CITY OF OAK PARK, MICHIGAN
REGULAR COUNCIL MEETING OF THE
39th OAK PARK CITY COUNCIL
May 15, 2023
7:00 PM

MINUTES

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

PRESENT: Mayor McClellan, Mayor Pro Tem Edgar, Council Member Burns
Council Member Radner, Council Member Whitehead

ABSENT: None

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

APPROVAL OF AGENDA:

CM-05-148-23 (AGENDA ITEM #4) ADOPTION OF THE AGENDA AS AMENDED – APPROVED

Motion by Burns, seconded by Edgar, CARRIED UNANIMOUSLY, to approve the agenda as amended:

- Remove Item #15H.

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

MOTION DECLARED ADOPTED

CONSENT AGENDA:

CM-05-149-23 (AGENDA ITEM #5A-E) 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 for May 1, 2023 **CM-05-150-23**
B. Planning Commission Meeting Minutes for April 18, 2023 **CM-05-151-23**
C. Request to approve Payment Application No. 1 for the 2023 Catch Basin Line Replacement Project, M-752 to Midwest Excavation of Dearborn, MI for $144,375.76 **CM-05-152-23**
D. Request to approve Payment Application No. 1 for the 2023 Joint and Crack Sealing Project to Michigan Joint Sealing of Farmington Hills, Michigan for $64,273.98 **CM-05-153-23**
E. Licenses New and Renewals submitted for May 15, 2023 **CM-05-154-23**

MERCHANT'S LICENSES – May 15, 2023
(Subject to All Departmental Approvals)

NEW MERCHANT	ADDRESS	FEE	BUSINESS TYPE
COLLISION GUYS OAK PARK	21380 COOLIDGE HWY A	$225.00	COLLISION WAREHOUSE

RENEWALS (2023)	ADDRESS	FEE	
LM STUDIO	8104 W NINE MILE RD	$225.00	GRAPHIC DESIGN
KING NAILS	13710 W EIGHT MILE RD	$225.00	NAIL SALON
PAISLEYS PARLOR	10780 W NINE MILE RD	$225.00	BEAUTY SALON
LOVE NAIL & SPA	22118 COOLIDGE HWY	$187.50	NAIL SALON

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

MOTION DECLARED ADOPTED

RECOGNITION OF VISITING ELECTED OFFICIALS:

45th District Court Judge Michelle Freidman Appel was present and thanked the administration for assistance with the budgeting process.

SPECIAL RECOGNITION/PRESENTATIONS:

(AGENDA ITEM #7A) Public Safety Director Steve Cooper offered a tribute and moment of silence in memory of Oak Park Public Safety Officer Henry Wolf who was shot and killed in the line of duty on May 21, 1973.

(AGENDA ITEM #7B) Proclamation. Mayor McClellan presented a proclamation declaring June 2, 2023, as National Gun Violence Awareness Day in the City of Oak Park and encouraged everyone to wear orange to support the program.

(AGENDA ITEM #7C) City Manager Tungate recognized Public Safety Deputy Director Mike Pinkerton for his 27 years of service to the City of Oak Park.

(AGENDA ITEM #7D) Annual Budget Presentation. City Manager Tungate presented the Fiscal Year 2023-2024 Budget and discussed projections for Fiscal Years 2024-25 and 2025-26. A copy of the presentation is on file with the City Clerk.

PUBLIC HEARINGS:

(AGENDA ITEM #8A) Public Hearing to receive citizen comments regarding proposed Fiscal Year 2022-2023 Budget and property tax millage rates.

Mayor McClellan opened the Public Hearing regarding the proposed Fiscal Year 2022-2023 Budget and Property Tax Millage Rates at 7:45 p.m. The hearing was immediately closed as there were no members of the audience who wished to speak.

