Oak Park

City Council Agenda

July 5, 2022

AGENDA
REGULAR CITY COUNCIL MEETING
39th CITY COUNCIL
OAK PARK, MICHIGAN
June 20, 2022
7:00 PM

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1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. APPROVAL OF AGENDA

5. 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 June 20, 2022
B. Request to approve payment of an invoice from OHM Advisors for 8 Mile Booster Station Rehabilitation and Nine Mile Road Design Engineering in the amount of $25,817.00.00
C. Recycling and Environmental Conservation Commission Meeting Minutes of May 19, 2022
D. Request to declare listed vehicles surplus and sold by sealed bid, public auction, or disposal at the lowest expense to the city in accordance with city policy
E. Licenses New and Renewals submitted for July 5, 2022

6. RECOGNITION OF VISITING ELECTED OFFICIALS

7. SPECIAL RECOGNITION/PRESENTATIONS:

A. Special Gift Presentation by Steve Gold
B. GovQA Relaunch Presentation

8. PUBLIC HEARINGS: None

9. COMMUNICATIONS: None

10. SPECIAL LICENSES: None

11. ACCOUNTING REPORTS: None

12. BIDS: None

13. ORDINANCES:

A. First reading of an ordinance to amend Chapter 6, Alcoholic Liquors, Article III, Regulation of On-the-Premises Consumption, of the Code of Ordinances of the City of Oak Park, Michigan, by amending Sections 6-52, 6-54, 6-55, 6-56, 6-58, 6-59, and 6-68 thereof

14. CITY ATTORNEY:

15. CITY MANAGER:

Administration

A. Request to authorize the City Manager to negotiate a pilot e-scooter program agreement with Bird Ride Inc.

Economic Development

B. Resolution approving purchase of tax foreclosed properties

Recreation

C. Request to approve a Swimming Pool Use Agreement between the City of Oak Park and the City of Southfield subject to final review by the city attorney

16. 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.

17. CALL TO THE COUNCIL

18. 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
39th OAK PARK CITY COUNCIL
June 20, 2022
7:00 PM

MINUTES

The meeting was called to order at 7:00 PM by Mayor Pro Tem Edgar in the Council Chambers of City Hall located at 14000 Oak Park Boulevard, Oak Park, MI 48237. (248) 691-7544.

PRESENT: Mayor ProTem Edgar, Council Member Radner, Council Member Whitehead

ABSENT: Mayor McClellan, Council Member Burns

OTHERS PRESENT: City Manager Tungate, City Clerk Norris

CONSENT AGENDA:

CM-06-210-22 (AGENDA ITEM #5A-D) CONSENT AGENDA - APPROVED

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

A. Regular City Council Meeting Minutes of June 7, 2022 **CM-06-211-22**
B. Request to approve Payment Application No. 1 for the Nine Mile Linear Park Landscape Project to Santoro Service, LLC of Chesterfield, Michigan in the amount of $49,661.18 **CM-06-212-22**
C. Arts and Cultural Diversity Commission Meeting Minutes of May 12, 2022 **CM-06-213-22**
D. Licenses New and Renewals submitted for June 7, 2022 **CM-06-214-22**

MERCHANT'S LICENSES – June 20, 2022
(Subject to All Departmental Approvals)

NEW MERCHANT	ADDRESS	FEE	BUSINESS TYPE
UNTANGLED HAIR	23059 COOLIDGE	$150.00	HAIR SALON
EVERY BODY KNEADED MASSAGE	25900 GREENFIELD 258	$150.00	MASSAGE THERAPY

RENEWALS (2022)	ADDRESS	FEE	
IMPASTO	12930 CAPITAL AVE	$225.00	FOOD TRUCK
CLOSEOUTS RR US	13240 CAPITAL AVE B	$225.00	WHOLESALE
CAMBRIDGE CHIROPRACTIC	21580 GREENFIELD RD	$225.00	CHIROPRACTIC
CATCH A FADE BARBER	21700 GREENFIELD RD # 115	$225.00	SALON
LOCLIFE DREAD HOT	21700 GREENFIELD RD # 131	$225.00	NATURAL HAIR SALON
TOTAL ONE RESOURCES	23300 GREENFIELD RD # 122	$225.00	COUNSELING SERVICES
HAIRBEAU	23300 GREENFIELD RD # 223	$225.00	HAIR SALON AND HAIR RETAIL
BBQ CENTRAL	25298 GREENFIELD RD	$225.00	BBQ CARRY OUT
ONE STOP CASH ADVANCE	8530 W NINE MILE RD A	$225.00	CASH ADVANCE
OAK PARK MAX CARE PT	12702 W NINE MILE RD	$225.00	THERAPY SERVICES
WALGREENS #5425	13550 W NINE MILE RD	$225.00	RETAIL/PHARMACY

MASSAGE FACILITY LICENSE

NAME	ADDRESS	FEES
EVERY BODY KNEADED MASSAGE FACILITY	25900 GREENFIELD	$400.00

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

MOTION DECLARED ADOPTED

RECOGNITION OF VISITING ELECTED OFFICIALS: None

SPECIAL RECOGNITION/PRESENTATIONS:

(AGENDA ITEM #7A) Special Retirement Recognition for Kevin Yee.

(AGENDA ITEM #7B) GFL Update Presentation. DPW Director DeCoster presented information regarding a new arrangement with our waste hauler GFL that would move the city to a 5 day a week pick-up scheduled to begin July 18, 2022.

PUBLIC HEARINGS: None

COMMUNICATIONS: None

SPECIAL LICENSES:

CM-06-215-22 (AGENDA ITEM #10A) SPECIAL EVENT REQUEST – RENSSELAER BLOCK CLUB – BLOCK PARTY – APPROVED

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

Name	Event	Fee
Rensselaer Block Club. 24221 Rensselaer	Block Party July 16, 2022 5:30 p.m. – 10:00 p.m.	Application fee waived

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

MOTION DECLARED ADOPTED

CM-06-216-22 (AGENDA ITEM #10B) SPECIAL EVENT REQUEST – RADCLIFT PLACE BLOCK CLUB – BLOCK PARTY – APPROVED

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

Name	Event	Fee
Radclift Place Block Club 26071 Radclift Place	Block Party July 10, 2022 11:00 a.m. – 4:00 p.m.	Application fee waived

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

MOTION DECLARED ADOPTED

CM-06-217-22 (AGENDA ITEM #10C) SPECIAL EVENT REQUEST – JANELLE SMITH – GRADUATION GATHERING – APPROVED

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

Name	Event	Fee
Janelle Smith 8611 Troy St.	H.S. Graduation gathering June 25, 2022 3:00 p.m. – 10:00 p.m.	$100 Application fee Paid

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

MOTION DECLARED ADOPTED

CM-06-218-22 (AGENDA ITEM #10D) SPECIAL EVENT REQUEST – UNIQUELY HAND CRAFTS LLC – NETWORKING BUSINESS 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
Uniquely Hand Crafts LLC 21700 Greenfield Rd. #235	Networking Business Event July 3, 2022 2:00 p.m. – 6:00 p.m.	$100 Application fee Paid

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

MOTION DECLARED ADOPTED

CM-06-219-22 (AGENDA ITEM #10E) SPECIAL EVENT REQUEST – UNIQUELY HAND CRAFTS LLC – NETWORKING BUSINESS 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
Uniquely Hand Crafts LLC 21700 Greenfield Rd. #235	Networking Business Event August 28, 2022 2:00 p.m. – 6:00 p.m.	$100 Application fee Paid

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

MOTION DECLARED ADOPTED

ACCOUNTING REPORTS:

CM-06-220-22 **(AGENDA ITEM #11A) APPROVAL FOR PAYMENT OF INVOICES SUBMITTED BY GARAN, LUCOW, MILLER, P.C. FOR LEGAL SERVICES IN THE TOTAL AMOUNT OF $14,523.64 - APPROVED**

Motion by Whitehead, seconded by Radner, CARRIED UNANIMOUSLY, to approve payment of invoice #590083, #590084, and #590085 by Garan, Lucow, Miller P.C., for legal services rendered through May 31, 2022 in the total amount of $14,523.64.

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

MOTION DECLARED ADOPTED

BIDS: None

ORDINANCES:

CM-06-221-22 **(AGENDA ITEM #13A) SECOND READING AND ADOPTIN OF AN ORDINANCE TO AMEND CHAPTER 82, UTILITIES, OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK, MICHIGAN, BY AMENDING SECTION 82-311 THEREOF - APPROVED**

Motion by Radner, seconded by Whitehead, CARRIED UNANIMOUSLY, to approve the second reading and adopt the ordinance to amend Chapter 82, Utilities, of the Code of Ordinances of the City of Oak Park, Michigan, by amending Section 82-311 thereof.

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

MOTION DECLARED ADOPTED

CM-06-222-22 **(AGENDA ITEM #13B) SECOND READING AND ADOPTION OF AN ORDINANCE TO AMEND ARTICLE 2, ZONING DISTRICTS AND ARTICLE 2, APPROVAL PROCEDURES OF APPENDIX A, ZONING CODE OF ORDINANCES OF THE CITY OF OAK PARK BY AMENDING ARTICLE 2, DIVISION 3; ARTICLE 2, DIVISION 4; ARTICLE 5, DIVISION 3 THEREOF - APPROVED**

Motion by Radner, seconded by Whitehead, CARRIED UNANIMOUSLY, to approve the second reading and adopt the ordinance to amend Article 2, Zoning Districts and Article 2, Approval Procedures of Appendix A, Zoning Code of Ordinances of the City of Oak Park by amending Article 2, Division 3; Article 2, Division 4; Article 5, Division 3 thereof.

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

MOTION DECLARED ADOPTED

CITY ATTORNEY: No Report

CITY MANAGER:

Finance

CM-06-223-22 (AGENDA ITEM #15A) RESOLUTION REGARDING FACSIMILE SIGNATURES AT FIDELITY INVESTMENTS FOR RETIREE HEALTH CARE - APPROVED

Motion by Radner, seconded by Whitehead, CARRIED UNANIMOUSLY, to adopt the following resolution approving facsimile signatures at Fidelity Investments for Retiree Health Care:

CITY OF OAK PARK, OAKLAND COUNTY, MICHIGAN

RESOLUTION REGARDING FACSIMILE SIGNATURES AT
FIDELITY INVESTMENTS FOR RETIREE HEALTH CARE

BE IT RESOLVED,

The institution of Fidelity Investments (the "Bank") is hereby authorized and directed to honor as genuine and authorized instruments of the City of Oak Park Employees Retirement System for the Benefit of Oak Park Retirees Health Care any and all checks, drafts or other orders for the payment of money drawn in the name of the City of Oak Park and signed with the Authorized Facsimile(s) of any of the following:

AUTHORIZED TRUSTEES

Name:	Title:
Erik Tungate	City Manager
Saundra Crawford	Director of Finance/Treasurer
Steven Lukasik	Deputy Treasurer
Jamen Winters	Deputy Finance Director

FURTHER RESOLVED, that:

(i) the City of Oak Park assumes full responsibility for any and all payments made by the Bank in reliance upon the Authorized Facsimile of any person or persons named in the foregoing resolution;

(ii) the foregoing resolutions shall be in addition to any other resolutions now on file with the Bank, and that said resolutions shall continue in full force and effect; and

(iii) an official of the City of Oak Park is authorized and directed to deliver to the Bank, a copy of this resolution and specimens of the Authorized Facsimiles of the persons named above.

