CITY OF OAK PARK, MICHIGAN
REGULAR COUNCIL MEETING OF THE
38th OAK PARK CITY COUNCIL
July 6, 2020
7:00 PM

MINUTES

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

PRESENT: Mayor McClellan, Mayor Pro Tem Burns, Council Member Radner (left meeting at 8:45 p.m.), Council Member Weiss, Council Member Edgar

ABSENT: None

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

APPROVAL OF AGENDA:

CM-07-182-20 (AGENDA ITEM #3) ADOPTION OF THE AGENDA AS PRESENTED – APPROVED

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

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

MOTION DECLARED ADOPTED

CONSENT AGENDA:

CM-07-183-20 (AGENDA ITEM #5A-C) CONSENT AGENDA - APPROVED

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

A. Regular Council Meeting Minutes of June 15, 2020 **CM-07-184-20**
B. Change Order No. 1 in the amount of ($8,544.19) and Payment Application No. 4 for the total amount of $219,441.41 to Macomb Pipeline & Utilities Company of Sterling Heights, MI for the 2019-20 Water Main Replacement Project, M-704 **CM-07-185-20**
C. Licenses New and Renewals submitted for July 6, 2020 **CM-07-186-20**

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

MOTION DECLARED ADOPTED

RECOGNITION OF VISITING ELECTED OFFICIALS:

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

SPECIAL RECOGNITION/PRESENTATIONS: None

PUBLIC HEARINGS: None

COMMUNICATIONS: None

SPECIAL LICENSES:

CM-07-187-20 (AGENDA ITEM #9A) SPECIAL EVENT REQUEST – NADINE STREET BLOCK PARTY – APPROVED

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

Name	Event	Fee
Mark Phillips 13670 Nadine St.	Nadine Street Blok Party July 18, 2020 5:00 PM – 8:00 PM	Application fee and Signature req. waived

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

MOTION DECLARED ADOPTED

ACCOUNTING REPORTS: **None**

BIDS:

CM-07-188-20 (AGENDA ITEM #11A) REQUEST TO AWARD THE BID FOR THE 2020 DECORATIVE FENCE PROJECT, M-695 TO AMERICAN FENCE CO. OF WARREN, MI IN THE AMOUNT OF $351,850.50 INCLUDING THE ALTERNATE BID - APPROVED

Motion by Weiss, seconded by Burns, CARRIED UNANIMOUSLY, to award the bid for the 2020 Decorative Fence Project, M-695 to American Fence Co. of Warren, MI in the amount of $351,850.50 including the alternate bid.

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

MOTION DECLARED ADOPTED

Assistant City Manager Yee indicated that City Council approved the request to bid the 2020 Decorative Fence Project, M-695 (CM-12-403-19) at their December 16, 2019 regular meeting. This project was bid to include a decorative fence along the south side of Nine Mile Road between Scotia and Rosewood, a security fence at the City Hall complex, a security fence for the 45th District Court, and an alternate bid to replace the fence between City Hall/Public Safety and the

residential area directly behind those facilities. The project was advertised and 16 contractors viewed the contract documents. On June 16, 2020, two bids were received and opened. The low bidder, American Fence Co. of Warren, MI submitted a bid of $306,165.50 ($93,117.76 City Hall complex security, $77,343.62 Court Security, and $135,704.12 Nine Mile Road). Additionally, the alternate bid by American Fence was $45,685.00. American Fence has worked with the City of Oak Park before on the Water Tower Fence and performed great work.

ORDINANCES:

CM-07-189-20 **(AGENDA ITEM #12A) FIRST READING OF AN ORDINANCE TO AMEND SECTION 62-42, CHAPTER 62, ARTICLE II, DIVISION I, BURNING, OF THE CODE OF ORDINANCES, CITY OF OAK PARK THAT WOULD REMOVE THE BROAD PROHIBITION AGAINST OUTDOOR BURNING TO ALLOW RECREATIONAL FIRES AND PORTABLE OUTDOOR FIREPLACES USING CLEAN WOODS AS OTHERWISE PERMITTED BY THE INTERNATIONAL FIRE PROTECTION CODE - FAILED**

Motion by Burns, seconded by Weiss, FAILED, to approve the first reading of an ordinance to amend Section 62-42, Chapter 62, Article II, Division I, Burning, of the Code of Ordinances, City of Oak Park that would remove the broad prohibition against outdoor burning to allow recreational fires and portable outdoor fireplaces using clean woods as otherwise permitted by the International Fire Protection Code.