CM-05-155-23 **(AGENDA ITEM #8B) RESOLUTION ADOPTING THE FISCAL YEAR 2023-2024 BUDGET AND MILLAGE RATES AND ACKNOWLEDGING THE MULTI-YEAR BUDGET INCLUDING PROJECTIONS FOR FISCAL YEARS 2024-2025 AND 2025-2026 - APPROVED**

Motion by Burns, seconded by Edgar, CARRIED UNANIMOUSLY, to approve the following resolution adopting the Fiscal Year 2023-2024 budget and millage rates and acknowledging the multi-year budget including projections for fiscal years 2024-2025 and 2025-2026:

CITY OF OAK PARK

GENERAL APPROPRIATIONS ACT RESOLUTION
2023/2024 GENERAL FUND AND SPECIAL FUND BUDGETS

To approve the following General Appropriations Act Resolution outlining anticipated revenues and expenditures for the fiscal year beginning July 1, 2023 and includes projections for fiscal years 2024-2025 and 2025-2026, in accordance with Section 9.5 of the City Charter and State Act 621:

WHEREAS, the City Manager's recommended budget is based upon the City Council's strategic themes and property tax projections presented to City Council, and

WHEREAS, this budget has incorporated the Capital Improvement Program and was submitted at the Public hearing held on May 15, 2023 and

WHEREAS, pursuant to the Oak Park City Charter, a detailed revenue and expenditure plan has been presented in accordance with all applicable City, State and Federal Statutes, and

WHEREAS, a public hearing was also held on May 15, 2023 on the proposed budget, and

WHEREAS, this budget takes into consideration the City's Multi-Year Budget and financial planning through fiscal-year 2024-2025, and 2025-2026.

NOW, THEREFORE, BE IT RESOLVED, that the fiscal year 2023-2024 attached budget (departmental basis) is adopted and that the City Council acknowledges the Multi-Year Budget, including Projections of Future Fiscal-Years 2024-2025 and 2025-2026 as part of this resolution.

BE IT FURTHER RESOLVED, the City Council's desire is to levy the lowest millage rate possible and reduced the overall millage rate by .5232 mills to a total of 31,9151, and

BE IT FURTHER RESOLVED, that these levies are being placed on a diversified tax base that has increased slightly as anticipated in the financial plan, and

BE IT FURTHER RESOLVED, a public hearing was also held on May 15, 2023 on the 2023 millage rates and the 2023-2024 budget,

BE IT FURTHER RESOLVED, that to finance the level of services established for the 2023-2024 fiscal-year, and to meet specific debt obligations of the City that the following millages are authorized to be spread:

TAX RATES:

14.3803	PER $1,000 TAXABLE VALUATION FOR OPERATION
1.3106	PER $1,000 TAXABLE VALUATION FOR LIBRARY
1.7719	PER $1,000 TAXABLE VALUATION FOR PUBLIC SAFETY
7.0000	PER $1,000 TAXABLE VALUATION FOR PUBLIC SAFETY PA 345
0.4393	PER $1,000 TAXABLE VALUATION FOR RECREATION
3.4121	PER $1,000 TAXABLE VALUATION FOR DEBT RETIREMENT
1.0052	PER $1,000 TAXABLE VALUATION FOR HEADLEE OVERRIDE
2.5957	PER $1,000 TAXABLE VALUATION FOR SOLID WASTE

TOTAL: $31,9151 PER $1,000 EQUALIZED VALUATION

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

MOTION DECLARED ADOPTED

CM-05-156-23 (AGENDA ITEM #8C) ADOPTION OF THE FISCAL YEAR 2023-2024 FEE SCHEDULE AND AUTHORIZATION TO ADD A MINIMUM ADMINISTRATIVE FEE SCHEDULE TO TICKETS EFFECTIVE IMMEDIATELY FOR THE 2022-2023 FISCAL YEAR - APPROVED

Motion by Burns, seconded by Edgar, CARRIED UNANIMOUSLY, to adopt the fiscal year 2023-2024 fee schedule as presented and to authorize the addition of a minimum administrative fee schedule to tickets effective immediately for the 2022-2023 Fiscal Year.

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

MOTION DECLARED ADOPTED

(AGENDA ITEM #4B) Public Hearing to receive comments on the adoption of a Brownfield Plan for the Corsaut Property located at 15101 W 11 Mile Road in the City of Oak Park.

