



**CITY OF OAK PARK, MICHIGAN
REGULAR COUNCIL MEETING OF THE
38th OAK PARK CITY COUNCIL**

June 7, 2021

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 (Oak Park), Mayor ProTem Burns (Oak Park), Council Member Edgar (Oak Park), Council Member Whitehead (Oak Park)

ABSENT: Council Member Radner

OTHERS

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

APPROVAL OF AGENDA:

CM-06-176-21 (AGENDA ITEM #3) ADOPTION OF THE AGENDA AS PRESENTED – APPROVED

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

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

MOTION DECLARED ADOPTED

CONSENT AGENDA:

CM-06-177-21 (AGENDA ITEM #4A-K) CONSENT AGENDA - APPROVED

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

- A. Regular City Council Meeting Minutes of May 19, 2021 **CM-06-178-21**
- B. Special City Council Meeting Minutes of May 12, 2021 **CM-06-179-21**
- C. Public Safety Activity Summary for March and April 2021 **CM-06-180-21**
- D. Request to advertise for bids for 2021 Citywide Janitorial Services Contract, M-729 **CM-06-181-21**
- E. Request to advertise for bids for the 2021 Greenfield Road Fence Replacement Project, M-730 **CM-06-182-21**

- F. Request to approve Payment Application No. 2 for the 2020 Sewer Lining Project, M-703 to Inland Waters Pollution Control Inc. for the amount of \$5,000.00 **CM-06-183-21**
- G. Zoning Board of Appeals Meeting Minutes of October 27, 2020 **CM-06-184-21**
- H. Planning Commission Meeting Minutes of April 12, 2021 **CM-06-185-21**
- I. Corridor Improvement Authority Meeting Minutes of April 15, 2021 **CM-06-186-21**
- J. Recycling Commission Meeting Minutes of April 15, 2021 **CM-06-187-21**
- K. Licenses New and Renewals submitted for June 7, 2021 **CM-06-188-21**

MERCHANT'S LICENSES – June 7, 2021
(Subject to All Departmental Approvals)

<u>NEW MERCHANT</u>	<u>ADDRESS</u>	<u>FEE</u>	<u>BUSINESS TYPE</u>
None			
<u>2021 RENEWALS</u>	<u>ADDRESS</u>	<u>FEE</u>	<u>BUSINESS TYPE</u>
B & G WHOLESALE	8625 CAPITAL	\$150.00	
INNOVATIVE TOOL & DESIGN	10725 CAPITAL	\$150.00	TOOL DESIGN
US ICE CARVING	13200 CLOVERDALE	\$150.00	BLOCK ICE CARVING
WURTH BAER SUPPLY	13390 CLOVERDALE	\$150.00	WAREHOUSE
AUTOBAHN COLLISION	20850 COOLIDGE	\$150.00	AUTO BODY SHOP
LASHELLES SCHOOL OF DANCE	21330 COOLIDGE	\$150.00	DANCE STUDIO
9 OAK GRILL	22110 COOLIDGE	\$150.00	RESTAURANT
LEARNING DISABILITIES CLINIC	25611 COOLIDGE	\$150.00	TUTORING, CREDIT RECOVERY
GONZALEZ PRODUCT. SYSTEMS	13200 EIGHT MILE	\$150.00	AUTO SUPPLY
FARS FILL UP	13500 EIGHT MILE	\$150.00	GAS STATION
FOUR SEASON GARDEN CENTER	14471 ELEVEN MILE	\$150.00	DESIGN AND GARDEN SUPPLY
MONAGHANS TOWING	21680 FERN	\$150.00	TOWING
FOOTLOCKER	21210 GREENFIELD	\$150.00	SHOE AND APPAREL RETAIL
KIDS FOOTLOCKER	21220 GREENFIELD	\$150.00	SHOE AND APPAREL RETAIL
FOOTACTION	21230 GREENFIELD	\$150.00	SHOE AND APPAREL RETAIL
B-UNIQUE HAIR BOUTIQUE	21700 GREENFIELD 412	\$150.00	HAIR BOUTIQUE
AUTOZONE	22150 GREENFIELD	\$150.00	AUTO RETAIL
SALON RENU	23300 GREENFIELD 207	\$150.00	SALON
SELECT MEDICAL GROUP OF MI	23350 GREENFIELD 200	\$150.00	MEDICAL OFFICE
PRIMROSE CHIROPRACTIC	25900 GREENFIELD 252	\$150.00	CHIROPRACTIC SERVICES
HEWSON VAN HELLEMONT	25900 GREENFIELD 650	\$150.00	LEGAL OFFICE
APERTAURE MARKETING	25900 GREENFIELD 420	\$150.00	OFFICE
METROPOLITAN DRY CLEANERS	26126 GREENFIELD	\$150.00	DRY CLEANERS
BARBIE BEHAVIOR BOUTIQUE	10730 NINE MILE	\$150.00	CLOTHING STORE
GATHERING ASSOCIATION	12724 NINE MILE	\$150.00	SENIOR ASSOCIATION
THE D LOFT CAFÉ	13710 NINE MILE	\$150.00	RESTAURANT
PLANET PROPANE	21815 REPUBLIC	\$150.00	PROPANE WHOLESALER
CHECK N GO	13321 TEN MILE	\$150.00	BANKING
LAWFORD FABRICATING CO	21650 WYOMING CT	\$150.00	PROTOTYPE TOOLING

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

MOTION DECLARED ADOPTED

RECOGNITION OF VISITING ELECTED OFFICIALS:

Congresswoman Brenda Lawrence was present and provided an update on Federal initiatives.