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

MOTION FAILED

Council debated the subject and there was consensus that the ordinance needed revisions before moving forward therefore the city attorney will draft new language that will be presented at the next meeting.

CITY ATTORNEY: None

CITY MANAGER:

Administration

(AGENDA ITEM #14A) Director VanVleck provided an update on the 2020 Census.

(AGENDA ITEM #14B) Director VanVleck provided an update on three millage renewal proposals that will be found on the August 4, 2020 primary ballot.

CM-07-190-20 **(AGENDA ITEM #14C) REQUEST TO APPROVE AN EMPLOYEE LEASE AGREEMENT WITH THE LIBRARY - APPROVED**

Motion by Weiss, seconded by Burns, CARRIED UNANIMOUSLY, to approve an Employee Lease Agreement with the Library.

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

MOTION DECLARED ADOPTED

The City Administration and the Library Board worked together over the last six months to amend the Employee Lease Agreement between the City and the Library Board of Directors. The Lease outlines the terms under which the Library leases employees from the City for the operation of the Library. The agreement was reviewed and approved by both the City Attorney and the Library Attorney.

CM-07-191-20 (AGENDA ITEM #14D) REQUEST TO APPROVE AN INTERLOCAL AGREEMENT WITH OAKLAND COUNTY FOR CARES ACT FUNDING - APPROVED

Motion by Burns, seconded by Weiss, CARRIED UNANIMOUSLY, to approve an Interlocal Agreement with Oakland County for CARES Act funding.

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

MOTION DECLARED ADOPTED

Director VanVleck explained that Oakland County was a direct recipient of a portion of the CARES Act Funding provided by the Federal Government to assist with relief efforts in relation to the COVID-19 pandemic. County Executive, David Coulter and the Oakland County Board of Commissioners are allocating $30 million of the funds they received to local cities, villages and townships to remediate the impact of the COVID-19 pandemic in Oakland County Communities. She explained further that the distribution of funds is on a rolling basis, and all expenditures must meet the guidance established by the U.S. Treasury Department, and Oakland County. The City will be applying for these funds to seek reimbursement for many of the costs expended to keep staff and residents safe during the pandemic. In order to receive funds, the City must have an interlocal agreement in place.

City Clerk

CM-07-192-20 (AGENDA ITEM #14E) REQUEST TO APPROVE AN INTERLOCAL AGREEMENT WITH OAKLAND COUNTY FOR ABSENTEE VOTER (AV) BALLOT COUNTING SERVICES - APPROVED

Motion by Weiss, seconded by Burns, CARRIED UNANIMOUSLY, to approve an Interlocal Agreement with Oakland County for Absentee Voter (AV) Ballot Counting Services.

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

MOTION DECLARED ADOPTED

City Clerk Norris explained that recent election legislation was enacted that allows Oakland County to assist their municipalities with counting Absent Voter Ballots. The city would need to enter into an agreement with Oakland County to perform this service for the August 4, 2020 and would be good for all future elections. There is no cost for this service at this time.

Economic Development and Communications

CM-07-193-20 **(AGENDA ITEM #14F) REQUEST TO APPROVE A FAÇADE IMPROVEMENT GRANT TO SFT FOOD (BROWNDOG CREAMERY), 12930 CAPITAL AVE., FOR 50% OF THE PROJECT COSTS NOT TO EXCEED $1,830.02 - APPROVED**

Motion by Burns, seconded by Weiss, CARRIED UNANIMOUSLY, to approve a façade improvement grant to SFT Food (Browndog Creamery), 12930 Capital Ave., for 50% of the project costs not to exceed $1,830.02 and to utilize funds from the 2019-20 fiscal year.

