



**CITY OF OAK PARK, MICHIGAN
REGULAR COUNCIL MEETING OF THE
38th OAK PARK CITY COUNCIL
June 15, 2020
7:00 PM**

MINUTES

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

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

ABSENT: Council Member Edgar (Excused)

OTHERS

PRESENT: Assistant City Manager Yee, City Clerk Norris, City Attorney Krause

APPROVAL OF AGENDA:

**CM-06-163-20 (AGENDA ITEM #3) ADOPTION OF THE AGENDA AS
PRESENTED – APPROVED**

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

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

MOTION DECLARED ADOPTED

CONSENT AGENDA:

CM-06-164-20 (AGENDA ITEM #5A-H) CONSENT AGENDA - APPROVED

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

- A. Regular Council Meeting Minutes of June 1, 2020 **CM-06-165-20**
- B. Request to advertise for bids for the 2020 Catch Basin Line Replacement Project, M-712 **CM-06-166-20**
- C. Request to approve Payment Application No. 3 (final) for the 2018 Sewer & Catch Basin Cleaning & TV Inspection Project, M-683 to Taplin Group, LLC. of Kalamazoo, MI. for the total amount of \$5,000.00 **CM-06-167-20**

- D. Request to approve Payment Application No. 2 (final) for the 2019 Sewer Lining Project, M-688 to Insituform Technologies USA, LLC of Chesterfield, MO for the total amount of \$5,000.00 **CM-06-168-20**
- E. Request to approve payment of an invoice from Midstates Recreation for the DNA Tower play structure at the Seneca Pocket Park for the total amount of \$49,524.27 **CM-06-169-20**
- F. Request to advertise for bids for Program Year 2019 Yard Services, M-715 **CM-06-170-20**
- G. Request to appoint Kevin Yee as the representative and David DeCoster as the alternate representative to the SOCRRA Board for the fiscal year beginning July 1, 2020 **CM-06-171-20**
- H. Planning Commission Meeting Minutes of May 11, 2020 **CM-06-172-20**

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

MOTION DECLARED ADOPTED

RECOGNITION OF VISITING ELECTED OFFICIALS:

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

SPECIAL RECOGNITION/PRESENTATIONS: None

PUBLIC HEARINGS:

(AGENDA ITEM #7A) Public Hearing to receive public comment on the request by Gao Corporation (Ganrong Chen) D/B/A Crazy Crab Seafood Restaurant, 13351 W. 10 Mile, for the issuance of a Class C Liquor License.

Mayor McClellan opened the public hearing at 7:20 p.m. There were no comments from the public and the public hearing closed at 7:20 p.m.

CM-06-173-20 (AGENDA ITEM #7B) RESOLUTIONS APPROVING ISSUANCE OF A CLASS C LIQUOR LICENSE TO GAO CORPORATION (GANRONG CHEN) D/B/A CRAZY CRAB SEAFOOD RESTAURANT, 13351 W. 10 MILE - APPROVED

Motion by Burns, seconded by Weiss, CARRIED UNANIMOUSLY, to approve the following resolutions approving issuance of a Class C Liquor License to Gao Corporation (Ganrong Chen) D/B/A Crazy Crab Seafood Restaurant, 13351 W. 10 Mile Road:

A RESOLUTION OF THE OAK PARK, MICHIGAN CITY COUNCIL
APPROVING THE REQUEST OF CRAZY CRAB GAO CORPORATION
(GANRONG CHEN) D/B/A CRAZY CRAB SEAFOOD RESTAURANT FOR
A CLASS C LIQUOR LICENSE

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

WHEREAS, Crazy Crab Gao Corporation (hereinafter referred to as Crazy Crab Seafood Restaurant) located at 13351 W. 10 Mile has applied for a Class C Liquor License from both the Michigan Liquor Control Commission and the City of Oak Park.

NOW, THEREFORE, BE IT RESOLVED, that the Crazy Crab Seafood Restaurant application for a Class C Liquor License is hereby approved subject to the following conditions:

1. The Michigan Liquor Control Commission issuing a Class C Liquor License to Crazy Crab Seafood Restaurant at 13351 W. 10 Mile, Oak Park, Michigan 48237.
2. Upon issuance of the Class C Liquor License by the Michigan Liquor Control Commission, Crazy Crab Seafood Restaurant shall provide the City Clerk's Office with copies of the License along with a Certificate of Liquor Insurance for the subject business.
3. Crazy Crab Seafood Restaurant executes a Contract for a Class C Liquor License with the City of Oak Park, Michigan.