SPECIAL RECOGNITION/PRESENTATIONS: None**COMMUNICATIONS: None****SPECIAL LICENSES:****CM-06-188A-21 (AGENDA ITEM #9A) SPECIAL EVENT REQUEST – OAK PARK FILM FESTIVAL – APPROVED**

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

Name	Event	Fee
Arts and Cultural Diversity Commission	Oak Park Film Festival October 8-10, 2021	Application fee waived

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

MOTION DECLARED ADOPTED**CM-06-189-21 (AGENDA ITEM #9B) SPECIAL EVENT REQUEST – FOREST STREET BLOCK PARTY – APPROVED**

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

Name	Event	Fee
Laura Wicke 23467 Forest	Forest Street Block Party July 17, 2021 5:00 PM – 8:00 PM	Application fee waived

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

MOTION DECLARED ADOPTED**CM-06-190-21 (AGENDA ITEM #9C) SPECIAL EVENT REQUEST – NADINE STREET BLOCK PARTY – APPROVED**

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

Name	Event	Fee
Mark Phillips 13670 Nadine St.	Nadine Street Block Party July 11, 2021 5:00 PM – 8:00 PM	Application fee waived

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

MOTION DECLARED ADOPTED

**CM-06-191-21 (AGENDA ITEM #9D) SPECIAL EVENT REQUEST – STREET
 CORNER MUSIC, LTD – APPROVED**

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

Name	Event	Fee
Street Corner Music, LTD 26020 Greenfield	Phonograph record sale June 12, 2021 9:00 a.m. – 6:00 p.m.	Application fee paid

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

MOTION DECLARED ADOPTED

ACCOUNTING REPORTS:

**CM-06-192-21 (AGENDA ITEM #10A) 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 Burns, Seconded by Edgar, CARRIED UNANIMOUSLY, to approve payment of invoice #14450 to Howard L. Shifman, P.C. for legal services from July 1, 2021 – September 30, 2021 in the total amount of \$18,000.00.

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

MOTION DECLARED ADOPTED

BIDS: None

ORDINANCES:

**CM-06-193-21 (AGENDA ITEM #12A) SECOND READING AND ADOPTION
OF AN ORDINANCE TO REPEAL AND REPLACE ZONING, OF
THE CODE OF ORDINANCES OF THE CITY OF OAK PARK,
MICHIGAN - APPROVED**

Motion by Burns, Seconded by Edgar, CARRIED UNANIMOUSLY, to approve the second reading and adopt the following ordinance to repeal and replace Zoning, of the Code of Ordinances of the City of Oak Park, Michigan:

**CITY OF OAK PARK, MICHIGAN
ORDINANCE NO.**

AN ORDINANCE TO REPEAL AND REPLACE ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK, MICHIGAN.

THE CITY OF OAK PARK, MICHIGAN ORDAINS:

SECTION 1 Title

This Ordinance shall be known and may be cited as the “City of Oak Park Zoning Ordinance.”

SECTION 2. Purpose

a. The purpose of this Ordinance is to promote the public health, safety, and general welfare of the community as a wholesome, serviceable, and attractive municipality, by having regulations and restrictions that:

1. Promote compatibility of existing and future land uses.
2. Increase the safety and security of home life.
3. Preserve and create a favorable quality of life for residents.
4. Develop good citizenship.
5. Protect and enhance property and civic values.
6. Facilitate efficient traffic operations, minimize congestion, and accident potential.
7. Enhance the environment for pedestrians and other non-motorized types of transportation.
8. Restrict building in floodplain areas as a means of protecting property owners.
9. Protect wetlands in recognition of their irreplaceable environmental value.
10. Promote aesthetics and minimize blight.
11. Provide for convenient vehicular parking.

