

Oak Park

City Council Agenda

July 19, 2021





AGENDA
REGULAR CITY COUNCIL MEETING
38th CITY COUNCIL
OAK PARK, MICHIGAN
July 19, 2021
7:00 PM

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF AGENDA

4. 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 July 6, 2021
- B. Special City Council Meeting Minutes of July 6, 2021
- C. Arts and Cultural Diversity Commission Minutes of May 13, 2021
- D. Special Planning Commission Meeting Minutes of June 29, 2021
- E. Proposed Payment Application No. 1 for the 2021 Water Main Replacement Project, M-718
- F. Licenses New and Renewals submitted for July 6, 2021

5. RECOGNITION OF VISITING ELECTED OFFICIALS

6. SPECIAL RECOGNITION/PRESENTATIONS:

- A. Special Recognition of individuals and organizations during the COVID-19 pandemic
 - 1. Andrew Attisha, Shell Gas Station
 - 2. Matthew Louissa, Value Wholesale
 - 3. Janay Scott, Henry Ford Health System
 - 4. Tyler Prentiss, Henry Ford Health System
 - 5. John Zervos, Henry Ford Health System
 - 6. Henry Ford Health System
 - 7. Craig Tungate, Advanced Chemical Concepts
 - 8. Oak Park School District
 - 9. Forgotten Harvest

7. PUBLIC HEARINGS:

- A. Public Hearing for the Tavern License Application for Berkley Coffee, LLC, 14661 W. 11 Mile, Suite 500
- B. Request to approve the Tavern License Application for Berkley Coffee, LLC, 14661 W. 11 Mile, Suite 500

8. COMMUNICATIONS: None

9. SPECIAL LICENSES:

- A. Request for a Special Event License and waiver of fee submitted by Stantal Dickow, 10450 Albany St, for the Albany Block Party to be held August 14, 2021
- B. Request for a Special Event License and submitted by Dog and Pony Show Brewing, 14661 W. 11 Mile Rd, Ste 200, for the Berkley Dad's Club Cornhole Tournament, to be held August 15, 2021

10. ACCOUNTING REPORTS:

- A. Approval for payment of invoices submitted by Garan, Lucow, Miller, P.C. for legal services in the total amount of \$12,245.79

11. BIDS: None

12. ORDINANCES: None

13. CITY ATTORNEY:

- A. Resolution approving a Metro Act Permit application submitted by Level 3 Communications, LLC

14. CITY MANAGER:

Technical & Planning/Public Works

- A. Proposed Change Order No. 3 and Payment Application No. 5 (Final) for the 2018 Pocket Parks Construction Project, M-689

15. 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.

16. CALL TO THE COUNCIL

17. 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
July 6, 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 Radner, Council Member Edgar, Council Member Whitehead

ABSENT: None

OTHERS

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

APPROVAL OF AGENDA:

CM-07-222-21 (AGENDA ITEM #3) ADOPTION OF THE AGENDA AS PRESENTED – APPROVED

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

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

MOTION DECLARED ADOPTED

CONSENT AGENDA:

CM-07-223-21 (AGENDA ITEM #4A-I) CONSENT AGENDA - APPROVED

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

- A. Regular City Council Meeting Minutes of June 21, 2021 **CM-07-224-21**
- B. Library Board Meeting Minutes of May 18, 2021 **CM-07-225-21**
- C. Recycling Commission Meeting Minutes of May 20, 2021 **CM-07-226-21**
- D. Request to approve payment of an invoice from Hart InterCivic for election equipment service and maintenance renewal (years 6-10) in the amount of \$58,878.00 **CM-07-227-21**
- E. Planning Commission Meeting Minutes of May 10, 2021 **CM-07-228-21**
- F. Request to appoint Kevin Yee as the representative and David DeCoster as the alternate representative to the SOCRRA Board for the fiscal year beginning July 1, 2021 **CM-07-229-21**
- G. Request to advertise for bids for the 2021-2022 Miscellaneous Concrete Project, M-727 **CM-07-230-21**
- H. Request to advertise for bids for 2021 Block Pruning Project, M-733 **CM-07-231-21**

I. Licenses New and Renewals submitted for July 6, 2021 **CM-07-232-21**

MERCHANT'S LICENSES – July 6, 2021
(Subject to All Departmental Approvals)

<u>NEW MERCHANT</u>	<u>ADDRESS</u>	<u>FEE</u>	<u>BUSINESS TYPE</u>
THE WORK PLACE	10450 W. NINE MILE B	\$150.00	OFFICE
<u>2021 RENEWALS</u>	<u>ADDRESS</u>	<u>FEE</u>	<u>BUSINESS TYPE</u>
UNITED REFRIGERATION INC	12811 CAPITAL	\$150.00	
COLLAB OF BEAUTY	22115 COOLIDGE	\$150.00	RETAIL
THE BLIND FACTORY	25603 COOLIDGE	\$150.00	MANUFACTURER OF BLINDS
LINCOLN RX	25901 COOLIDGE 1	\$150.00	PHARMACY
AAA FERGUSON INSURANCE	13691 ELEVEN MILE	\$150.00	INSURANCE PRODUCTS, AUTO,
AGENCY	#200		HOME, LIFE & MOTOR CLUB
HENRY'S AUTO CARE	14041 ELEVEN MILE	\$150.00	AUTO
MAGIC DISCOUNT JEWELRY	21600 GREENFIELD #108	\$150.00	JEWELRY SALES
PREMIER TUXEDO	25234 GREENFIELD	\$150.00	TUXEDO RENTAL
DIAMOND NAILS	25238 GREENFIELD	\$150.00	NAIL SALON
BOSS BABES	8970 NINE MILE	\$150.00	RETAIL/GIFTS
PRIMOS PIZZA	10100 NINE MILE	\$150.00	PIZZA
ONYX MARKET	10850 NINE MILE	\$150.00	RETAIL
EVOLVE SALON	12712 NINE MILE	\$150.00	SALON
GOOD HEALTH PHARMACY	13821 NINE MILE	\$150.00	PHARMACY
THE BEAUTY MANSION	15411 W. NINE MILE	\$150.00	HAIR SALON
EJ USA	13001 NORTHEND	\$150.00	IRON WORKS

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

MOTION DECLARED ADOPTED

RECOGNITION OF VISITING ELECTED OFFICIALS: None

SPECIAL RECOGNITION/PRESENTATIONS:

City Manager Tungate presented the employee of the month award to Director Steve Cooper.

PUBLIC HEARINGS:

(AGENDA ITEM #7A) Public Hearing for Preliminary PUD Site Plan Approval for 8775 Nine Mile Rd.

Mayor McClellan opened the public hearing at 7:20 p.m. and the following people spoke:
Don Jones – spoke in favor of the project including the plans for installing bike racks.
Kevin Brandon – spoke about the project as its architect.
The public hearing was closed at 7:20 p.m.

**CM-07-233-21 (AGENDA ITEM #7B) REQUEST TO APPROVE THE
PRELIMINARY PUD SITE PLAN FOR 8775 NINE MILE RD.
WITH CONDITIONS - APPROVED**

Motion by Burns seconded by Radner, CARRIED UNANIMOUSLY, to approve the Preliminary PUD Site Plan for 8775 Nine Mile Rd. 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 (Section 318).
- 3) Any proposed outdoor lighting should be designed or shielded so it does not create a nuisance to adjacent properties or vehicular traffic (Section 494).
- 4) 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.
- 5) The applicant is required to reach a mutually acceptable agreement with the City for use of the public alley for parking

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

MOTION DECLARED ADOPTED

COMMUNICATIONS: None

SPECIAL LICENSES:

CM-07-234-21 (AGENDA ITEM #9A) SPECIAL EVENT REQUEST – STERLING COURT BLOCK PARTY – APPROVED

Motion by Burns, seconded by Whitehead, CARRIED UNANIMOUSLY, to approve the following Special Event request subject to all departmental approvals:

Name	Event	Fee
Julie Miller 24221 Rensselaer	Rensselaer Block Party August 21, 2021 4:00 PM – 8:00 PM	Application fee waived

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

MOTION DECLARED ADOPTED

CM-07-235-21 (AGENDA ITEM #9B) SPECIAL EVENT REQUEST – FIRST BAPTIST CHURCH OUTREACH EVENT – APPROVED

Motion by Radner, seconded by Whitehead, CARRIED UNANIMOUSLY, to approve the following Special Event request subject to all departmental approvals:

Name	Event	Fee
First Baptist Church 24201 Coolidge	Community Outreach Event September 4, 2021 11:00 AM – 4:00 PM	Application fee waived

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

MOTION DECLARED ADOPTED

CM-07-236-21 (AGENDA ITEM #9C) SPECIAL EVENT REQUEST – Street Corner Music – APPROVED

Motion by Radner, seconded by Whitehead, CARRIED UNANIMOUSLY, to approve the following Special Event request subject to all departmental approvals:

Name	Event	Fee
Street Corner Music 26020 Greenfield Road	Outdoor Record Sale Outdoor Record Sale July 17, 2021 9:00 AM – 5:00 PM	Application fee PAID

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

MOTION DECLARED ADOPTED

CM-07-237-21 (AGENDA ITEM #9D) SPECIAL EVENT REQUEST – EAST OAK PARK BLOCK CLUB ICE CREAM SOCIAL IN BEST PARK – APPROVED

Motion by Burns, seconded by Edgar, CARRIED UNANIMOUSLY, to approve the following Special Event request subject to all departmental approvals:

Name	Event	Fee
Sigmund Glaser 8832 Woodside Dr	East Oak Park Block Club Ice Cream Social in Best Park August 7, 2021 Noon – 2:00 PM	Application fee waived

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

MOTION DECLARED ADOPTED

BIDS:

CM-07-238-21 (AGENDA ITEM #11A) REQUEST TO AWARD THE BID FOR THE 2021 CITYWIDE JANITORIAL SERVICES CONTRACT, M-729 TO VHM ENTERPRISES, INC. OF SOUTHFIELD, MI FOR THE TOTAL AMOUNT OF \$165,000 - APPROVED

Motion by Radner seconded by Burns, CARRIED UNANIMOUSLY, to award the bid for the 2021 Citywide Janitorial Services Contract, M-729 to VHM Enterprises, Inc. of Southfield, MI for the total amount of \$165,000

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

MOTION DECLARED ADOPTED

ORDINANCES: None

CITY ATTORNEY: No Report

CITY MANAGER:

Public Safety

CM-07-239-21 (AGENDA ITEM #14A) REQUEST TO APPROVE TRAFFIC CONTROL ORDER 160 SECTION 1.28 THAT MAKES THE INTERSECTION OF ROANOKE AND OAK PARK BLVD. AN ALL-WAY STOP AND TO IMPLEMENT ADDITIONAL RECOMMENDATIONS SPELLED OUT BY THE TRANSPORTATION IMPROVEMENT ASSOCIATION (TIA) - APPROVED

Motion by Burns seconded by Edgar, CARRIED UNANIMOUSLY, to award the bid for the 2021 Citywide Janitorial Services Contract, M-729 to VHM Enterprises, Inc. of Southfield, MI for the total amount of \$165,000

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

MOTION DECLARED ADOPTED

Human Resources

CM-07-240-21 (AGENDA ITEM #14B1) TECHNICAL AND PROFESSIONAL OFFICE WORKERS OF MICHIGAN (TPOAM) COLLECTIVE BARGAINING AGREEMENT - APPROVED

Motion by Burns seconded by Radner, CARRIED UNANIMOUSLY, to approve the Technical and Professional Office Workers of Michigan (TPOAM) year collective bargaining agreement.

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

MOTION DECLARED ADOPTED

CM-07-241-21 (AGENDA ITEM #14B2) POLICE OFFICERS LABOR COUNCIL (POLC) COLLECTIVE BARGAINING AGREEMENT - APPROVED

Motion by Burns seconded by Edgar, CARRIED UNANIMOUSLY to approve the Police Officers Labor Council (POLC) collective bargaining agreement.

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

MOTION DECLARED ADOPTED

CM-07-742-21 (AGENDA ITEM #14B3) POLICE OFFICERS ASSOCIATION OF MICHIGAN (POAM) - ADDITIONAL ARTICLE - APPROVED

Motion by Radner seconded by Edgar, CARRIED UNANIMOUSLY to approve the Police Officers Association of Michigan (POAM) - Additional Article.

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

MOTION DECLARED ADOPTED

Economic Development

CM-07-243-21 (AGENDA ITEM #14C) RESOLUTION GRANTING LOCAL APPROVAL TO ESTABLISHMENTS FOR SOCIAL DISTRICT PERMIT APPLICATIONS - APPROVED

Motion by Burns seconded by Radner, CARRIED UNANIMOUSLY to approve the following Resolution granting local approval to establishments for social district permit applications:

CITY OF OAK PARK
OAKLAND COUNTY, MICHIGAN

RESOLUTION APPROVING LICENSEES FOR SOCIAL DISTRICT

WHEREAS, At the June 7, 2021, meeting, the city council adopted a resolution establishing a social district within the city of Oak Park to allow for the regulated sale of alcohol for outdoor consumption. Per Michigan Liquor Control Commission (MLCC) regulations, each licensee must gain local approval before submitting their application to the MLCC to receive their social district permit.

WHEREAS, the city of Oak Park has received two applications from the following licensees:

1. Oak Park Social, LLC, 14691 11 Mile Rd., Oak Park, MI 48237
2. Dog and Pony Show Brewing Company, LLC, 14661 11 Mile Rd. Ste. 200, Oak Park, MI 48237

WHEREAS, each of the licensees has signed a social district operating agreement, submitted a logo to be affixed to the social district cups

NOW, THEREFORE, the City Council of the City of Oak Park, Oakland County, Michigan resolves as follows:

Be it resolved, the city council grants local approval to the above licensees and recommends these licensees for consideration and approval by the Michigan Liquor License Commission; and

Be it further resolved, the city council authorizes the mayor and city clerk to execute the social district local government unit approval for Social District permit with each licensee on behalf of the city.

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

MOTION DECLARED ADOPTED

Communications

(AGENDA ITEM #14C) Event and Activity Update

Communications Director Flynn reported upcoming activities and events.

CALL TO THE AUDIENCE:

Marci Cole, expressed concerns about high water bills for residents.

Silvia Ordunio, expressed concerns about water shut offs to residents and needed utility bill assistance to low income residents.

Cass Charette, expressed concerns about water issues in Oak Park and asked that the City review assistance options for residents.

Tom Serafa, expressed concerns about high water bills in the City.

ADJOURNMENT:

There being no further business to come before the City Council, Mayor McClellan adjourned the meeting at 8:15 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
July 6, 2021
5:30 PM**

MINUTES

The Special Meeting was called to order at 5:30 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, Council Member Radner, Mayor ProTem Burns,
Council Member Edgar, Council Member Whitehead

ABSENT: None

OTHERS

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

SPECIAL BUSINESS:

(AGENDA ITEM #3A) Discuss Water and Sewer rates and penalties

Attorney Joe Stewart was present to present a settlement offer to reconcile water and sewer issues regarding Coolidge Square Condominiums. A copy of the settlement offer is on file with the City Clerk.

CLOSED SESSION:

**CM-07-219-21 (AGENDA ITEM #3B) MOTION TO ADJOURN INTO CLOSED
SESSION TO DISCUSS ATTORNEY CLIENT PRIVILEGED
COMMUNICATION WITH REGARD TO COOLIDGE SQUARE AND
LAURENTIAN VILLAGE CONDOMINIUM DEVELOPMENTS
- APPROVED**

Motion by Radner, Seconded by Edgar, CARRIED UNANIMOUSLY, to adjourn into Closed Session to discuss Attorney Client Privileged Communication with regard to Coolidge Square and Laurentian Village Condominium developments.

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

MOTION DECLARED ADOPTED

The Closed Session began at 6:06 PM. The Regular Meeting reconvened at 6:50 PM.

CM-07-220-21 CLOSED SESSION MINUTES - APPROVED

Motion by Radner, seconded by Edgar, CARRIED UNANIMOUSLY, to approve the minutes of the 7-06-21 Closed Session.

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

MOTION DECLARED ADOPTED

**CM-07-221-21 MOTION TO AUTHORIZE THE CITY ATTORNEY'S OFFICE TO
TAKE LEGAL ACTION AGAINST COOLIDGE SQUARE
CONDOMINIUMS AND LAURENTIAN VILLAGE WITH RESPECT
TO ORDINANCE VIOLATIONS AND UNPAID WATER BILLS
- APPROVED**

Motion by Radner, seconded by Burns, CARRIED UNANIMOUSLY, to authorize the City Attorney's office to take legal action against Coolidge Square Condominiums and Laurentian Village with respect to ordinance violations and unpaid water bills.

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

MOTION DECLARED ADOPTED

ADJOURNMENT:

There being no further business to come before the City Council, Mayor McClellan adjourned the special meeting at 6:55 p.m.