BE IT FURTHER RESOLVED, that subject to the conditions described in the immediately preceding paragraph and all departmental authorizations, upon approval of a Class C Liquor License by the Michigan Liquor Control Commission for Crazy Crab Seafood Restaurant located at 13351 W. 10 Mile, Oak Park, Michigan 48237, the City Clerk is hereby authorized to issue a Class C Liquor License with an expiration date of April 30, 2021 to Crazy Crab Seafood Restaurant; and

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

LOCAL GOVERNMENT APPROVAL RESOLUTION

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

MOTION DECLARED ADOPTED

COMMUNICATIONS: None

SPECIAL LICENSES: None

ACCOUNTING REPORTS:

CM-06-174-20	(AGENDA ITEM #10A) APPROVAL FOR PAYMENT OF INVOICES SUBMITTED BY GARAN, LUCOW, MILLER, P.C. FOR LEGAL SERVICES IN THE TOTAL AMOUNT OF \$14,453.34 - APPROVED
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Motion by Burns, seconded by Weiss, CARRIED UNANIMOUSLY, to approve payment of invoices #539567, #539568 and #539569 by Garan, Lucow, Miller P.C., for legal services rendered through May 30, 2020 in the total amount of \$14,453.34.

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

MOTION DECLARED ADOPTED

**CM-06-175-20 (AGENDA ITEM #10B) PAYMENT OF AN INVOICE
SUBMITTED BY THE LAW OFFICES OF HOWARD L.
SHIFMAN, P.C. FOR LEGAL SERVICES IN THE TOTAL
AMOUNT OF \$18,000.00 - APPROVED**

Motion by Weiss, Seconded by Burns, CARRIED UNANIMOUSLY, to approve payment of invoice #13950 to Howard L. Shifman, P.C. for legal services from April 1, 2020 – June 30, 2020 in the total amount of \$18,000.00.

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

MOTION DECLARED ADOPTED

BIDS: None

ORDINANCES:

**CM-06-176-20 (AGENDA ITEM #12A) SECOND READING AND ADOPTION
OF AN ORDINANCE TO AMEND CHAPTER 82, UTILITIES, OF
THE CODE OF ORDINANCES OF THE CITY OF OAK PARK,
MICHIGAN, BY AMENDING SECTION 82-313,
DETERMINATION - APPROVED**

Motion by Burns, seconded by Weiss, CARRIED UNANIMOUSLY, to approve the second reading and adopt the following ordinance to amend Chapter 82, Utilities, of the Code of Ordinances of the City of Oak Park, Michigan, by amending Section 82-313, Determination:

CITY OF OAK PARK, MICHIGAN

AN ORDINANCE TO AMEND CHAPTER 82, UTILITIES, OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK, MICHIGAN, BY AMENDING SECTION 82-313 THEREOF.

THE CITY OF OAK PARK ORDAINS:

Sec. 82-313. - Determination.