Mayor McClellan opened the Public Hearing regarding the Brownfield Plan for the Corsaut Property located at 15101 W 11 Mile Road in the City of Oak Park. The hearing was immediately closed as there were no members of the audience who wished to speak.

CM-05-157-23 (AGENDA ITEM #8E) REQUEST TO ADOPT A RESOLUTION APPROVING THE CORSAUT BUILDING VENTURES, LLC BROWNFIELD PLAN - APPROVED

Motion by Burns, seconded by Edgar CARRIED UNANIMOUSLY, to adopt the following resolution approving the Corsaut Building Ventures, LLC Brownfield Plan:

RESOLUTION TO APPROVE A BROWNFIELD PLAN AND REIMBURSEMENT AGREEMENT FOR THE CORSAUT BUILDING VENTURES PROJECT LOCATED AT 15101 W 11 MILE ROAD, CITY OF OAK PARK PURSUANT TO AND IN ACCORDANCE WITH THE PROVISIONS OF ACT 381 OF THE PUBLIC ACTS OF THE STATE OF MICHIGAN OF 1996, AS AMENDED

WHEREAS, The Oak Park City Council previously approved a resolution creating the City of Oak Park Brownfield Redevelopment Authority in accordance with the provisions of the Brownfield Redevelopment Financing Act, Act 381 of Public Acts of the State of Michigan 1996, as amended (the "Act"); and

WHEREAS, The Oak Park City Council supports the redevelopment of environmentally distressed underutilized sites designated as Brownfield; and

WHEREAS, Five (5) parcels of land located at 15101W. Eleven Mile Rd, have been identified as a "facility" as defined by the Act, , all in the City of Oak Park, are referred to herein as the "Property"; and

WHEREAS, A Brownfield Redevelopment Plan (the "Brownfield Plan") has been prepared in accordance with the Brownfield Redevelopment Financing Act, Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the "Act"), to restore the economic viability of the Property; and

WHEREAS, The Oak Park Brownfield Redevelopment Authority (the "Authority), on May 4th, 2023, voted to recommend that the Oak Park City Council approve the Brownfield Plan for the redevelopment of the Property; and

WHEREAS, The Oak Park City Council held a Public Hearing on May 15, 2023 to receive comments on the Brownfield Plan pursuant to the Act; and

WHEREAS, The Oak Park City Council has made the following determinations and findings:

A. The Brownfield Plan constitutes a public purpose under the Act;

B. The Brownfield Plan meets the requirements for a Brownfield Plan as set forth in Section 13 of the Act;

C. The costs of the eligible activities proposed in the Brownfield Plan are reasonable and necessary to carry out the purposes of the Act;

D. The amount of captured taxable value estimated to result from adoption of the Brownfield Plan is reasonable.

WHEREAS, In accordance with Section 13 of the Act, the Brownfield Plan provides for capture by the Authority of Tax Increment Revenues generated by the Property to reimburse the costs of Eligible Activities as defined by Section 2(m) of the Act and identified in the Brownfield Plan; and

WHEREAS, The Brownfield Plan provides for capture by the Authority of Tax Increment Revenues to reimburse the Authority's administrative expenses associated with the Property, and to establish a Local Brownfield Revolving Fund (LBRF) in accordance with Section 8 of the Act; and

WHEREAS, A Reimbursement Agreement has been prepared which sets forth the terms of reimbursement from Tax Increment Revenues generated by the Property under the Brownfield Plan;

NOW THEREFORE BE IT RESOLVED, Pursuant to and in accordance with the provisions of Section 14 of the Act, the Brownfield Plan is hereby approved in the form attached as Exhibit A to this Resolution; and

BE IT FURTHER RESOLVED, That the Reimbursement Agreement is hereby approved in the form attached as Exhibit B to this Resolution.

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

MOTION DECLARED ADOPTED

Municipal Services Director Marrone stated that Corsaut Building Ventures, LLC, 15101 W. 11 Mile Rd., has submitted a Brownfield Plan and Act 381 Work Plan for review and the Brownfield Authority Board has recommended approval to the City Council.