12. Provide parks, recreation, schools, religious institutions, and community facilities.
 13. Encourage a variety of quality housing.
 14. Encourage preservation of environmental features through flexible design standards.
 15. Promote clean air and water, access to sunlight, sufficient infrastructure, and public services.
 16. Assist in implementing and accomplishing the objectives of the City's adopted Master Plan.
 17. Provide reasonable means of protecting and safeguarding the City's economic structure.
 18. Provide each property owner with a reasonable and economic use of their land.
 19. Lessen congestion, disorder and infringement on property values, safety, and quality of life which are often aggravated due to unregulated development.
 20. Prevent overcrowding of land and undue concentration of population.
- b. In order to effectively meet this purpose, the City is divided into districts of such number, shape, and area, and of such common unity of purpose, adaptability, or use, that are deemed most suitable to provide for the best general civic use, protect the common rights and interests within each district, and the City as a whole, preserve the property owners right to use their land, and to promote quality of life and business vitality. The regulations of this Ordinance accomplish these purposes by controlling land uses within each district; acknowledging the unique impacts of special land uses through specific standards for their development in appropriate locations within selected districts; promoting quality by limiting the location, height, bulk, occupancy, and uses of buildings, and other structures; defining maximum residential density, specifying the percentage of a site available for a building; and requiring building and parking setbacks from property lines and public street rights-of-way.

SECTION 3. Conflicting Regulations

- a. This Ordinance is not intended to abrogate or annul any easement, covenant, or other private agreement, provided that where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant, or other private agreement, the provision of this Ordinance shall govern.
- b. Except as may otherwise be provided in this Ordinance, every building and structure erected; every use of any lot, building, or structure; every structural alteration or relocation of an existing building or structure and every enlargement of, or addition to, an existing use, building, or structure shall be subject to all regulations of this Ordinance which are applicable in the zoning district in which such use, building, or structure is located.

No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established herein.

The regulations herein established shall be considered the minimum regulations for promoting and protecting the public health, safety, and welfare.

SECTION 4. Vested Rights

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

SECTION 5. Authority

This Ordinance is enacted in accordance with the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended.

SECTION 6. Validity and Severability

If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in such ruling. Further if any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular parcel, lot, use, building, or structure, such ruling shall not affect the application of such provision to any other parcel, lot, use, building, or structure not specifically included in such ruling.

SECTION 7. 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.

SECTION 8. Repeal of Prior Ordinance

The zoning ordinance previously adopted by the City of Oak Park prior to the adoption of the ordinance from which this chapter is derived and all amendments thereto are hereby repealed. The repeal of such Ordinances shall not have the effect of releasing or relinquishing any penalty, forfeiture, or liability incurred under such Ordinance, or any part thereof, and such Ordinance shall be treated as still remaining in force for the purpose of instituting or sustaining any proper action for the enforcement of such penalty, forfeiture, or liability.

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

MOTION DECLARED ADOPTED

CM-06-194-21

(AGENDA ITEM #12B) SECOND READING AND ADOPTION OF AN ORDINANCE TO AMEND ARTICLE 2, DIVISION 1, SECTION 201 AND THE OFFICIAL ZONING MAP CONTAINED THEREIN, BEING PART OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK, MICHIGAN, BY CHANGING THE USE DISTRICT OF CERTAIN PARCELS OF LAND CURRENTLY ZONED B1, NEIGHBORHOOD BUSINESS AND B2, GENERAL BUSINESS TO MX2, MIXED USE 2 DISTRICT - APPROVED

Motion by Burns, Seconded by Whitehead, CARRIED UNANIMOUSLY, to approve the second reading and adopt the following ordinance to amend Article 2, Division 1, Section 201 and the Official Zoning Map contained therein, being part of the Code of Ordinances of the City of Oak Park, Michigan, by changing the use district of certain parcels of land currently zoned B1, Neighborhood Business and B2, General Business to MX2, Mixed Use 2 District:

CITY OF OAK PARK, MICHIGAN

AN ORDINANCE TO AMEND ARTICLE 2 DIVISION 1 SECTION 201 AND THE OFFICIAL ZONING MAP CONTAINED THEREIN, BEING PART OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK, MICHIGAN, BY CHANGING THE USE DISTRICT OF CERTAIN PARCELS OF LAND CURRENTLY ZONED B1, NEIGHBORHOOD BUSINESS AND B2, GENERAL BUSINESS TO MX2, MIXED USE 2 DISTRICT.

THE CITY OF OAK PARK, MICHIGAN ORDAINS:

SECTION 1. The Code of Ordinances of the City of Oak Park is hereby amended by changing the use district of the following addresses and parcels currently zoned B1, Neighborhood Business or B2, General Business, according to the City's Official Zoning District Map, Article 2, Division 1, Section 201 to MX2 Mixed Use 2 District.

Coolidge addresses: 23137, 23001, 23100, 23090, 22150, 22100-22140, 22001, 22011, 22031, 22041, 22101, 22105, 22111, 22115, 22121, 22125, 22131, 22123, 22135, 22141, 22151, 22153-22155, 22173, 22185, 2221, Nine Mile addresses: 13770, 13600, 13500, 13400, 13300, 13351, 13631, 13641-13645, 13651, 13701, 13801, 13805-13807, 13821-13825, 13831, 13835, 13841, 13845, 13855, 13901, 13905, 13925, 13941, Parcel ID with no address: 52-25-31-228-021

SECTION 2. It is hereby ordered that the Official Zoning District Map of the City of Oak Park, as herein amended, be incorporated with this ordinance and be considered a part hereof and be published in connection herewith.