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

MOTION DECLARED ADOPTED

CM-06-224-22 (AGENDA ITEM #15B) BUDGET AMENDMENT #2022-4 FOR PERIOD ENDING JUNE 30, 2022 - APPROVED

Motion by Radner, seconded by Whitehead, CARRIED UNANIMOUSLY, to adopt the following resolution approving Budget Amendment #2022-4 for period ending June 30, 2022 as follows:

RESOLUTION

NOW, THEREFORE BE IT RESOLVED that the following Budget Amendment #2022-4 is authorized:

	INCREASE (DECREASE)
GENERAL FUND	
REVENUES	
PROPERTY TAXES	$ 182,897
INTERGOVERNMENTAL	388,286
CHARGES FOR SERVICES	40,000
INTEREST INCOME	$ (11,183)
OTHER REVENUE	330,000
TOTAL REVENUES	930,000
EXPENDITURES	
CITY MANAGER	6,000
COMMUNITY & ECONOMIC DEVELOPMENT	7,000
CITY CLERK/ELECTIONS	15,000
FINANCE	100,000
CITY ATTORNEYS-CIVIL AND LABOR	(10,000)
TECHNICAL AND PLANNING	25,000
PUBLIC SAFETY	488,000
PUBLIC WORKS	(5,000)
RECREATION	(31,000)
NON-DEPARTMENTAL	192,000
PUBLIC INFORMATION	(37,000)

TRANSFERS OUT	180,000
TOTAL EXPENDITURES	930,000
Net Increase to Fund Balance	$ -

LIBRARY AUTHORITY FUND	
REVENUES	
PROPERTY TAX	$ 15,571
INTERGOVERNMENTAL	14,429
TOTAL REVENUES	30,000
EXPENDITURES	
SALARIES	9,650
OPERATIONS	20,350
TOTAL EXPENDITURES	30,000
Net Increase to Fund Balance	$

PUBLIC IMPROVEMENT FUND	
REVENUES	
INTEREST INCOME	-
TOTAL REVENUES	-
EXPENDITURES	
TRANSFER OUT	150,000
TOTAL EXPENDITURES	150,000
Net Decrease to Fund Balance	$ (150,000)

PARKS AND RECREATION IMPROVEMENT FUND	
REVENUES	
TRANSFER IN	150,000
TOTAL REVENUES	150,000
EXPENDITURES	
TRANSFER OUT	150,000
TOTAL EXPENDITURES	150,000
Net Decrease to Fund Balance	

Roll Call Vote: Yes: Edgar, Radner, Whitehead
No: None

Absent: McClellan, Burns

MOTION DECLARED ADOPTED

Public Safety

CM-06-225-22 **(AGENDA ITEM #15C) REQUEST TO APPROVE THE EMERGENCY PURCHASE OF A NEW LADDER FIRE TRUCK FROM THE MANUFACTURER SMEAL IN THE AMOUNT OF $1,389,356 AND WAIVE THE COMPETITIVE BID PROCESS - APPROVED**

Motion by Whitehead, seconded by Radner, CARRIED UNANIMOUSLY, to approve the emergency purchase of a new Ladder Fire Truck from the manufacturer Smeal in the amount of $1,389,356 and waive the competitive bid process.

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

MOTION DECLARED ADOPTED

Department of Public Works

CM-06-226-22 **(AGENDA ITEM #15D) REQUEST TO AUTHORIZE THE PUBLIC WORKS DEPARTMENT TO PARTICIPATE IN THE OAKLAND COUNTY PRE-BID CONTRACT FOR VEHICLE PURCHASES TOTALING $69,939.00 - APPROVED**

Motion by Radner, seconded by Whitehead, CARRIED UNANIMOUSLY, to authorize the Public Works Department to participate in the Oakland County pre-bid contract for the following vehicle purchases totaling $69,939.00:

Vehicle:	Department:	Amount: (Pre-Bid Contract)	Account:
2022 Chevrolet Tahoe Police Package	Public Safety	Total Cost: $38,977.00 Upfitting not included (Oakland County #005218)	Motor Pool: 654-18.875.970
2022 Chevrolet Traverse AWD	Public Safety	Total Cost: $30,962.00 (Oakland County #005218))	Motor Pool: 654-18.875.970

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

MOTION DECLARED ADOPTED

Technical & Planning/Engineering

CM-06-227-22 **(AGENDA ITEM #15E) REQUEST TO APPROVE COST SHARING AGREEMENT #21-5458 WITH MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT) FOR THE HOT MIX ASPHALT COLD MILLING AND TWO COURSE OVERLAY ALONG HIGHWAY M-102 (EIGHT MILE ROAD), M-741 AND TO AUTHORIZE CITY MANAGER TUNGATE TO SIGN THE AGREEMENT ON BEHALF OF THE CITY - APPROVED**

Motion by Radner, seconded by Whitehead, CARRIED UNANIMOUSLY, to approve Cost Sharing Agreement #21-5458 with Michigan Department of Transportation (MDOT) for the hot mix asphalt cold milling and two course overlay along Highway M-102 (Eight Mile Road), M-741 and to authorize City Manager Tungate to sign the agreement on behalf of the city.

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

MOTION DECLARED ADOPTED

Administration

CM-06-228-22 **(AGENDA ITEM #15F) REQUEST TO APPROVE THE APPOINTMENT OF CARLA ALLEN TO THE OAK PARK YOUTH ASSISTANCE BOARD - APPROVED**

Motion by Whitehead, seconded by Radner, CARRIED UNANIMOUSLY, to approve the appointment of Carla Allen to the Oak Park Youth Assistance Board.

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

MOTION DECLARED ADOPTED

ADJOURNMENT:

There being no further business to come before the City Council, Mayor Pro Tem Edgar adjourned the meeting at 8:00 P.M.

T. Edwin Norris, City Clerk

Marian McClellan, Mayor

BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN

AGENDA OF: July 5, 2022 **AGENDA #**

SUBJECT: Proposed payment request for Engineering Consulting Services.

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

SUMMARY: Attached is a request for payment for invoices from OHM Advisors for the projects as listed below:

Project	This Period	Prior Billings	To Date	Current Contract	Account Number
8 Mile Booster Station Rehab	$2,740.25	$16,538.00	$19,278.25	$41,800.00	592-18-538-930
Nine Mile Rd Design Engineering	$23,076.75	$18,980.50	$42,057.25	$161,500.00	202-18-479-801
Totals	**$25,817.00**	**$35,518.50**	**$61,335.50**	**$203,300.00**	

RECOMMENDED ACTION: It is recommended that the invoices from OHM Advisors for the above listed projects be approved for the total amount of $25,817.00. Funding is available in the above listed accounts.

APPROVALS:

City Manager: _____ET_____ Department Director:_____*RMB*_____

Finance Director: _____SC_____ City Attorney: __N/A_____

Budgeted X

EXHIBITS: Invoices

REMIT TO:
OHM Advisors
34000 Plymouth Road
Livonia, MI 48150
T 734.522.6711
F 734.522.6427
OHM-Advisors.com

OHM Advancing Communities®

INVOICE

CITY OF OAK PARK
Attn: Kara Grisamer, City Engineer
10600 Capital Ave.
Oak Park, MI 48237

Invoice Date: 06/16/2022
Invoice #: 52159
Project: 0037220030

Project Name: 8 Mile Booster Station Rehab – Phase I

For Professional Services Rendered Through: June 04, 2022

Professional Services

Description	*Fee*	*Prior Billed*	*Total Available*	*Current Billing*
Engineering Design	$19,500.00	$16,538.00	$2,962.00	$2,740.25
Permit & Bidding	$6,000.00	$0.00	$6,000.00	$0.00
Construction Services	$16,300.00	$0.00	$16,300.00	$0.00
Totals	**$41,800.00**	**$16,538.00**	**$25,262.00**	**$2,740.25**

Invoice Total **$2,740.25**

REMIT TO:
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34000 Plymouth Road
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INVOICE

CITY OF OAK PARK
Attn: Kara Grisamer, City Engineer
10600 Capital Ave.
Oak Park, MI 48237

Invoice Date: 06/16/2022
Invoice #: 52159
Project: 0037220030

Project Name: 8 Mile Booster Station Rehab – Phase I

Engineering Design
Professional Services

	Hours	*Rate*	*Amount*
Associate	.50	187.00	$93.50
Graduate Engineer IV	.75	145.00	$108.75
Professional Engineer/Architect IV	13.50	188.00	$2,538.00
Professional Services Subtotal	**14.75**		**$2,740.25**
Engineering Design Total:	**14.75**		**$2,740.25**
Total Backup:	**14.75**		**$2,740.25**

REMIT TO:
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Livonia, MI 48150
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F 734.522.6427
OHM-Advisors.com

OHM Advancing Communities®

INVOICE

CITY OF OAK PARK
Attn: Kara Grisamer, City Engineer
10600 Capital Ave.
Oak Park, MI 48237

Invoice Date: 06/16/2022
Invoice #: 52158
Project: 0037220021

Project Name: 9 Mile Road - Cloverlawn to Republic

For Professional Services Rendered Through: June 04, 2022

Professional Services

Description	*Fee*	*Prior Billed*	*Total Available*	*Current Billing*
9 Mile Road - Cloverlawn to Republic	$161,500.00	$18,980.50	$142,519.50	$23,076.75

Invoice Total **$23,076.75**

REMIT TO:
OHM Advisors
34000 Plymouth Road
Livonia, MI 48150
T 734.522.6711
F 734.522.6427
OHM-Advisors.com

OHM Advancing Communities®

INVOICE

CITY OF OAK PARK
Attn: Kara Grisamer, City Engineer
10600 Capital Ave.
Oak Park, MI 48237

Invoice Date: 06/16/2022
Invoice #: 52158
Project: 0037220021

Project Name: 9 Mile Road - Cloverlawn to Republic

Professional Services

	Hours	*Rate*	*Amount*
Engineering/Architectural Aide	94.50	70.00	$6,615.00
Graduate Engineer II	11.00	135.00	$1,485.00
Professional Engineer/Architect II	79.25	155.00	$12,283.75
Professional Engineer/Architect III	3.00	170.00	$510.00
Sr. Associate	8.50	198.00	$1,683.00
Technician III	4.00	125.00	$500.00
Professional Services Subtotal	**200.25**		**$23,076.75**
Total Backup:	**200.25**		**$23,076.75**

CITY OF OAK PARK
RECYCLING AND ENVIRONMENTAL CONSERVATION COMMISSION
MEETING MINUTES
May 19, 2022

Meeting held at the Community Center at 7:00pm in Room One

1. **THE MEETING WAS CALLED TO ORDER AT 7:09 PM**

2. **ROLL CALL:**

PRESENT: Chairperson Meghan Oesterle, Vice-Chairperson Jonathan Nachman
Commission Members: Clarissa Clemons, Steven Gold, Richard Readus, Al Lewis and Public Works Liaisons David DeCoster and Scott LeMarbe

ABSENT: Commission Member Richard Readus, Council Member Solomon Radner

3. **APPROVAL OF THE AGENDA**

Moved by Steven Gold, seconded by Jonathan Nachman to approve the agenda.