The Corsaut Building Ventures Brownfield Redevelopment Project calls for the redevelopment of the site commonly known as 15101 W. 11 Mile Rd. which comprises five (5) parcels of land identified as parcel ID 52-25-19-103-001,52-25-19-103-002, 52-25-19-103-003, 52-25-19-103-004 and, 52-25-19-

103-012. The original building will remain, and two additional single-story buildings will be constructed on the site totaling approximately 13,550 square feet of industrial flex space.

The Project includes prior to redevelopment of the property, a number of eligible activities that must be undertaken to address the over 75 years of light industrial and well drilling operations on the property that include: Complete hazardous building material abatement; address the PCB contamination discovered on-site in various areas in the soils through TSCA corrective action measures; excavate and dispose of off-site any contaminated soils that were identified during the Phase II ESA that exceed the VIAP Screening Levels. Excavate and dispose of any remaining excess soil associated with construction that is identified as contaminated and import clean soil as necessary to complete land balance of site.

The City of Oak Park Economic Development Department in collaboration with EGLE has also requested a $900,000 Grant Award to address the environmental contamination on the property. The Project will result in the creation of approximately 12-15 high-tech full-time jobs in addition to temporary construction jobs.

The total City of Oak Park capture will range from year one of approximately $4,600 to year 30 at $18,923. Administrative fees of 10% are included to help administer the plan. The total capture from Oak Park millages over the term of the plan is estimated to be $502,908 with $101,596 being captured the last five years for the Brownfield Revolving Loan Fund.

CM-05-158-23 (AGENDA ITEM #8F) REQUEST TO APPROVE THE PROPOSED CORSAUT BUILDING VENTURES, LLC BROWNFIELD PLAN REIMBURSEMENT AGREEMENT - APPROVED

Motion by Burns, seconded by Edgar, CARRIED UNANIMOUSLY, to approve the proposed Corsaut Building Ventures, LLC Brownfield Plan Reimbursement Agreement.

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

MOTION DECLARED ADOPTED

Ms. Marrone indicated Corsaut Building Ventures, LLC, 15101 W. 11 Mile Rd., has submitted a Brownfield reimbursement agreement with the City of Oak Park that has been reviewed and approved by the City Attorney.

SPECIAL LICENSES: None

ACCOUNTING REPORTS:

CM-05-159-23 (AGENDA ITEM #11A) APPROVAL FOR PAYMENT OF INVOICES SUBMITTED BY GARAN, LUCOW, MILLER, P.C. FOR LEGAL SERVICES IN THE TOTAL AMOUNT OF $13,408.34 - APPROVED

Motion by Radner, seconded by Whitehead, CARRIED UNANIMOUSLY, to approve payment of invoice #608266 to Garan, Lucow, Miller P.C., for legal services rendered through April 30, 2023 in the total amount of $13,408.34.

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

MOTION DECLARED ADOPTED

BIDS:

CM-05-160-23 **(AGENDA ITEM #12A) REQUEST TO AWARD THE BID FOR THE 2023 BLOCK PRUNING PROJECT, M-748 TO URBAN TREE TRIMMING SERVICES, OF DETROIT, MI, FOR THE TOTAL AMOUNT OF $95,000.00 - APPROVED**

Motion by Radner, seconded by Burns, CARRIED UNANIMOUSLY, to award the bid for the 2023 Block Pruning Project, M-748 to Urban Tree Trimming Services, of Detroit, MI, for the total amount of $95,000.00.

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

MOTION DECLARED ADOPTED

DPW Director DeCoster indicated the request to re-bid the 2023 Block Pruning Project, M-748 was approved (CM-10-325-22) at the October 3, 2022, regular meeting of the Oak Park City Council. This was because no contractors bid on the original project. The project was advertised, and seventeen (17) contractors viewed the documents and on April 25, 2023, three (3) bids were received and opened. The low bidder, Urban Tree Trimming Services, of Detroit, MI, submitted a bid of $70.00 and $125.00 per tree.