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

MOTION DECLARED ADOPTED

CM-07-194-20 **(AGENDA ITEM #14G) REQUEST TO APPROVE A FAÇADE IMPROVEMENT GRANT TO BLUE WATER PROPERTIES, 14721 ELEVEN MILE, FOR 50% OF THE PROJECT COSTS NOT TO EXCEED $1,395.00 - APPROVED**

Motion by Burns, seconded by Radner, CARRIED UNANIMOUSLY, to approve a façade improvement grant to Blue Water Properties, 14721 Eleven Mile, for 50% of the project costs not to exceed $1,395.00.

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

MOTION DECLARED ADOPTED

Department of Public Works

CM-07-195-20 **(AGENDA ITEM #14H) REQUEST TO REQUEST TO AUTHORIZE THE PUBLIC WORKS DEPARTMENT TO PARTICIPATE IN THE OAKLAND COUNTY PURCHASING BID FOR THE PURCHASE OF 700 NEPTUNE R900 WATER METER REMOTE RADIO READING DEVICES AT $83.25 EACH ($58,275.00 TOTAL) - APPROVED**

Motion by Burns, seconded by Weiss, CARRIED UNANIMOUSLY, to authorize the Public Works Department to participate in the Oakland County Purchasing bid for the purchase of 700 Neptune R900 water meter remote radio reading devices at $83.25 each ($58,275.00 total).

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

MOTION DECLARED ADOPTED

Assistant City Manager Yee summarized the request to participate in the Oakland County Purchasing bid for the purchase of water meter remote radio reading devices. The radio reading devices will replace the older versions that have been failing. This purchase will complete the replacement program.

CM-07-196-20 **(AGENDA ITEM #14I) REQUEST TO APPROVE THE CONTRACT EXTENSION OFFER FROM DOETSCH ENVIRONMENTAL SERVICES FOR THE 2020 SEWER CLEANING AND INSPECTION CONTRACT, M-716 FOR THE TOTAL AMOUNT OF $190,375.00 - APPROVED**

Motion by Burns, seconded by Edgar, CARRIED UNANIMOUSLY, to approve an Interlocal Agreement with Oakland County for Absentee Voter (AV) Ballot Counting Services.

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

MOTION DECLARED ADOPTED

Mr. Yee summarized the request from Doetsch Environmental Services for a contract extension of the 2019 Sewer Cleaning and Inspection Contract, M-700. They would like to execute a one (1) year extension of their unit prices from this project to perform the 2020 Sewer Cleaning and Inspection Contract, M-716. The contract allowed for one - one (1) year extension. This project will clean, inspect and grade pipes throughout specific areas of the City.

CM-07-197-20 **(AGENDA ITEM #14J) REQUEST TO APPROVE THE CONTRACT EXTENSION OFFER FROM MATTIOLI CEMENT CO. LLC FOR THE 2020-2021 MISCELLANEOUS CONCRETE CONTRACT, M-714 FOR A TOTAL AMOUNT OF $399,999.42 - APPROVED**

Motion by Burns, seconded by Weiss, CARRIED UNANIMOUSLY, to approve the contract extension offer from Mattioli Cement Co. LLC for the 2020-2021 Miscellaneous Concrete Contract, M-714 for a total amount of $399,999.42.

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

MOTION DECLARED ADOPTED

Mr. Yee explained that Mattioli Cement Co. LLC would like to execute a one (1) year extension of their unit prices for a contract extension of the 2019-2020 Miscellaneous Concrete Contract, M-699 to perform the 2020-2021 Miscellaneous Concrete Contract, M-714. This project will replace deteriorated concrete patches throughout the City.

CM-07-198-20 (AGENDA ITEM #14K) REQUEST TO APPROVE CREDITS TO RATE PAYERS FOR STORM WATER MITIGATION - APPROVED

Motion by Burns, seconded by Weiss, CARRIED UNANIMOUSLY, to approve the following credits to rate payers for storm water mitigation:

Storm Water Rate Reduction Credits

Credits for Residential and Commercial Properties – Permit Fee $30

All credits shown are the yearly credit. This credit will be shown on your quarterly or monthly bill and will be divided accordingly. Your billing cycle will be the same as the cycle you are currently on.