T. Edwin Norris, City Clerk

Marian McClellan, Mayor



CITY OF OAK PARK

COMMUNITY ENGAGEMENT DEPARTMENT OF PUBLIC INFORMATION

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

MINUTES REGULAR MEETING CITY OF OAK PARK ARTS AND CULTURAL DIVERSITY COMMISSION THURSDAY, May 13, 2021, 7:00 P.M. VIA ZOOM

1. **CALL TO ORDER**
 - a. Time: 7:07 pm
2. **ROLL CALL**
 - a. **City Council:**
Council Member Shaun Whitehead X
 - b. **Commissioners:**

Stephanie Crawford <u>A</u>	Sarah Davidson <u>X</u>	Rosetta Kincaid <u>X</u>
Terri McQueen <u>X</u>	Sudha Chandra Sekhar <u>X</u>	Avi Snider <u>X</u>
Michele Stevenson <u>X</u>	Lonnie K. Tabb-Upshaw <u>A</u>	Carla Wallace <u>X</u>
Donny Wilson <u>X</u>	Dawn Henry <u>X</u>	
 - c. **City Liaison:**
Director Kimberly Marrone X
 - d. **Guests:**
Leona Burns
3. **APPROVAL OF AGENDA**
 - a. Date May 13, 2021 *Motion Carla Seconded Sarah Approved All*
4. **APPROVAL OF MINUTES**
 - a. April minutes unavailable at this time
5. **MATTERS FOR CONSIDERATION**
 - a. **Old Business:**
 - i. How are you all doing? *Everyone is safe and well. Commission sent Lonnie a card and she received it. World Dance Day Recap- Commissioners were pleased with the outcome.*

Avi thanked commissioners for their hard work. Rosetta and Sudha really did a lot of work. Sudha did a great job giving back ground on the many of the dances and the history of World dance Day.

- ii. Mural Project- Kimberly Marrone met with Oak Park Schools and there are two teachers on board. They are deciding what grades and how they will participate. Kim will follow up with a meeting in the next 2 weeks.
- iii. Film Festival-Donny sent a flyer to the commission, the potential dates are 10/8-10/10, Commissioners love the golden ticket scavenger hunt idea and the red carpet event.

Venue ideas were discussed and possible locations. Kimberly checked the City's schedule and the dates of 10/8-10/10 looks good and there are no Jewish holidays during this time.

Donny needs the event publicized and a link for filmmakers to submit films. Kimberly will send flyer to the communication for approval. Dawn will assist with business sponsorship. Donny would like to get approval ASAP so promotion of the event can begin.

City council needs to issue a permit. The city may have a projector for the event and Avi can donate use of a projector also. Brewery would be a great location for this event.

b. New Business:

- I **Next meeting we will have updates on Summerfest and Juneteenth**

6. COMMISSIONER REPORTS

7. ADJOURNMENT

- a. **Next Meeting:** June 10, 2021
- b. **Time of Adjournment:** 7:47pm

**CITY OF OAK PARK PLANNING COMMISSION
SPECIAL MEETING, TUESDAY 29, 2021
MINUTES**

The meeting was called to order at 7:00 p.m. via Zoom by Vice Chairperson Brown and roll call was made.

PRESENT: Vice Chairperson Brown
Commissioner Burns
Commissioner Eizelman
Commissioner McClellan
Commissioner Tkatch

ABSENT: Chairperson Torgow
Commissioner Seligson
Commissioner Tungate
Commissioner Walters-Gill

OTHERS PRESENT: Community & Economic Development Director, Kim Marrone
Deputy City Clerk, Lisa Vecchio

3. APPROVAL OF AGENDA OF JUNE 29, 2021:

MOTION by McClellan, SECONDED by Burns, to approve the agenda of June 29, 2021.

VOTE: Yes: All
No: None

MOTION CARRIED

4. APPROVAL OF MINUTES OF MAY 10, 2021:

MOTION by Burns, SECONDED by Eizelman, to approve the minutes of May 10, 2021 with no corrections.

VOTE: Yes: All
No: None

MOTION CARRIED

5. COMMUNICATIONS/CORRESPONDENCE: None

6. PUBLIC HEARING:

- A. Public Hearing to consider a request submitted by the Ferlito Group, for PUD Site Plan approval to allow for a 30 unit Transit Oriented Apartment Development**

Vice Chairperson Brown opened the public hearing at 7:06 pm.

Resident at 8780 Troy St, requested to view the site plans and questioned when demo would begin.

Director Marrone shared the plans over Zoom, and also offered to provide them after the meeting.

Mr. Ferlito explained that demo would begin in the fall, and construction would immediately follow, depending on how long demo takes.

Vice Chairperson Brown closed the public hearing at 7:10 pm.

B. Planning Commission action regarding a request submitted by Ferlito Group, for PUD Site Plan approval to allow for a 30-unit Transit Oriented Apartment Development to be located at 8775 Nine Mile Road.

Vice Chairperson Brown referenced Director Marrone's report dated June 15, 2021:

The Ferlito Group has submitted a Preliminary PUD Site Plan application for a 30 unit, three story apartment building at 8775 Nine Mile Road. The proposed name of the apartment complex is The Nine. The apartment building would contain 20 one bedroom units and 10 studio apartments. The one bedroom units would be 602 square feet in size and eight of the studio apartments 450 square feet in size. Two studio apartments, accessed from the main entry corridor, would be 381square feet in size each.

The applicant has described the project as a Transit Oriented Development (TOD). One definition of a TOD is "a type of urban development that maximizes the amount of residential, business and leisure space within walking distance of public transport". In the case of this project, there is an existing bus stop immediately in front of the main building entrance. Due to the close proximity to public transportation, an increase in residential unit density, coupled with a reduction in on-site parking, can be achieved on a smaller overall footprint.

The City planning staff working with the applicants have determined that a Planned Unit Development overlay would be the best planning process to utilize for review and possible approval of the project. A PUD overlay of the existing B-1, Neighborhood Business District zoning would allow the necessary flexibility in zoning regulation that this project requires to be successful.

The application process for a PUD involves three steps:

- 1) An optional pre-application meeting/workshop to discuss appropriateness of the PUD concept and solicit feedback. In this case, City staff have been meeting with the applicant over a number of months reviewing, modifying and determining the best course forward.*
- 2) Planning Commission review of Preliminary PUD Site Plan with a Public Hearing. The Planning Commission then makes a recommendation on the Preliminary PUD Site Plan to the City Council. The City Council reviews the recommendation of the Planning Commission and takes action on the Preliminary PUD Site Plan. Approval of the Preliminary PUD Site Plan by the City Council confers upon the applicant the right to proceed through the next review phase.*

- 3) *The applicant submits detailed Final PUD Site Plans and a review is scheduled at a meeting of the Planning Commission. The Planning Commission shall then review the Final PUD and shall approve, deny or approve with conditions. If approved, the applicant can then submit the project for the necessary building permits.*

Public Hearing and PUD Overlay Preliminary Site Plan Review

A Public Hearing has been scheduled to receive public comment on the proposed PUD Overlay and Preliminary PUD Site Plan. To better understand why this planning process is being considered it is useful to review portions of the PUD Section (Article 5, Division 2) of the Zoning Ordinance that specifically relate to this project:

From Section 520 Intent:

a. The Planned Unit Development (PUD) standards are a supplementary list of "overlay" zoning standards which apply to properties simultaneously with one (1) of the other zoning districts established in this Ordinance, hereinafter referred to as the "underlying" zoning district. For properties approved for PUD designation, these PUD standards replace the schedule of regulations listed for the underlying zoning district.

b. The PUD standards are provided as a design option, intended to permit flexibility in the regulation of land development; to encourage innovation in land use, form of ownership (such as condominiums), and variety in design, layout, and type of structures constructed; to achieve economy and efficiency in the use of land; to preserve significant natural, historical, and architectural features and open space; to promote efficient provision of public services and utilities; to minimize adverse traffic impacts; to provide better housing, employment, and shopping opportunities particularly suited to residents of the City; to encourage development of convenient recreational facilities; and to encourage the use and improvement of existing sites when the uniform regulations contained in other zoning districts alone do not provide adequate protection and safeguards for the site or its surrounding areas.

d. In order to encourage PUD developments on specific properties, these standards relax or waive one (1) or more of the dimensional requirements of the underlying district...

The Planning staff in review of this project believe that it meets the intent section of Article 5, Division 2, Planned Unit Development (PUD) Overlay.

In addition, to qualify for PUD approval the applicant must demonstrate the following criteria are met (Section 523):

a. Demonstrated Benefit. The PUD shall provide one (1) or more of the following benefits not possible under the requirements of another zoning district, as determined by the Planning Commission:

- 1. Preservation of significant natural or historic features.*
- 2. A complementary mixture of uses or a variety of housing types.*
- 3. Common open space for passive or active recreational use.*

4. Mitigation to offset community impacts.

5. Redevelopment of a nonconforming site where creative design can address unique site constraints.

6. Implementation of a significant component of the Oak Park Master Plan.

b. *Availability and Capacity of Public Services.* The proposed type and density of use shall not result in an unreasonable increase in the use of public services, public facilities, and utility capacities.

c. *Compatibility with the Master Plan.* The proposed PUD shall be compatible with the overall goals and recommendations as proposed in the City of Oak Park Master Plan.

d. *Compatibility with the PUD Purpose.* The proposed PUD shall be consistent with the purpose of Section 535 and spirit of this Ordinance.

e. *Development Impact.* The proposed PUD shall not impede the continued use or development of surrounding properties for uses that are permitted in this Ordinance.

f. *Unified Control of Property.* The proposed PUD shall be under single ownership or control such that there is a single entity having responsibility for completing the project in conformity with the PUD regulations. This provision shall not prohibit a transfer of ownership or control, provided that notice of such transfer is provided to the City.

The Planning staff in review of this project believe that it achieves the following Demonstrated Benefits while also meeting the other listed criteria:

- *A complementary mixture of uses or a variety of housing types.*
- *Common open space for passive or active recreational use.*
- *Redevelopment of a nonconforming site where creative design can address unique site constraints.*
- *Implementation of a significant component of the Oak Park Master Plan.*

Preliminary PUD Site Plan Review

The review of the proposed Preliminary PUD Site Plan is the key component for approval of the Planned Unit Development (PUD) Overlay. Areas where the proposed Preliminary PUD Site Plan deviate from the Zoning Ordinance requirements for the B-1 District will be identified as each component of the Site Plan is reviewed.

As stated earlier, an application for a Preliminary PUD Overlay Site Plan for a 30 unit, three story apartment building, at 8775 Nine Mile Road has been submitted. The Site Plan identifies a combination of one bedroom and studio housing types within the apartment building.

The underlying Zoning for the project is B-1, Neighborhood Business District. This zoning district permits by right, upper floor residential dwellings with a two story building maximum. The Site Plan shows three stories of residential dwelling. This deviation from the B-1 requirements may be approved as part of the PUD Overlay by the City Council on recommendation of the Planning Commission. The rationale for this proposed modification is that it will permit a new compatible housing type (TOD) on a site with development constraints

due to its size (0.45 acres). The building meets all other setback requirements of the B-1, Neighborhood Business District.

A new feature of the recently adopted Zoning Ordinance is Architectural Building Standards (Article 3, Division 2). The project meets the General Architectural Standards outlined in Section 333. Because this development is a hybrid, the architectural standards from a number of building types had to be employed:

- 1) The project meets the Residential building type standard regarding a minimum of 25% fenestration (windows & doorways) on the primary façade by providing 28% fenestration on the primary façade.*
- 2) The project meets the Residential building type standard regarding building materials using a combination of brick veneer, steel planks, stucco & vinyl siding.*
- 3) The project meets the Multiple-Family Dwelling building type standard regarding a visually prominent and easily recognizable primary entrance. This center building corridor also provides easy access to the apartment units' entrance doors and bike storage areas in the rear of the building.*
- 4) The project does not meet the Multiple-Family Dwelling building type standard of 200 square foot of usable open space for each dwelling unit by providing only 1,893 square feet of usable open space. However, the proposed project is on the City's new linear parkway which provides a dedicated bike lane with access to a number of pocket parks.*
- 5) The project meets the Multiple-Family Dwelling building type standard regarding the location of driveways and parking in the side or rear yards.*

The Zoning Ordinance parking provisions require 1.5 parking spaces per unit or 45 total parking spaces on site. The Site Plan shows 35 parking spaces. The applicant received a variance from the Zoning Board of Appeals for the parking space shortage. At that meeting the applicant noted that each apartment unit would only be allowed one vehicle per the lease and strictly enforced by management. Multiple-Family Residential developments are required (Section 408) to provide one bike parking space for every 20 units or in this case 1.5 bike parking spaces. The Site Plan identifies 26 enclosed bike spaces and six exterior bike spaces.

Traffic circulation through the development is provided by a two-way, twenty-two-foot-wide drive on the west side of the property. The presented design is satisfactory. Note that the project relies on the City granting surface use of a twenty-foot-wide public alley on the west and southern sides of the property. The surface use of the alley has no functional value except for the applicant's project. The City is presently working with the applicant to determine the most appropriate legal method to allow for the alley's surface use by the project.

Engineering plans (storm water management, etc.) for the site need to be submitted to the City Engineering Division for review and approval as part of a Land Development Permit.

As required by the Zoning Ordinance (Section 446), the proposed Site Plan includes a six-foot-high vinyl privacy fence along the rear property line adjacent to the single family residential area. This type of screening is consistent with the screening method used in these types of development throughout the City.

The application submittal includes a detailed landscaping plan with a good variety of trees (Red Pine, White Oak & Honey locust) and shrubs (Yews and Arborvitae) with the remainder non-hard surfaced areas grass. A note on the landscaping plan indicates an underground automatic irrigation system will be included as required by the Zoning Ordinance (Section 447). Both interior landscape area and parking landscape area minimum requirements are exceeded.

A screened dumpster enclosure is located in the southwest corner of the development. The dumpster enclosure detail is shown on the Site Plan and is acceptable.

There is no indication on the elevation or Site Plan of any proposed rooftop or ground located mechanical equipment. Any proposed ground or rooftop mechanical equipment will need to be screened as required by the Zoning Ordinance (Section 318).

There is no outdoor parking lot lighting indicated on the proposed Site Plan. Any proposed outdoor lighting should be designed or shielded so it does not create a nuisance to adjacent properties or vehicular traffic (Section 494).

No new signs are indicated on the Site Plan and therefore no signs are approved as part of the Site Plan review.

MOTION by Burns, SECONDED by Eizelman, to approve the request submitted by Ferlito Group for PUD Site Plan approval to allow for a 30-unit Transit Oriented Apartment Development to be located at 8775 Nine Mile Road.

VOTE: Yes: Brown, Burns, Eizelman, Seligson, Tkatch
No: None

MOTION CARRIED

7. CONSENT AGENDA: None

8. MATTERS FOR CONSIDERATION:

A. OLD BUSINESS- none

B. NEW BUSINESS- none

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 7:15 p.m.

Lisa Vecchio, Deputy City Clerk



BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN

AGENDA OF: July 19, 2021

AGENDA#

SUBJECT: Proposed Payment Application No. 1 for the 2021 Water Main Replacement Project, M-718.

DEPARTMENT: Technical & Planning – Engineering RMB

SUMMARY: Attached are Proposed Payment Application No. 1 for the 2021 Water Main Replacement Project, M-71. This project replaced the water main on Oak Park Blvd from Coolidge Highway to Scotia Ave. This project is approximately 46% complete.

FINANCIAL STATEMENT:

Original Contract Amount:	\$1,139,591.00
Total Completed to Date:	\$523,533.60
Less Retainage:	\$ 56,979.55
Net Earned:	\$466,554.05
Deductions:	\$ 0.00
Balance:	\$466,554.05
Payments to Date:	\$ 0.00
Amount Due Pamar Enterprises:	\$466,554.05

RECOMMENDED ACTION: It is recommended that Payment Application No. 1 for the 2021 Water Main Replacement Project, M-718 be approved to Pamar Enterprises of New Haven, MI. for the amount of \$466,554.05. Funding is available in the Water and Sewer Fund 592-18-538-970 for this expenditure.