ORDINANCES: None

CITY ATTORNEY: No Report

CITY MANAGER:

Administration

CM-05-161-23 **(AGENDA ITEM #15A) RESOLUTION TO APPROVE THE EXTENSION OF THE ARENA MANAGEMENT AGREEMENT WITH ROLSTON HOCKEY LLC FOR CITY PROPERTY AT 13950 OAK PARK BLVD - APPROVED**

Motion by Radner, seconded by Burns CARRIED UNANIMOUSLY, to adopt the following resolution approving the extension of the Arena Management Agreement with Rolston Hockey LLC for city property at 13950 Oak Park Blvd:

CITY OF OAK PARK
OAKLAND COUNTY, MICHIGAN

A RESOLUTION OF THE OAK PARK CITY COUNCIL TO APPROVE THE EXTENSION OF THE ARENA MANAGEMENT AGREEMENT WITH ROLSTON HOCKEY LLC FOR CITY PROPERTY AT 13950 OAK PARK BLVD.

WHEREAS, Section 2.3 of the Oak Park City Charter vests with the city the power to provide for the leasing of city property subject to any restrictions placed thereon by statute and the Charter; and

WHEREAS, any lease of city owned property is subject to an affirmative vote of four or more members of the council, with fair consideration as determined by the council; and

WHEREAS**,** June 1, 1996, the City entered into an Arena Management Agreement, as amended and extended by an Extension of Arena Management Agreement dated January 2014, that was subsequently assigned to Rolston Hockey LLC pursuant to an Assignment and Assumption of Arena Management Agreement dated July 15, 2016 for the recreational facility commonly known as the Oak Park Ice Arena at 13950 Oak Park Blvd., Oak Park, Michigan; and

WHEREAS, the Arena Management Agreement is set to expire on June 30, 2023 and Rolston Hockey LLC has requested an extension to the current lease term for the Oak Park Ice Arena beginning July 1, 2023 and terminating June 30, 2025, with the option for further extension subject to the approval of city council. As consideration for the proposed extension, Rolston Hockey LLC shall pay $2,500 per month to the City in accordance with the parties' prior agreement, in addition to assuming responsibility for all maintenance and repair of the structure, and all costs and expenses incurred in connection with the operation of the arena;

NOW THEREFORE BE IT RESOLVED:

1. The City Council hereby authorizes the extension of the Arena Management Agreement for city property known as 13950 Oak Park Blvd, Oak Park, MI for a two-year term commencing July 1, 2023 and terminating June 30, 2025. The approved extension terms are attached hereto as an addendum.

2. The City Council has determined that the proposed rental rate for the premises of$2,500.00 per month, in addition to Rolston Hockey LLC's agreement to assume responsibility for all maintenance, repairs and operations at the structure represent fair consideration for Rolston Hockey LLC's possession of the premises for a period of two-years;

3. That based upon the foregoing findings and determinations, the proposed extension terms attached hereto as an Addendum appear to be in the best interest of the City, and the City Council approves the execution of the attached addendum by the City Manager on behalf of the City of Oak Park, copies of which are attached to this resolution.

4. That any renewal of the lease beyond the two-year period shall be subject to the approval of the City Council as required by Section 13 of the Charter.

5. All resolutions inconsistent with this Resolution be and hereby are rescinded to the extent of such inconsistency.

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

MOTION DECLARED ADOPTED

Economic Development and Planning

CM-05-162-23 (AGENDA ITEM #15B) REQUEST TO AUTHORIZE THE CITY MANAGER TO SIGN A PURCHASE AGREEMENT FOR THE SALE OF THREE VACANT CITY PARCELS AT EIGHT MILE ROAD & E. FERN AVENUE TO BARTON MALOW COMPANY, SUBJECT TO EASEMENTS BEING RETAINED BY THE CITY FOR UTILITIES - APPROVED

Motion by Whitehead, seconded by Burns, CARRIED UNANIMOUSLY, to authorize the City Manager to sign a purchase agreement for the sale of three vacant city parcels at Eight Mile Road & E. Fern Avenue to Barton Malow Company, subject to easements being retained by the city for utilities.