SECTION 3. It is further ordered that from and after the effective date of this ordinance, the above described parcels of land shall be in the MX2, Mixed Use 2 District, and be subject to the regulations pertaining to such a district.

SECTION 4. Conflicting Provisions Repealed

All ordinances in conflict with the provisions of this ordinance are repealed only to the extent necessary to give this ordinance full force and effect; provided that all other provisions of the Oak Park Code of Ordinances as heretofore amended shall remain in full force and effect.

SECTION 5. Severability

No other portion, paragraph or phrase of the Code of Ordinances of the City of Oak Park, Michigan 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, Michigan.

SECTION 6. Effective Date

This ordinance shall be effective thirty (30) days from the date of adoption and shall be published as required by the Charter of the City of Oak Park.

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

MOTION DECLARED ADOPTED

CM-06-195-21 (AGENDA ITEM #12C) SECOND READING AND ADOPTION OF AN ORDINANCE TO AMEND ARTICLE 2, DIVISION 1, SECTION 201 AND THE OFFICIAL ZONING MAP CONTAINED THEREIN, BEING PART OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK, MICHIGAN, BY CHANGING THE USE DISTRICT OF CERTAIN PARCELS OF LAND CURRENTLY ZONED LI, LIGHT INDUSTRIAL TO IF, INDUSTRIAL FLEX DISTRICT- APPROVED

Motion by Burns, Seconded by Edgar, CARRIED UNANIMOUSLY, to approve the second reading and adopt the following ordinance to amend Article 2, Division 1, Section 201 and the Official Zoning Map contained therein, being part of the Code of Ordinances of the City of Oak Park, Michigan, by changing the use district of certain parcels of land currently zoned LI, Light Industrial to IF, Industrial Flex District:

CITY OF OAK PARK, MICHIGAN

AN ORDINANCE TO AMEND ARTICLE 2 DIVISION 1 SECTION 201 AND THE OFFICIAL ZONING MAP CONTAINED THEREIN, BEING PART OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK, MICHIGAN, BY CHANGING THE USE DISTRICT OF CERTAIN PARCELS OF LAND CURRENTLY ZONED LI, LIGHT INDUSTRIAL TO IF, INDUSTRIAL FLEX DISTRICT.

THE CITY OF OAK PARK, MICHIGAN ORDAINS:

SECTION 1. The Code of Ordinances of the City of Oak Park is hereby amended by changing the use district of the following addresses and parcels currently LI, Light Industrial District, according to the City's Official Zoning District Map, Article 2, Division 1, Section 201 to IF, Industrial Flex District.

21955 Republic, 21950 Wyoming, 21930 Wyoming, Capital Street addresses:
13390, 13380, 13350, 13270, 13240, 13200, 13080, 13040, 13000, 12980, 12950, 12930,
12900, 12720, 12700, 11000, 10850, 10800, 10750, 10700, 10600, 10400, 10280, 10240,
10230, 10200, 10150, 10130, 10120, 10100, 10030, 10020, 10010, 8750, 8700, 8624,
8564, 8538-8544, 8500, Parcel ID's with no address: 52-25-32-151-035, 52-25-32-176-
019, 25-33-151-037

SECTION 2. It is hereby ordered that the Official Zoning District Map of the City of Oak Park, as herein amended, be incorporated with this ordinance and be considered a part hereof and be published in connection herewith.

SECTION 3. It is further ordered that from and after the effective date of this ordinance, the above described parcels of land shall be in the IF, Industrial Flex District, and be subject to the regulations pertaining to such a district.

SECTION 4. Conflicting Provisions Repealed

All ordinances in conflict with the provisions of this ordinance are repealed only to the extent necessary to give this ordinance full force and effect; provided that all other provisions of the Oak Park Code of Ordinances as heretofore amended shall remain in full force and effect.

SECTION 5. Severability

No other portion, paragraph or phrase of the Code of Ordinances of the City of Oak Park, Michigan 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, Michigan.

SECTION 6. Effective Date

This ordinance shall be effective thirty (30) days from the date of adoption and shall be published as required by the Charter of the City of Oak Park.

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

MOTION DECLARED ADOPTED

CM-06-196-21

**(AGENDA ITEM #12D) FIRST READING 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 Edgar, Seconded by Burns, CARRIED UNANIMOUSLY, to approve the first reading of the following ordinance to amend Chapter 82, Utilities, of the Code of Ordinances of the City of Oak Park, Michigan, by amending Section 82-311 thereof:

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 82-311 THEREOF.

THE CITY OF OAK PARK ORDAINS:

ARTICLE V. – RATES AND CHARGES

Sec. 82-311. – Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Department means the city department of ~~water supply~~ **utility billing**.

Finance director means the director of the city department of finance.

Premises means each lot or parcel of land, building or premises having any connection to the water distribution system of the city or the sewage disposal system of the city.

Superintendent means the superintendent of the city department of water supply.