APPROVALS:

City Manager: ET Department Director: RMB

Director of Finance: _____ Legal: NA

Budgeted:



EXHIBITS: Payment Application No. 1

PAYMENT APPLICATION

PROJECT: 2021 Water Main Replacement Project
OWNER: City of Oak Park, Michigan
CONTRACTOR: Pamar Enterprises, Inc.
 31604 Pamar Court
 New Haven, MI 48048

JOB NUMBER: M-718
APPLICATION NO.: 1
PERIOD ENDING: 7/9/21
PAGE: 1 of 2

Item No.	Description	Original Bid Quantity	Unit	Unit Price	Period Quantity	Period Amount	Quantity To Date	Amount To Date
1	Mobilization, Max 5%	1	LSUM	\$55,000.00	1.00	\$55,000.00	1.00	\$55,000.00
2	Minor Traffic Device, Modified SP	1	LSUM	\$16,000.00	1.00	\$16,000.00	1.00	\$16,000.00
3	Pavement Removal, Modified SP	1,730	SYD	\$10.00	769.46	\$7,694.60	769.46	\$7,694.60
4	Erosion Control, Inlet Protection, Fabric Drop, Modified SP	18	EACH	\$55.00	20.00	\$1,100.00	20.00	\$1,100.00
5	Project Cleanup	1	LSUM	\$1,500.00	0.00	\$0.00	0.00	\$0.00
6	Aggregate Base Under Concrete (6" 21AA Crush Limestone)	700	SYD	\$45.00	0.00	\$0.00	0.00	\$0.00
7	Drainage Structure Cover	4,940	LBS	\$3.00	4,940.00	\$14,820.00	4,940.00	\$14,820.00
8	Underdrain Subgrade, Open Graded 6", Modified SP	50	LFT	\$30.00	0.00	\$0.00	0.00	\$0.00
9	Conc. Pavt W/Integral curb and gutter, Non-Reinf. 7", Modified SP	985	SYD	\$85.00	0.00	\$0.00	0.00	\$0.00
10	Sidewalk Conc. NonReinf. Modified SP 4" Conc. Sidewalk	4,135	SFT	\$5.00	0.00	\$0.00	0.00	\$0.00
11	Sidewalk Conc. NonReinf. Modified SP 6" Conc. Sidewalk	2,125	SFT	\$6.00	0.00	\$0.00	0.00	\$0.00
12	Class A Sodding, Modified SP	1,200	SYD	\$3.00	0.00	\$0.00	0.00	\$0.00
13	Top Soil, Seed and Mulch Blanket	2,805	SYD	\$2.00	0.00	\$0.00	0.00	\$0.00
14	Install 8"x8" D.I Tee (medical Facility connections)	2	EACH	\$1,500.00	1.00	\$1,500.00	1.00	\$1,500.00
15	Quercus Alba (White Oak) 3" to 4" Caliper	1	EACH	\$730.00	0.00	\$0.00	0.00	\$0.00
16	Liriodendron Tulipifera (tulip Tree) 2" to 2.5" Caliper	14	EACH	\$450.00	0.00	\$0.00	0.00	\$0.00
17	Pyrus Calleryana (Cleavland Pear) 2" to 2.5" Caliper	15	EACH	\$420.00	0.00	\$0.00	0.00	\$0.00
18	Water Main D.I CL 54 8" Trench Det B Modified	3,001	LFT	\$198.00	1,665.50	\$329,769.00	1,665.50	\$329,769.00
19	Oak Park Blvd Water main connect "A" Coolidge @ Oak Park Blvd.	1	LSUM	\$10,000.00	0.00	\$0.00	0.00	\$0.00
20	Oak Park Blvd Water main connect "B" Oak Park Blvd. @ Moritz	1	LSUM	\$1,000.00	0.00	\$0.00	0.00	\$0.00
21	Oak Park Blvd Water main connect "C" Oak Park Blvd. @ Jerome	1	LSUM	\$1,000.00	0.00	\$0.00	0.00	\$0.00
22	Oak Park Blvd Water main connect "D" Oak Park Blvd. @ Morton	1	LSUM	\$1,000.00	0.00	\$0.00	0.00	\$0.00
23	Oak Park Blvd Water main connect "E" Oak Park Blvd. @ Condon	1	LSUM	\$1,000.00	0.00	\$0.00	0.00	\$0.00
24	Oak Park Blvd Water main connect "F" Oak Park Blvd. @ Scotia	1	LSUM	\$2,500.00	0.00	\$0.00	0.00	\$0.00
25	Oak Park Blvd. Water Main Disconnect "A" Coolidge @ Oak Park Blvd.	1	LSUM	\$2,500.00	0.00	\$0.00	0.00	\$0.00
26	Oak Park Blvd. Water Main Disconnect "B" Coolidge @ Scotia	1	LSUM	\$500.00	0.00	\$0.00	0.00	\$0.00
27	Install Fire Hydrant EUJW 5BR-250	8	EACH	\$5,600.00	5.00	\$28,000.00	5.00	\$28,000.00
28	Install 8" Gate Valve and Well	15	EACH	\$5,000.00	13.00	\$65,000.00	13.00	\$65,000.00
29	Bore Short South Side Water Services 3/4" to 1"	50	EACH	\$900.00	2.00	\$1,800.00	2.00	\$1,800.00
30	Remove & Replace Short Side Service Curb Box 3/4" to 1"	50	EACH	\$200.00	0.00	\$0.00	0.00	\$0.00
31	Service Transfers	75	EACH	\$250.00	0.00	\$0.00	0.00	\$0.00
32	3/4" to 2" Diameter Type K Copper	1,950	LFT	\$10.00	0.00	\$0.00	0.00	\$0.00
33	Remove Existing Fire Hydrant	5	EACH	\$660.00	0.00	\$0.00	0.00	\$0.00
34	Remove Existing Gate Valve and Well	14	EACH	\$660.00	0.00	\$0.00	0.00	\$0.00
35	Crossing Existing Water Mains, Sewers, and sewer leads	10	EACH	\$350.00	3.00	\$1,050.00	3.00	\$1,050.00
36	Cast in Place Detectable, Tactile warning Surfaces	170	SFT	\$20.00	0.00	\$0.00	0.00	\$0.00

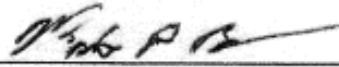
37	Abandon Existing Water Main, Oak Park Blvd.	1	LSUM	\$4,500.00	0.00	\$0.00	0.00	\$0.00
38	Maintenance Gravel, Modified SP	400	TON	\$10.00	0.00	\$0.00	0.00	\$0.00
39	Salvage Sign, Modified SP	17	EACH	\$200.00	9.00	\$1,800.00	9.00	\$1,800.00
40	Unidentified Irrigation System Repairs - Sprinkler Lines	400	LFT	\$0.32	0.00	\$0.00	0.00	\$0.00
41	Unidentified Irrigation System Repairs - Sprinkler Heads	75	EACH	\$1.00	0.00	\$0.00	0.00	\$0.00
				\$523,533.60		\$523,533.60		

Original Contract Amount: \$1,139,591.00

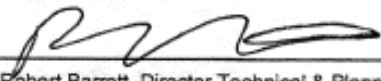
Earnings This Period: \$523,533.60
Total Earnings to Date: \$523,533.60
Less Retainage: \$56,979.55
Net Earned: \$466,554.05
Deductions: \$0.00
Balance: \$466,554.05
Payments to Date: \$0.00

Amount Due: \$466,554.05

Accepted By:


Pamar Enterprises, Inc.

Date: 7.12.2021


Robert Barrett, Director Technical & Planning
City of Oak Park, Michigan

Date: 7/13/21

MERCHANT'S LICENSES - JULY 19TH, 2021

(Subject to All Departmental Approvals)

NEW MERCHANT	ADDRESS	FEES	BUSINESS TYPE
INSURANCE GIANT	24681 COOLIDGE	\$150.00	INSURANCE AGENCY
SAESUNS	13730 EIGHT MILE	\$150.00	FLORIST/CANDLES
RENEWALS	ADDRESS	FEES	BUSINESS TYPE
EXCELL SNOW & TURF MAINTENANCE	11000 CAPITAL	\$150.00	LANDSCAPING
CLOVERDALE EQUIPMENT CO.	13133 CLOVERDALE	\$150.00	CONSTRUCTION EQUIPMENT RENTAL AND DISTRIBUTION
GRACE CENTERS OF HOPE	23119 COOLIDGE	\$150.00	NON PROFIT THRIFT STORE
RAMSAY F. DASS MD	24601 COOLIDGE	\$150.00	MEDICAL OFFICE
LINCOLN LIQUOR	25901 COOLIDGE	\$150.00	LIQUOR STORE
SHELL CLEANERS & TAILOR	25905 COOLIDGE	\$150.00	DRY CLEANER
COOLIDGE CYCLE	25909 COOLIDGE	\$150.00	BICYCLE SALES AND REPAIR SERVICE
VALHALLA KRAV MAGA	26039 COOLIDGE	\$150.00	FITNESS CENTER
SMART WAY RECYCLING	13000 EIGHT MILE	\$150.00	RECYCLING
VALUE WHOLESALE	15188 EIGHT MILE	\$150.00	GROCERY DISTRIBUTION
OAK PARK SOCIAL	14691 ELEVEN MILE	\$150.00	RESTAURANT/SIT DOWN
DEPENDABLE GAGE & TOOL	15321 ELEVEN MILE	\$150.00	TOOL MANUFACTURING
HARTWELL CEMENT COMPANY	21650 FERN	\$150.00	COMMERCIAL, INDUSTRIAL AND MUNICIPAL CONCRETE CONSTRUCTION
DALE PRENTICE COMPANY	26511 HARDING	\$150.00	WHOLESALE DISTRIBUTION OF WRAP/SIGNAGE SUPPLIES & EQUIPMENT
FELLERS	26659 HARDING	\$150.00	LEASE OFFICE COPY EQUIPMENT
K & M LEASING	20900 HUBBELL	\$150.00	EXCAVATING
BRICCO EXCAVATING COMPANY	21201 MEYERS	\$150.00	COLLECTIBLE TOYS
NERD OUT	8106 NINE MILE	\$150.00	SALON/SELLING HAIR
NEXT LEVEL HAIR COMPANY	13645 NINE MILE	\$150.00	MANUFACTURE OF HAIR CARE PRODUCTS
MURRAYS WORLDWIDE	21741 WYOMING	\$150.00	

LIQUOR LICENSE RENEWALS - MAY 19, 2021

Oak Park Social, LLC

Class C Liquor License

\$250.00

TO: The Oak Park City Council

FROM: Erik Tungate, City Manager

DATE: July 13, 2021

RE: Approval of the Class C Liquor License Renewal for Oak Park Social, LLC

(Alexander M. Bishai) 14691 W. 11 Mile

PURPOSE(S) OF ACTION:

To consider the approval of the renewal of the Class C Liquor License for the above-described establishment.

In accordance with Section 6-61 (b) of the Code, I have initiated the annual investigation and review of the on premises licensed establishment identified above and based on the certifications provided by the appropriate representatives of the departments of Finance, Public Safety, Technical and Planning and the City Clerk, subject to any conditions specified by those administrative offices/officials and pursuant to the recommendation of the Director of the Department of Community and Economic Development as well as having completed my analysis and assessment of the documentation and information submitted by the applicant it is requested that the City Council consider approving the renewal of the Class C Liquor License previously issued to:

Name of Establishment Applying for Renewal of a License: Oak Park Social, LLC

Name of Applicant and/or its Principal(s)/Shareholder(s): Alexander M. Bishai

Location: 14691 W. 11 Mile, Oak Park, MI 48237

Comments/Conditions/Explanations:

City staff and in particular, representatives of the Department of Public Safety have reviewed the request for renewal of the Class C Liquor License for Oak Park Social, LLC and determined that no conditions exist that would warrant denial of a renewal or require additional time to investigate the business.

It is the recommendation of the Administration that after analyzing the review factors specified in Section 6-58 (c) of the Code that (unless evidence is presented that would serve as a basis for denial of the issuance of the license renewal) the City Council approve the issuance of a 2021-2022 Class C Liquor License with an expiration date of April 30, 2022 to Oak Park Social, LLC, located at 14691 W. 11 Mile, Oak Park, MI 48237.

The Administration is requesting that the City Council as part of the Consent Agenda, renew the License for Oak Park Social, LLC located at 14691 W. 11 Mile, Oak Park, MI 48237.

Erik Tungate

City Manager

Date: _____

TO: The Oak Park City Council

FROM: Erik Tungate, City Manager

DATE: July 12, 2021

RE: Approval of the Tavern License Application for Berkley Coffee, LLC (Kenneth Blair Showler) 14661 W. 11 Mile, Suite 500

PURPOSE(S) OF ACTION:

To consider the approval of the issuance of a Tavern License for the above-described establishment.

BACKGROUND/KEY ISSUES/CONTRIBUTING FACTORS:

Chapter 6, captioned Alcoholic Liquor, Article III, entitled Regulation of On-the-Premises Consumption of the Code of Ordinances in Section 6-54. - Licensing policy, specifies that an applicant for a license must obtain approval from both the State of Michigan and the City of Oak Park, that new licenses and transfers of licenses into the City require the prior approval of the City Council and that no person shall engage in the business of selling alcoholic liquor for consumption on the premises in the City of Oak Park, Michigan without first obtaining a special land use approval, as required by the Zoning Act and entering into a contract with the City.

Sec. 6-56. - Application for license, outlines the process for obtaining a Tavern License from the City.

Sec. 6-58. - Review procedures, requires that the City Clerk distribute an application for a Tavern License to the appropriate departments for certifications by the Director of Technical and Planning Services that the building or structures to which the License will apply meet all applicable building and property maintenance codes or that acceptable building plans for work which will satisfy all such codes have been submitted, that the location is appropriately zoned for the proposed use and that any required zoning approvals, including site plan approval, have been applied for or obtained and certification by the Director of Public Safety that the proposed Licensee(s) is/are of good moral character and that the Licensed Premises are in compliance with all applicable fire safety regulations. In addition, given that Subsection (c) (17) specifies that one of the review factors to be considered when analyzing a request for a license or related permit(s) is whether the applicant is delinquent on any taxes or other payment obligations to the City, as part of its review process the Administration requires certification from the Finance Director or their designee that the proposed Licensee(s) is/are not in default on any obligations due the municipality and/or Oakland County (for anything that was transferred by the City to the County for collection).

Further, Subsection (b) (1) of Sec. 6-58 provides that when a completed application and fee have been received, the city council shall schedule a public hearing to consider the request for a new license and related permit(s). Subsection (e) then specifies that after review by staff and

recommendation, and a public hearing, if the City Council is satisfied that the establishment or operation will provide a benefit to the City and constitute an asset to the community, it will adopt a resolution granting approval, subject to the satisfaction of any conditions stated in the resolution. Approval of the license shall be conditioned on any necessary remodeling or new construction for the use of the license be completed within six (6) months of the action of the City Council or the Michigan Liquor Control Commission approving such license, whichever last occurs. Any unusual delay in the completion of such remodeling or construction may subject the license to revocation. The Ordinance also includes provisions addressing the issuance of entertainment permits along with other regulatory provisions.

Sec. 1930 of the Zoning Ordinance addresses Tavern Licenses and provides that such establishments may be permitted in certain zoning districts upon review of a special land use request by the Planning Commission. At its meeting held on April 12, 2021 the City of Oak Park Planning Commission approved the request of Berkley Coffee, LLC (Kenneth Blair Showler) located at 14661 W. 11 Mile, Suite 500 for Special Land Use to Operate a Restaurant with a Tavern License.

Berkley Coffee, LLC has applied to the Michigan Liquor Control Commission for a Tavern License at 14611 W. 11 Mile, Suite 500 which is subject to City Council approval of its application. Prior to issuing a Tavern License the Liquor Control Commission pursuant to MCL 436.1501 requires local government approval in the form of a resolution from the local legislative body. In addition, as outlined above, the Applicant has filed the requisite documents as confirmed in the attached Tavern License Requirements Checklist to seek the issuance of a license by the City permitting the operation of a Tavern License on the premises.

As stated previously, pursuant to Sec. 6-58 of the Code, when a completed application has been received the City Council shall schedule a public hearing to consider the request for a new license and related permit(s). In reference to the Application from Berkley Coffee, LLC located at 14661 W. 11 Mile, Suite 500 we are requesting that the Public Hearing on the Application be held at the July 19, 2021 Regular Meeting at 7:00 P.M. or as soon thereafter as the matter may be heard.

It is the recommendation of the Administration, subject to any comments, conditions, and/or explanations contained in the Tavern License Requirements Checklist which are incorporated and/or specified in the attached proposed Resolution Approving the Application of Berkley Coffee, LLC (Kenneth Blair Showler) for the establishment, located at 14661 W. 11 Mile, Suite 500 for a Tavern License that at the conclusion of the Public Hearing after analyzing the review factors specified in Sec. 6-58 (c) of the Code that (unless evidence is presented that would serve as a basis for denial of the issuance of the license(s)/permit(s)) the City Council adopt resolutions approving the issuance of the licenses by both the Michigan Liquor Control Commission and the City of Oak Park.

SUPPORTING DOCUMENTATION/INFORMATION ATTACHED:

1. Requirements Checklist for a Tavern License

2. Proposed Local Government Approval Resolution for the Michigan Liquor Control Commission
3. Proposed Resolution Approving the Application of Berkley Coffee, LLC (Kenneth Blair Showler) for the establishment, located at 14661 W. 11 Mile, Suite 500 for a City of Oak Park Tavern License.

xc: T. Edwin Norris, City Clerk
Kimberly Marrone, Director of the Department of Community and Economic Development

CITY OF OAK PARK, MICHIGAN

**REQUIREMENTS CHECKLIST FOR A TAVERN LICENSE
PERMITTING THE CONSUMPTION OF BEER AND WINE
ON THE PREMISES OF A RESTAURANT OPERATION**

The following checklist is intended to assist the elected and appointed representatives of the City of Oak Park, Michigan in determining whether an applicant for a Tavern License Permitting the Consumption of Beer and Wine On the Premises of a Restaurant Operation (hereinafter referred to as License) from the municipality has provided all of the required documentation and/or information as specified in the City's License Application Process and pursuant to **Article III, Sections 6-51 – 6-68** and **Ordinance No. O-13-597 (Zoning Ordinance)** of the Code of Ordinances, City of Oak Park, Michigan.