- (a) *Generally.* The rates and charges to be imposed for the consumption and use of water and sewer services furnished by the city shall be determined by ordinance by the city council from time to time and kept on file in the office of the city clerk.
- (b) *Enumeration.* The rates and charges for consumption and use of water and sewer services are as follows:
- (1) *Water rates.* Effective on all bills rendered on or after July 1, 2020, the rates to be charged for water service shall be as follows:
- a. Forty five dollars and ten cents (\$45.10) per thousand cubic feet.
 - b. Quarterly meter service and maintenance charges, in addition to subsection (b)(1) of this section as follows:
 - 5/8 -inch meter \$4.75
 - ¾-inch meter 5.03
 - 1-inch meter 5.42
 - 1½-inch meter 8.05
 - 2-inch meter 9.14
 - 3-inch meter 63.80
 - 4-inch meter 69.57
 - 6-inch meter 79.40
 - c. The minimum quarterly (three-month) water charge (includes water and meter service charge for a 5/8 -inch meter service) to each premises connected with the water supply system shall be the sum of \$27.30, provided that if there were two or more premises using the city water supply and such premises use one meter, the minimum consumption charge herein specified shall apply to each such premises and to the owner or tenant of each such premises, as applicable.
- (2) *Sewage disposal rates.* The rates to be charged for sewage disposal services shall be as set forth below, and all bills for service rendered on or after the dates set forth shall be computed at such rates:
- a. *Basic sewage disposal rate; minimum quarterly charge.* Commencing July 1, 2020 the basic sewage disposal rate shall be \$48.60 per 1,000 cubic feet of water consumed. The minimum quarterly sewage disposal charge to each sewage disposal services customer shall be \$24.30, provided that if there are two or more premises using the city water supply and such premises use one meter, the minimum consumption charge herein specified shall apply to each such premises and to the owner or tenant of each such premises, as applicable.
 - b. *High-strength surcharge.* Effective with all bills rendered on or after August 1, 2020, for flows beginning on or after July 1, 2020, a high-strength surcharge shall be levied against commercial and industrial customers, other than restaurants, contributing sewage to the sewage disposal system with concentrations of pollutants exceeding the following levels:
 - 1. 275 milligrams per liter (mg/l) of biochemical oxygen demand (BOD);
 - 2. 350 milligrams per liter (mg/l) of total suspended solids (TSS);
 - 3. 12 milligrams per liter (mg/l) of phosphorus (P);
 - 4. 100 milligrams per liter (mg/l) of fats, oils, and grease (fog).The high strength surcharge will be imposed at the following rates:

Pollutant	Charge per pound of excess pollutant
Biochemical oxygen demand (BOD)	\$0.508
Total suspended solids (TSS)	0.516
Phosphorus (P)	7.611
Fats, oils and grease	0.490

- c. *Industrial waste control charge.* Effective with all bills rendered on or after August 1, 2020, for flows beginning on or after July 1, 2020, an industrial waste control charge shall be levied against non-residential customers in an amount determined by the size of the water meter or meters serving such customers as set forth below:

Water Meter Size (inches)	Monthly Charge
5/8 -inch meter	\$3.49
¾-inch meter	5.24
1-inch meter	8.73
1½-inch meter	19.20
2-inch meter	27.92
3-inch meter	50.61
4-inch meter	69.80
6-inch meter	104.70

No such surcharge shall be levied on the basis of any meter which serves exclusively residential users, including all structures designed for habitation including, but not limited to, single-family or two-family dwellings, apartment buildings, condominiums, townhouses, and mobile homes, nor shall such surcharge be levied on the basis of any meter used exclusively for fire protection purposes.

- (3) *Storm water runoff rate.* Effective on all bills rendered on or after July 1, 2020, the rate to be charged for storm water runoff shall be \$601.65 per unit
- (4) *Collection policy.* Charges for water, sewer and garbage and rubbish service furnished by the city to any premises shall be a lien thereon, and on March 1 and on September 1 of each year, the person or agency charged with the management of the systems shall certify any such charges which have been delinquent six months or more, to the city assessor who shall enter the same upon the next available tax roll against the premises to which such services shall have been rendered, together with a penalty of an additional ten percent. The charges shall be collected and the lien shall be enforced in the same manner as provided in the respect to taxes assessed upon such roll; provided, that no such charge shall become a lien when a tenant is responsible for the payment of any such charge against any premises and the city has been so notified by the filing of an affidavit that the lease contains a provision that the landlord shall not be liable for payment of water or sewage system bills accruing subsequent to the filing of the affidavit. The affidavit shall be filed with the official in charge of the water works system and 20 days' notice shall be given by the landlord of any cancellation, change in, or termination of the lease. The affidavit shall contain a notation of the

expiration date of the lease. In the event of the filing of such affidavit, no further service shall be rendered by the systems to such premises until payment to the city of a cash deposit in accordance with section 82-316.

- (5) *Services outside the city.* Water service provided outside the corporate limits of the city shall be provided by contract only with approval of the city council, and in no event shall the rates and charges for such service be less than the rates charged to customers residing within the corporate limits of the city.

SECTION 3. 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 that 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 the Ordinance or the Code of Ordinances, City of Oak Park.

SECTION 4. EFFECTIVE DATE.