Vote: Yes: All
No: None

MOTION DECLARED ADOPTED

4. **APPROVAL OF MINUTES:**

Motion to approve the minutes of March 17, 2021 by Steven Gold, seconded by Al Lewis.

Vote: Yes: All
No: None

MOTION DECLARED ADOPTED

5. **CONSIDERATION OF OLD BUSINESS**

A. Mayor McClellan was in attendance and gave an update on city issues.

B. Commissions next focus

- Rain barrel seminar –
    i. Need dates for summer seminar – bring to June meeting
- Michigan Native Flower seminar –
    i. Need dates for summer seminar – bring to June meeting

ii. Best time for this seminar is the fall

iii. Tentative date of: August 18, 2022

- Plans for Second Annual Oak Park Clean-up Day.
  i. The Commission does want to have this event again this year.
  ii. Tentative date of September 11, 2022 to coincide with Junk Away
  iii. Maybe speak to the High School

C. SOCRRA Update:

- Dave provided an SOCRRA operational update.
- Electronic Recycling and Paper Shredding Event - June 12, 2022

D. Fourth of July / Fun fest:

- The Recreation Department needs a commitment ASAP if the Commission wants to participate in the parade / fun fest.
  i. There is a will to participate in the Fun Fest
  ii. Does GFL have anything that they could help with?
  iii. Maybe provide give ways like stickers for trash bins or even pens.
  iv. Bring a sign-up sheet to next meeting.
  v. Discuss talking points for points for June meeting.
- Motion to approve participation for Fun Fest by Meghan Oesterle, seconded by Jonathan Nachman.
  i. Vote: Yes: All
  No: None

  MOTION DECLARED ADOPTED
- Motion to $500 in Fun Fest give away items by Meghan Oesterle, seconded by Steven Gold.
  i. Vote: Yes: All
  No: None

  MOTION DECLARED ADOPTED

E. Commission Membership and City Liaison:

- Introduction of Scott LeMarbe

6. NEW BUSINESS

A. The chairperson led a discussion on new topics

- No new topics tonight

7. PUBLIC COMMENTS

- There was no public comment.

8. COMMISSIONER COMMMENTS

- Steven mentioned a community in northern Michigan that sorts plastics with the use of a robot.
- Clarissa enjoyed the lawn care seminar last month. She also asked if we were hiring Code Officers.

9. ADJOURNMENT

Moved by Al Lewis, seconded by Clarissa Clemons to adjourn the meeting at 8:24 pm.

Vote: Yes: All

No: None

MOTION DECLARED ADOPTED

Minutes prepared by David DeCoster

BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN

AGENDA OF: July 5, 2022 **AGENDA #**

SUBJECT: Request authorization to dispose of surplus vehicles / equipment.

DEPARTMENT: Public Works

SUMMARY: The Public Works Department is requesting authorization to have the following vehicles / equipment declared surplus and sold or disposed of in the best interest of the City.

Vehicle	Year	Description	VIN
#103	2008	Ford Explorer	1FMEU73E78UA53790
#400	2010	Ford Fusion	3FAHPOGAOAR178950
#401	1999	GMC Savanna	1GFKG15W5X1102833
#532	2007	GMC Sierra	1GTEK19B07E127936

FINANCIAL STATEMENT: Any funds received would be deposited in account number 402-00.000-673.000 (Sale of Fixed Assets) of the 2021-2022 Budget.

RECOMMENDED ACTION: It is recommended that City Council declare the listed vehicles surplus and sold by sealed bid, public auction, or disposal at the lowest expense to the City in accordance with City policy.

APPROVALS:

City Manager: _____

Department Director: _____

Finance Director: _____

Legal: _____

Budgeted: ☐

EXHIBITS: None

MERCHANT'S LICENSES - JULY 5TH, 2022

(Subject to All Departmental Approvals)

NEW MERCHANT	ADDRESS	FEES	BUSINESS TYPE
HUNTINGTON CLEANERS	13105 CAPITAL AVE	$150.00	WAREHOUSE/STORAGE
SWEEP AMERICA	21430 COOLIDGE	$150.00	STREET/ROADWAY/PARKING LOT SWEEPING
LINCOLN COOLIDGE MARKET	25901 COOLIDGE	$150.00	
DE-TWAH LUXURY EYEWEAR	21700 GREENFIELD 313	$150.00	LUXURY EYEWEAR

RENEWALS FOR 2022	ADDRESS	FEES	BUSINESS TYPE
MELROSE COUTURE	22121 COOLIDGE HWY	$225.00	LADIES CLOTHING
SUNBELT RENTALS	12992 W EIGHT MILE RD	$150.00	CONSTRUCTION EQUIPMENT RENTALS AND GENERAL TOOL SALES
8 MILE ELECTRONICS	13630 W EIGHT MILE RD	$150.00	ELECTRONICS SALES AND REPAIR SHOP
EYECARE4U	23300 GREENFIELD RD # 114	$225.00	OFFICE - RETAIL SALE OF LASH PRODUCTS/APPLICATION OF LASHES
M K BEAUTY SUPPLY	25254 GREENFIELD RD	$225.00	BEAUTY SUPPLY
REMEDY INVEST & FINANCE	25900 GREENFIELD RD # 507	$225.00	OFFICE
DTLR	26130 GREENFIELD RD	$225.00	CLOTHING AND SHOES
LIVE MONDO CREATE RENOVATE	8136 W NINE MILE RD	$225.00	OFFICE

DISCOVERED OPERATING WITHOUT A BL	ADDRESS	FEES	BUSINESS TYPE

[Proposed 7-5-22]

CITY OF OAK PARK
RESOLUTION REGARDING FIRST READING OF PROPOSED AMENDMENTS TO SECTIONS 6-52, 6-54, 6-55, 6-56, 6-58, 6-59, 6-68 TO CHAPTER 6, ARTICLE III, OF THE CODE OF ORDINANCES

At a Regular Meeting of the City Council of the City of Oak Park, Oakland County, Michigan, held at Oak Park City Hall located at 14000 Oak Park Boulevard on Tuesday, July 5, 2022 at 7:00 pm.

Present:

Absent:

The following preamble and resolution was offered by _____ and seconded by _____.

WHEREAS, the City of Oak Park desires to amend sections 6-52, 6-54, 6-55, 6-56, 6-58, 6-59, 6-68 of Chapter 6, Article III, of the Code of Ordinances to ensure consistency with provisions of the zoning ordinance, remove gross revenue requirements for food sales at licensed establishments, allow for Class C liquor licenses within the City, and strengthen the application and review procedures governing Council oversight and approval of these establishments.

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

1. The first reading of the proposed amendments to Sections 6-52, 6-54, 6-55, 6-56, 6-58, 6-59, 6-68 are hereby approved in substantially the form attached hereto.

Roll Call Vote: Yes,
No,
Absent,

RESOLUTION DECLARED ADOPTED

_____
Edwin T. Norris, City Clerk

CITY OF OAK PARK
OAKLAND COUNTY, MICHIGAN

ORDINANCE NO. O-6-_____

AN ORDINANCE TO AMEND CHAPTER 6, ALCOHOLIC LIQUORS, ARTICLE III, REGULATION OF ON-THE-PREMISES CONSUMPTION, OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK, MICHIGAN, BY AMENDING SECTIONS 6-52, 6-54, 6-55, 6-56, 6-58, 6-59, AND 6-68 THEROF

THE CITY OF OAK PARK ORDAINS:

SECTION 1. Chapter 6, Alcoholic Liquors, Article III, Sections 6-52, 6-54, 6-55, 6-56, 6-58, 6-59, and 6-68, regulation of on-the-premises consumption, of the Code of Ordinances of the City of Oak Park is hereby amended to read as follows:

Sec. 6-52. Statement of purpose.

The purpose of this article is to allow the city to establish and administer a policy for the issuance and transfer of any license required by the Michigan Liquor Control Commission (LCC) to sell alcoholic liquor for consumption on the premises while protecting the consumer and the general public, to provide for the enforcement of liquor laws, regulations and ordinances, and to manage the number of alcoholic liquor licenses in the City of Oak Park.

Sec. 6-54. Licensing policy.

(a) No person shall engage in the business of selling alcoholic liquor for consumption on the premises in the City of Oak Park without first obtaining a liquor license, as required by the statutes of the State of Michigan and the City of Oak Park Code of Ordinances.

(b) The city council may establish by resolution the number and type of establishments within the city in which the sale or consumption of alcoholic liquor shall be permitted for consumption on the premises. The number of such establishments may be less, but in no case greater than the number of such establishments permitted by Michigan law.

(c) New licenses and related permits, transfers of ownership of existing licenses, and transfers of licenses into the city shall require the prior approval, and is at the sole discretion of, the city council.

(d) An annual review shall be conducted of all existing licenses and related permits in the City of Oak Park.

(e) No person shall engage in the business of selling alcoholic liquor for consumption on the premises in the City of Oak Park without first obtaining a conditional land use approval, even if such businesses are a permitted use in a given zoning district as required by the Zoning Act and entering into a contract with the City of Oak Park.

(f) Pursuant to the Michigan Liquor Control Code, liquor licenses issued by the Michigan Liquor Control Commission shall expire on April 30 of each year unless a different date is fixed by the commission.

Sec. 6-55. Alcoholic liquor license requirements.

The city council shall not approve any application for a new, a renewal, or transfer into the city of a license to sell alcoholic liquor for consumption on the premises unless the use of the license is in connection with and incidental to a use that requires a license from the Michigan Liquor Control Commission (LCC) for the sale or consumption of beer, wine, or alcoholic beverages on-premises, not including SDD or SDM, and meeting the following requirements and performance standards:

(1) For restaurants serving alcoholic liquor for consumption on the premises the following additional requirements shall apply:

a. There shall at all times be maintained and provided culinary facilities to cook and prepare food, and tables and seating areas to accommodate dining on the premises by not fewer than 20 patrons at any time.

b. Restaurants are required to operate consistent with the hours established by the liquor control commission for such establishments.

(2) For brewpubs serving alcoholic liquor for consumption on the premises the following additional requirements shall apply:

a. There shall at all times be maintained and provided culinary facilities to cook and prepare food, and tables and seating areas to accommodate dining on the premises by not fewer than 20 patrons at any time.

b. Not less than 25 percent of the gross sales of the brewpub annually are derived from the sale of food and nonalcoholic beverages prepared for consumption on the premises as required by the Michigan Liquor Control Commission.

c. Except as otherwise provided in this article, all operations of the facility shall be conducted within a completely enclosed building, except for off-street parking or loading.

d. All truck well, loading dock and loading/truck service areas shall be located and designed to minimize negative impact on adjoining properties.

e. May offer a maximum of two, one-ounce free samples for consumption on the brewpub premises. A consumer shall not be provided more than two samples within a 24-hour period per licensed premises.