City of Oak Park License Application No.: 01-2021 – Tavern License

Name of Establishment Applying for a License: Berkley Coffee LLC

Name of Applicant and/or its Principals/Shareholders: Kenneth Blair Showler

Location: 14661 W. 11 Mile, Suite 500

Remittance of Application Fees

- ☒ New On-Premises Consumption or Full Transfer of Ownership: \$800.00
- ☐ Adding Additional Owners to a License for On-Premises Consumption: \$200.00
- ☐ Special Land Use Site Plan Review: \$600.00
- ☒ Background Check: \$75.00
- ☐ Annual Renewal: \$250.00

B. Distance Compliance Certification

- ☒ Issued ☐ Pending

C. Request for Special Land Use to Operate a Restaurant that Serves Alcoholic Liquor

- ☒ Approved by the City of Oak Park Planning Commission at its meeting held on Monday, April 12, 2021.

D. Submission and Review of Background Check Information

- ☒ Investigation Completed by Representatives of the Department of Public Safety on April 12, 2021.
- ☒ Investigation Confirmed that there are No Issues that Preclude the Issuance of a Tavern License in the Name of the Applicant

E. Application(s)

- ☒ Complete in All Appropriate/Requisite Sections
- ☒ Signed, Dated and Notarized

F. Proof of Possession of Property

- | | |
|---|---|
| ☐ Deed | ☐ Land Contract |
| ☒ Lease | ☐ Assignment of Lease |
| ☐ Sublease | ☐ Bill of Sale and/or Lease for Equipment/Furniture/Fixtures |

G. Business Entity/Organization/Structure Documents

- ☐ Corporation (Copy of Articles of Incorporation Attached to Application)
- ☐ Partnership (General or Limited – Full Names, Dates of Birth and Home Addresses of All Partners and Copy of Articles of Partnership/Agreement Attached to Application)
- ☐ Sole Proprietorship (If Doing Business Under an Assumed Name a Copy of the D/B/A Certificate was Attached to the Application)
- ☒ Other (i.e. LLC – Details Provided as Required in License Application)

H. Financial Qualifications/Information

- ☐ Copy of Loan Document(s)/Affidavits Detailing the Sources of Funding for Business
- ☒ Information Provided Concerning Source of Funding for Acquisition/Opening/Operating the Licensed Business

I. Management Information

- ☒ Provided Name, Address and Telephone Number of Individual Who Will Serve as the Manager of the Licensed Business
- ☒ Provided Name, Address and Telephone Number of Individual Who is Authorized to Sign Checks and Pay Bills in Connection with the Operation of the Licensed Business

J. Description of Proposed Facilities in Some Detail

- ☐ Detail Provided Including Square Footage, Seating Capacity, Parking Capacity, Etc.
- ☒ Copy of Site Plan (If Necessary) and Description/Diagram (Detailed Floor Plan) of the Premises

K. Dancing or Entertainment

- ☒ Yes - Description of Planned Entertainment: Live Music. Pursuant to state law and/or local ordinance(s), Applicant is required to obtain any permit(s) for dancing required by the Michigan Liquor Control Commission and must maintain a dance floor that is not less than 100 square feet, is well defined and without tables, chairs, or other obstacles while customers are dancing. **Authorizing dancing at the venue does not allow topless activity or adult entertainment of any kind.**
- ☐ No

L. Status of City of Oak Park Business License

- ☐ Applicant has Current Valid City Business License(s) as Required Based on Business Activity
- ☐ Applicant has Submitted an Application for a Business License(s)
- ☐ Applicant is Current on All Applicable Business License(s) Fees

M. Applicant, and/or its Principals/Shareholders are Not in Default on Any Obligations Due the City of Oak Park and/or Oakland County – Confirmed by a Representative of the Finance Department

- ☐ Personal Property Taxes
- ☐ Real Property Taxes
- ☐ Special Assessments
- ☐ Sewer and Water

N. Documents Submitted by Applicant Pursuant to Section 20 of the City of Oak Park,
Michigan License Application

- ☐ Spousal Affidavit (For each Applicant if Applicable)
- ☐ Certificate of Liquor Liability Insurance
- ☐ Verification of Compliance with Michigan Liquor Control Commission Mandatory Server Training Requirements
- ☐ Contract with the City of Oak Park
- ☐ Record of Any Previous Liquor License Complaint Violations
- ☐ Current Valid License(s)/Permit(s) from Appropriate County, State or Federal Governments Authorizing Service of Food at the Establishment

DEPARTMENTAL CERTIFICATIONS REQUIRED BY SECTION 6-58 (a) OF THE CODE OF ORDINANCES, CITY OF OAK PARK, MICHIGAN OR THE CITY ADMINISTRATION

City of Oak Park License Application No.: 01-2021

Name of Establishment Applying for a License: Berkley Coffee LLC

Name of Applicant and/or its Principals/Shareholders: Kenneth Blair Showler

Location: 14661 W. 11 Mile, Suite 500

DEPARTMENT OF TECHNICAL AND PLANNING

Certification that the buildings or structures to which the License will apply meet all applicable building and property maintenance codes or that acceptable building plans for work which will satisfy all such codes have been submitted and the proposed Licensed Premises is appropriately zoned for the use and that any required zoning approvals, including site plan approval, have been applied for or obtained.

☐ Recommended for Approval

☒ Recommended for Approval with Comments/Conditions/Explanations:

Subject to the Applicant obtaining a City Business License.

☐ Not Recommended for Approval

Robert Barrett

(Print Name) Robert Barrett

Director of the Department of Technical and Planning or Their Designee

Date: June 21, 2021

DEPARTMENTAL CERTIFICATIONS REQUIRED BY SECTION 6-58 (a) OF THE CODE OF ORDINANCES, CITY OF OAK PARK, MICHIGAN OR THE CITY ADMINISTRATION

City of Oak Park License Application No.: 01-2021

Name of Establishment Applying for a License: Berkley Coffee LLC

Name of Applicant and/or its Principals/Shareholders: Kenneth Blair Showler

Location: 14661 W. 11 Mile, Suite 500

DEPARTMENT OF PUBLIC SAFETY

Certification that the proposed Licensee(s) is/are of good moral character and the Proposed Licensed Premises are in compliance with all applicable fire safety regulations.

☐ Recommended for Approval

☒ Recommended for Approval with Comments/Conditions/Explanations:

Subject to completion of a Fire Safety Inspection

☐ Not Recommended for Approval

Thaddeus Kozlowski

(Print Name) Thaddeus Kozlowski

Director of the Department of Public Safety or Their Designee

Date: April 21, 2021

DEPARTMENTAL CERTIFICATIONS REQUIRED BY SECTION 6-58 (a) OF THE CODE OF ORDINANCES, CITY OF OAK PARK, MICHIGAN OR THE CITY ADMINISTRATION

City of Oak Park License Application No.: 01-2021

Name of Establishment Applying for a License: Berkley Coffee LLC

Name of Applicant and/or its Principals/Shareholders: Kenneth Blair Showler

Location: 14661 W. 11 Mile, Suite 500

CITY CLERK

Certification that the proposed Licensee has a current valid license for operation of a restaurant at the proposed Licensed Premises or meets applicable requirements for the issuance of such a license.

☐ Recommended for Approval

☒ Recommended for Approval with Comments/Conditions/Explanation:

Subject to the Applicant providing the required supporting documentation including but not limited to Liquor Liability Insurance Coverage and License(s)/Permits from the Michigan Liquor Control Commission and the Oakland County Health Department.

☐ Not Recommended for Approval

T. Edwin Norris

(Print Name) T. Edwin Norris

City Clerk or Their Designee

Date: July 6, 2021

DEPARTMENTAL CERTIFICATIONS REQUIRED BY SECTION 6-58 (a) OF THE CODE OF ORDINANCES, CITY OF OAK PARK, MICHIGAN OR THE CITY ADMINISTRATION

City of Oak Park License Application No.: 01-2021

Name of Establishment Applying for a License: Berkley Coffee LLC

Name of Applicant and/or its Principals/Shareholders: Kenneth Blair Showler

Location: 14661 W. 11 Mile, Suite 500

DEPARTMENT OF FINANCE

Certification that that the proposed Licensee(s) is/are not in default on any obligations due the City of Oak Park and/or Oakland County.

☒ Recommended for Approval

☐ Recommended for Approval with Comments/Conditions/Explanation:

☐ Not Recommended for Approval

Steven Lukasik

(Print Name) Steven Lukasik

Finance Director or Their Designee

Date: April 27, 2021

Based on the Certifications provided by the appropriate representatives of the departments of Finance, Public Safety, Technical and Planning and the City Clerk it is recommended that subject to any conditions specified by those administrative offices/officials the City Council adopt a Resolution approving the issuance of a Tavern License to:

City of Oak Park License Application No.: 01-2021

Name of Establishment Applying for a License: Berkley Coffee LLC

Name of Applicant and/or its Principals/Shareholders: Kenneth Blair Showler

Location: 14661 W. 11 Mile, Suite 500

Comments/Conditions/Explanations:

Kimberly Marrone

(Print Name) Kimberly Marrone

Director of Economic Development and Communications or Their Designee

Date: June 21, 2021

Based on the Certifications provided by the appropriate representatives of the departments of Finance, Public Safety, Technical and Planning and the City Clerk subject to any conditions specified by those administrative offices/officials and pursuant to the recommendation of the Director of the Department of Community and Economic Development as well as having completed my analysis and assessment of the documentation and information submitted by the Applicant it is requested that the City Council consider adopting a Resolution approving the issuance of a Tavern License to:

City of Oak Park License Application No.: 01-2021

Name of Establishment Applying for a License: Berkley Coffee LLC

Name of Applicant and/or its Principals/Shareholders: Kenneth Blair Showler

Location: 14661 W. 11 Mile, Suite 500

Comments/Conditions/Explanations:

Erik Tungate

Erik Tungate

City Manager

Date: June 21, 2021

**A RESOLUTION OF THE OAK PARK, MICHIGAN CITY COUNCIL
APPROVING THE REQUEST OF BERKLEY COFFEE, LLC
(KENNETH BLAIR SHOWLER) FOR A TAVERN LICENSE**

WHEREAS, pursuant to state law and the Code of Ordinances, City of Oak Park, Michigan it is unlawful for any person to sell, or possess for sale, any alcoholic beverage unless licensed to do so and all licenses required are in full force and effect; and

WHEREAS, Berkley Coffee, LCC (Kenneth Blair Showler) (hereinafter referred to as Berkley Coffee) located at 14661 W. 11 Mile, Suite 500, has applied for a Tavern License from both the Michigan Liquor Control Commission and the City of Oak Park.

NOW, THEREFORE, BE IT RESOLVED, that Berkley Coffee's application for a Tavern License is hereby approved subject to the following conditions:

1. The Michigan Liquor Control Commission issuing a Tavern License to Berkley Coffee, LLC at 14661 W. 11 Mile, Suite 500, Oak Park, Michigan 48237.
2. Upon issuance of the Tavern License by the Michigan Liquor Control Commission, Berkley Coffee shall provide the City Clerk's Office with copies of the License along with a Certificate of Liquor Insurance for the subject business.
3. Berkley Coffee executes a Contract for a Tavern License with the City of Oak Park, Michigan.

BE IT FURTHER RESOLVED, that subject to the conditions described in the immediately preceding paragraph and all departmental authorizations, upon approval of a Tavern License by the Michigan Liquor Control Commission for Berkley Coffee located at 14661 W. 11 Mile, Suite 500, Oak Park, Michigan 48237, the City Clerk is hereby authorized to issue a Tavern License with an expiration date of April 30, 2022 to Berkley Coffee; and

BE IT FURTHER RESOLVED, that this Resolution shall be effective upon its approval by the City Council.

I hereby certify that the forgoing constitutes a true and complete copy of a resolution adopted by the City Council of the City of Oak Park, County of Oakland, State of Michigan, at a regular meeting held on July 19, 2021 and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267 of the Public Acts of 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

T. Edwin Norris, City Clerk



Local Government Approval
(Authorized by MCL 436.1501)

Instructions for Applicants:

- You must obtain a recommendation from the local legislative body for a new on-premises license application, certain types of license classification transfers, and/or a new banquet facility permit.

Instructions for Local Legislative Body:

- Complete this resolution or provide a resolution, along with certification from the clerk or adopted minutes from the meeting at which this request was considered.

At a Regular meeting of the Oak Park City council/board
(regular or special) (township, city, village)

called to order by _____ on July 19, 2021 at 7:00 P.M.
(date) (time)

the following resolution was offered:

Moved by _____ and supported by _____

that the application from Berkley Coffee, LLC
(name of applicant - if a corporation or limited liability company, please state the company name)

for the following license(s): Tavern License
(list specific licenses requested)

to be located at: 14661 W. 11 Mile, Suite 500, Oak Park, MI 48237

and the following permit, if applied for:

☐ Banquet Facility Permit Address of Banquet Facility: _____

It is the consensus of this body that it _____ this application be considered for
(recommends/does not recommend)

approval by the Michigan Liquor Control Commission.

If disapproved, the reasons for disapproval are _____

Vote

Yeas: _____

Nays: _____

Absent: _____

I hereby certify that the foregoing is true and is a complete copy of the resolution offered and adopted by the City of Oak Park
council/board at a regular meeting held on July 19, 2021
(regular or special) (date) (township, city, village)

Print Name of Clerk

Signature of Clerk

Date

Under Article IV, Section 40, of the Constitution of Michigan (1963), the Commission shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. Further, the Commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the licensure of businesses and individuals.

Please return this completed form along with any corresponding documents to:

Michigan Liquor Control Commission

Mailing address: P.O. Box 30005, Lansing, MI 48909

Hand deliveries or overnight packages: Constitution Hall - 525 W. Allegan, Lansing, MI 48933

Fax to: 517-763-0059

**CITY OF OAK PARK
MICHIGAN
APPLICATION FOR SPECIAL EVENT LICENSE**

Today's Date: 7/7/2021

Applicant Information

Applicant/Business Name: 2nd Annual Albany Block Party

Applicant/Business Address: 10450 Albany St Oak Park MI 48237

Phone number: 248-892-8020 E-Mail Address: dickow.shantal@yahoo.com

Relation of applicant to business: Self

Has applicant ever been convicted of a felony? ☐ Yes ☒ No

Owner Information

Owner or manager of site: Shantal Hanna Phone: 248-892-8020

Names and addresses of partners or officers of corporation:

Shantal Hanna 10450 Albany St Oak Park, MI 48237

Lawrence Lewis Jr 10660 Albany St Oak Park, MI 48237

Event Information

Proposed date(s) of event: 8/14/2021 Has this event been held previously? ☒ Yes ☐ No

Address or location of event: On Albany St between Scotia and Manistee

Is this a City owned park? No

If this event is to take place in a City owned park, have you received and do you agree to abide by the City's Parks and Recreation rules and regulations? ☐ Yes ☒ No

Nature, purpose, and detailed description of event: 2nd Annual Albany Block Party. Where the neighborhood gets together.

Will the event be open to the public? ☒ Yes ☐ No

If yes, please describe how so: Any family and friends are welcome

Estimated number of people attending event? 60 Hours of Event: 9

(1pm - 10pm)

Are you requesting to have a parade? ☐ Yes ☒ No **If yes, please attach a map of the parade route**

Where will the parade participants be walking? ☐ Sidewalks ☐ Streets

Will the parade require streets to be blocked off? ☒ Yes ☐ No

If yes, how many streets/intersections will need to be blocked : 1 _____

Please attach a sign off from the residences located on the affected streets, indicating that they are aware of the event to take place, the date, times and location.

Food Services

Will food or beverages be sold at event? ☐ Yes ☒ No, if yes please list type(s) of food to be sold:

Will the food be prepackaged or prepared on site: No _____

Please note: *If your application is approved and you plan to prepare food on site, you will need to contact the Oakland County Health Department at 248-424-7000 for inspection. You will also need to provide temporary water services at the site where the food is prepared.*

Mechanical Amusement

Will there be any mechanical rides at event? ☐ Yes ☒ No, if yes, please provide the name and the address of amusement operators: _____

Will the event have a moonwalk? ☒ Yes ☐ No, if yes, please provide the name and address of Company/Entity providing moonwalk: Rochester Rentals Crooks Rd _____

Will the event have video games, etc.? If so, please provide the names and address of company providing the Games: No _____

Please Note: *You must provide proof of insurance for all mechanical rides, moonwalks, circus rides/games, etc. The City of Oak Park must be listed on the insurance certificate as "additionally insured." A copy of the City Ordinance with required liability insurance coverage for these events is attached. Also, certification by the State of Michigan Department of Labor is required for all mechanical amusement devices and rides.*

Technical/Support

Will the event require use of electrical supply source? ☐ Yes ☒ No, if yes, please describe:

Will sanitary facilities be required at event? ☐ Yes ☒ No

Will tent(s) be used at the event? ☐ Yes ☒ No, if yes, please state size(s) of tent:

Will the event have banners displayed? ☐ Yes ☒ No, if so, please provide the number of signs and dimension(s):

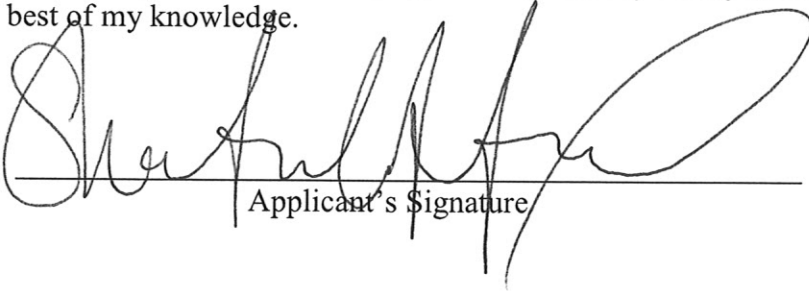
Please Note: *If a temporary generator or electric supply source is provided, you must provide an Electrical permit by a licensed electrical contractor. Also, you will need certification of flame spread rates of all canvas and/or cloth enclosures.*

Other possible Special Event requirements include: additional application, inspection and bond fees, temporary sign permit.