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

MOTION DECLARED ADOPTED

Municipal Services Director Marrone indicated the city owns three vacant parcels at the Eight Mile Road & E Fern Avenue. The parcels were acquired by the city between 1983 and 1984 and their size renders them ineligible for development unless acquired by an adjacent property owner. All the parcels are zoned industrial. The Barton Malow Company has submitted a request to purchase these vacant parcels from the city.

Parcel 25-32-376-015 consists of approximately 0.69 acres running along 394.85 feet of Fern Street. The assessor has advised that if assessing the parcel for taxable purposes, the parcel would have a value of $10,250.

Parcel 25-32-376-018 consists of approximately 0.440 acres with 24 feet of frontage on 8 Mile Road running 800 feet along the east side of Fern Avenue. The assessor has advised that if assessing the parcel for taxable purposes, the parcel would have a value of $8,300.

Parcel 25-32-351-032 consists of approximately 0.480 acres with 30 feet of frontage on 8 Mile Road and running 698.32 feet along the west side of Fern Avenue. The assessor has advised that if assessing the parcel for taxable purposes, the parcel would have a value of $6,350.

The total market value of the parcels is projected to be $24,900, plus recovery of costs incurred by the City for surveys. Any sale would be subject to easements retained by the city for utilities.
The sale of the parcels is in the best interests of the city because they do not offer any independent development potential; the City continues to incur costs for storm water charges associated with the parcels; and the sale will restore the parcels to productive use by an existing Oak Park business, having the net effect of encouraging further business development within the city.

Department of Public Works/Facilities

CM-05-163-23 (AGENDA ITEM #15C) REQUEST TO APPROVE A ONE-YEAR LEASE EXTENSION FOR 13650 OAK PARK BLVD., SUITE A TO HATZALAH OF MICHIGAN – APPROVED

Motion by Burns, seconded by Whitehead, CARRIED UNANIMOUSLY, to approve a one-year lease extension for 13650 Oak Park Blvd., Suite A to Hatzalah of Michigan:

CITY OF OAK PARK
OAKLAND COUNTY, MICHIGAN

A RESOLUTION OF THE OAK PARK CITY COUNCIL TO APPROVE THE RENEWAL OF A LEASE OF CITY PROPERTY LOCATED AT 13650 OAK PARK BLVD., STE A, TO HATZALAH OF MICHIGAN

WHEREAS, Section 2.3 of the Oak Park City Charter vests with the city the power to provide for the leasing of city property subject to any restrictions placed thereon by statute and the Charter; and

WHEREAS, any lease of city owned property is subject to an affirmative vote of four or more members of the council, with fair consideration as determined by the council; and

WHEREAS, Hatzalah of Michigan, a Michigan non-profit Corporation, has submitted a request to renew its current lease of city owned property at 13650 Oak Park Blvd., Ste A, for the sum of $12,883.00 per year, payable in equal monthly installments of $1,073.58 ($13 per square foot annually for 991 square feet), inclusive of all utility services for the premises, including water, sewer, gas, and electricity, with the proposed lease terms attached hereto as an addendum;

WHEREAS, Hatzalah of Michigan has requested an additional 921 square feet of storage / training space and if agreed upon by the parties, an additional sum of $997.75 per month will be added to the monthly rental amount.

WHEREAS, the proposed renewal of the lease term is for twelve (12) months, commencing on May 16, 2023 and expiring on April 30, 2024, with the option to request renewal of the lease annually subject to the approval of city council;

NOW THEREFORE BE IT RESOLVED:

1. The City Council hereby authorizes the lease of city property known as 13650 Oak Park Blvd., Ste A, Oak Park, MI for the sum of $12,883.00 per year, payable in equal monthly installments of $1,073.58 ($13 per square foot annually for 991 square feet), inclusive of all utility services for the premises, including water, sewer, gas, and electricity. 921 square feet of storage / training space may be included in the lease as consideration for an additional payment of $997.75 per month for the duration of the lease term, bringing the total monthly rental to $2,071.33. The approved lease terms are attached hereto as an addendum.