Rain Barrel credit $50 per year- Installing rain barrels would collect the runoff from rooftops and prevent a portion of it from entering the sewer system.

- Collected rain water should be used for irrigation and watering plants.
- Rain barrels must collect 50% of the runoff coming from the roof of the primary structure.
- They must be a minimum of 35 gallons in size and multiple may be required to meet the 50% requirement.
- They must be properly maintained and the water used on a regular basis for plant watering and other uses.
- If not properly used and maintained the credit will be subject for review.
- The owner must also submit a plan for the location and maintenance/usage of the rain barrel along with the permit application.

Rain Gardens credit $60 per year - Rain gardens, planted with specially selected native vegetation to capture storm water runoff from rooftops and paved areas. Captured runoff percolates into the soils and is used by the plants. The geometry of rain gardens allows for surface water to be held for a period of time as well. Appropriate plant selection is based on soil type as well as the sunlight for the area it will be planted. To qualify for a Rain Garden or Bio-Swale credit, the following requirements must be met.

- At least 50% of the runoff from the roof area must be absorbed.
- The surface area must be at least 100 square feet and a ratio of less than 5:1 impervious area to rain garden area
- Due to the nature of the soil in the City of Oak Park it is recommended that 18 to 24 inches of soil be replaced with a soil mixture of 50% sand, 30% compost and 20% topsoil.
- There must be vegetation to help absorb rainwater.
- A set of plans must be submitted with the permit application showing the location at least 15 feet from the building along with a maintenance plan showing how the homeowner is going to maintain the area after installation.

The Southeast Michigan Council of Governments (SEMCOG) has resources regarding Rain Garden Design. https://www.semcog.org/land

Cistern credit $100 per year- Cisterns can be located above or below ground. While cisterns are similar to rain barrels in function, they are generally more sophisticated in operation, possibly with filtering/treatment

of inflow, pumped outlet, flushing mechanism, level sensors or other controls, and bypass piping. To qualify for a Cistern credit, the following requirements must be met.

- The cistern must be 55 gallons in size and retain at least 50% of runoff from the primary structure.
- This may need to increase dependent upon the size of the structure. The cistern must be watertight, equipped with screens, seals or other appurtenances to prevent mosquitos from entering or algae growth.
- Drawings showing the proposed roof area to be collected, the location at least 10 feet away from the building and a schedule of maintenance must accompany the permit application.
- Plumbing and electric permits may be required from the Building Department.

Infiltration Trench and Dry Wells credit $100 per year - Infiltration trenches and dry wells capture storm water runoff from rooftops and paved areas. Captured runoff infiltrates into the soils, thereby reducing the amount that enters the sewer system. Dry wells and infiltration trenches are buried, perforated structures or pipes surrounded by high porosity stone encapsulated by filter fabric. These features rely solely on the infiltration capacity of the soils, and may not be appropriate in areas with poorly draining soils or shallow water table. To qualify for an Infiltration Trench or Dry Well credit, the following requirements must be met.

- 50% of the runoff from the primary structure must be collected.
- Dry wells must be at least 3 feet deep and possibly deeper depending on the type of soil.
- Infiltration trenches can vary in size but the ratio of the area of the impervious area being collected to the area of the trench must not exceed 5:1.
- Dry wells must accommodate 55 gallons of runoff. Wells and trenches must be lined with filter fabric and backfilled up to 6 to 12 inches from final grade with porous stone having at least 40% porosity.
- Test results must accommodate all stone placement.
- A plan showing the location at least 15 feet from the foundation of the building along with a schedule of maintenance must come with the permit application.

Pervious Pavement credit $10 per 100 square feet per year - Pervious pavement with infiltration beds captures storm water runoff from rooftops and paved areas. Captured runoff infiltrates into the soils, thereby reducing the amount that enters the sewer system. Pervious pavement examples include asphalt, concrete, pavers, or reinforced grass/gravel. These features rely solely on the infiltration capacity of the soils, and may not be appropriate in areas with poorly draining soils or shallow water table. To qualify for the credit, the following requirements must be met.