(Code 1973, § 42-115; Ord. No. O-94-317, § 4, 2-7-94)

Cross reference— Definitions generally, § 1-2.

Sec. 82-312. – Basis of charges.

All water service shall be charged for on the basis of water consumed as determined by the meter installed in the premises of water or sewage disposal service customers by the department. All sewage disposal service shall be charged for on the basis of water consumed and pollutants discharged into the sewage system. **Stormwater runoff service shall be charged on the basis of a premises' pervious and impervious surface areas.** No free water service, ~~or~~ sewage disposal service, ~~or stormwater runoff service~~ shall be furnished to any person.

(Code 1973, § 42-116)

Charter reference— Utility rates and charges, collection, § 14.3 et seq.

Sec. 82-313. – Determination.

- (a) *Generally.* The rates and charges to be imposed for the consumption and use of water, ~~and sewer services~~ **sewage disposal, and stormwater runoff 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~~ **sewage disposal, and stormwater runoff** services are as follows:

(1) *Water rates.* Effective on all bills rendered on or after July 1, 2020, 2021 the rates to be charged for water service shall be as follows:

a. ~~Four dollars and fifty one cents~~ ~~Forty five dollars and ten cents (\$45.10)~~ ~~(45.10)~~ ~~per thousand and centum cubic feet (CCF)~~ **(\$4.51)**

b. ~~Quarterly~~ **Monthly** meter service and maintenance charges, in addition to subsection (b)(1) of this section as follows:

5/8-inch meter~~\$4.75~~ **\$1.59**

3/4-inch meter~~5.03~~ **\$1.68**

1-inch meter~~5.42~~ **\$1.81**

1½-inch meter~~8.05~~ **\$2.68**

2-inch meter~~9.14~~ **\$3.05**

3-inch meter~~63.80~~ **\$21.27**

4-inch meter~~69.57~~ **\$23.19**

6-inch meter~~79.40~~ **\$26.47**

c. The minimum ~~quarterly~~ **monthly** (~~three one~~ –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~~ **\$10.61** 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~~ Effective on all bills rendered on or after July 1, 2021 the rates to be charged for sewage disposal shall be as follows:

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.~~ **Four dollars and eighty six cents (\$4.86) per centum cubic feet (CCF) of water consumed.** The minimum ~~quarterly~~ **monthly** sewage disposal charge to each sewage disposal services customer shall be ~~\$24.30~~, **\$9.72**, 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.* **Great Lakes Water Authority is responsible for billing this surcharge.** Effective with all bills rendered on or after August 1, 2020 2021, for flows beginning on or after July 1, 2020, 2021 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 0.347
Total suspended solids (TSS)	0.516 0.476
Phosphorus (P)	7.611 6.368
Fats, oils and grease	0.490 0.111

- c. *Industrial waste control charge.* Effective with all bills rendered on or after August 1, 2020 2021, for flows beginning on or after July 1, 2020, 2021 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 3.54
3/4-inch meter	5.24 5.31
1-inch meter	8.73 8.85
1 1/2-inch meter	19.20 19.47
2-inch meter	27.92 28.32
3-inch meter	50.61 51.33
4-inch meter	69.80 70.80
6-inch meter	104.70 106.20

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~~ *Stormwater runoff rate.* Effective on all bills rendered on or after July 1, 2020 2021, the rate to be charged for ~~storm water~~ stormwater runoff shall be \$601.65 per unit.
- (4) *Collection policy.* Charges for water, ~~sewer~~ sewage disposal, stormwater runoff, and garbage and rubbish collection services 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.

(Code 1973, § 42-117; Ord. No. O-94-322, § 2, 6-20-94; Ord. No. O-95-339, § 1, 6-19-95; Ord. No. O-96-351, § 1, 6-17-96; Ord. No. O-97-369, § 1, 6-16-97; Ord. No. O-98-377, § 1, 6-15-98; Ord. No. O-99-393, § 3, 6-21-99; Ord. No. O-00-421, § 1, 6-19-00; Ord. No. O-01-445, § 1, 6-18-01; Ord. No. O-02-466, § 1, 6-17-02; Ord. No. O-03-484, § 1, 6-16-03; Ord. No. O-04-499, § 1, 6-21-04; Ord. No. O-05-514, § 1, 6-20-05; Ord. No. O-06-526, § 1, 6-19-06; Ord. No. O-07-531, § 1, 6-18-07; Ord. No. O-08-551, § 1, 6-16-08; Ord. No. O-09-560, § 1, 6-15-09; Ord. No. O-10-571, § 1, 6-21-10; Ord. No. O-11-578, § 1, 6-20-11; Ord. No. O-12-591, § 1, 6-18-12; Ord. No. O-13-594, § 1, 6-17-13; Ord. No. O-14-604, § 1, 6-16-14; Ord. No. [O-15-613](#), § 1, 6-15-15; Ord. No. [O-17-636](#), § 1, 6-19-17; Ord. No. [O-18-674](#), § 1, 6-18-18; Ord. No. [O-19-688](#), § 1, 6-17-19; Ord. No. [O-20-693](#), 6-15-20)

Sec. 82-314. - Service to city.