2. The City Council has determined that the proposed rental rate for the premises of $12,883.00 per year ($24,856.00 including storage / training space) payable in monthly installments of $997.75 ($2,071.33 including storage / training space) per month, represents fair consideration for Hatzalah's possession of the premises for a period of twelve (12) months.

3. That based upon the foregoing findings and determinations, the proposed lease renewal terms attached hereto as an Addendum appear to be in the best interest of the City, and the City Council approves the execution of the attached lease renewal by the City Manager on behalf of the City of Oak Park, copies of which are attached to this resolution.

4. That any renewal of the lease beyond the twelve-month period shall be subject to the approval of the City Council as required by Section 13 of the Charter.

All resolutions inconsistent with this Resolution be and hereby are rescinded to the extent of such inconsistency.

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

MOTION DECLARED ADOPTED

The City of Oak Park is currently leasing space (13650 Oak Park Blvd, Suite A) to the non-profit group Hatzalah of Michigan (Hatzalah). A previous lease renewal was approved on April 3, 2023; however, a modification was made to the monthly payment terms. This agreement would extend the lease for a period from May 16, 2023, through April 30, 2024. This year's lease extension includes a modest increase in rent as well as the lease of additional space. Hatzalah has been a great tenant and has occupied this space for the past six years.

Recreation

CM-05-164-23 (AGENDA ITEM #15D) REQUEST TO APPROVE A SWIMMING POOL USE AGREEMENT BETWEEN THE CITY OF OAK PARK AND THE CITY OF SOUTHFIELD - APPROVED

Motion by Burns, seconded by Whitehead, CARRIED UNANIMOUSLY, to approve a Swimming Pool Use Agreement between the City of Oak Park and the City of Southfield:

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

This Swimming Pool Use Agreement ("Agreement") is made and entered into as of the 15th day of May, 2023, by and between the City of Oak Park, a Michigan municipal corporation ("Oak Park"), and the City of Southfield, a Michigan municipal corporation ("Southfield "), for the use of the Oak Park Municipal Swimming Pool, located at 14300 Oak Park Blvd, Oak Park, MI 48237 (the "Pool").

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

WHEREAS, Southfield is desiring that its residents have access to and use of the Pool as permitted by the terms of this Agreement.

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. <u>Use.</u> Oak Park agrees to allow Southfield residents to use the Pool during the Term of this Agreement on the dates and times, and based on the rates as set forth herein (which may change from time to time at the discretion of Oak Park). Southfield expressly acknowledges and agrees that Oak Park reserves the right to close the Pool at any time, with our without notice to Southfield, for maintenance, cleaning, or staffing issues. Nothing in this Agreement shall be construed as a guarantee that Southfield residents will have access to the Pool at any time should any of these issues arise.

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

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

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

2. Term. Subject to the terms and conditions of this Agreement, the use granted in Section 1 above shall commence on June 10, 2023 ("Commencement Date"), and shall expire on August 19, 2023 (the "Termination Date"). Both Oak Park and Southfield agree that each Party has the unrestricted right to terminate, revoke or otherwise cancel this Agreement upon thirty (30) days prior written notice of such intent.

3. Fees. Southfield shall remit payment to Oak Park for the Term of the Agreement as follows:

A. Southfield Residents shall pay the Resident Rate for use of the Pool from June 10, 2023, to August 19, 2023, and Southfield shall pay Oak Park the difference per swimmer between the Resident Rate and the Non-Resident Rate.

B. The Southfield Parks & Recreation Department is permitted to rent the facility up to six (6) times at the rate charged for a full-pool rental ($310.00 per 2-hour session) during the Term of this Agreement. The full-pool rental will be for Southfield Residents only to use the Pool free-of-charge as designated in Section 1 as "Southfield Days".