(3) For breweries, microbreweries, wineries and distilleries serving alcoholic liquor for consumption on-the-premises the following additional requirements shall apply:

a. Except as otherwise provided in this article, all operations of the facility shall be conducted within a completely enclosed building, except for off-street parking or loading.

b. All truck well, loading dock and loading/truck service areas shall be located and designed to minimize negative impact on adjoining properties.

c. May offer a maximum of two, one-ounce free samples for consumption on the licensed premises. A consumer shall not be provided more than two free samples within a 24-hour period per licensed premises.

(4) For any other alcohol-related uses such as, but not limited to, theaters, markets, or recreation centers seeking to serve alcoholic beverages for consumption on-the-premises, the accessory/secondary use of alcoholic liquor bar area shall not exceed 10% of the total combined square footage of all primary and other secondary uses.

Sec. 6-56. Application for license.

(a) Each applicant for a new license and/or a new related permit, the transfer into the city of a license, or the transfer of ownership of an existing license shall submit to the city clerk an application, on a form provided by the city, containing:

(1) The name and address of the applicant, with age for an individual, as well as for each partnership, the persons entitled to share in the profits thereof; and also, for a corporation, the purpose for which organized, the names and addresses of the officers and directors; and if a majority interest of the stock of such corporation is owned by one person or nominee, the name and address of such person.

(2) The citizenship of the applicant; place of birth; and, if a naturalized citizen, the time and place of naturalization.

(3) The nature or purpose of the applicant's business, and, in the case of a corporation, the object for which it was formed; applicant shall submit copies of business entity's organizational documents.

(4) The length of time the applicant has been engaged in the business of that character, or, in the case of a corporation, the date when its charter was issued.

(5) The location and description of the premises or place of business which is to be operated under such license; applicant shall submit copy of lease, deed, or other proof of applicant's right to use the property.

(6) A form statement whether applicant has operated or made application for a similar or another license on any premises other than described in this application, and the disposition of such license or application.

(7) A form statement as to whether the applicant has ever been convicted of or found responsible for a violation of any federal or state law or administrative rules of the Michigan Liquor Control Commission concerning the manufacture, possession or sale of alcoholic liquor, or similar violation of another state or country or convicted of any felony or misdemeanor, and/or is otherwise disqualified to receive a license by reason of any matter or thing contained in this article or the laws of the State of Michigan.

(8) A form statement that the applicant will not violate any of the laws of the State of Michigan or of the United States or any ordinances of the City of Oak Park or the administrative rules of any regulatory agency in the conduct of its business.

(9) An accurate record and history of any liquor license complaint violations by the applicant, owners or stockholders of applicant, by a corporation or entity the applicant has worked for or had a substantial interest in, or by a parent or subsidiary corporation of the applicant for the immediate preceding five years.

(10) The application shall be accompanied by building and site plans showing the entire structure and premises, and in particular the specific areas where the license is to be utilized. The plans shall demonstrate adequate off-street parking, lighting, refuse disposal facilities, and where appropriate, adequate plans for sound barriers and noise control.

(11) A sample menu for the proposed licensed establishment.

(12) Other information requested on the form provided by the clerk.

Sec. 6-58. Review procedures.

(a) *City clerk processing*. Upon receipt of an application and fee, as provided herein, the clerk shall distribute the application to appropriate departments within the city for certifications necessary for city council approval, as follows:

(1) Certification by the city clerk 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.

(2) Certification by the director of technical and planning services 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.

(3) Certification by the city planner that 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.

(4) Certification by the director of public safety based upon a finding that the proposed licensee or licensees are of good moral character.

(5) Certification by the director of public safety that the proposed licensed premises are in compliance with all applicable fire safety regulations.

(b) *Public hearing.*

(1) When a completed application and fee, including public hearing and notice have been received, the city council shall schedule a public hearing to consider the request for a new license and related permit, the transfer of ownership of an existing license, or the transfer of a license into the city.

(2) Notice of the public hearing shall be provided to all property owners within 300 feet of the proposed establishment, according to the tax records of the city.

(3) The applicant or an authorized representative shall appear at the city council hearing and make a written and/or oral presentation concerning the request.

(c) *Review factors.*

In making its determination pursuant to subsection (e), the city council shall consider whether the applicant's proposal is reasonable when measured against the criteria listed below. For purposes of this review, an "applicant" shall be considered to include all officers, partners, members, and managers of an entity applying for a license.

(1) General information regarding applicants:

a. The applicant's management experience in the alcohol/liquor business.

b. The applicant's general business management experience.

c. The applicant's general business reputation/history.

d. The applicant's financial status and its ability to build and/or operate the proposed facility on which the proposed liquor license is to be located.

e. Past criminal convictions of the applicant for crimes involving moral turpitude, violence or alcoholic liquors.

f. Liquor Control Commission violation history.

g. Non-payment/payment of taxes.

(2) Information related to the facility/building to which the license would apply:

a. The recommendations of the police department, building department, and/or fire department with regard to the proposed facility.

b. Whether the facility to which the proposed liquor license is to be issued complies, or will comply, with the applicable building, plumbing, electrical and fire prevention codes, zoning ordinances applicable in the city.

c. The effects that the business facility to which the proposed license is to be issued would have upon vehicular and pedestrian traffic in the area.

d. The effects that the business facility to which the proposed license is to be issued would have upon the surrounding neighborhood and/or business establishments, including impacts upon residential areas and church and school districts or uses.

e. The availability of utilities to serve the facility.

f. The proximity of the proposed business facility to other similarly situated licensed liquor facilities.

g. The proximity to complementary uses, such as office and commercial development.

h. Availability of adequate parking, taking all circumstances of the location into consideration.

(3) Benefits to community:

a. The effects that the issuance of a license would have upon the economic development of the city or the surrounding area.

b. The effects that the issuance of a license would have on the health, welfare, and safety of the general public. (Public comment at City Council Public Hearing)

c. Whether the applicant has demonstrated a public need or convenience for the issuance of the liquor license for the business facility at the location proposed, taking into consideration the following, together with other factors deemed relevant by the council:

i. The total number of licenses for similar establishments and/or operations in the city, considered both in terms of whether such number of similar establishments is needed and whether there may be a need for other types of establishments that could go unmet if the requested license were granted;

ii. The proximity of the establishment to other licensed liquor establishments, the type of such establishments, whether such other establishments are similar to that proposed, and the anticipated impact of all such determinations;

iii. Whether the proposed location is in an area characterized as developed, redeveloping, or undeveloped, and the anticipated impact of approving the newly proposed establishment in light of such character, taking into consideration the need for any type of additional licensed establishment in the area, and the need the particular type of establishment proposed;

iv. The impact of the establishment on city policing and code enforcement activities;

v. The overall benefits of the proposed establishment to the city;

vi. The overall detriments of the proposed establishment to the city; and

vii. Any other factors that may affect the health, safety, and welfare relative to the need for and/or the convenience of the proposed establishment in the city.

d. The uniqueness of the proposed facility when contrasted against other existing or proposed facilities, and the compatibility of the proposed facility to surrounding architecture and land use.

e. The permanence of the establishment in the community, as evidenced by the prior or proposed contributions to the city or community by the applicant or business, and the extent to which the issuance of the license will assist in the further investment of the applicant or business in the city or the community.

f. The character and extent of investment in improvements to the building, premises, and general area.

g. Whether a proposed licensed premises is part of a mixed-use project with substantial new retail, office, or residential components; the size of the licensed premises relative to the overall project or development.

h. Such other considerations as the council may deem proper, provided such considerations are reasonable under all of the circumstances.

i. Preservation or restoration of historic buildings.

j. Percent of floor area designated to bar area versus dining area.

k. Size of kitchen (square footage) in relation to total square footage of the establishment.

l. Size of dance floor (if any)

m. Size of outdoor service area.

n. Type of character of the establishment, e.g., dining, nightclub, hotel, dance club.

(d) *Restrictions on licenses*. No license shall be approved for:

(1) An applicant or licensee whose license has been revoked for cause.

(2) An applicant, who at the time of application or at renewal of any license issued hereunder, would not qualify or be eligible therefor.

(3) A co-partnership, unless all of the members of such co-partnership shall qualify to obtain a license.

(4) A corporation if any officer, manager or director thereof, or a stock owner or stockholders owning in the aggregate more than five percent of the stock of such corporation, would not be eligible to receive a license hereunder for any reason.

(5) An applicant or licensee whose place of business is or will be conducted by a manager or agent, unless such manager or agent possesses qualifications similar to those required of the applicant or licensee.

(6) An applicant or licensee who has been convicted or found responsible for a violation of any federal or state law or administrative rules of the Michigan Liquor Control Commission concerning the manufacture, possession or sale of alcoholic liquor, or similar violation of another state or country.

(7) An applicant or licensee who does not own the premises for which a license is sought or have a lease therefor for the full period for which the license is issued.

(8) Any law enforcement official or any member of the council, or to any such official having interest in any way, either directly or indirectly, in manufacture, sale or distribution of alcoholic liquor.

(9) An applicant or licensee that has not submitted a site plan free from violations of the applicable building, electrical, mechanical, plumbing, or fire prevention codes, applicable zoning regulations, or applicable public health regulations.

(10) An applicant or licensee that where the city council has determined that the premises do not, or will not reasonably soon after commencement of operations, have adequate off-street parking, lighting, refuse disposal facilities, noise or nuisance control, or such new construction or remodeling as proposed would not be completed.

(11) An applicant or licensee that where the city council has determined that the location proposed for a licensed liquor establishment will have an adverse effect on the community, with consideration given to traffic safety conditions, accessibility to major streets or highways, distance from public or private schools, impact on adjacent residential districts, zoning classifications and the availability of parking.

(12) An applicant or licensee unless a valid conditional land use approval is lawfully maintained for the premises.

(13) An applicant or licensee unless a valid contract has been entered into with the city.

(14) An applicant determined to have been untruthful in the application submitted to the city or to have submitted an application or other documentation with material omissions of fact.

(e) *Approval*. After a 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 of Oak Park 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 a license shall be conditioned on any necessary remodeling or new construction for the use of the license be completed within six months of the action of the city council or the Michigan Liquor Control Commission approving such license, whichever occurs last. Any unusual delay in the completion of such remodeling or construction may subject the license to revocation.

Sec. 6-59. Prohibition on profiteering by Class C liquor license holders.

The city council has determined that profiteering by Class C liquor license holders is contrary to the best interests of the city. Accordingly, in order to prevent profiteering, to the full extent authorized by law, the city council shall not approve the transfer of a Class C liquor license issued as a new license under this chapter within three (3) years of the date of the original issuance of the license. An agreement between the applicant and the city, following recommendation by the city attorney shall be prepared and agreed upon to give effect to this provision prior to final action being taken by the city council on an application. The city council may, but is not required to, excuse the above anti-profiteering limitation for any of the following reasons:

(1) If the license holder is a natural person, he or she dies or becomes incapacitated.

(2) If the license holder is a corporation, the majority shareholder dies or becomes incapacitated, or the corporation dissolves for reasons other than to transfer the license.

(3) If the license holder is a limited liability company, the company dissolves for reasons other than to transfer the license.

(4) The license holder and the proposed license transferee establish that the transfer of the Class C liquor license shall not result in profiteering.