The fee for a Special Event application is \$100: The fee is non-refundable. Once an application is received, the City Clerk's Office will send copies of the application to the following departments: City Manager, Public Safety, Public Works, and Recreation. Each department will review the application and provide a written estimate of services they will need to provide, along with man-hours and costs (if any). The City Clerks' office will contact the applicant to inform them of the additional costs involved. At that time the applicant can decide whether or not to proceed with the event. If so, the event will be placed on the City Council agenda for approval.

We ask that you please Waive the application fee.

Should any of the above information prove to be inaccurate or untruthful, it will be grounds to deny the applicant's request or revoke any approvals. I hereby certify the above information to be true and accurate to the best of my knowledge.



Applicant's Signature

State of Michigan

ss

County of _____

Subscribed and sworn to before me, a Notary Public this _____ day of _____ 20____, by
_____.

My Commission expires: _____
Notary Public

A.B.C.

Albany Block Club

Please sign Name

Address

Contact Number/E-Mail

- 1 Samuel L... 10610 Albany 248 686 1365
- 2 Eric Clark 10450 Albany 248 790-9946
- 3 Don 10600 Albany (248) 238-7857
- 4 Jason Ledbetter 10421 Albany (313) 342-0767
- 5 Unah V. Montague 10441 Albany (313) 454-6116
- 6 Jim Spivey 10600 Albany (248) 383-3275
- 7 Wally Clark Ghanem 10470 Albany (248) 930-1947
- 8 ROGER ROGER 10820
- 9 Monica Minefield 10700 Albany (248) 514-3818
- 10 Shantal Hanna 10750 Albany
- 11 Debbie Ledbetter 10810 (313) 753-5721
- 12 Philip Murdock 10740 Albany (248) 991-7413
- 13 Primrose Bedford 10720 Albany 248-818-4714
- 14 Mr. Clark 10730 Albany 313) 428-7667
- 15 ORE JAMES 10800 Albany 248 (218-2837)
- 16 Steve Jorg 10830 Albany
- 17 Steve Jorg 10621 Albany St 248 225 3741
- 18 Harissa Jones 10831 Albany 10831 albany
- 19 Harissa Jones 10821 Albany (313) 585-9227

Date

A.B.C.

Albany Block Club

Please sign Name

Address

Contact Number/E-Mail

19		10811 Albany	
20		10801 Albany	
21		10751 Albany	
22		10741 Albany	
23	Morgan	10721 Albany	248-991-2418
24	Brittany	10710 Albany	313 969 7709
25	Brian Lange	10701 Albany	248-238-0786
26	Donald	10661 Albany	
27		10651 Albany	
28		10641 Albany	
29		10631 Albany	
30	Ronald	10451 Albany	
31	Kyle	10411 Albany	584-139-8125
✓ 32		10401 Albany	
33		10321 Albany	
✓ 34	Nibal Alabdulkader	10311 Albany	
✓ 35		10290 Albany	
36		10300 Albany	
37		10310 Albany	

Date

A.B.C.

Albany Block Club

Please sign Name

Address

Contact Number/E-Mail

38	Aaron Rogers	10320 Albany St	248-277-0030
39		10400 Albany St	
40	Malik Samuel	10650 Albany	313-674-2035
41	Patricia Wright	10711 Albany	248 275-3830
42	Tashun Quincy	10731 Albany	248-277-6798
43	Ivery Clements	10731 Albany	248-277-6798
44	Shawn Wilke	10231 Albany	313 856 8503
45		10630 Albany	
46			
47			
48			
49			
50			
51			
52			
53			
54			
55			
56			

Date

SPECIAL EVENT LICENSE APPLICATION FEE ESTIMATION

Albany Block Club, 2nd Annual Block Party
10450 Albany St

DATE: August 14, 2021 at 1:00 pm – 10:00 pm

<u>DEPARTMENT</u>	<u>SERVICES</u>	<u>ESTIMATED HOURS</u>	<u>ESTIMATED COST</u>
TECHNICAL AND PLANNING <i>Rob Barrett</i> • <i>Dan Fairless</i>	Proposed Moon Walk must be properly anchored to the ground. Electrical cords must not create trip hazards. Final Inspection, site restoration inspection required after event	15 mins.	NA
PUBLIC SAFETY <i>Steve Cooper</i>	Conduct periodic checks as part of normal patrol	30Mins	NA
RECREATION <i>Laurie Stasiak</i>	N/A	N/A	N/A
DPW <i>Kevin Yee</i>	Drop off/pick up barricades	1 hour	N/A
ADDITIONAL <i>Administration</i>	N/A	N/A	\$100 fee waiver requested

**CITY OF OAK PARK
MICHIGAN
APPLICATION FOR SPECIAL EVENT LICENSE**

Today's Date: 07/02/21

Applicant Information

Applicant/Business Name: Dog and Pony Show Brewing

Applicant/Business Address: 14661 W 11 Mile Rd Ste #200

Phone number: 2488508910 E-Mail Address: kyle.gierada@gmail.com

Relation of applicant to business: Owner

Has applicant ever been convicted of a felony? ☐ Yes ☒ No

Owner Information

Owner or manager of site: Kyle Gierada Phone: 7343478122

Names and addresses of partners or officers of corporation:

N/A

Event Information

Proposed date(s) of event: Aug, 15th 2021 Has this event been held previously? ☐ Yes ☒ No

Address or location of event: 14661 W 11 Mile Rd Ste #200 Oak Park, MI

Is this a City owned park? Yes (city parking lot)

If this event is to take place in a City owned park, have you received and do you agree to abide by the City's Parks and Recreation rules and regulations? ☒ Yes ☐ No

Nature, purpose, and detailed description of event: Berkley Dads Club holding a Cornhole Tournament at Dog and Pony Show brewing to raise money for the PTA at Angel Elementary.

Will the event be open to the public? ☒ Yes ☐ No

If yes, please describe how so: The Dad's club will have registration for the event that allows everyone to compete via the registration forms.

Estimated number of people attending event? 100- 125 Hours of Event: 12pm to 5pm

Are you requesting to have a parade? ☐ Yes ☒ No **If yes, please attach a map of the parade route**

Where will the parade participants be walking? ☐ Sidewalks ☐ Streets

Will the parade require streets to be blocked off? ☐ Yes ☒ No

If yes, how many streets/intersections will need to be blocked : NA

Please attach a sign off from the residences located on the affected streets, indicating that they are aware of the event to take place, the date, times and location.

Food Services

Will food or beverages be sold at event? ☒ Yes ☐ No, if yes please list type(s) of food to be sold:
Beer will be sold from the taproom during the event and consumed only inside the designated area.

Will the food be prepackaged or prepared on site: Food truck will be at the event

Please note: *If your application is approved and you plan to prepare food on site, you will need to contact the Oakland County Health Department at 248-424-7000 for inspection. You will also need to provide temporary water services at the site where the food is prepared.*

Mechanical Amusement

Will there be any mechanical rides at event? ☐ Yes ☒ No, if yes, please provide the name and the address of amusement operators: _____

Will the event have a moonwalk? ☐ Yes ☒ No, if yes, please provide the name and address of Company/Entity providing moonwalk: _____

Will the event have video games, etc.? If so, please provide the names and address of company providing the Games: NA

Please Note: *You must provide proof of insurance for all mechanical rides, moonwalks, circus rides/games, etc. The City of Oak Park must be listed on the insurance certificate as "additionally insured." A copy of the City Ordinance with required liability insurance coverage for these events is attached. Also, certification by the State of Michigan Department of Labor is required for all mechanical amusement devices and rides.*

Technical/Support

Will the event require use of electrical supply source? ☐ Yes ☒ No, if yes, please describe:

Will sanitary facilities be required at event? ☐ Yes ☒ No

Will tent(s) be used at the event? ☒ Yes ☐ No, if yes, please state size(s) of tent:

Pop up tents for shade will be setup in the competiion area.

Will the event have banners displayed? ☐ Yes ☒ No, if so, please provide the number of signs and dimension(s):

Please Note: *If a temporary generator or electric supply source is provided, you must provide an Electrical permit by a licensed electrical contractor. Also, you will need certification of flame spread rates of all canvas and/or cloth enclosures.*

Other possible Special Event requirements include: additional application, inspection and bond fees, temporary sign permit.

The fee for a Special Event application is \$100: The fee is non-refundable. Once an application is received, the City Clerk's Office will send copies of the application to the following departments: City Manager, Public Safety, Public Works, and Recreation. Each department will review the application and provide a written estimate of services they will need to provide, along with man-hours and costs (if any). The City Clerks' office will contact the applicant to inform them of the additional costs involved. At that time the applicant can decide whether or not to proceed with the event. If so, the event will be placed on the City Council agenda for approval.

Should any of the above information prove to be inaccurate or untruthful, it will be grounds to deny the applicant's request or revoke any approvals. I hereby certify the above information to be true and accurate to the best of my knowledge.



Applicant's Signature

State of Michigan

ss

County of _____

Subscribed and sworn to before me, a Notary Public this _____ day of _____ 20____, by
_____.

My Commission expires: _____
Notary Public

Dog and Pony Show Brewing & Angel Elementary PTA Overview

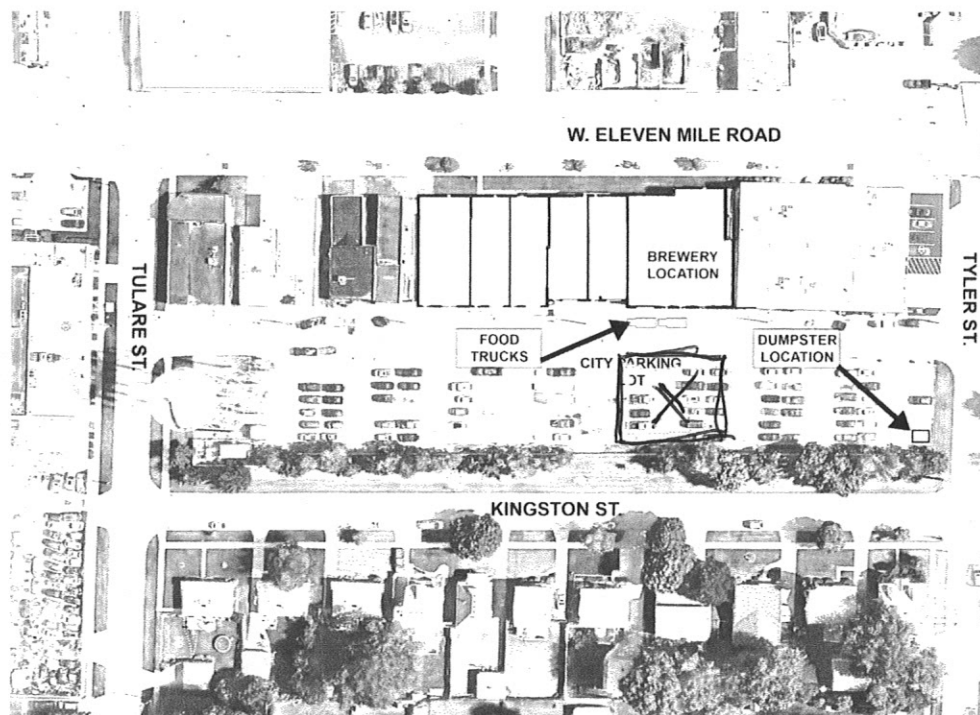
To whom it may concern,

Dog and Pony Show would like permission to use the highlighted space in the attached drawing for a Cornhole tournament in the parking lot located to the South of our space at 14661 W 11 Mile Rd Ste 200 in Oak Park, MI. (MARKED X)

This event will occur from 12 to 5pm Aug, 15th. No other special requests will be needed. All items would be supplied by Dog and Pony Show Brewing. Neighboring businesses are not open at this time however if hours change for a nearby business during this time we will be sure and get signed proof of their approval.

Thank you,

Kyle Gierada



LOCATION AERIAL PHOTOGRAPH
NOT TO SCALE

DOG & PONY BREWERY
14661 W. ELEVEN MILE RD., OAK PARK, MI 48237

T&R/

CITY OF OAK PARK
14000 OAK PARK BLVD
OAK PARK, MI 48237
WWW.OAKPARKMI.GOV

Received From:
Date: 07/06/2021 Time: 12:29:51 PM
Posting Date: 07/06/2021
Receipt: 422664 *** REPRINT ***
Cashier: AJONES

ITEM REFERENCE	AMOUNT
BUSI Special Business Lic/Permits	
Special Business Lic/Permits	\$100.00
TOTAL	\$100.00
CASH	\$100.00
Total Tendered:	\$100.00

SPECIAL EVENT LICENSE APPLICATION FEE ESTIMATION

**Dog and Pony Show Brewing
Berkley Dad's Club Cornhole Tournament
14661 W. 11 Mile Rd, Ste #200 (parking lot)
DATE: August 15, 2021 at 12:00 pm – 5:00 pm**

<u>DEPARTMENT</u>	<u>SERVICES</u>	<u>ESTIMATED HOURS</u>	<u>ESTIMATED COST</u>
TECHNICAL AND PLANNING <i>Rob Barrett</i> <i>* Dan Fairless</i>	Proposed food truck owner must provide proper Health Dept. And Dept. Of Agriculture license and approvals. If proposed tents are commercial grade rental style, flame spread certificates will be required. Final inspection, site restoration inspection required upon completion of event.	15 mins.	NA
PUBLIC SAFETY <i>Steve Cooper</i>	Conduct periodic checks as part of normal patrols	30mins	NA
RECREATION <i>Laurie Stasiak</i>	N/A	N/A	N/A
DPW <i>Kevin Yee</i> <i>* David DeCoster</i>	Applicant should only close the angled parking areas between the eastbound and westbound drive lanes. Blocking the drive lanes would inhibit the ability for patrons to utilize the eastbound parking spots.	N/A	N/A
ADDITIONAL <i>Administration</i>	N/A	N/A	\$100 fee paid

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 566592

July 12, 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 Wednesday, June 30, 2021

\$ 75.00

Fee Total

Costs Advanced:

Date	Description	Amount
06/29/21	Reproduction Charges 1 @ 0.15	0.15
06/29/21	Reproduction Charges 2 @ 0.15	0.30
06/29/21	Reproduction Charges 3 @ 0.15	0.45
Total Costs Advanced		<u>\$ 0.90</u>

Total Fees and Disbursements: \$ 75.90



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 566593

July 12, 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 Wednesday, June 30, 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.*



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

Invoice 566594

July 12, 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 Wednesday, June 30, 2021

\$12,083.34

Fee Total

Costs Advanced:

Date	Description	Amount
06/07/21	Reproduction Charges 7 @ 0.15	1.05
06/15/21	Reproduction Charges 7 @ 0.15	1.05
06/16/21	Reproduction Charges 4 @ 0.15	0.60
06/23/21	Reproduction Charges 2 @ 0.15	0.30
06/23/21	Reproduction Charges 57 @ 0.15	8.55
Total Costs Advanced		<u>\$ 11.55</u>

Total Fees and Disbursements: \$12,094.89

MEMORANDUM

TO: Mayor Marian McClellan
Hon. City Council

FROM: Ebony L. Duff, City Attorney

SUBJECT: Application for METRO Act Permit – Level 3 Communications, LLC

DATE: July 14, 2021

Honorable Mayor and Council:

On June 28, 2021, the City received an Application by Level 3 Communications, LLC. for a METRO Act Permit in the City of Oak Park for access to, and ongoing use of public rights-of-way within the City for the purpose of maintaining infrastructure to provide a full range of local and long distance voice, video, data and IP services over the telecommunications facilities. Level 3 Communications submitted its Application and proposed Permit along with the required \$500 one-time Application fee. The applicable statute requires the City to approve or deny access to the Permit within 45 days from the date a provider files an Application for a Permit.

I have undertaken a review of Level 3 Communications' submissions to ensure that they meet the statutory requirements of Public Act No. 48 of 2002 as well as the City of Oak Park Code of Ordinances Chapter 71 regarding Telecommunication Services. The Application states that Level 3 Communications will install and maintain fiber-optic cables through use of existing conduit systems where available or through construction of new conduit systems when necessary. Underground conduits will be placed in the public right of way. Level 3 Communication's facilities will be installed in locations as identified in the route map attached to the application. The Department of Technical & Planning has reviewed the route map and note that prior to construction, detailed plans will have to be submitted for right of way permit approval. Level 3 Communications will be required to present a certificate of insurance covering the proposed work which names the City as an additional insured as required by State Law and local Ordinance. The Permit is requested for a term of fifteen (15) years, however, the City Ordinance only allows a term of five (5) years which is consistent with State law.

