 9 Mile road and at City Hall.

City Clerk

(AGENDA ITEM #14E) Election Director Vecchio gave an update on the upcoming August 4, 2020 Primary Election.

Department of Technical and Planning

(AGENDA ITEM #14F) Director Barrett provided an update on the 2019 Program Year Yard Services Program. He indicated there were no bidders for the program and that services will be delayed until someone is found to administer the program.

Communications

CM-07-217-20 (AGENDA ITEM #14G) REQUEST TO APPROVE A PROFESSIONAL SERVICES PROPOSAL FROM JADE STRATEGIES FOR COMMUNICATIONS CONSULTING SUBJECT TO REVIEW BY THE CITY ATTORNEY - APPROVED

Motion by Weiss, seconded by Edgar, CARRIED, to approve a professional services proposal from Jade Strategies for communications consulting subject to review by the city attorney.

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

MOTION DECLARED ADOPTED

CALL TO THE AUDIENCE:

There were no members of the audience wishing to speak.

CLOSED SESSION

CM-07-218-20 (AGENDA ITEM #14G) REQUEST TO CONVENE A CLOSED SESSION TO DISCUSS PENDING LITIGATION REGARDING OAK PARK CROWN POINTE V. CITY OF OAK PARK MTT #18-003490-TT - APPROVED

Motion by Burns, seconded by Weiss, CARRIED UNANIMOUSLY, to convene a Closed Session to discuss pending litigation regarding Oak Park Crown Pointe v. City of Oak Park MTT #18-003490-TT.

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

MOTION DECLARED ADOPTED

APPROVAL OF CLOSED SESSION MINUTES

CM-07-219-20 REQUEST TO APPROVE THE CLOSED SESSION MINUTES OF JULY 20, 2020 - APPROVED

Motion by Weiss, seconded by Radner, CARRIED UNANIMOUSLY, to approve the Closed Session minutes of July 20, 2020.

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

MOTION DECLARED ADOPTED

ADDITIONAL CITY COUNCIL BUSINESS IF NEEDED

CM-07-220-20 MOTION TO REJECT CROWN POINTE'S SETTLEMENT OFFER REGARDING OAK PARK CROWN POINTE V. CITY OF OAK PARK MTT #18-003490-TT - APPROVED

Motion by Weiss, seconded by Burns, CARRIED UNANIMOUSLY, to reject Crown Pointe's settlement offer to dismiss the 2018 appeal and for a 2019 final true cash value of \$7,314,200 and SEV/TV of \$3,657,100.00.

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

MOTION DECLARED ADOPTED

CM-07-221-20 MOTION TO AUTHORIZE THE CITY ATTORNEY'S OFFICE TO SUBMIT A COUNTER-OFFER OF SETTLEMENT TO OAK PARK CROWN POINTE UNDER THE FOLLOWING TERMS: DISMISSAL OF THE 2018 APPEAL AND 2019 AND 2020 FINAL TRUE CASH VALUE OF \$9,500,200, AND SEV/TV OF \$4,750,100.00 - APPROVED

Motion by Burns, seconded by Weiss, CARRIED UNANIMOUSLY, to authorize the City Attorney's office to submit a counter-offer of settlement to Oak Park Crown Pointe under the following terms: Dismissal of the 2018 appeal and 2019 and 2020 final true cash value of \$9,500,200, and SEV/TV of \$4,750,100.00.

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

MOTION DECLARED ADOPTED

ADJOURNMENT:

There being no further business to come before the City Council, Mayor McClellan adjourned the meeting at 9:16 P.M.

T. Edwin Norris, City Clerk

Marian McClellan, Mayor