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

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

MOTION DECLARED ADOPTED

**CM-06-177-20 (AGENDA ITEM #12B) SECOND READING AND ADOPTION OF
AN ORDINANCE TO AMEND SECTION 22-153 OF CHAPTER 22,
ARTICLE VI, DIVISION 1, OF THE CODE OF ORDINANCES
- APPROVED**

Motion by Burns, seconded by Weiss, CARRIED UNANIMOUSLY, to approve the second reading and adopt the following ordinance to amend Section 22-153 of chapter 22, Article VI, Division 1, of the Code of Ordinances:

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

**AN ORDINANCE TO AMEND SECTION 22-153, CHAPTER 22, ARTICLE VI, SALES
IN RIGHT-OF-WAY, OF THE CODE OF ORDINANCES, CITY OF OAK PARK.**

ARTICLE VI.- Merchants and Commercial Sales
Division 1. - Generally
Sec. 22-153.- Sales in right-of way.

No person shall vend, sell, offer for sale, dispose of or display any goods, wares, merchandise, produce, vegetables, flowers or any other item on any public street or sidewalk or otherwise within any public right-of-way in the city except:

- (1) Appropriately approved and licensed sidewalk sales pursuant to Chapter 10, Article VII, Division 2 of this Code.
- (2) Sales by charitable or public service organizations for charitable purposes, upon approval by the city council for a specific fundraising event, at locations approved by the director of public safety,

such approval to be limited to no more than one event not exceeding three days in each calendar year for any such organization.

- (3) Appropriately licensed food vendors or mobile food service establishments operating in compliance with the requirements of such license and of this Code.

EFFECTIVE DATE

This Ordinance shall take effect on the 25th day of June, 2020, in accordance with the provisions and requirements of the City of Oak Park

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

MOTION DECLARED ADOPTED

CITY ATTORNEY: None

CITY MANAGER:

Administration

(AGENDA ITEM #14A) Reopening Plan Update

Assistant City Manager Yee and Director VanVleck discussed the reopening plan for City Hall due to the coronavirus outbreak.

(AGENDA ITEM #14B) 2020 Oak Park Millage Renewals.

2020 City of Oak Park Millage Renewals

On the August ballot the City has three very important millages that are up for renewal. These are not tax increases. They are renewals of current millages for a period of ten years each.

The millage renewals include:

1. Public Safety Headlee Override Millage at .9599 mills.
 - a. This millage was originally voted on in 2010 to help fund personnel, equipment and operations of the public safety department
 - b. If passed, it will bring in an estimated \$500,000 next year to fund public safety operations and initiatives like community policing, the K-9 unit and the public safety open house, as well as basic operations of the department
2. Recreation Headlee Override Millage at .4799 mills
 - a. This millage was also originally voted on in 2010 to help fund personnel, equipment and operations of the recreation department
 - b. If passed, it will bring an estimated \$250,000 next year to help fund some of the recreation amenities the community has come to know and love, like Summer Blast and Winterfest, as well as senior programming
3. Voted Library Millage at .4799 mills
 - a. This millage was also originally voted on in 2010 to help fund library operations
 - b. If passed, it will bring in an estimated \$250,000 next year to help fund the many programs and amenities offered by the Oak Park Library

It is important to note these are millage renewals, and will not result in a tax increase for residents. In fact, the City's millage rate has been consistently decreasing over the years. Since 2015 the millage rate has decreased 3 mills, or 8 percent due to debt refinancing and statutory Headlee rollbacks.

(AGENDA ITEM #14C) Storm Water Rate Change Update.

Finance

**CM-06-178-20 (AGENDA ITEM #14C) REQUEST TO APPROVE BUDGET
AMENDMENT #2020-4 FOR PERIOD ENDING 6/30/20
- APPROVED**

Motion by Weiss, seconded by Burns, CARRIED UNANIMOUSLY, to approve Budget Amendment #2020-3 for period ending 3/31/20:

GENERAL FUND	
Audited Beginning Fund Balance July 1, 2019	\$ 4,369,283
Amended Budget as of May 31, 2020	\$ (374,000)
Net Change in Fund Balance (Amendment #2020-4)	\$ (389,158)
Estimated Ending Fund Balance June 30, 2020	\$ 3,606,125

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

MOTION DECLARED ADOPTED

**CM-06-179-20 (AGENDA ITEM #14E) REQUEST TO APPROVE BUDGET
AMENDMENT #2021-1 FOR PERIOD ENDING 9/30/20
- APPROVED**

Motion by Weiss, seconded by Burns, CARRIED UNANIMOUSLY, to approve Budget Amendment #2021-1 for period ending 9/30/20.