As the documents submitted by Level 3 Communications comply with the statutory requirements, I recommend approval of their Application for a five (5) year permit conditioned upon submission of the required proof of insurance. I have attached a proposed Resolution approving the Application along with a copy of the Application and proposed Permit for your review and approval at the City Council Meeting on July 19, 2021.

Thank you for your consideration of this recommendation.

**CITY OF OAK PARK
RESOLUTION APPROVING LEVEL 3 COMMUNICATIONS, LLC
APPLICATION FOR METRO ACT PERMIT**

WHEREAS, the City of Oak Park has received a request from Level 3 Communications, LLC for a METRO Act Right-of-Way Telecommunications Permit for a term of five years; and

WHEREAS, Level 3 Communications, LLC has submitted an Application for the permit, which complies with the requirements of the Act; and

WHEREAS, the City is aware of no reason to deny the permit.

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

1. The request by Level 3 Communications, LLC for the City to grant a five year METRO Act Permit is hereby approved for a term of five (5) years pending final review and approval by the Department of Technical and Planning.
2. Upon approval of the METRO Act Permit, Level 3 Communications must provide proof of the required Insurance Coverage and apply for a right of way permit with the City of Oak Park and with the Road Commission for Oakland County.
3. The Mayor, City Manager, and City Clerk are authorized and directed to execute the METRO Act Right-of-Way Permit for a term of five (5) years, in substantially the form attached hereto.
4. All resolutions inconsistent with this Resolution be and hereby are rescinded to the extent of such inconsistency.

Roll Call Vote: Yes:
 No:
 Absent:

**METRO Act Permit Application Form
Revised April 6, 2012**

City of Oak Park
Name of Local Unit of Government

**APPLICATION FOR
ACCESS TO AND ONGOING USE OF PUBLIC WAYS BY
TELECOMMUNICATIONS PROVIDERS
UNDER
METROPOLITAN EXTENSION TELECOMMUNICATIONS
RIGHTS-OF-WAY OVERSIGHT ACT
2002 PA 48
MCL SECTIONS 484.3101 TO 484.3120**

BY

**Level 3 Communications, LLC
("APPLICANT")**

Unfamiliar with METRO Act?--Assistance: Municipalities unfamiliar with Michigan Metropolitan Extension Telecommunications Rights-of-Way Oversight Act ("METRO Act") permits for telecommunications providers should seek assistance, such as by contacting the Telecommunications Division of the Michigan Public Service Commission at 517-241-6200 or via its web site at http://www.michigan.gov/mpsc/0,4639,7-159-16372_22707---,00.html.

45 Days to Act—Fines for Failure to Act: The METRO Act states that "A municipality shall approve or deny access under this section within 45 days from the date a provider files an application for a permit for access to a public right-of-way." MCL 484.3115(3). The Michigan Public Service Commission can impose fines of up to \$40,000 per day for violations of the METRO Act. It has imposed fines under the Michigan Telecommunications Act where it found providers or municipalities violated the statute.

Where to File: Applicants should file copies as follows [municipalities should adapt as appropriate—unless otherwise specified service should be as follows]:

-- Three (3) copies (one of which shall be marked and designated as the master copy) with the {City Clerk/City Attorney's office}

Oak Park City Hall
City of Oak Park
14000 Oak Park Blvd
Oak Park, MI 48237

City of Oak Park

Name of local unit of government

**APPLICATION FOR
ACCESS TO AND ONGOING USE OF PUBLIC WAYS BY
TELECOMMUNICATIONS PROVIDERS**

By

**Level 3 Communications, LLC
("APPLICANT")**

This is an application pursuant to Sections 5 and 6 of the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, 2002 PA 48 (the "METRO Act") for access to and ongoing usage of the public right-of-way, including public roadways, highways, streets, alleys, easements, and waterways ("Public Ways") in the Municipality for a telecommunications system. The METRO Act states that "A municipality shall approve or deny access under this section within 45 days from the date a provider files an application for a permit for access to a public right-of-way." MCL 484.3115(3).

This application must be accompanied by a one-time application fee of \$500, unless the applicant is exempt from this requirement under Section 5(3) of the METRO Act, MCL 484.3105(3).

1 GENERAL INFORMATION:

1.1 Date: 6/15/2021

1.2 Applicant's legal name: Level 3 Communications, LLC

Mailing Address: 1025 Eldorado Boulevard
Broomfield, CO 80021

Telephone Number: 720-888-1000

Fax Number: 720-567-0780

Corporate website: www.Lumen.com

Name and title of Applicant's local manager (and if different) contact person regarding this application:

- Local Manager: Scott Antone, OSP Engineer
- Application Contact: Richard Prescott, NIS Sr. Contract Manager

Corporate Mailing Address:

1025 Eldorado Boulevard, Broomfield, CO 80021

Telephone Number: 720-567-7033 (Richard Prescott)

Fax Number: (720)567-0780

E-mail Address: Richard.Prescott1@lumen.com

1.3 Type of Entity: (Check one of the following)

- ☐ Corporation
☐ General Partnership
☐ Limited Partnership
☒ Limited Liability Company
☐ Individual
☐ Other, please describe: _____

1.4 Assumed name for doing business, if any:

1.5 Description of Entity:

1.5.1 Jurisdiction of incorporation/formation: State of Delaware

1.5.2 Date of incorporation/formation: 1997

1.5.3 If a subsidiary, name of ultimate parent company; not applicable

1.5.4 Chairperson, President/CEO, Secretary and Treasurer (and equivalent officials for non-corporate entities).

- Chairperson: James O. Ellis, Jr., CEO/President: Jeff Storey, Secretary: Stacey Goff, CFO: Neel Dev

1.6 Attach copies of Applicant's most recent annual report (with state ID number) filed with the Michigan Department of Licensing and Regulatory Affairs and certificate of good standing with the State of Michigan. For entities in existence for less than one year and for non-corporate entities, provide equivalent information. See attached

ID # B90686

1.7 Is Applicant aware of any present or potential conflicts of interest between Applicant and Municipality? If yes, describe: No.

1.8 In the past three (3) years, has Applicant had a permit to install telecommunications facilities in the public right of way revoked by any Michigan municipality?

Circle: Yes ☒ No

If "yes," please describe the circumstances.

1.9 In the past three (3) years, has an adverse finding been made or an adverse final action been taken by any Michigan court or administrative body against Applicant under any law or regulation related to the following:

1.9.1 A felony; or

1.9.2 A revocation or suspension of any authorization (including cable franchises) to provide telecommunications or video programming services?

Circle: Yes

☒ No

If "yes," please attach a full description of the parties and matters involved, including an identification of the court or administrative body and any proceedings (by dates and file numbers, if applicable), and the disposition of such proceedings.

1.10 [If Applicant has been granted and currently holds a license to provide basic local exchange service, no financial information needs to be supplied.] If publicly held, provide Applicant's most recent financial statements. If financial statements of a parent company of Applicant (or other affiliate of Applicant) are provided in lieu of those of Applicant, please explain.

1.10.1 If privately held, and if Municipality requests the information within 10 days of the date of this Application, the Applicant and the Municipality should make arrangements for the Municipality to review the financial statements.

If no financial statements are provided, please explain and provide particulars.

- N/A – Level 3 holds a license to provide basic local exchange service.

2 DESCRIPTION OF PROJECT:

2.1 Provide a copy of authorizations, if applicable, Applicant holds to provide telecommunications services in Municipality. If no authorizations are applicable, please explain.

- State of Michigan PUC Local Exchange License, approved May 11, 1998

2.2 Describe in plain English how Municipality should describe to the public the telecommunications services to be provided by Applicant and the telecommunications facilities to be installed by Applicant in the Public Ways.

- Level 3 currently provides a full range of local and long distance voice, video, data and IP services over the telecommunications facilities

2.3 Attach route maps showing the location (including whether overhead or underground) of Applicant's existing and proposed facilities in the public right-of-way. To the extent known, please identify the side of the street on which the facilities will be located. (If construction approval is sought at this time, provide engineering drawings, if available, showing location and depth, if applicable, of facilities to be installed in the public right-of-way).

- See attached

2.4 Please provide an anticipated or actual construction schedule.

2.5 Please list all organizations and entities which will have any ownership interest in the facilities proposed to be installed in the Public Ways.

- Level 3 Communications, LLC

2.6 Who will be responsible for maintaining the facilities Applicant places in the Public Ways and how are they to be promptly contacted? If Applicant's facilities are to be installed on or in existing facilities in the Public Ways of existing public utilities or incumbent telecommunications providers, describe the facilities to be used, and provide verification of their consent to such usage by Applicant.

- Level 3 Communications, LLC is responsible for maintaining the facilities.
- 24-hour NOC phone number is 877-877-7758, option 1 then option 2.

3 TELECOMMUNICATION PROVIDER ADMINISTRATIVE MATTERS:

Please provide the following or attach an appropriate exhibit.

3.1 Address of Applicant's nearest local office;

Local Contact: Scott Antone, OSP Engineer
19675 W. 10 Mile Road
Southfield, MI 48075

3.2 Location of all records and engineering drawings, if not at local office; See 3.1

3.3 Names, titles, addresses, e-mail addresses and telephone numbers of contact person(s) for Applicant's engineer or engineers and their responsibilities for the telecommunications system; See 3.1

Provide evidence of self-insurance or a certificate of insurance showing Applicant's insurance coverage, carrier and limits of liability for the following:

3.3.1 Worker's compensation;

3.3.2 Commercial general liability, including at least:

3.3.2.1 Combined overall limits;

3.3.2.2 Combined single limit for each occurrence of bodily injury;

3.3.2.3 Personal injury;

3.3.2.4 Property damage;

3.3.2.5 Blanket contractual liability for written contracts, products, and completed operations;

3.3.2.6 Independent contractor liability;

3.3.2.7 For any non-aerial installations, coverage for property damage from perils of explosives, collapse, or damage to underground utilities (known as XCU coverage);

3.3.2.8 Environmental contamination;

3.3.3 Automobile liability covering all owned, hired, and non-owned vehicles used by Applicant, its employee, or agents.

3.4 Names of all anticipated contractors and subcontractors involved in the construction, maintenance and operation of Applicant's facilities in the Public Ways.

4 **CERTIFICATION:**

All the statements made in the application and attached exhibits are true and correct to the best of my knowledge and belief.

NAME OF ENTITY ("APPLICANT")

Level 3 Communications, L.L.C

Digitally signed by Richard Prescott

By: Date: 2021.06.28 14:25:56 -07'00'

Richard Prescott

Sr. Contract Manager, NIS

6/28/2021
Date

S:\metroapplicationform.doc

LUMEN®

LUMEN NETWORK

City of Oak Park, Michigan

TASK1840011

LEVEL3 AFFILIATE
NETWORK BUILDER

— LEVEL 3

— OAK PARK BOUNDARY

Note that the locations of Facilities shown on these drawings are only approximate and LUMEN hereby disclaims any responsibility to third parties for the accuracy of this information. Persons working in the area covered by these drawings must contact the statewide Call-Before-You-Dig System to ascertain the location of underground facilities prior to performing any excavation. Map shows LUMEN network within the municipality boundaries whether on public or private Right-of-Way. LUMEN Data is Confidential and Proprietary

CONFIDENTIAL USE ONLY — Disclose and distribute only to LUMEN and City of Oak Park, Michigan employees and authorized persons working on behalf of LUMEN and City of Oak Park, Michigan having a legitimate business need to know. Disclosure and distribution are prohibited without authorization.

The following diagram depicts a proposed route configuration and while reasonably believed to be final may be subject to modifications before construction. The final route will be determined based on fiber availability and construction obligations, including but not limited to permitting and other requirements. LUMEN does not represent or warrant the accuracy of the fiber route and has not made physical verification. This map depicts the vicinity of the route based on our inventory records.

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**METRO Act Permit
Bilateral Form
Revised 12/06/02**

**RIGHT-OF-WAY
TELECOMMUNICATIONS PERMIT**

TERMS AND CONDITIONS

1 **Definitions**

- 1.1 **Company** shall mean Level 3 Communications, LLC organized under the laws of the State of Delaware whose address is 1025 Eldorado Blvd, Broomfield, CO 80021.
- 1.2 **Effective Date** shall mean the date set forth in Part 13.
- 1.3 **Manager** shall mean Municipality's [Mayor/Manager/Supervisor/Village President] or his or her designee.
- 1.4 **METRO Act** shall mean the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, Act No. 48 of the Public Acts of 2002, as amended.
- 1.5 **Municipality** shall mean City of Oak Park a Michigan municipal corporation.
- 1.6 **Permit** shall mean this document.
- 1.7 **Public Right-of-Way** shall mean the area on, below, or above a public roadway, highway, street, alley, easement, or waterway, to the extent Municipality has the ability to grant the rights set forth herein. Public right-of-way does not include a federal, state, or private right-of-way.
- 1.8 **Telecommunication Facilities** or **Facilities** shall mean the Company's equipment or personal property, such as copper and fiber cables, lines, wires, switches, conduits, pipes, and sheaths, which are used to or can generate, receive, transmit, carry, amplify, or provide telecommunication services or signals. Telecommunication Facilities or Facilities do not include antennas, supporting structures for antennas, equipment shelters or houses, and any ancillary equipment and miscellaneous hardware used to provide federally licensed commercial mobile service as defined in Section 332(d) of Part I of Title III of the Communications Act of 1934, Chapter 652, 48 Stat. 1064, 47 U.S.C. 332 and further defined as commercial mobile radio service in 47 CFR 20.3, and service provided by any wireless, 2-way communications device.
- 1.9 **Term** shall have the meaning set forth in Part 7.

2 Grant

- 2.1 Municipality hereby grants a permit under the METRO Act to Company for access to and ongoing use of the Public Right-of-Way to construct, install and maintain Telecommunication Facilities in those portions of the Public Right-of-Way identified on Exhibit A on the terms set forth herein. A map of the general location of the Permittee's facilities located both on Private and Public Right-of-Way within Municipality is attached hereto as Exhibit A.-

Commented [WM1]: Level 3 does not have record or a map of the Right-of-Way boundaries within the Municipality. Therefore, the map provided includes all facilities in the Municipality, whether on Public or Private Right-of-Way.

- 2.1.1 Exhibit A may be modified by written request by Company and approval by Manager.
- 2.1.2 Manager shall not unreasonably condition or deny any request for a modification of Exhibit A. Any decision of Manager on a request for a modification may be appealed by Company to Municipality's legislative body.
- 2.2 Overlashing. Company shall not allow the wires or any other facilities of a third party to be overlashed to the Telecommunication Facilities without Municipality's prior written consent. Municipality's right to withhold written consent is subject to the authority of the Michigan Public Service Commission under Section 361 of the Michigan Telecommunications Act, MCL § 484.2361.
- 2.3 Nonexclusive. The rights granted by this Permit are nonexclusive. Municipality reserves the right to approve, at any time, additional permits for access to and ongoing usage of the Public Right-of-Way by telecommunications providers and to enter into agreements for use of the Public Right-of-Way with and grant franchises for use of the Public Right-of-Way to telecommunications providers, cable companies, utilities and other providers.

3 Contacts, Maps and Plans

- 3.1 Company Contacts. The names, addresses and the like for engineering and construction related information for Company and its Telecommunication Facilities are as follows:
- 3.1.1 The address, e-mail address, phone number and contact person (title or name) at Company's local office (in or near Municipality) is - Scott Antone, OSP Engineer, Scott.Antone@CenturyLink.com, (517)206-8644.
- 3.1.2 If Company's engineering drawings, as-built plans and related records for the Telecommunication Facilities will not be located at the preceding local office, the location address, phone number and contact person (title or

department) for them is NIS/ROW, 1025 Eldorado Blvd., Broomfield, CO 80021, 720-888-6461, cma@Level3.com.

3.1.3 The name, title, address, e-mail address and telephone numbers of Company's engineering contact person(s) with responsibility for the design, plans and construction of the Telecommunication Facilities is Scott Antone, OSP Engineer, Scott.Antone@CenturyLink.com, (517)206-8644.

3.1.4 The address, phone number and contact person (title or department) at Company's home office/regional office with responsibility for engineering and construction related aspects of the Telecommunication Facilities is Scott Antone, OSP Engineer, Scott.Antone@CenturyLink.com, (517)206-8644.

3.1.5 Company shall at all times provide Manager with the phone number at which a live representative of Company (not voice mail) can be reached 24 hours a day, seven (7) days a week, in the event of a public emergency. 24 hour NOC: 877-877-7758.

3.1.6 The preceding information is accurate as of the Effective Date. Company shall notify Municipality in writing as set forth in Part 12 of any changes in the preceding information.

3.2 Route Maps. Within ninety (90) days after the substantial completion of construction of new Facilities in a Municipality, a provider shall submit route maps showing the location of the Telecommunication Facilities to both the Michigan Public Service Commission and to the Municipality, as required under Section 6(7) of the METRO Act, MCLA 484.3106(7).