C. Southfield shall remit payment of the rental fees within thirty (30) days of the date of each invoice to the following address:

City of Oak Park
Attention: Recreation Department
14300 Oak Park Blvd.
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 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 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: Terry Fields
26000 Evergreen Road
Southfield, MI 48076

With Copy to City Attorney's Office
26000 Evergreen Road
Southfield, MI 48076

City of Oak Park
Recreation Department
Attention: Laurie Stasiak
14300 Oak Park Blvd
Oak Park, MI 48237

9. Signs. Southfield may not place any temporary signs upon the Pool property without the prior and express written approval of Oak Park.

10. Non-Exclusive: This Agreement is not exclusive, and 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.

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

MOTION DECLARED ADOPTED

CM-05-165-23 (AGENDA ITEM #15E) REQUEST TO APPROVE THE NAME *OAK PARK AND BARK* FOR THE NEW LESSENGER PARK DOG PARK - APPROVED

Motion by Edgar, seconded by Burns, CARRIED UNANIMOUSLY, to approve the name Oak Park and Bark for the new Lessenger Park Dog Park.

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

MOTION DECLARED ADOPTED

The Dog Park Committee engaged residents via a survey (February 9-March 23, 2023) to select the name for the new Lessenger Park Dog Park. Residents voted on names that the committee proposed or provided their own suggestions. Oak Park and Bark was the first-place choice among the 223 resident voters. This name was approved by the Parks and Recreation Commission at their April 19th meeting.

CM-05-166-23 (AGENDA ITEM #15F) RESOLUTION AUTHORIZING THE APPLICATION FOR THE BEER AND WINE SPECIAL EVENT LICENSE FOR THE CITY OF OAK PARK SUMMER BLAST TO BE HELD JUNE 16 THRU 18, 2023 - APPROVED

Motion by Burns, seconded by Radnerr, CARRIED UNANIMOUSLY, to adopt a resolution authorizing the application for the Beer and Wine Special Event License for the City of Oak Park Summer Blast to be held June 16 thru 18, 2023.

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

MOTION DECLARED ADOPTED

Municipal Services/Engineering

CM-05-167-23 (AGENDA ITEM #15G) REQUEST TO APPROVE PAYMENT APPLICATION NO. 1 FOR $270,145.17 AND CHANGE ORDER NO. 1 FOR $3,663.27 TO INNER CITY CONTRACTING OF DETROIT, MICHIGAN FOR THE 2023 WATER MAIN AND ROAD REPLACEMENT PROJECT, M-750 - APPROVED

Motion by Burns, seconded by Whitehead, CARRIED UNANIMOUSLY, to approve Payment Application No. 1 for $270,145.17 and Change Order No. 1 for $3,663.27 to Inner City Contracting of Detroit, Michigan for the 2023 Water Main and Road Replacement Project, M-750.

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

MOTION DECLARED ADOPTED

Payment Application No. 1 and Change Order No. 1 for the 2023 Water Main and Road Replacement Project, M-750 by Inner City Contracting LLC of Detroit, MI. This project will replace the water mains in specific areas of the city and also replace the pavement on Cloverdale Ave and Northfield Ave. This project is approximately 13% complete. Change Order No. 1 includes additional signage for a detour at Northfield and survey work.

(AGENDA ITEM #15H) Removed from the agenda. Request to approve Payment Application No. 4 for $182,195.91 and Change Order No. 1 for $10,751.04 to Michigan Fence Outlet of Macomb, Michigan for the 2021 Greenfield Fence Project, M-735.

CALL TO THE AUDIENCE:

Donald Jones, 24660 West Hampton, thanked the city for its sewer cleaning program.

Ken Sherman, 23840 Jerome, discussed concerns regarding MDOT's plan to replace the I-696 bridge.

Edward Howard, 21630 Kipling, expressed concerns about DTE and power outages, speeding in his neighborhood and the ongoing deer problem in the area.

ADJOURNMENT:

There being no further business to come before the City Council, Mayor McClellan adjourned the meeting at 8:55 p.m.

T. Edwin Norris, City Clerk

Marian McClellan, Mayor