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

MOTION DECLARED ADOPTED

The City's annual 2020/2021 budget was adopted on May 18, 2020 and is effective July 1st. The budget is adopted at the departmental level. In accordance with the State Budget Act, budget amendments are to be completed throughout the fiscal year in order to reflect the most current information available related to revenue and expenditure budgets. Budget amendments that have a positive or negative impact on fund balance or change the department total require Council approval. The proposed amendments are based on actual and projected activity-to-date.

The budget adopted for fiscal year 2020/2021 Water and Sewer Fund includes costs for both the water and sewer operations as well as the costs for maintaining the storm water system as the city does not have a separated system (similar to the past many fiscal year budgets). As part of a recent lawsuit, the City has been mandated by the courts to segregate the costs associated with storm water into a fund separate from the Water and Sewer Fund. In addition to breaking out the costs into a new fund the court also mandated that a new charge (based on a new methodology) for storm water be created to pay for the storm water costs. The new fund and billing must be implemented no later than July 1, 2020. The City has completed the very lengthy project of complying with this order and has the proposed amendment to the Water and Sewer and Storm Water Funds for the fiscal year 2020/2021.

The City has identified approximately \$6.2 million of storm water costs and the proposed amendment removes those costs along with the related revenue from the Water and Sewer Fund to the new Storm Water Fund.

(AGENDA ITEM #14F) 2020 UTGO Refunding Bonds.

On June 3, 2020, the City of Oak Park refunded its previously issued 2010 Facilities Financing Bonds of November 1, 2010 (which was approved by the electors of the City of Oak Park on August 3, 2010) for the purpose of paying the cost to construct, reconstruct, remodel, add to, furnish and equip a City Hall, Public Safety building, Library building, Community and jobs placement center, and playground structures in the City of Oak Park.

City bonds are payable out of the City's Debt Retirement fund, which requires the City each year to levy taxes on all taxable property within the City's boundaries for such payment, without limitation as to either rate or amount. This refund will save the City of Oak Park taxpayers \$1,865,000.00.

Department of Public Works

CM-06-180-20 (AGENDA ITEM #14G) REQUEST TO APPROVE AN AGREEMENT WITH THE OAK PARK SCHOOL DISTRICT FOR USE OF CITY PROPERTY FOR A DRIVEWAY EXTENSION AND TO AUTHORIZE THE CITY MANAGER TO SIGN THE AGREEMENT ON BEHALF OF THE CITY - APPROVED

Motion by Weiss, seconded by Radner, CARRIED UNANIMOUSLY, to approve an agreement with the Oak Park School District for use of City property for a driveway extension and to authorize the City Manager to sign the agreement on behalf of the City.

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

MOTION DECLARED ADOPTED

CM-06-181-20 (AGENDA ITEM #14H) REQUEST TO APPROVE AN AGREEMENT WITH YESHIVA BETH YEHUDA FOR USE OF MDOT PROPERTY THROUGH A CITY ACQUIRED PERMIT AT THE Z03 PLAZA BRIDGE AND TO AUTHORIZE THE CITY MANAGER TO SIGN THE AGREEMENT ON BEHALF OF THE CITY - APPROVED

Motion by Radner, seconded by Burns, CARRIED UNANIMOUSLY, to approve an agreement with Yeshiva Beth Yehuda for use of MDOT property through a City acquired permit at the Z03 Plaza Bridge and to authorize the City Manager to sign the agreement on behalf of the City.

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

MOTION DECLARED ADOPTED

CALL TO THE AUDIENCE:

Cheryl Weiss discussed the Oak Park Youth Assistance Program and encouraged community participation from the community.
Paul Levine encouraged the city to provide an update on the 2020 Census
Terri Falcon discussed the need for an ordinance update that would allow fire pits in Oak Park.
Kenneth Sherman presented questions regarding the Library.

CALL TO THE COUNCIL:

Mayor Pro Tem Burns thanked everyone for watching and encouraged them to remain safe.
Council Member Radner wished everyone a good night.
Council Member Weiss reminded everyone to participate in the Census.
Mayor McClellan encouraged everyone to be safe and provided updates on a variety of Oak Park issues.

ADJOURNMENT:

There being no further business to come before the City Council, Mayor McClellan adjourned the meeting at 9:07 P.M.

T. Edwin Norris, City Clerk

Marian McClellan, Mayor