3.3 As-Built Records. Company, without expense to Municipality, shall, upon ~~five (5) business days notice, unless in the event of an emergency, upon~~ forty-eight (48) hours notice, give Municipality access to all "as-built" maps, records, plans and specifications showing the Telecommunication Facilities or portions thereof in the Public Right-of-Way. Upon request by Municipality, Company shall inform Municipality as soon as reasonably possible of any changes from previously supplied maps, records, or plans and shall mark up maps provided by Municipality so as to show the location of the Telecommunication Facilities.

Commented [WM2]: Due to the size and complexity of Level 3's network, Level 3 requests 5 days to produce as-builts except in the event of an emergency.

4 Use of Public Right-of-Way

4.1 No Burden on Public Right-of-Way. Company, its contractors, subcontractors, and the Telecommunication Facilities shall not unduly burden or interfere with the present or future use of any of the Public Right-of-Way. Company's aerial cables

and wires shall be suspended so as to not endanger or injure persons or property in or about the Public Right-of-Way. If Municipality reasonably determines that any portion of the Telecommunication Facilities constitutes an undue burden or interference, due to changed circumstances, Company, at its sole expense, shall modify the Telecommunication Facilities or take such other actions as Municipality may determine is in the public interest to remove or alleviate the burden, and Company shall do so within a reasonable time period. Municipality shall attempt to require all occupants of a pole or conduit whose facilities are a burden to remove or alleviate the burden concurrently.

- 4.2 No Priority. This Permit does not establish any priority of use of the Public Right-of-Way by Company over any present or future permittees or parties having agreements with Municipality or franchises for such use. In the event of any dispute as to the priority of use of the Public Right-of-Way, the first priority shall be to the public generally, the second priority to Municipality, the third priority to the State of Michigan and its political subdivisions in the performance of their various functions, and thereafter as between other permit, agreement or franchise holders, as determined by Municipality in the exercise of its powers, including the police power and other powers reserved to and conferred on it by the State of Michigan.
- 4.3 Restoration of Property. Company, its contractors and subcontractors shall immediately (subject to seasonal work restrictions) restore, at Company's sole expense, in a manner approved by Municipality, any portion of the Public Right-of-Way that is in any way disturbed, damaged, or injured by the construction, installation, operation, maintenance or removal of the Telecommunication Facilities to a reasonably equivalent (or, at Company's option, better) condition as that which existed prior to the disturbance. In the event that Company, its contractors or subcontractors fail to make such repair within a reasonable time, Municipality may make the repair and Company shall pay the costs Municipality incurred for such repair.
- 4.4 Marking. Company shall mark the Telecommunication Facilities as follows: Aerial portions of the Telecommunication Facilities shall be marked with a marker on Company's lines on alternate poles which shall state Company's name and provide a toll-free number to call for assistance. Direct buried underground portions of the Telecommunication Facilities shall have (1) a conducting wire placed in the ground at least several inches above Company's cable (if such cable is nonconductive); (2) at least several inches above that, a continuous colored tape with a statement to the effect that there is buried cable beneath; and (3) stakes or other appropriate above ground markers with Company's name and a toll-free number indicating that there is buried telephone cable below. Bored underground portions of the Telecommunication Facilities shall have a conducting wire at the same depth as the cable and shall not be required to provide the continuous colored tape. Portions of the Telecommunication Facilities located in conduit, including conduit of others

used by Company, shall be marked at its entrance into and exit from each manhole and handhole with Company's name and a toll-free telephone number.

- 4.5 Tree Trimming. Company may trim trees upon and overhanging the Public Right-of-Way so as to prevent the branches of such trees from coming into contact with the Telecommunication Facilities, consistent with any standards adopted by Municipality. Company shall dispose of all trimmed materials. Company shall minimize the trimming of trees to that essential to maintain the integrity of the Telecommunication Facilities. Except in emergencies, all trimming of trees in the Public Right-of-Way shall have the advance approval of Manager.
- 4.6 Installation and Maintenance. The construction and installation of the Telecommunication Facilities shall be performed pursuant to plans approved by Municipality. The open cut of any Public Right-of-Way shall be coordinated with the Manager or his designee. Company shall install and maintain the Telecommunication Facilities in a reasonably safe condition. If the existing poles in the Public Right-of-Way are overburdened or unavailable for Company's use, or the facilities of all users of the poles are required to go underground then Company shall, at its expense, place such portion of its Telecommunication Facilities underground, unless Municipality approves an alternate location. Company may perform maintenance on the Telecommunication Facilities without prior approval of Municipality, provided that Company shall obtain any and all permits required by Municipality in the event that any maintenance will disturb or block vehicular traffic or are otherwise required by Municipality.
- 4.7 Pavement Cut Coordination. Company shall coordinate its construction and all other work in the Public Right-of-Way with Municipality's program for street construction and rebuilding (collectively "Street Construction") and its program for street repaving and resurfacing (except seal coating and patching) (collectively, "Street Resurfacing").
- 4.7.1 The goals of such coordination shall be to encourage Company to conduct all work in the Public Right-of-Way in conjunction with or immediately prior to any Street Construction or Street Resurfacing planned by Municipality.
- 4.8 Compliance with Laws. Company shall comply with all laws, statutes, ordinances, rules and regulations regarding the construction, installation, and maintenance of its Telecommunication Facilities, whether federal, state or local, now in force or which hereafter may be promulgated. Before any installation is commenced, Company shall secure all necessary permits, licenses and approvals from Municipality or other governmental entity as may be required by law, including, without limitation, all utility line permits and highway permits. Municipality shall not unreasonably delay or deny issuance of any such permits, licenses or approvals.

Company shall comply in all respects with applicable codes and industry standards, including but not limited to the National Electrical Safety Code (latest edition adopted by Michigan Public Service Commission) and the National Electric Code (latest edition). Company shall comply with all zoning and land use ordinances and historic preservation ordinances as may exist or may hereafter be amended. This section does not constitute a waiver of Company's right to challenge laws, statutes, ordinances, rules or regulations now in force or established in the future.

- 4.9 Street Vacation. If Municipality vacates or consents to the vacation of Public Right-of-Way within its jurisdiction, and such vacation necessitates the removal and relocation of Company's Facilities in the vacated Public Right-of-Way, Company shall, as a condition of this Permit, consent to the vacation and remove its Facilities at its sole cost and expense when ordered to do so by Municipality or a court of competent jurisdiction. Company shall relocate its Facilities to such alternate route as Municipality and Company mutually agree, applying reasonable engineering standards.
- 4.10 Relocation. If Municipality requests Company to relocate, protect, support, disconnect, or remove its Facilities because of street or utility work, or other public projects, Company shall relocate, protect, support, disconnect, or remove its Facilities, at its sole cost and expense, including where necessary to such alternate route as Municipality and Company mutually agree, applying reasonable engineering standards. However, If the Municipality requires Company to remove, alter, change, adapt or conform its Facilities to enable any non-governmental third party entity to use, or to use with greater convenience, any Public Right-of-Way, Company shall not be required to make any such changes until the third party has undertaken, with solvent bond, to reimburse Company for any loss and expenses which will be caused by or arise out of such removal, alteration, change, adaption or conformance of Company's Facilities. The work shall be completed within a reasonable time period.
- 4.11 Public Emergency. Municipality shall have the right to sever, disrupt, dig-up or otherwise destroy Facilities of Company if such action is necessary because of a public emergency. If reasonable to do so under the circumstances, Municipality shall attempt to provide notice to Company. Public emergency shall be any condition which poses an immediate threat to life, health, or property caused by any natural or man-made disaster, including, but not limited to, storms, floods, fire, accidents, explosions, water main breaks, hazardous material spills, etc. Company shall be responsible for repair at its sole cost and expense of any of its Facilities damaged pursuant to any such action taken by Municipality.
- 4.12 Miss Dig. If eligible to join, Company shall subscribe to and be a member of "MISS DIG," the association of utilities formed pursuant to Act 53 of the Public Acts of

1974, as amended, MCL § 460.701 et seq., and shall conduct its business in conformance with the statutory provisions and regulations promulgated thereunder.

- 4.13 Underground Relocation. If Company has its Facilities on poles of Consumers Energy, Detroit Edison or another electric or telecommunications provider and Consumers Energy, Detroit Edison or such other electric or telecommunications provider relocates its system underground, then Company shall relocate its Facilities underground in the same location at Company's sole cost and expense.
- 4.14 Identification. All personnel of Company and its contractors or subcontractors who have as part of their normal duties contact with the general public shall wear on their clothing a clearly visible identification card bearing Company's name, their name and photograph. Company shall account for all identification cards at all times. Every service vehicle of Company and its contractors or subcontractors shall be clearly identified as such to the public, such as by a magnetic sign with Company's name and telephone number.

5 Indemnification

- 5.1 Indemnity. Company shall defend, indemnify, protect, and hold harmless Municipality, its officers, agents, employees, elected and appointed officials, departments, boards, and commissions from any and all claims, losses, liabilities, causes of action, demands, judgments, decrees, proceedings, and expenses of any nature (collectively "claim" for this Part 5) (including, without limitation, attorneys' fees) arising out of or resulting from the acts or omissions of Company, its officers, agents, employees, contractors, successors, or assigns, but only to the extent such acts or omissions are related to the Company's use of or installation of facilities in the Public Right-of-Way and only to the extent of the fault or responsibility of Company, its officers, agents, employees, contractors, successors and assigns.
- 5.2 Notice, Cooperation. Municipality shall notify Company promptly in writing of any such claim and the method and means proposed by Municipality for defending or satisfying such claim. Municipality shall cooperate with Company in every reasonable way to facilitate the defense of any such claim. Municipality shall consult with Company respecting the defense and satisfaction of such claim, including the selection and direction of legal counsel.
- 5.3 Settlement. Municipality shall not settle any claim subject to indemnification under this Part 5 without the advance written consent of Company, which consent shall not be unreasonably withheld. Company shall have the right to defend or settle, at its own expense, any claim against Municipality for which Company is responsible hereunder.

6 Insurance

- 6.1 Coverage Required. Prior to beginning any construction in or installation of the Telecommunication Facilities in the Public Right-of-Way, Company shall obtain insurance as set forth below and ~~file certificates~~ make available proof of insurance evidencing same with Municipality. Such insurance shall be maintained in full force and effect until the end of the Term. In the alternative, Company may satisfy this requirement through a program of self-insurance, acceptable to Municipality, by providing reasonable evidence of its financial resources to Municipality. Municipality's acceptance of such self-insurance shall not be unreasonably withheld.
- 6.1.1 Commercial general liability insurance, including Completed Operations Liability, Independent Contractors Liability, Contractual Liability coverage, railroad protective coverage and coverage for property damage from perils of explosion, collapse or damage to underground utilities, commonly known as XCU coverage, in an amount not less than Five Million Dollars (\$5,000,000).
- 6.1.2 Liability insurance for sudden and accidental environmental contamination with minimum limits of Five Hundred Thousand Dollars (\$500,000) ~~and providing coverage for claims discovered within three (3) years after the term of the policy.~~ Coverage will remain in place for three (3) years after the policy term.
- 6.1.3 Automobile liability insurance in an amount not less than One Million Dollars (\$1,000,000).
- 6.1.4 Workers' compensation and employer's liability insurance with statutory limits, and any applicable Federal insurance of a similar nature.
- 6.1.5 The coverage amounts set forth above may be met by a combination of underlying (primary) and umbrella policies so long as in combination the limits equal or exceed those stated. If more than one insurance policy is purchased to provide the coverage amounts set forth above, then all policies providing coverage limits excess to the primary policy shall provide drop down coverage to the first dollar of coverage and other contractual obligations of the primary policy, should the primary policy carrier not be able to perform any of its contractual obligations or not be collectible for any of its coverages for any reason during the Term, or (when longer) for as long as coverage could have been available pursuant to the terms and conditions of the primary policy.

- 6.2 Additional Insured. Municipality shall be ~~named~~included as an additional insured on all policies (other than worker's compensation, pollution liability and employer's liability). All insurance policies shall provide that they shall not be canceled, modified or not renewed unless the insurance carrier provides thirty (30) days prior written notice to ~~Municipality~~Company, ten (10) days prior written notice for non-payment of premiums. Company shall provide at least 30 days advanced written notice to Municipality on any required coverage that is cancelled or non-renewed and not replaced. Company shall annually ~~provide~~make available to Municipality ~~with a certificate~~proof of insurance evidencing such coverage. Evidence of Company's insurance is available at www.centurylink.com/moi. All insurance policies (other than environmental contamination, workers' compensation and employer's liability insurance) shall be written on an occurrence basis and not on a claims made basis.
- 6.3 Qualified Insurers. All insurance shall be issued by insurance carriers ~~licensed~~authorized to do business by the State of Michigan or by surplus line carriers on the Michigan Insurance Commission approved list of companies qualified to do business in Michigan. All insurance and surplus line carriers shall be rated ~~A+~~A-VII or better by A.M. Best Company.
- 6.4 Deductibles. ~~If the insurance policies required by this Part 6 are written with retainages or deductibles in excess of \$50,000, they shall be approved by Manager in advance in writing.~~ Company shall indemnify and save harmless Municipality from and against the payment of any deductible and from the payment of any premium on any insurance policy required to be furnished hereunder.
- 6.5 Contractors. Company's contractors and subcontractors working in the Public Right-of-Way shall carry in full force and effect commercial general liability, environmental contamination liability, automobile liability and workers' compensation and employer liability insurance which complies with all terms of this Part 6. In the alternative, Company, at its expense, may provide such coverages for any or all its contractors or subcontractors (such as by adding them to Company's policies).
- 6.6 Insurance Primary. Company's insurance coverage shall be primary insurance with respect to Municipality, its officers, agents, employees, elected and appointed officials, departments, boards, and commissions (collectively "them"). Any insurance or self-insurance maintained by any of them shall be in excess of Company's insurance and shall not contribute to it (where "insurance or self-insurance maintained by any of them" includes any contract or agreement providing any type of indemnification or defense obligation provided to, or for the benefit of them, from any source, and includes any self-insurance program or policy, or self-insured retention or deductible by, for or on behalf of them).

7 Term

7.1 Term. The term ("Term") of this Permit shall be until the earlier of:

- 7.1.1 Fifteen years (15) from the Effective Date; provided, however, that following such initial term there shall be three subsequent renewal terms of five (5) years. Each renewal term shall be automatic unless Municipality notifies Company in writing, at least twelve (12) months prior to the end of any term then in effect, that due to changed circumstances a need exists to negotiate the subsequent renewal with Company. Municipality shall not unreasonably deny a renewal term; or
- 7.1.2 When the Telecommunication Facilities have not been used to provide telecommunications services for a period of one hundred and eighty (180) days by the Company or a successor of an assign of the Company; or
- 7.1.3 When Company, at its election and with or without cause, delivers written notice of termination to Municipality at least one-hundred and eighty (180) days prior to the date of such termination; or
- 7.1.4 Upon either Company or Municipality giving written notice to the other of the occurrence or existence of a default by the other party under Sections 4.8, 6, 8 or 9 of this Permit and such defaulting party failing to cure, or commence good faith efforts to cure, such default within sixty (60) days (or such shorter period of time provided elsewhere in this Permit) after delivery of such notice; or
- 7.1.5 Unless Manager grants a written extension, one year from the Effective Date if prior thereto Company has not started the construction and installation of the Telecommunication Facilities within the Public Right-of-Way and two years from the Effective Date if by such time construction and installation of the Telecommunication Facilities is not complete.

8 Performance Bond or Letter of Credit

- 8.1 Municipal Requirement. Municipality may require Company to post a bond (or letter of credit) as provided in Section 15(3) of the METRO Act, as amended [MCL § 484.3115(3)].

9 Fees

- 9.1 Establishment; Reservation. The METRO Act shall control the establishment of right-of-way fees. The parties reserve their respective rights regarding the nature

and amount of any fees which may be charged by Municipality in connection with the Public Right-of-Way.

10 Removal

- 10.1 Removal: Underground. As soon as practicable after the Term, Company or its successors and assigns shall remove any underground cable or other portions of the Telecommunication Facilities from the Public Right-of-Way which has been installed in such a manner that it can be removed without trenching or other opening of the Public Right-of-Way. Company shall not remove any underground cable or other portions of the Telecommunication Facilities which requires trenching or other opening of the Public Right-of-Way except with the prior written approval of Manager. All removals shall be at Company's sole cost and expense.

10.1.1 For purposes of this Part 10, "cable" means any wire, coaxial cable, fiber optic cable, feed wire or pull wire.

- 10.2 Removal: Above Ground. As soon as practicable after the Term, Company, or its successor or assigns at its sole cost and expense, shall, unless waived in writing by Manager, remove from the Public Right-of-Way all above ground elements of its Telecommunication Facilities, including but not limited to poles, pedestal mounted terminal boxes, and lines attached to or suspended from poles.

- 10.3 Schedule. The schedule and timing of removal shall be subject to approval by Manager. Unless extended by Manager, removal shall be completed not later than twelve (12) months following the Term. Portions of the Telecommunication Facilities in the Public Right-of-Way which are not removed within such time period shall be deemed abandoned and, at the option of Municipality exercised by written notice to Company as set forth in Part 12, title to the portions described in such notice shall vest in Municipality.