(5) The application of this anti-profiteering limitation will subject the applicant to financial hardship due to no fault of the applicant, such as a change in the business climate, illness or death, labor or supply problems, and/or other factors outside the applicant's control.

The agreement shall provide that, unless excused by the city council as provided above, in the event a license is proposed for transfer within three (3) years from the date of issuance, the applicant agrees that the Michigan Liquor Control Commission shall terminate the license and the city council may approve the issuance of a new license to a new applicant without any compensation to the licensee who placed the license into escrow, and that a licensee waives any property interest in such license upon placement of the license into escrow within such three-year period; provided, however, prior to the approval of such issuance to a new applicant, the person or entity who placed the license into escrow shall be afforded written notice and an opportunity to be heard, and all objections raised at the hearing shall be resolved (at the Michigan Liquor Control Commission or in the circuit court if necessary) prior to issuance of the license to a new applicant.

Sec. 6-68. Soliciting of drinks and fraternizing with customers by employees prohibited.

No person having the management, ownership, or control of any premises wherein any alcoholic beverage is sold for consumption on the premises, shall permit anyone employed in said business to drink alcoholic beverages with, visit or fraternize with any of the patrons of said establishment in said place of business; nor shall any licensee or person having the management, ownership or control of such premises solicit any customer or patron of such place to purchase any alcoholic or nonalcoholic beverage for himself/herself or any other person therein; provided, however, that this provision shall not apply to any waitress, manager or licensee regularly employed on the premises who accepts or serves an order to any customer or patron in the regular course of the individual's employment.

SECTION 2. Severability. No other portion, paragraph or phrase of the Code of Ordinances of the City of Oak Park shall be affected by this ordinance, except as to the above sections and in the event any portion, section or subsection of this ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this ordinance or of the Code of Ordinances of the City of Oak Park.

SECTION 3. Effective Date.

This Ordinance shall take effect ten (10) days from the date of its passage and shall be published as required by the Charter of the City of Oak Park.

MADE, PASSED AND ADOPTED by the Council of the City of Oak Park on this 7th day of July, 2022.

_____ _____

T. EDWIN NORRIS, City Clerk **MARIAN MCCLELLAN, Mayor**

I, T.EDWIN NORRIS, duly authorized Clerk of the City of Oak Park, Michigan do hereby certify that the foregoing Ordinance was adopted by the Council of the City of Oak Park at its regular meeting held on July 7, 2022.

_____

T. EDWIN NORRIS, City Clerk

ARTICLE III. REGULATION OF ON-THE-PREMISES CONSUMPTION

Sec. 6-52. Statement of purpose.

The purpose of this article is to allow the city to establish and administer a policy for the issuance and transfer of any license required by the Michigan Liquor Control Commission (LCC) to sell alcoholic liquor for consumption on the premises while protecting the consumer and the general public, ~~including class C liquor licenses ("class C licenses"), including and those issued to breweries, microbreweries, wineries, distilleries and *brewpubs*, and any related permits,~~ to provide for the enforcement of liquor laws, regulations and ordinances, and to manage the number of alcoholic liquor licenses in the City of Oak Park.

(Ord. No. O-15-615 , § 1, 7-6-15; Ord. No. O-18-673 , § 1, 5-7-18)

Sec. 6-54. Licensing policy.

(a) No person shall engage in the business of selling alcoholic liquor for consumption on the premises in the City of Oak Park without first obtaining a liquor license, as required by the statutes of the State of Michigan and the City of Oak Park Code of Ordinances.

(b) The city council may establish by resolution the number and type of establishments within the city in which the sale or consumption of alcoholic liquor shall be permitted for consumption on the premises. The number of such establishments may be less, but in no case greater than the number of such establishments permitted by Michigan law.

(c) New licenses and related permits, transfers of ownership of existing licenses, and transfers of licenses into the city shall require the prior approval, and is at the sole discretion of, the city council.

(d) An annual review shall be conducted of all existing licenses and related permits in the City of Oak Park.

(e) No person shall engage in the business of selling alcoholic liquor for consumption on the premises in the City of Oak Park without first obtaining a ~~special~~ conditional land use approval, even if such businesses are a permitted use in a given zoning district as required by the Zoning Act and entering into a contract with the City of Oak Park.

(f) Pursuant to the Michigan Liquor Control Code, liquor licenses issued by the Michigan Liquor Control Commission shall expire on April 30 of each year unless a different date is fixed by the commission.

(Ord. No. O-15-615, § 1, 7-6-15; Ord. No. O-16-623 , § 2, 1-19-16)

Sec. 6-55. Alcoholic liquor license requirements.

The city council shall not approve any application for a new, a renewal, or transfer into the city of a license to sell alcoholic liquor for consumption on the premises unless the use of the license is in connection with and incidental to a ~~restaurant operation~~ use that requires a license from the Michigan Liquor Control Commission (LCC) for the sale or consumption of beer, wine, or alcoholic beverages on-premises, not including SDD or SDM, and meeting the following requirements and performance standards:

(1) For restaurants serving alcoholic liquor for consumption on the premises the following additional requirements shall apply:

a. There shall at all times be maintained and provided culinary facilities to cook and prepare food, and tables and seating areas to accommodate dining on the premises by not fewer than 20 patrons at any time.

~~b. Not more than 50 percent of the gross revenues of the establishment will be or is derived from the sale of alcoholic liquor. Sales of food or alcoholic liquor to hotel or motel guests for consumption within their private rooms shall not be considered in determining the percentage ratio of sales to alcoholic beverages.~~

~~c.~~ b. Restaurants are required to operate consistent with the hours established by the liquor control commission for such establishments.

(2) For brewpubs serving alcoholic liquor for consumption on the premises the following additional requirements shall apply:

a. There shall at all times be maintained and provided culinary facilities to cook and prepare food, and tables and seating areas to accommodate dining on the premises by not fewer than 20 patrons at any time.

b. Not less than 25 percent of the gross sales of the brewpub annually are derived from the sale of food and nonalcoholic beverages prepared for consumption on the premises as required by the Michigan Liquor Control Commission.

c. Except as otherwise provided in this article, all operations of the facility shall be conducted within a completely enclosed building, except for off-street parking or loading.

d. All truck well, loading dock and loading/truck service areas shall be located and designed to minimize negative impact on adjoining properties.

e. May offer a maximum of two, one-ounce free samples for ~~consumers from~~ consumption on the brewpub premises. A consumer shall not be provided more than two samples within a 24-hour period per licensed premises.

(3) For breweries, microbreweries, wineries and distilleries serving alcoholic liquor for consumption on-the-premises the following additional requirements shall apply:

~~a. Not more than 40 percent of the gross floor area of the facility shall be used for purposes other than the manufacturing of alcoholic liquor. The area not devoted to manufacturing may be used for the serving of alcohol, food preparation, seating for diners, entertainment, and retail sales. Public restroom facilities shall not be considered in this determination.~~

~~b.~~ a. Except as otherwise provided in this article, all operations of the facility shall be conducted within a completely enclosed building, except for off-street parking or loading.

~~c.~~ b. All truck well, loading dock and loading/truck service areas shall be located and designed to minimize negative impact on adjoining properties.

~~d.~~ c. May offer a maximum of two, one-ounce free samples for consumption on the licensed premises. A consumer shall not be provided more than two free samples within a 24-hour period per licensed premises.

(4) For any other alcohol-related uses such as, but not limited to, theaters, markets, or recreation centers seeking to serve alcoholic beverages for consumption on-the-premises, the accessory/secondary use of alcoholic liquor bar area shall not exceed 10% of the total combined square footage of all primary and other secondary uses.

(Ord. No. O-18-673 , § 1, 5-7-18)

Editor's note(s)—Ord. No. O-18-673, § 1, adopted May 7, 2018 amended § 6-55 in its entirety to read as set out herein. Former § 6-55 pertained to restaurant requirements and derived from Ord. No. O-15-615, § 1, 7-6-15; Ord. No. O-16-623 , § 3, 1-19-16)

Sec. 6-56. Application for license.

(a) Each applicant for a new license and/or a new related permit, the transfer into the city of a license, or the transfer of ownership of an existing license shall submit to the city clerk an application, on a form provided by the city, containing:

(1) The name and address of the applicant, with age for an individual, as well as for each partnership, the persons entitled to share in the profits thereof; and also for a corporation, the purpose for which organized, the names and addresses of the officers and directors; and if a majority interest of the stock of such corporation is owned by one person or nominee, the name and address of such person.

(2) The citizenship of the applicant; place of birth; and, if a naturalized citizen, the time and place of naturalization.

(3) The nature or purpose of the applicant's business, and, in the case of a corporation, the object for which it was formed; applicant shall submit copies of business entity's organizational documents.

(4) The length of time the applicant has been engaged in the business of that character, or, in the case of a corporation, the date when its charter was issued.

(5) The location and description of the premises or place of business which is to be operated under such license; applicant shall submit copy of lease, deed, or other proof of applicant's right to use the property.

(6) A form statement whether applicant has operated or made application for a similar or another license on any premises other than described in this application, and the disposition of such license or application.

(7) A form statement as to whether the applicant has ever been convicted of or found responsible for a violation of any federal or state law or administrative rules of the Michigan Liquor Control Commission concerning the manufacture, possession or sale of alcoholic liquor, or similar violation of another state or country or convicted of any felony or misdemeanor, and/or is otherwise disqualified to receive a license by reason of any matter or thing contained in this article or the laws of the State of Michigan.

(8) A form statement that the applicant will not violate any of the laws of the State of Michigan or of the United States or any ordinances of the City of Oak Park or the administrative rules of any regulatory agency in the conduct of its business.

(9) An accurate record and history of any liquor license complaint violations by the applicant, owners or stockholders of applicant, by a corporation or entity the applicant has worked for or had a substantial interest in, or by a parent or subsidiary corporation of the applicant for the immediate preceding five years.

(10) The application shall be accompanied by building and site plans showing the entire structure and premises, and in particular the specific areas where the license is to be utilized. The plans shall demonstrate adequate off-street parking, lighting, refuse disposal facilities, and where appropriate, adequate plans for sound barriers and noise control.

(11) A sample menu for the proposed licensed establishment~~, together with a breakdown of the anticipated revenues from food and nonalcoholic beverages, alcoholic beverages and other revenues.~~

(12) Other information requested on the form provided by the clerk.

(Ord. No. O-15-615 , § 1, 7-6-15; Ord. No. O-18-673 , § 1, 5-7-18)

Sec. 6-58. Review procedures.

(a) *City clerk processing*. Upon receipt of an application and fee, as provided herein, the clerk shall distribute the application to appropriate departments within the city for certifications necessary for city council approval, as follows:

(1) Certification by the city clerk 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.

(2) Certification by the director of technical and planning services 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.

(3) Certification by the city planner that 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.

(4) Certification by the director of public safety based upon a finding that the proposed licensee or licensees are of good moral character.

(5) Certification by the director of public safety that the proposed licensed premises are in compliance with all applicable fire safety regulations.

(b) *Public hearing.*

(1) When a completed application and fee, including public hearing and notice have been received, the city council shall schedule a public hearing to consider the request for a new license and related permit, the transfer of ownership of an existing license, or the transfer of a license into the city.