The city shall pay the same water, **sewage disposal, and stormwater runoff** and ~~sewer~~ rates for service to it as would be payable by a private customer for the same service.

(Code 1973, § 42-118; Ord. No. O-94-317, § 6, 2-7-94)

Sec. 82-315. - Payment.

- (a) The fees, rates, and charges imposed for water and sewer services furnished by the city shall be effective as to bills paid on or before the due date indicated on each billing. Thereafter, a penalty of ~~ten~~ **five (5)** percent of the outstanding balance of the account shall be added to each bill. The city manager, or his designee, shall be permitted to waive one penalty per year. The penalty must be assessed and removed in the same calendar year. In addition to other applicable penalties or late fees, a service charge in the amount of \$30.00 shall be added to all bills for which payment is made by check, debit card, or credit card if such payment is returned to the city after being dishonored upon presentment. In the event that the charges for any such services furnished to any premises shall not be paid within 30 days after the due date thereof, then the water services furnished by the system to such premises shall in all cases be discontinued. The failure to receive a ~~water~~ **utility** bill shall not invalidate any charges imposed for water, **sewage disposal, stormwater runoff** and ~~sewer~~ services furnished by the city.
- (b) The customer will be notified of the consequences of failure to pay the utility bill in the following methods prior to actual discontinuation:
- (1) ~~The regular utility bills will indicate the earliest date when service will be disconnected if the billing is not paid.~~
- (2) ~~A water notice will be mailed via first class mail to the mailing address on file for any residential customers having a past due balance on their account within ten days after the due date. The notice will state the past due amount along with the earliest date the water will be disconnected. The notice will also inform the customer of the availability of a hearing to contest a disputed bill, shall~~

~~explain the procedure to schedule a hearing, and shall provide a phone number for the customer's convenience in scheduling a hearing.~~

- (3) (1) Finally, a ~~A disconnection warning~~ **shutoff notice** will be mailed via first-class mail to the mailing address on file for any property where service is scheduled for ~~disconnection~~ **shut off**. The ~~disconnection warning~~ **shutoff notice** will indicate the past due balance to be paid by acceptable funds, other than **personal** check, and the earliest date the water could be ~~disconnected~~ **shut off**. A fee of \$10.00 will be added to each account receiving a ~~disconnection notice~~ **shutoff notice**.
- (c) In the case of a disputed bill, the customer, prior to the mailing of a ~~disconnection warning~~ **shutoff notice**, may request a hearing to show cause **of** why the billing is incorrect. A hearing shall be scheduled before a hearing officer, who may be the city manager or his or her designee. The hearing officer will provide the customer with an opportunity to be heard regarding the dispute over the amount of the bill, and will hear such evidence as the customer may have in support thereof. The hearing officer shall review the bill, perform such additional investigation of the matter as may be determined to be warranted under the circumstances, and correct any billing errors. Such hearings shall be informal and the decision of the hearing officer shall be final.
- (d) Payment plans are available in the ~~water~~ **utility billing** department to stop a disconnection if the following rules are adhered to:
- (1) The payment plan shall be signed by the property owner and filed in the ~~water~~ **utility billing** department prior to a ~~disconnection warning~~ **shutoff notice** being mailed.
 - (2) One fourth of the past due amount shall be paid in acceptable funds, other than **personal** check, at the time of filing of the payment plan, with the balance to be paid in monthly installments. Charges that accrue following the start date of the plan—including regular billing—are not covered by the plan, and therefore must be paid by their indicated due date.

If the customer falls behind on any payment as stated in the payment plan, the water will be ~~disconnected~~ **shut off**—as stated in the plan—without notice. Payment plans will not be accepted after a ~~disconnection warning~~ **shutoff notice** has been mailed. At this point the full amount must be paid in acceptable funds other than **personal** check.

- (e) Fees upon ~~disconnection~~ **shut off**:
- (1) If the service is ~~disconnected~~ **shut off**, a ~~disconnect/reconnect~~ **shutoff for delinquency** fee, in an amount established by resolution of the council from time to time, will be charged. This fee must be paid along with the past due amount in acceptable funds other than **personal** check before the service will be ~~reconnected~~ **restored**. The water service will be ~~reconnected~~ **restored** between 8:00 a.m. and 3:00 p.m. Monday through Thursday, except for holidays when the city offices are closed. In order to have **service restored the** same day ~~service reconnection~~, charges must be paid prior to 3:00 p.m. If the customer desires, the service may be ~~reconnected~~ **restored outside the after normal reconnection hours stated above** if personnel are available to do the reconnection and the customer is willing to pay overtime charges as follows: two employees times their overtime rate times two hours. Overtime charges must be paid along with the past due amount and the ~~disconnect/reconnect~~ **shutoff for delinquency** fee in acceptable funds other than **personal** check. Any ~~reconnection~~ **restoration** of water **service** requires an adult of at least 18 years of age to be inside of the **property premises**. Any water ~~disconnected~~ **shut off** for 45 days or more requires an appointment ~~for to restore~~ **water service reconnection**.
 - (2) Any water service ~~disconnected~~ **shut off** by the city and found ~~reconnected~~ **restored** without city approval shall be deemed an "illegal turn on" and shall result in a charge in the amount of \$120.00 in additional fees for the first occurrence. Any subsequent occurrence will result in an additional