- The pervious pavement being placed must replace previously existing impervious area.
- The credit is only for every 100 square feet of placement and no partial credits will be given.
- Due to the nature of the soils in Oak Park, porous stone base must be installed 6 inches thick, and may need to be installed 12 to 36 inches to provide adequate pavement strength for vehicular traffic and temporary storage volume to promote infiltration.
- The porous stone base must come with test results showing the porosity of the stone being greater than 40%.
- The owner must consider the following maintenance schedule to maintain its effectiveness. Pavement vacuuming twice per year in the spring and fall to clean out the pavement pores. Maintain all greenbelt areas adjacent to the pavement. Immediately clean pavement if dirt is deposited. Re–seeding of grass pavers where bare spots appear.
- Whenever the property owner applies for renewal of a pervious pavement credit, proof of past maintenance must be shown in order for the extension to be granted. Proof examples are receipts and test results.
- A plan with the location of the area being shown 10 feet or greater from buildings with basements or foundations as well as the proposed maintenance schedule must be submitted with the plans.

SEMCOG has more resources available regarding pervious pavement: https://www.semcog.org/land

Credits for Commercial Properties Only – Permit Fee Subject to Size of Project

Bio-Swales credit $40 per 400 square feet of impervious runoff collected per year - Bio-swales, are surface depressions planted with specially selected native vegetation to capture storm water runoff from rooftops and paved areas. Captured runoff percolates into the soils and is used by the plants. The geometry of bio-swales allows for surface water to be held for a period of time as well. Appropriate plant selection is based on soil type as well as the sunlight for the area it will be planted. To qualify for a Bio-Swale credit, the following requirements must be met.

- At least 400 square feet of the impervious runoff area must be absorbed.
- The credit may increase dependent upon the size of the bio-swale and the area of runoff that is collected.
- The surface area must be at least 100 square feet and a ratio of less than 4:1 impervious area to bio-swale area.
- The depth must be at least 3 inches for a bio-swale and have a maximum depth of 12 inches.
- A percolation test must be performed at the conclusion of the installation.
- Due to the nature of the soil in the City of Oak Park it is recommended that 18 to 24 inches of soil be replaced with a soil mixture of 50% sand, 30% compost and 20% topsoil.
- There must be vegetation to help absorb rainwater.
- A set of plans must be submitted with the permit application showing the location at least 15 feet from the building along with a maintenance plan showing how the homeowner is going to maintain the area after installation.

Green Infrastructure Building Improvements - A building permit must be pulled and all improvements must comply with the Michigan Building Code. https://www.semcog.org/land

Detention Ponds (100% of storm water remains on property, no outlet or runoff) – A Land Improvement Permit must be pulled and all improvements must comply with Engineering requirements with test results provided. All detention ponds must be designed to capture the results of a 10 year rain event. The whole property need not be collected but a reduction will only be given for the area collected.

Ideas for items that may lower costs for storm water can be found in the LID Manual provided by SEMCOG. https://www.semcog.org/land

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

MOTION DECLARED ADOPTED

Director of Technical and Planning Barrett discussed how Oak Park has changed the way sewer rates are charged to residents by separating the sanitary sewer and storm sewer charges. Other communities have offered credits to rate payers for installing storm water mitigation measures on their property. After reviewing these credits, the Engineering Department is proposing permit fees and credits for different storm water reduction methods. These fees and credits are based on the inspection time, the amount of storm water reduction to the system as well as the cost to implement and maintain the measure.

CLOSED SESSION

Pursuant to Section 8 of the Open Meetings Act to discuss attorney-client privileged communication and pending litigation regarding Tina Polk, et al. vs. City of Oak Park **(Not needed)**

APPROVAL OF CLOSED SESSION MINUTES (Not needed)

ADDITIONAL CITY COUNCIL BUSINESS IF NEEDED (Not needed)

ADJOURNMENT:

There being no further business to come before the City Council, Mayor McClellan adjourned the meeting at 9:30 P.M.

T. Edwin Norris, City Clerk

Marian McClellan, Mayor