(2) Notice of the public hearing shall be provided to all property owners within 300 feet of the proposed establishment, according to the tax records of the city.

(3) The applicant or an authorized representative shall appear at the city council hearing and make a written and/or oral presentation concerning the request.

(c) *Review factors.* ~~In reviewing a request for a new license or related permit, a transfer of ownership of an existing license, or a transfer of a license into the city, the city council may consider and/or weigh the following factors:~~

~~(1) Total number of similar licenses in the city.~~

~~(2) Input from residents and surrounding business owners.~~

~~(3) Impact of the establishment on surrounding businesses and neighborhoods.~~

~~(4) Whether a proposed licensed premises is part of a multi-use project with substantial new retail, office, or residential components, and the size of the proposed licensed premises relative to the overall project or development.~~

~~(5) Crowd control.~~

~~(6) Parking availability.~~

~~(7) Preservation or restoration of historic buildings.~~

~~(8) Location in an underdeveloped area.~~

~~(9) Concentration of establishments and impact on policing requirements.~~

~~(10) Policing requirements.~~

~~(11) Business history.~~

~~(12) Business experience.~~

~~(13) Liquor control commission violation history.~~

~~(14) Percent of floor area devoted to dining versus bar area.~~

~~(15) Size of bar area.~~

~~(16) Overall benefit of the plan to the City of Oak Park.~~

~~(17) Nonpayment of taxes or other payment due to the city.~~

~~(18) Any other factor(s) that may affect the health, safety and welfare or the best interests of the community.~~

In making its determination pursuant to subsection (e), the city council shall consider whether the applicant's proposal is reasonable when measured against the criteria listed below. For purposes of this review, an "applicant" shall be considered to include all officers, partners, members, and managers of an entity applying for a license.

(1) General information regarding applicants:

a. The applicant's management experience in the alcohol/liquor business.

b. The applicant's general business management experience.

c. The applicant's general business reputation/history.

d. The applicant's financial status and its ability to build and/or operate the proposed facility on which the proposed liquor license is to be located.

e. Past criminal convictions of the applicant for crimes involving moral turpitude, violence or alcoholic liquors.

f. Liquor Control Commission violation history.

g. Non-payment/payment of taxes.

(2) Information related to the facility/building to which the license would apply:

a. The recommendations of the police department, building department, and/or fire department with regard to the proposed facility.

b. Whether the facility to which the proposed liquor license is to be issued complies, or will comply, with the applicable building, plumbing, electrical and fire prevention codes, zoning ordinances applicable in the city.

c. The effects that the business facility to which the proposed license is to be issued would have upon vehicular and pedestrian traffic in the area.

d. The effects that the business facility to which the proposed license is to be issued would have upon the surrounding neighborhood and/or business establishments, including impacts upon residential areas and church and school districts or uses.

e. The availability of utilities to serve the facility.

f. The proximity of the proposed business facility to other similarly situated licensed liquor facilities.

g. The proximity to complementary uses, such as office and commercial development.

h. Availability of adequate parking, taking all circumstances of the location into consideration.

(3) Benefits to community:

a. The effects that the issuance of a license would have upon the economic development of the city or the surrounding area.

b. The effects that the issuance of a license would have on the health, welfare, and safety of the general public. (Public comment at City Council Public Hearing)

c. Whether the applicant has demonstrated a public need or convenience for the issuance of the liquor license for the business facility at the location proposed, taking into consideration the following, together with other factors deemed relevant by the council:

i. The total number of licenses for similar establishments and/or operations in the city, considered both in terms of whether such number of similar establishments is needed and whether there may be a need for other types of establishments that could go unmet if the requested license were granted;

ii. The proximity of the establishment to other licensed liquor establishments, the type of such establishments, whether such other establishments are similar to that proposed, and the anticipated impact of all such determinations;

iii. Whether the proposed location is in an area characterized as developed, redeveloping, or undeveloped, and the anticipated impact of approving the newly proposed establishment in light of such character, taking into consideration the need for any type of additional licensed establishment in the area, and the need the particular type of establishment proposed;

iv. The impact of the establishment on city policing and code enforcement activities;

v. The overall benefits of the proposed establishment to the city;

vi. The overall detriments of the proposed establishment to the city; and

vii. Any other factors that may affect the health, safety, and welfare relative to the need for and/or the convenience of the proposed establishment in the city.

d. The uniqueness of the proposed facility when contrasted against other existing or proposed facilities, and the compatibility of the proposed facility to surrounding architecture and land use.

e. The permanence of the establishment in the community, as evidenced by the prior or proposed contributions to the city or community by the applicant or business, and the extent to which the issuance of the license will assist in the further investment of the applicant or business in the city or the community.

f. The character and extent of investment in improvements to the building, premises, and general area.

g. Whether a proposed licensed premises is part of a mixed-use project with substantial new retail, office, or residential components; the size of the licensed premises relative to the overall project or development.

h. Such other considerations as the council may deem proper, provided such considerations are reasonable under all of the circumstances.

i. Preservation or restoration of historic buildings.

j. Percent of floor area designated to bar area versus dining area.

k. Size of kitchen (square footage) in relation to total square footage of the establishment.

l. Size of dance floor (if any)

m. Size of outdoor service area.

n. Type of character of the establishment, e.g., dining, nightclub, hotel, dance club.

(d) *Restrictions on licenses*. No license shall be approved for:

(1) An applicant or licensee whose license has been revoked for cause.

(2) An applicant, who at the time of application or at renewal of any license issued hereunder, would not qualify or be eligible therefor.

(3) A co-partnership, unless all of the members of such co-partnership shall qualify to obtain a license.

(4) A corporation if any officer, manager or director thereof, or a stock owner or stockholders owning in the aggregate more than five percent of the stock of such corporation, would not be eligible to receive a license hereunder for any reason.

(5) An applicant or licensee whose place of business is or will be conducted by a manager or agent, unless such manager or agent possesses qualifications similar to those required of the applicant or licensee.

(6) An applicant or licensee who has been convicted or found responsible for a violation of any federal or state law or administrative rules of the Michigan Liquor Control Commission concerning the manufacture, possession or sale of alcoholic liquor, or similar violation of another state or country.

(7) An applicant or licensee who does not own the premises for which a license is sought or have a lease therefor for the full period for which the license is issued.

(8) Any law enforcement official or any member of the council, or to any such official having interest in any way, either directly or indirectly, in manufacture, sale or distribution of alcoholic liquor.

(9) An applicant or licensee that has not submitted a site plan free from violations of the applicable building, electrical, mechanical, plumbing, or fire prevention codes, applicable zoning regulations, or applicable public health regulations.

(10) An applicant or licensee that where the city council has determined that the premises do not, or will not reasonably soon after commencement of operations, have adequate off-street parking, lighting, refuse disposal facilities, noise or nuisance control, or such new construction or remodeling as proposed would not be completed.

(11) An applicant or licensee that where the city council has determined that the location proposed for a licensed liquor establishment will have an adverse effect on the community, with consideration given to traffic safety conditions, accessibility to major streets or highways, distance from public or private schools, impact on adjacent residential districts, zoning classifications and the availability of parking.

(12) An applicant or licensee unless a valid ~~special~~ conditional land use approval is lawfully maintained for the premises.

(13) An applicant or licensee unless a valid contract has been entered into with the city.

(14) An applicant determined to have been untruthful in the application submitted to the city or to have submitted an application or other documentation with material omissions of fact.

(e) *Approval*. After a 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 of Oak Park 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 a license shall be conditioned on any necessary remodeling or new construction for the use of the license be completed within six months of the action of the city council or the Michigan Liquor Control Commission approving such license, whichever ~~last~~ occurs last. Any unusual delay in the completion of such remodeling or construction may subject the license to revocation.

(Ord. No. O-15-615, § 1, 7-6-15; Ord. No. O-16-623 , § 4, 1-19-16; Ord. No. O-18-673 , § 1, 5-7-18)

Sec. 6-59. Prohibition on profiteering by Class C liquor license holders.

The city council has determined that profiteering by Class C liquor license holders is contrary to the best interests of the city. Accordingly, in order to prevent profiteering, to the full extent authorized by law, the city council shall not approve the transfer of a Class C liquor license issued as a new license under this chapter within three (3) years of the date of the original issuance of the license. An agreement between the applicant and the city, following recommendation by the city attorney shall be prepared and agreed upon to give effect to this provision prior to final action being taken by the city council on an application. The city council may, but is not required to, excuse the above anti-profiteering limitation for any of the following reasons:

(1) If the license holder is a natural person, he or she dies or becomes incapacitated.

(2) If the license holder is a corporation, the majority shareholder dies or becomes incapacitated, or the corporation dissolves for reasons other than to transfer the license.

(3) If the license holder is a limited liability company, the company dissolves for reasons other than to transfer the license.

(4) The license holder and the proposed license transferee establish that the transfer of the Class C liquor license shall not result in profiteering.

(5) The application of this anti-profiteering limitation will subject the applicant to financial hardship due to no fault of the applicant, such as a change in the business climate, illness or death, labor or supply problems, and/or other factors outside the applicant's control.

The agreement shall provide that, unless excused by the city council as provided above, in the event a license is proposed for transfer within three (3) years from the date of issuance, the applicant agrees that the Michigan Liquor Control Commission shall terminate the license and the city council may approve the issuance of a new license to a new applicant without any compensation to the licensee who placed the license into escrow, and that a licensee waives any property interest in such license upon placement of the license into escrow within such three-year period; provided, however, prior to the approval of such issuance to a new applicant, the person or entity who placed the license into escrow shall be afforded written notice and an opportunity to be heard, and all objections raised at the hearing shall be resolved (at the Michigan Liquor Control Commission or in the circuit court if necessary) prior to issuance of the license to a new applicant.

Sec. 6-68. Soliciting of drinks and fraternizing with customers by employees prohibited.

No person having the management, ownership, or control of any premises wherein any alcoholic beverage is sold for consumption on the premises, shall permit anyone employed in said business to drink alcoholic beverages with, visit or fraternize with any of the patrons of said establishment in said place of business; nor shall any licensee or person having the management, ownership or control of such premises solicit any customer or patron of such place to purchase any alcoholic or nonalcoholic beverage for himself/herself or any other person therein; provided, however, that this provision shall not apply to any ~~female~~ waitress, manager or licensee regularly employed on the premises who accepts or serves an order to any customer or patron in the regular course of the individual's ~~her~~ employment.

(Ord. No. O-15-615 , § 1, 7-6-15)

BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN

AGENDA OF: July 5, 2022

SUBJECT: Request to Authorize City Manager to Negotiate Pilot Program Agreement with Bird Ride Inc.

DEPARTMENT: City Manager's Office / Recreation

SUMMARY:
As one of City Council's objectives in the Strategic Plan is "Offer affordable mobility options," staff has been exploring ways to expand mobility options within the community. Shared e-scooters are a popular form of "micromobility" in other communities, and may be an option for expanding affordable mobility options in ours.