charge of \$250.00. If the city elects to disable the water service line, an additional fee of \$350.00 will be assessed. Any balance on an account deemed an illegal turn on must be paid in full by acceptable funds other than **personal** check to restore water service.

- (f) If a scheduled appointment with the **utility billing** ~~water~~ department is missed, a missed appointment fee of \$45.00 will be assessed to the account.

(Code 1973, § 42-119; Ord. No. O-94-322, § 3, 6-20-94; Ord. No. O-94-332, § 1, 12-19-94; Ord. No. O-95-335, § 2, 6-19-95; Ord. No. O-97-369, § 2, 6-16-97; Ord. No. O-98-377, § 2, 6-15-98; Ord. No. O-00-421, § 1, 6-19-00; Ord. No. O-02-466, § 2, 6-17-02; Ord. No. O-03-484, § 2, 6-16-03; Ord. No. O-04-499, § 2, 6-21-04; Ord. No. O-05-514, § 2, 6-20-05; Ord. No. O-07-531, § 1, 6-18-07; Ord. No. O-11-580, § 1, 8-1-11; Ord. No. O-11-581, § 1, 11-21-11; Ord. No. [O-15-620](#), § 1, 10-19-15)

Sec. 82-316. - Deposits—Required in certain circumstances.

In cases where the city is properly notified in accordance with section 82-313 that a tenant is responsible for water **service**, ~~or sewage disposal service~~, **stormwater runoff service** ~~charges~~, or garbage ~~or rubbish collection service charges~~ fees, no such service shall be commenced or continued to such premises until there has been deposited with the **water utility billing** department a sum sufficient to cover ~~six one and a half (1.5)~~ times the average ~~quarterly~~ **annual** bill for such premises, as estimated by the finance director.; ~~such deposit to be in no case less than \$537.48.~~ Where the water service to any premises is ~~turned shut~~ off to enforce the payment of water service charges, sewage disposal service charges, **stormwater runoff charges**, or garbage ~~and rubbish collection~~ fees, the water service shall not be ~~reconnected~~ **restored** until all delinquent charges have been paid and a deposit, as in the case of tenants, is made. There shall be a water turn-on charge of \$90.00, i.e., \$45.00 to shut off the water and then \$45.00 to turn the water back on.

(Code 1973, § 42-120; Ord. No. O-94-317, § 8, 2-7-94; Ord. No. [O-15-620](#), § 2, 10-19-15)

Sec. 82-317. - Same—Use.

Deposits collected under the provisions of this article may be applied against any delinquent water, **sewage disposal**, **stormwater runoff** ~~or sewage disposal service charges~~, or garbage ~~and rubbish collection~~ fees, and the application thereof shall not affect the right of the **water utility billing** department to ~~turn shut~~ off the water service ~~and/or sewer service~~ to any premises for any delinquency thereby satisfied. No such deposit shall bear interest. Any remaining balance, after all charges are satisfied, will be returned to the tenant who made the deposit.

(Code 1973, § 42-121; Ord. No. O-94-317, § 9, 2-7-94)

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, Edgar, Whitehead
	No:	None
	Absent:	Radner

MOTION DECLARED ADOPTED

CITY ATTORNEY: No Report

CITY MANAGER:

Department of Public Works

CM-06-197-21 (AGENDA ITEM #14A) REQUEST TO APPROVE PROPOSED CHANGE ORDER NO. 1 FOR THE AMOUNT OF \$8,296.94 AND PAYMENT APPLICATION NO. 2 FOR THE AMOUNT OF \$88,371.94 TO ADVANCED POOL SERVICES, INC. OF MILFORD, MI FOR THE 2021 SWIMMING POOL REPAIR PROJECT M-719 - APPROVED

Motion by Burns, seconded by Edgar, CARRIED UNANIMOUSLY, to approve Proposed Change Order No. 1 for the amount of \$8,296.94 and Payment Application No. 2 for the amount of \$88,371.94 to Advanced Pool Services, Inc. of Milford, MI for the 2021 Swimming Pool Repair Project M-719.