- 11 Assignment. Company may assign or transfer its rights under this Permit, or the persons or entities controlling Company may change, in whole or in part, voluntarily, involuntarily, or by operation of law, including by merger or consolidation, change in the ownership or control of Company's business, or by other means, subject to the following:

- 11.1 No such transfer or assignment or change in the control of Company shall be effective under this Permit, without Municipality's prior approval (not to be unreasonably withheld), during the time period from the Effective Date until the completion of the construction of the Telecommunication Facilities in those portions of the Public Right-of-Way identified on Exhibit A.

11.2 After the completion of such construction, Company must provide notice to Municipality of such transfer, assignment or change in control no later than thirty (30) days after such occurrence; provided, however,

11.2.1 Any transferee or assignee of this Permit shall be qualified to perform under its terms and conditions and comply with applicable law; shall be subject to the obligations of this Permit, including responsibility for any defaults which occurred prior to the transfer or assignment; shall supply Municipality with the information required under Section 3.1; and shall comply with any updated insurance and performance bond requirements under Sections 6 and 8 respectively, which Municipality reasonably deems necessary, and

11.2.2 In the event of a change in control, it shall not be to an entity lacking the qualifications to assure Company's ability to perform under the terms and conditions of this Permit and comply with applicable law; and Company shall comply with any updated insurance and performance bond requirements under Sections 6 and 8 respectively, which Municipality reasonably deems necessary.

11.3 Company may grant a security interest in this Permit, its rights thereunder or the Telecommunication Facilities at any time without notifying Municipality.

12 Notices

12.1 Notices. All notices under this Permit shall be given as follows:

12.1.1 If to Municipality, to [address], with a copy to [address].

12.1.2 If to Company, to Level 3 Communications, LLC, NIS/ROW, 1025 Eldorado Blvd., Broomfield, CO 80021 with a copy to General Counsel at 1025 Eldorado Blvd., Broomfield, CO 80021.

12.2 Change of Address. Company and Municipality may change its address or personnel for the receipt of notices at any time by giving notice thereof to the other as set forth above.

13 Other items

13.1 No Cable, OVS. This Permit does not authorize Company to provide commercial cable type services to the public, such as "cable service" or the services of an "open video system operator" (as such terms are defined in the Federal Communications Act of 1934 and implementing regulations, currently 47 U.S.C. §§ 522 (6), 573 and 47 CFR § 76.1500).

- 13.2 Duties. Company shall faithfully perform all duties required by this Permit.
- 13.3 Effective Date. This Permit shall become effective when issued by Municipality and Company has provided any insurance certificates and bonds required in Parts 6 and 8, and signed the acceptance of the Permit.
- 13.4 Authority. This Permit satisfies the requirement for a permit under Section 5 of the METRO Act [MCL 484.3105].
- 13.5 Amendment. Except as set forth in Section 2.1 this Permit may be amended by the written agreement of Municipality and Company.
- 13.6 Interpretation and Severability. The provisions of this Permit shall be liberally construed to protect and preserve the peace, health, safety and welfare of the public, and should any provision or section of this Permit be held unconstitutional, invalid, overbroad or otherwise unenforceable, such determination/holding shall not be construed as affecting the validity of any of the remaining conditions of this Permit. If any provision in this Permit is found to be partially overbroad, unenforceable, or invalid, Company and Municipality may nevertheless enforce such provision to the extent permitted under applicable law.
- 13.7 Governing Law. This Permit shall be governed by the laws of the State of Michigan.

[Municipality name]

Attest:

By: _____
Clerk

By: _____
Its: _____
Date: _____

“Company accepts the Permit granted by Municipality upon the terms and conditions contained therein.”

Level 3 Communications, LLC

By: _____
Danett Kennedy
Its: Senior Manager, NIS
Date: _____

\\ODMA\PCDOCS\GRR\759319\6

Field Code Changed

Exhibit A

Public Right-of-Way to be Used by Telecommunication Facilities



BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN

AGENDA OF: July 19, 2021

AGENDA#

SUBJECT: Proposed Change Order No.3 and Payment Application No. 5 (Final) for the 2018 Pocket Parks Construction Project, M-689.

DEPARTMENT: Technical & Planning/DPW – Engineering *KJY*

SUMMARY: Attached are Proposed Change Order no. 3 and Payment Application No. 5 (Final) for the 2018 Pocket Parks Construction Project, M-689. The proposed Change Order is for additional wiring for a separate circuit at the street lights. This project added pocket parks at the intersections of both Seneca and Sherman at Nine Mile Road. This project is approximately 100% complete.

<u>FINANCIAL STATEMENT:</u>	Original Contract Amount:	\$597,123.72
	Change Order no. 1:	\$ 1,260.00
	Change Order no. 2:	(\$ 33,342.41)
	Proposed Change Order no 3.:	<u>\$ 3,217.20</u>
	New Contract Amount:	\$568,258.51
	Total Completed to Date:	\$568,258.51
	Less Retainage:	\$ 0.00
	Net Earned:	\$568,258.51
	Deductions:	\$ 0.00
	Balance:	\$568,258.51
	Payments to Date:	<u>\$555,041.31</u>
	Amount Due Warren Contractors:	\$ 13,217.20

RECOMMENDED ACTION: It is recommended that Change Order no. 3 for the 2018 Pocket Parks Construction Project, M-689 be approved to Warren Contractors and Development Inc. of Shelby Township, MI for the amount of \$3,217.20 It is further recommended that Payment Application no. 5 (Final) for the same be approved for the amount of \$13,217.20. Funding is available from the Major Street Fund (202-18-479-970), Oakland County Grant, and tax foreclosure revenue for this expenditure.

APPROVALS:

City Manager: ET Department Director: KJY

Director of Finance: _____ Legal: NA

Budgeted: ☐

EXHIBITS: Proposed Change Order no. 3 and Payment Application No. 5 (Final)

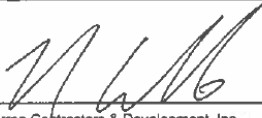
PROJECT: NINE MILE POCKET PARKS PROJECT
OWNER: City of Oak Park, Michigan
CONTRACTOR: Warren Contractors & Development, Inc.
14979 Technology Drive
Shelby Township, MI 48315

JOB NUMBER: M-689
APPLICATION NO.: 5
PERIOD ENDING: 5/10/21
PAGE: 3 of 3

Original Contract Amount: \$597,123.72
Change Order No. 1: \$1,260.00
Change Order No. 2: (\$33,342.41)
Change Order No. 3: \$3,217.20
New Contract Amount: \$568,258.51

Earnings This Period: \$3,217.20
Total Earnings to Date: \$568,258.51
Less Retainage: \$0.00
Net Earned: \$568,258.51
Deductions: \$0.00
Balance: \$568,258.51
Payments to Date: \$555,041.31

Amount Due: \$13,217.20

Accepted By: 
Warren Contractors & Development, Inc.

Date: 5-28-21


Robert Barrett, Director Technical & Planning Services
City of Oak Park, Michigan

Date: 5/28/21

PROJECT: NINE MILE POCKET PARKS PROJECT
 OWNER: City of Oak Park, Michigan
 CONTRACTOR: Warren Contractors & Development, Inc.
 14979 Technology Drive
 Shelby Township, MI 48315

JOB NUMBER: M-589
 APPLICATION NO.: 5
 PERIOD ENDING: 5/10/21
 PAGE: 2 of 3

Item No.	SHERMAN POCKET PARK Description	Original Bid Quantity	Unit	Unit Price	Period Quantity	Period Amount	Quantity To Date	Amount To Date
SITE DEMOLITION								
66	Remove Existing Concrete Pavement	270	SYD	\$ 18.00	0.00	\$0.00	247.34	\$4,452.12
67	Remove Existing Concrete Curb and Gutter	190	LFT	\$ 18.00	0.00	\$0.00	179.00	\$3,222.00
68	Remove Existing Concrete Walk	110	SYD	\$ 18.00	0.00	\$0.00	132.06	\$2,377.44
69	Pavement Sawcutting	80	LFT	\$ 3.00	0.00	\$0.00	109.00	\$327.00
70	General Site Clearing & Grubbing	1	LSUM	\$ 18,000.00	0.00	\$0.00	1.00	\$18,000.00
SITE EARTHWORK								
71	Cut and Fill Allowance	500	CY	\$ 26.00	0.00	\$0.00	0.00	\$0.00
SITE UTILITIES								
72	Site Lighting, Bollards & Wiring	4	EACH	\$ 2,185.00	0.00	\$0.00	4.00	\$8,740.00
73	Site Lighting, aluminum poles & Wiring	4	EACH	\$ 3,500.00	0.00	\$0.00	4.00	\$14,000.00
74	Site Lighting, aluminum poles with GFI & Wiring	4	EACH	\$ 3,840.00	0.00	\$0.00	4.00	\$15,360.00
75	Site Lighting, aluminum poles with GFI (2) & Wiring	2	EACH	\$ 4,240.00	0.00	\$0.00	2.00	\$8,480.00
76	Accent Lighting, fixture & Wiring	2	EACH	\$ 3,292.00	0.00	\$0.00	2.00	\$6,584.00
77	Site Lighting, String Lights	195	LFT	\$ 45.00	0.00	\$0.00	195.00	\$8,775.00
78	Hand Hole	1	EACH	\$ 1,561.00	0.00	\$0.00	1.00	\$1,561.00
79	Electrical Conduit (1" including trenching) & backfill	160	LFT	\$ 10.00	0.00	\$0.00	174.50	\$1,745.00
80	Electrical Conduit (2" including trenching) & backfill	35	LFT	\$ 27.00	0.00	\$0.00	139.00	\$3,753.00
81	Proposed Utility Frame/Meter Stand	1	LSUM	\$ 10,150.00	0.00	\$0.00	1.00	\$10,150.00
82	DTE Service Connection	1	ALLOW	\$ 500.00	0.00	\$0.00	1.44	\$720.00
SITE HARDSCAPE								
83	Concrete Curb, Straight (C.O.C STD. DWG 2009)	25	LFT	\$ 50.00	0.00	\$0.00	21.99	\$1,090.00
84	Steps	8	SFT	\$ 500.00	0.00	\$0.00	8.00	\$4,000.00
85	Standard Concrete Pavement (4" Concrete, 4" Compacted Aggregate)	335	SFT	\$ 7.00	0.00	\$0.00	355.29	\$2,487.03
86	Decorative Concrete Pavement (4" Concrete, 4" Compacted Aggregate)	2069	SFT	\$ 16.00	0.00	\$0.00	2,053.93	\$32,862.88
87	Clay brick Pavers	200	SFT	\$ 37.40	0.00	\$0.00	196.00	\$7,330.40
88	Paver Edge Restraint	14	LFT	\$ 55.00	0.00	\$0.00	14.00	\$770.00
STRUCTURES/FURNISHINGS								
89	Entry Signage	1	LSUM	\$ 11,100.00	0.00	\$0.00	1.00	\$11,100.00
90	Concrete Seat wall (24" Ht.)	75	LFT	\$ 450.00	0.00	\$0.00	75.08	\$33,785.00
91	Bench	2	EACH	\$ 2,160.00	0.00	\$0.00	2.00	\$4,320.00
92	Bench, Install Only	2	EACH	\$ 160.00	0.00	\$0.00	2.00	\$320.00
93	Bike Rack, Install Only	2	EACH	\$ 160.00	0.00	\$0.00	0.00	\$0.00
94	Chess game Set	1	EACH	\$ 1,200.00	0.00	\$0.00	1.00	\$1,200.00
95	Comhole Board Set	2	EACH	\$ 2,980.00	0.00	\$0.00	2.00	\$5,960.00
96	Pet Waste Station	1	EACH	\$ 1,500.00	0.00	\$0.00	1.00	\$1,500.00
97	Planter Pot, Install only	3	EACH	\$ 160.00	0.00	\$0.00	0.00	\$0.00
98	Tables & Chairs, Install Only	3	EACH	\$ 80.00	0.00	\$0.00	0.00	\$0.00
99	Trash receptacle, Install Only	2	EACH	\$ 160.00	0.00	\$0.00	2.00	\$320.00
SITE LANDSCAPING & SOFTSCAPE								
100	Deciduous Tree - Ivory Silk Tree Lilac (2.5" Cal.)	2	EACH	\$ 465.00	0.00	\$0.00	2.00	\$930.00
101	Deciduous Tree - Firespire Hornbeam (2.5" Cal.)	2	EACH	\$ 465.00	0.00	\$0.00	2.00	\$930.00
102	Deciduous Tree - Street Keeper honeylocust (2.5" Cal.)	2	EACH	\$ 465.00	0.00	\$0.00	2.00	\$930.00
103	Shrub - Kelsey Dwarf Dogwood	40	EACH	\$ 50.00	0.00	\$0.00	39.00	\$1,950.00
104	Shrub - Hetsi Columnaris Juniper	10	EACH	\$ 110.00	0.00	\$0.00	10.00	\$1,100.00
105	Shrub - Little Princess Spirea	32	EACH	\$ 49.00	0.00	\$0.00	32.00	\$1,568.00
106	Grass - Variegated Lyturf	134	EACH	\$ 12.00	0.00	\$0.00	155.00	\$1,860.00
107	Ground Cover - Green Sheen Pachysandra	220	EACH	\$ 11.00	0.00	\$0.00	220.00	\$2,420.00
108	Synthetic Lawn	805	SFT	\$ 12.00	0.00	\$0.00	652.50	\$7,830.00
109	Mulch (3" Shredded Hardwood)	11	CY	\$ 61.00	0.00	\$0.00	8.00	\$488.00
110	Steel Edging	100	LFT	\$ 18.00	0.00	\$0.00	73.00	\$1,314.00
111	Planting Soil Mixture	44	CY	\$ 35.00	0.00	\$0.00	16.09	\$563.15
SESC								
112	Erosion Control, Silt fence	1116	LFT	\$ 5.50	0.00	\$0.00	0.00	\$0.00
MAINTENANCE OF TRAFFIC								
113	Mobilization	1	LSUM	\$ 28,000.00	0.00	\$0.00	1.00	\$28,000.00
114	Channelizing Device, 42" Fun.	10	EACH	\$ 23.00	0.00	\$0.00	10.00	\$230.00
115	Channelizing Device, 42" Oper.	10	EACH	\$ 0.01	0.00	\$0.00	10.00	\$0.10
116	Barcade, Type II, High intensity, Fun.	10	EACH	\$ 93.50	0.00	\$0.00	10.00	\$935.00
117	Barcade, Type II, High intensity, Oper.	10	EACH	\$ 0.01	0.00	\$0.00	10.00	\$0.10
118	Sign, Type B, Temp, Prismatic, Fun.	46	SFT	\$ 7.20	0.00	\$0.00	46.00	\$334.20
119	Sign, Type B, Temp, Prismatic, Oper.	46	SFT	\$ 0.01	0.00	\$0.00	46.00	\$0.46
120	Pedestrian Type II Barcade, Temp	2	EACH	\$ 193.50	0.00	\$0.00	2.00	\$387.00
121	Pedestrian Type II Channelizer, Temp	50	LFT	\$ 33.00	0.00	\$0.00	50.00	\$1,650.00
122	Minor Traffic Devices	1	LSUM	\$ 2,000.00	0.00	\$0.00	1.00	\$2,000.00
123	Additional Wiring for Separate Circuit	0	LSUM	\$ 3,217.20	1.00	\$3,217.20	1.00	\$3,217.20

\$3,217.20

\$273,650.08

CHANGE ORDER

PROJECT: NINE MILE POCKET PARKS PROJECT JOB NUMBER: M-689
 OWNER: CITY OF OAK PARK, MICHIGAN CHANGE ORDER NO.: 3
 CONTRACTOR: WARREN CONTRACTORS & DEVELOPMENT, INC. PAGE: 1
 14979 TECHNOLOGY DRIVE
 SHELBY TOWNSHIP, MI 48315

TO THE CONTRACTOR:

You are hereby directed to comply with the changes/extras to the contract documents.
 This change order reflects work completed or anticipated. Further documentation supporting these changes is on file with the City Engineer.

SENECA/SHERMAN POCKET PARK

THE FOLLOWING ITEMS AND OR CONTRACT UNITS PRICES SHALL BE ADDED TO THE CONTRACT AMOUNT

Item No.	Description	Original Bid Quantity	Unit	Unit Price	Increased Quantity	Quantity to Date	TOTAL Amount
123	Additional Wiring for Separate Circuit	0	LSUM	\$3,217.20	1.00	1.00	\$ 3,217.20
TOTALS							\$ 3,217.20

SUMMARY

Total Increase \$ 3,217.20
 Total for Change Order No. 3: \$ 3,217.20

Contract Amount \$ 597,123.72
 Change Order No. 1: \$ 1,260.00
 Change Order No. 2: \$ (33,342.41)
 Change Order No. 3: \$ 3,217.20
 New Contract Amount: \$ 568,258.51

Warren Contractors & Development, Inc.

Date

Robert Barrett, Director Technical & Planning Services

Date

5-28-21

5/28/21