At the Council meeting on February 21, 2022 City Council approved a Shared Micromobility Pilot Program Request for Proposals. After approval the City released the Request for Proposals and received one proposal from Bird Rides, Inc. We have reviewed their proposal, as well as pilot program agreements other Michigan communities have in place. Simultaneously, we engaged the public through a survey and Open House hosted in April to gather public feedback to help guide the terms of an agreement. From there, we have created a draft pilot program agreement that has been reviewed and approved by the City attorney.

We are recommending a pilot program of 12-18 months so that we may evaluate the impact of e-scooters in the community throughout the year. Further, we are recommending that Council grant City Manager Erik Tungate approval to negotiate an agreement with Bird Ride Inc. to participate in our pilot program. Attached is the draft pilot agreement.

FINANCIAL STATEMENT: N/A

RECOMMENDED ACTION: It is recommended that City Council authorize City Manager to negotiate pilot program agreement with Bird Ride Inc.

APPROVALS:

City Manager:_____

Department Director: _____

Director of Finance: _____

Budgeted: ☐

EXHIBITS:
Draft Pilot Program Agreement

PILOT OPERATING AGREEMENT

This Pilot Operating Agreement is entered into by and between _____ located at _____ ("Company") and the City of Oak Park located at 14000 Oak Park Blvd., Oak Park, MI 48237.

1. Statement and Purpose.

The purpose of this agreement is to establish interim rules and regulations governing the pilot operation of a shared micromobility device system (the "Pilot") within the City and to ensure that such Pilot is consistent with the safety and well-being of the public, bicyclists, pedestrians and other users of the public rights-of-way.

2. Scope

This agreement applies to any proposed deployment of shared micromobility devices within the City's corporate city limits during the Pilot.

3. Length of Agreement.

This agreement shall commence on _____ and shall remain in effect for a period of one year. This agreement shall automatically terminate upon completion of the Pilot unless extended by City Council.

4. Relationship between the Parties.

The parties agree that each party is a separate and independent entity. This agreement does not establish a joint venture, partnership, employer/employee, or principal/agent relationship.

5. Definitions.

"City" means the City of Oak Park.

"Company" means a company or person that engages in or operates a shared micromobility device business or enterprise.

"Shared micromobility device" means any an electric scooter share program comprised of vehicles tracked by the Company via GPS intended to carry no more than two persons abreast, that is not a motor vehicle or trailer required to be licensed or registered by the state of Michigan, and that is propelled with a single or multiple electric motors.

"Geo-Fencing" means the use of Global Positioning Systems (GPS) or Radio Frequency Identification (RFID) technology to create a virtual geographic boundary, enabling software to trigger a response when a mobile device enters or leaves a particular area.

"Scooter" means a device with no more than two twelve-inch or smaller diameter wheels that has handlebars, is designed to be stood upon by the user and is powered by an electric motor that is capable of propelling the device without human propulsion at a speed no more than fifteen miles per hour on a paved level surface.

"User" means an individual that rents a scooter which is part of a shared micromobility device program on a per trip basis.

6. Procedures

While this agreement is in effect, Company shall be a provider of shared micromobility devices within the City's corporate limits, contingent upon compliance with this agreement.

7. Operating Regulations

a. All scooters must adhere to Michigan vehicle code. Scooters must not be operated on a highway or street with a speed limit of more than 35 miles per hour except to cross that highway or street. When operating on streets with a speed limit of 35 miles per hour or more, scooters must be operated on the sidewalk. Scooters operating on public sidewalks must yield the right of way to pedestrians at all times. Scooters must be operated in bike lanes when available, and are to stay to the right of street travel lanes and yield the right of way to bicycles in bike lanes and on bike or multiuse paths. The City reserves the right upon five (5) business days written notice to Company to limit the use of Scooters in designated areas due to public safety or traffic concerns. Company agrees to geofence scooters from operating in any area designed by the City in which the use of such scooters is prohibited.
b. Company shall provide easily visible contact information, including a phone number and e-mail address on each scooter for City employees or members of the public to make relocation requests or to report other issues with scooters.
c. Company shall begin operations with a maximum fleet size ~~of at least _____~~75 ~~but not more than _____~~scooters. Following approval from ~~written notification to~~ the City, Company is permitted to increase its fleet ~~size~~ size to a maximum of 250 ~~on a regular basis in the event that Company's fleet provides on average more than three rides per scooter per day~~. ~~City may require Company to reduce its fleet size on a monthly basis in the event Company's fleet provides an average less than one half ride per scooter per day. Company will provide data to the City on a monthly basis beginning thirty (30) days from the date of this agreement to allow the City to determine and demonstrate the utilization rate of vehicles in Company's fleet.~~

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8. Parking Guidelines.

a. Users of scooters shall park scooters upright on hard surfaces outside of the pedestrian pathway of sidewalks, beside a bicycle rack or in another area specifically designated for bicycle parking, or on the street next to an unmarked curb. Users may park scooters in on-street parking spaces in the following circumstances:
    i. When parked parking spaces are officially designated stations for such devices;
    ii. In neighborhoods with rolled curbs, or with inadequate sidewalk space; and
    iii. In marked parking spaces designated for motorcycles.

b. Users shall not park scooters in such a manner as to block pedestrian traffic; any fire hydrant, call box, or other emergency facility; bus bench; or utility pole or box (minimum of three (3) feet of accessibility to pedestrian).
c. Users shall not park scooters in such a manner as to impede or interfere with the reasonable use of any commercial window display or access to or from any building.
d. Users shall not park scooters in such a manner as to impede or interfere with the reasonable use of any bicycle rack or news rack.
e. Users shall not park scooters in the area directly adjacent to or within the following areas, such that access is impeded:
    a. Loading zones;
    b. Disabled parking zone;
    c. Street furniture and playground equipment that requires pedestrian access (for example-benches, parking pay stations, bus shelters, transit information signs, etc.)
    d. Curb ramps;
    e. Entryways;
    f. Driveways;
    ~~f.~~g. Transit zones
    ~~g.~~h. Metered parking spaces; or
    ~~h.~~i. Parking spaces with designated time restrictions.
f. Company may stage its scooters in permitted public right of ways to be determined by mutual agreement of the City and user. To the extent Company desires to stage scooters in areas other than the public right-of-way, Company must first obtain the right to do so from the appropriate City department, property owner, or public agency.

9. Operations

a. Company shall maintain twenty-four (24) hour customer service for users to report safety concerns, complaints, improperly parked or staged scooters, or to ask questions. Company will maintain a website, call center, and/or

mobile app customer interface that is available twenty-four hours a day, seven days a week.

b. Company will implement a marketing and targeted community outreach plan at its own cost to promote the use of scooter sharing citywide.
c. Company shall agree that all scooters shall become inoperable by dusk or 8:00 p.m. (EST), whichever is later. Scooters shall remain inactive until sunrise (EST) of the following day.
d. On days where snow is anticipated (greater than 50% chance of precipitation), Company shall remove scooters from the City rights of way. Company agrees to hold the City harmless for damage to scooters caused by the City's snow removal operations and for any damage caused to City vehicles by improper location and removal of scooters.
e. Company shall maintain all scooters in good mechanical working order. Items such as, but not limited to, inoperable headlight or tail lights, faulty brakes, dead battery, bent or broken handle bars, or bent kickstand shall deem the scooters to not be in good mechanical working order. In the event a safety or maintenance issue is reported for a specific device, that scooter shall be made unavailable to users and shall be removed within the timeframes provided herein. Any inoperable or unsafe device shall be repaired before it is put back into service.
f. All scooters will be properly marked with the company name and appropriate company contact information.
g. Company shall respond to requests for rebalancing, reports of incorrectly parked scooters, or reports of unsafe/inoperable scooters by relocating, re-parking, or removing the scooters, as appropriate, within 2 hours of receiving notice.
h. In the event a scooter is not re-located, re-parked, or removed within the timeframe specified herein, ~~or any scooter is parked in one location for more than forty-eight (48) hours without moving,~~ such scooters may be removed by City personnel and taken to a City facility for storage at the expense of the Company, ~~not to exceed $25.00 per day per scooter~~at a rate of $50 impound fee per incident, and $25 day surcharge every additional day the scooter is impounded. Scooters may be removed or relocated by law enforcement or city personnel immediately if the scooter is blocking pedestrian travel, or presenting a traffic or safety hazard as determined by the City at its sole discretion. The City shall notify Company in writing within one business day of impoundment of the scooter and its location. ~~Company will be billed monthly for any applicable storage fees. Such bill shall be paid within sixty (60) days of its issuance. Failure to timely pay any storage or impound fees may result in termination of this agreement.~~
i. Company shall provide notice to all users by means of signage and through a mobile or web application that:
    i. Scooters are to be ridden on sidewalks, streets, and where available, in bike lanes, or bike multiuse paths; However, the right of way is always with pedestrians.

ii. Scooters are to stay to the right of traffic lanes and to offer the right of way to pedestrians and bicycles.
iii. Helmets are encouraged for all users. A person less than 19 years old shall wear a helmet when operating a scooter.
iv. Only one person can ride a scooter at a time.
v. A person riding a scooter on a roadway shal ride as near to the right side of the roadway as practicable and exercise due care when passing a standing vehicle or a vehicle proceeding in the same direction.
vi. A person operating a scooter shall not pass between lanes of traffic but may pass on the left of traffic moving in the same direction when on a two-way street, or on the left or right when on a one-way street, in an unoccupied lane.

j. Users are required to take a photo whenever they park their scooter at the end of a ride. Users are required to be a minimum of eighteen (18) years of age.
k. Company shall provide education to answers on the State of Michigan and the City of Oak Park's existing rules and regulations, applicable ordinances, safe and courteous riding, and proper parking.

10. Fees

Company shall ~~pay an annual administrative fee~~deposit ~~of~~ five ~~hundred~~ thousand (5,000) dollars ~~for a fleet of less than five hundred (500) scooters. An annual administrative fee of one thousand (1000) dollars will be assessed for scooter fleets totaling over one thousand (1,000) scooters.~~annually to cover any fees associated with the impoundment of scooters as described above. At the end of each year the City will provide an itemized account of all the fees charged, and the Company will be refunded any funds not used.

In addition to the yearly administration fee, Company will submit to City on a monthly basis, 0.25 cents per ride per scooter per day. Such payment shall be due to the City Treasurer within 60 days of the completion of the ride.

11. Indemnification

Company agrees to indemnify, defend and hold harmless City, City's employees, agents and representatives, from and against all actions, damages or claims brought against the City arising out of Company's operations in the City of Oak Park or this agreement. City's right to indemnification shall be contingent on City notifying Company promptly following receipt or notice of any claim. Neither party shall consent to the entry of a judgment or enter into any settlement without the prior written consent of the other party.

12. Governing law.

The parties agree that the law of the State of Michigan shall govern this agreement, and

any suit or cause of action by either party against the other shall be filed in a Michigan state or federal court.

13. Insurance

Company shall provide the City with proof of insurance coverage including:

a. Commercial General Liability (CGL) insurance coverage with a limit of no less than $1,000,000.00 per occurrence.
b. Umbrella or excess liability coverage with a limit no less than $5,000,000.00 each occurrence. And
c. Where Company employs persons within the City, workers' compensation coverage no less than the statutory requirement.