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

MOTION DECLARED ADOPTED

CM-06-198-21 (AGENDA ITEM #14B) REQUEST TO APPROVE PROPOSED CHANGE ORDER NO. 1 FOR THE AMOUNT OF \$23,893.08 AND PAYMENT APPLICATION NO.4 FOR THE AMOUNT OF \$131,847.75 TO MATTIOLI CEMENT COMPANY OF FENTON, MI FOR THE 2020 MISCELLANEOUS CONCRETE PROJECT, M-714 - APPROVED

Motion by Burns, seconded by Whitehead, CARRIED UNANIMOUSLY, to approve Proposed Change Order No. 1 for the amount of \$23,893.08 and Payment Application No.4 for the amount of \$131,847.75 to Mattioli Cement Company of Fenton, MI for the 2020 Miscellaneous Concrete Project, M-714.

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

MOTION DECLARED ADOPTED

Economic Development

CM-06-199-21 (AGENDA ITEM #14C) REQUEST TO APPROVE A RESOLUTION CREATING THE OAK PARK WATER TOWER SOCIAL DISTRICT - APPROVED

Motion by Burns, seconded by Edgar, CARRIED UNANIMOUSLY, to approve the following resolution creating the Oak Park Water Tower Social District:

CITY OF OAK PARK
OAKLAND COUNTY, MICHIGAN

RESOLUTION TO CREATE THE OAK PARK WATER TOWER SOCIAL DISTRICT

WHEREAS, effective July 1, 2020, the State of Michigan adopted Public Act 124-2020, which allows local government units to create Social Districts for the consumption of alcoholic beverages in designated Commons Areas; and

WHEREAS, the City of Oak Park recognizes the negative economic impact of the COVID-19 pandemic and has determined that the creation of a Social District can assist local businesses with recovery; and

WHEREAS, the boundary of the Social District will be as follows: All streets, sidewalks, public parking, and other public spaces adjacent to parcels zoned MX-1 or B-1 located between Eleven Mile Rd (northern border) and Kingston St (southern border) and between the west property line of Parcel 25-19-128-001 (western border) and the east property line of Parcel 25-19-227-023 (eastern border), including the three adjacent public parking lots, Parcels 25-19-128-010, 25-19-201-021, and 25-19-202-009; and

WHEREAS, the boundary of the Commons Area will be as follows: All streets, sidewalks, public parking, and other public spaces adjacent to parcels zoned MX-1 or B-1 located between Eleven Mile Rd (northern border) and Kingston St (southern border) and between the west property line of Parcel 25-19-128-001 (western border) and the east property line of Parcel 25-19-227-023 (eastern border), including the three adjacent public parking lots, Parcels 25-19-128-010, 25-19-201-021, and 25-19-202-009; and

WHEREAS, the Oak Park Economic Development and Planning Department has composed a Management and Maintenance Plan that meets the Michigan Liquor Control Commission requirements; and

WHEREAS, the Oak Park Public Safety Department is hereby permitted to enforce the rules and regulations of the Social District in accordance with State law and permit requirements;

NOW, THEREFORE BE IT RESOLVED, The City of Oak Park City Council creates the Oak Park Water Tower Social District within the boundaries included and approves the Management and Maintenance Plan as presented.

BE IT FURTHER RESOLVED, the City Council of Oak Park, Michigan, authorizes the Director of Economic Development and/or the City Manager to prepare and submit the application for the above-named project and to be designated as the authorized agent for all activities associated with securing and accepting any funding.

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

MOTION DECLARED ADOPTED

Administration

(AGENDA ITEM #14D) COVID-19 update.

City Manager Tungate reminded everyone that City Hall will reopen to the public on June 14, 2021.

Finance

CM-06-200-21 (AGENDA ITEM #14E) REQUEST TO RECEIVE AND FILE THE QUARTERLY INVESTMENT REPORT FOR PERIOD ENDING 3/31/21 - APPROVED

Motion by Burns, seconded by Edgar, CARRIED UNANIMOUSLY, to receive and file the following Quarterly Investment Report for period ending 3/31/21.

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

MOTION DECLARED ADOPTED

Communications

(AGENDA ITEM #14F) Event and Activity Update

Communications Director Davis reported upcoming activities and events.

CALL TO THE AUDIENCE:

Ken Sherman, discussed procedures for emergencies during after hours at City Hall.
Chelsea Koziatek, requested consideration for allowing bee keeping in the city.
Maureen Taylor, encouraged the city to discontinue water shut-offs.
Silvia Ordinio, encouraged the city to discontinue water shut-offs.
Mr. McGrady, had questions regarding electrical/Plumbing verifications pertaining to his home.
Cyndi Roper, encouraged the city to discontinue water shut-offs.
Nicole Hill, encouraged the city to discontinue water shut-offs.
Mary Ellen Howard, encouraged the city to discontinue water shut-offs.
Nayirah Shariff, encouraged the city to discontinue water shut-offs and to offer additional utility bill assistance.
Brittney, encouraged the city to discontinue water shut-offs and to offer additional utility bill assistance.
Bianca, encouraged the city to discontinue water shut-offs.

ADJOURNMENT:

There being no further business to come before the City Council, Mayor McClellan adjourned the meeting at 9:15 P.M.

T. Edwin Norris, City Clerk

Marian McClellan, Mayor