14. Assignment

The parties agree that this agreement may not be assigned without he prior approval in writing of both parties.

15. Amendment

No amendment, addition to, or modification of any provision hereof shall be binding upon the parties and neither party shall be deemed to have waived any provision or any remedy available to it, unless such amendment, addition, modification or waiver is in writing and signed by a duly authorized representative of both parties.

16. Complete Agreement

The parties agree that this agreement constitutes the entire agreement of the parties and that no prior agreement or representations, oral or written, shall be binding or of any force or effect. Further, this agreement may not be amended, modified, altered or enlarged except in writing signed by the duly authorized representatives of the parties hereto, their successors or assigns.

17. Termination.

Either party may terminate this agreement for violation of any of its terms by providing thirty (30) days written notice to the respective party. Notwithstanding anything to the contrary herein, City may suspend or terminate this agreement at any time if City finds, in its sole and reasonable discretion, that the Company's operation is not in the best interest of health, safety, and welfare of the public.

18. Notices.

All notices with respect to this agreement shall be given by first class mail or hand-delivery to the parties as follows:

City of Oak Park
14000 Oak Park Blvd.
Oak Park. MI. 48237

[Insert Company Contact Info}

19. Severability.

If any term, provision, covenant, or condition of this agreement is deemed invalid, void, or unenforceable by a court of competent jurisdiction, this agreement will nonetheless remain in full force and effect as to all remaining terms, provisions, covenants, and conditions hereof.

_____ _____

CITY OF OAK PARK
By: Erik Tungate
Its: City Manager
Dated:

BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN

AGENDA OF: July 5, 2022 **AGENDA #**

SUBJECT: Resolution Approving Purchase of Tax Foreclosed Property

DEPARTMENT: Economic Development and Planning

SUMMARY: A list was provided to the Oak Park Finance Department (attached) of all available properties for purchase from Oakland County tax foreclosure process. Attached is a resolution to allow the city of Oak Park to purchase these properties with the intent to sell these properties to a third party to rehabilitate and sell to owner occupants.

Since 2015, City council has approved the purchase of all tax foreclosed properties and also the sale of the tax foreclosed properties to a third partie(s). This program has enabled the City to increase property values and decrease the number of rental homes within the community.

FINANCIAL STATEMENT: The third party will pay a $7,000 admin fee for each property to cover the costs incurred in running this program.

RECOMMENDED ACTION: Approve the Resolution Approving Purchase of Tax Foreclosed Property.

APPROVALS:

City Manager: _____ET_____

Department Director: _____km_____

Director of Finance: _____SC_____

Budgeted: ☐

Legal: _____

EXHIBITS: Resolution, property list

CITY OF OAK PARK
OAKLAND COUNTY, MICHIGAN

RESOLUTION APPROVING PURCHASE OF TAX FORECLOSED PROPERTIES

At a Regular Meeting of the City Council of the City of Oak Park, Oakland County, Michigan, held at Oak Park City Hall located at 14000 Oak Park Boulevard on the 5th day of July, 2022, at 7:00 p.m.

Present:
Absent:

WHEREAS, the General Property Tax Act at MCL 211.78M, as amended, (the "Act") authorizes the City of Oak Park ("City") to purchase properties located within the City that were tax foreclosed by the Oakland County Circuit Court on April 1, 2019, and by the County Treasurer under Public Act 123 of 1999, as amended, subject to the provisions of the Act; and

WHEREAS, the Oak Park City Council has determined that it is in the best interest of the City to exercise its option to purchase the foreclosed properties identified on the Attached Addendum "Oak Park Tax Sale 2022"; and

WHEREAS, the Oak Park City Council finds that it is necessary and in the best interest of the public to purchase the referenced properties for the minimum bid amount for the public purpose of renovating and selling them primarily for owner occupancy in order to maintain and stabilize neighborhoods and commercial properties within the community.

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

1. Pursuant to the Act, the City hereby approves the purchase of the properties identified on the Attached Addendum "Oak Park Tax Sale 2022" for the not to exceed purchase price of $255,800.

2. The Economic Development Director is hereby directed to file a copy of this Resolution with the Oakland County Treasurer no later than Wednesday, July 6, 2022.

3. Any and all Resolutions that are in conflict with this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

YEAS: All
NAYS: None

RESOLUTION DECLARED ADOPTED

_____
T. Edwin Norris
City Clerk

Dated: July 5, 2022

Contact Name	Kimberly Marrone
Contact Email	kmarrone@oakparkmi.gov
Contact Phone number	248-691-7404
Date of Board Meeting	5-Jul-22

CVT	Parcel ID	Property Street	Class	Assessed Value	Want for Min Bid	Want for Market value (2xSEV)
52	25-32-204-007	10741 SARATOGA AVE	401	32,600		x
52	25-32-228-009	10211 CORNING ST	401	32,500		x
52	25-33-151-005	8761 LEROY ST	401	62,800		x

BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN

AGENDA OF: July 5, 2022 **AGENDA #**

SUBJECT: Swimming Pool Use Agreement between the City of Oak Park and the City of Southfield.

DEPARTMENT: Recreation

SUMMARY: The City of Southfield has temporarily closed it outdoor municipal swimming pool for evaluation and Southfield Residents will not have access to its outdoor municipal pool during the closure this summer. This agreement would allow Southfield residents to use The City of Oak Park's Pool at the resident's rate with proof of Southfield residency. The Oak Park's Pool staff will create a tabulation for their swimmers to maintain an accurate count for each of our swim sessions. The City of Southfield will provide payment to the City of Oak Park for the difference per swimmer between the resident rate and the non – resident rate.

RECOMMENDED ACTION: Request that City Council approve this agreement between The City of Oak Park and The City of Southfield, upon final review and approval from the city attorney.

APPROVALS:

City Manager: _____ET_____

Director: _____LTS_____

Finance Director: _____SC_____

EXHIBITS: Swimming Pool Use Agreement

SWIMMING POOL USE AGREEMENT
BETWEEN THE CITY OF OAK PARK
AND THE CITY OF SOUTHFIELD

This swimming pool Use Agreement ("Agreement") is made and entered into as of the ___ day of ____, 2022, by and between the City of Oak Park, a Michigan municipal corporation ("Oak Park") and City of Southfield ("Southfield "), a Michigan municipal corporation for the use of the Oak Park Municipal Swimming Pool (the "Pool") located at 14300 Oak Park Blvd, Oak Park, MI 48237.

WHEREAS, the City of Oak Park owns and maintains an outdoor municipal swimming pool located at 14300 Oak Park Blvd, Oak Park, MI 48237 the Pool that is conducive to hosting and holding recreational water activities: and

WHEREAS Southfield has temporarily closed its outdoor municipal swimming pool for evaluation; and

WHEREAS Southfield's residents will not have access to its outdoor municipal pool during the temporary closure; and

WHEREAS Southfield is desiring that its residents have access to Oak Park's Pool during the temporary closure.

NOW, THEREFORE, in consideration for the use of the Pool and of the mutual covenants and agreements herein set forth, Oak Park and Southfield agree as follows:

1. **Use**. The City of Oak Park agrees to allow Southfield residents to use the Pool during the Term of this Use Agreement on those dates and times agreed upon and listed on as set forth below (which may change from time to time by mutual consent of both parties).

A.) Southfield residents shall have access to the Pool during its normal operating hours and will pay the rate paid by Oak Park residents ("the Resident Rate") with proof of Southfield residency.

B.) The "Resident Rate" will be the fee charged for Open Swim (Daily and Season Passes), Lap Swim, Water Aerobics, and Male-Only/Female-Only Swim sessions. Oak Park 's Parks & Recreation Department will create a tabulation option in their registration software to maintain accurate counts of each activity.

C.) Oak Park will also rent the Pool to the Southfield Parks & Recreation Department at the rate established in this agreement on various Saturdays and Sundays during the Term of the Agreement and designated as "Southfield Days."

2. **Term**. Subject to the terms and conditions of this Use Agreement, the use granted in Section 1 above shall commence on **June 11, 2022** ("Commencement Date") and shall continue until and expire on the date, which is **August 20, 2022** (the "Termination Date"). Both the City of Oak Park and the City of Southfield agree that each party has the unrestricted right to terminate, revoke or otherwise cancel this Use Agreement upon thirty (30) days prior written notice of such intent.

3. **Fees**. The City of Southfield will provide payment to the City of Oak Park for the Term of the Use Agreement as follows:

A.) Southfield Residents shall pay the Resident Rate for use of the Pool on from **June 11, 2022, to August 20, 2022, and the City of Southfield will pay the difference per swimmer between the resident rate and the non-resident rate.**

B.) The Southfield Parks & Recreation Department will rent the facility up to six (6) times at the rate charged for a full-pool rental ($560.00 per 3-hour session.) These rentals will be for Southfield residents only to use the pool free-of-charge as designated in Section 1 as "Southfield Days".

C.) The City of Southfield will make payment of the rental fees within thirty (30) days of the date of each invoice to the following address:

City of Oak Park
Attention:
_____
Oak Park, MI 48237

4. **No Third-Party Beneficiaries**. Except as provided for the benefit of the Parties, this Agreement does not and is not intended to create any obligation, duty, promise, contractual right or benefit, right to indemnification, right to subrogation, and/or any other right in favor of any other person or entity.

5. **Applicable Law.** This Use Agreement shall be governed by the laws of the State of Michigan, and any questions arising hereunder shall be construed and determined according to such laws.

6. **Entire Agreement**. This Use Agreement is the entire agreement between the parties hereto with respect to the subject matter hereof and supersedes all prior agreements between the parties with respect to the matter contained in this Agreement. Any waiver, modification, consent, or acquiescence with respect to any provision of the Agreement shall be set forth in

writing and duly executed by both parties. No waiver by any party or any breach hereunder shall be deemed a waiver of any other subsequent breach.

7. **Assignment**. The City of Southfield shall have no right to assign, sublicense or otherwise transfer its rights hereunder.

8. **Notices**. All notices that may be or are required to be given by either party to the other hereunder shall be in writing. All notices hereunder shall be sufficiently given, made or delivered if served personally or by certified or registered mail, postage prepaid, addressed as follows:

City of Southfield Parks and Recreation
Attention: _____
26000 Evergreen Road
Southfield, MI 48076
With Copy to City Attorney's Office 26000 Evergreen Road, Southfield, MI 48076

City of Oak Park Parks and Recreation
Attention: _____
14300 Oak Park Blvd.
Oak Park, MI 48076

9. **Signs**. The City of Southfield Parks and Recreation Department may not place any temporary signs upon the Pool property without the prior and express written approval of the City of Oak Park.

10. **Non-Exclusive**: This Use Agreement is not exclusive, and the City of Oak Park reserves the right to use or permit others to use any part of the Pool for any purpose as long as such use does not unreasonably interfere with any of the uses agreed upon in this Agreement.

IN WITNESS WHEREOF, the parties have executed this Use Agreement as of the day and year first above written.

CITY OF OAK PARK:
Michigan Municipal Corporation

By: _____

Its: _____

By: _____

Its: _____

CITY OF SOUTHFIELD:
A Michigan Municipal Corporation:

By: _____

Its: _____

By: _____

Its: _____