CITY OF OAK PARK, MICHIGAN
REGULAR COUNCIL MEETING OF THE
39th OAK PARK CITY COUNCIL
April 18, 2022
7:00 PM

MINUTES

The meeting was called to order at 7:00 PM 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, Council Member Radner, Mayor ProTem Edgar, Council Member Burns, Council Member Whitehead

ABSENT: None

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

APPROVAL OF AGENDA:

CM-04-124-22 **(AGENDA ITEM #4) ADOPTION OF THE AGENDA AS PRESENTED – APPROVED**

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

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

MOTION DECLARED ADOPTED

CONSENT AGENDA:

CM-04-125-22 **(AGENDA ITEM #5A-H) CONSENT AGENDA - APPROVED**

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

A. Regular City Council Meeting Minutes of April 4, 2022 **CM-04-126-22**
B. Special City Council Meeting Minutes of April 4, 2022 **CM-04-127-22**
C. Board of Review Meeting Minutes for March 2022 **CM-04-128-22**
D. Planning Commission Meeting Minutes of March 14, 2022 **CM-04-129-22**
E. Zoning Board of Appeals Meeting Minutes of May 25, 2021 **CM-04-130-22**
F. Resolution authorizing the application for a Beer and Wine Special Event License for the City of Oak Park Summer Blast on June 17 – 19, 2022 **CM-04-131-22**
G. Request to approve invoices from OHM Advisors for 8 Mile Booster Station Rehab and Nine Mile Linear Park Landscaping Design for the total amount of $9,256.25 **CM-04-132-22**
H. Licenses New and Renewals submitted for April 18, 2022 **CM-04-133-22**

MERCHANT'S LICENSES – April 18, 2022
(Subject to All Departmental Approvals)

NEW MERCHANT	ADDRESS	FEE	BUSINESS TYPE
None			

RENEWALS (2022)	ADDRESS	FEE	
LIVE SMART	13305 CAPITAL # 600	$225.00	MANUFACTURER
GREENSCAPES	8555 CAPITAL AVE	$150.00	LANDSCAPE
MURRY'S WORLDWIDE	8750 CAPITAL AVE	$225.00	MANUFACTURER
AUTO METAL CRAFT	10230 CAPITAL AVE	$150.00	SHEET METAL FABRICATOR
AUTO METAL CRAFT	12721 CAPITAL AVE	$150.00	PROTOTYPE STAMPINGS
SECURITY CENTRAL	12821 CAPITAL AVE	$225.00	SECURITY - ALARM
SFT FOODS	12930 CAPITAL AVE	$150.00	ICE CREAM AND BAKERY
LASHELLE'S SCHOOL OF DANCE	21330 COOLIDGE	$150.00	DANCE STUDIO
9 OAKS GRILL	22110 COOLIDGE	$150.00	RESTAURANT
INTEGRA CONTRACTORS	21410 COOLIDGE HWY	$150.00	EXCAVATION, DEMOLITION
TIM HORTONS	22211 COOLIDGE HWY	$150.00	RESTAURANT
H O TRERICE CO	12950 EIGHT MILE	$150.00	MANUFACTURER
ALLWELL PHYSICAL TH.	21700 GREENFIELD # 257	$225.00	PHYSICAL THERAPY
BABY RAY PRODUCTION	21700 GREENFIELD # 259	$225.00	EVENT PLANNING
A & W DRIVER EDUCATION	21700 GREENFIELD # LL1	$225.00	DRIVER EDUCATION SCHOOL
ANOTHER LEVEL UNISEX SALON	21700 GREENFIELD #LL17	$225.00	SALON
FRONT PAGE DELI	24810 GREENFIELD	$225.00	DELI RESTAURANT
DIAMOND NAILS	25238 GREENFIELD	$225.00	NAIL SALON
GLOBAL WATCH REPAIR	25900 GREENFIELD # 116	$150.00	WATCH REPAIR
PURPOSE HEALTHCARE TRAINING	25900 GREENFIELD # 260	$225.00	TRAINING
DRIVE-ABLE	25900 GREENFIELD # 505	$150.00	REHABILITATION SERVICE
CONSERVATIVE CUTS	26090 GREENFIELD	$225.00	HAIR SALON
PINEWOOD DENTAL	21950 GREENFIELD RD	$150.00	GENERAL DENTISTRY
KROGER FUEL	26156 GREENFIELD RD	$150.00	FUEL CENTER
AVIS MANAGEMENT	26640 HARDING AVE	$150.00	PROPERTY MANAGEMENT
B.C. & F. TOOL COMPANY	26670 HARDING AVE	$150.00	
PAISLEYS PARLOR	10780 NINE MILE	$150.00	MAKEUP ARTIST/LSH TECH
OAK-FERN GALLERIA	8520 W NINE MILE RD	$150.00	AUTOMOBILE DISPLAY
HAIR ROCK CAFÉ	15454 TEN MILE	$225.00	HAIR SALON

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

MOTION DECLARED ADOPTED

RECOGNITION OF VISITING ELECTED OFFICIALS: None

SPECIAL RECOGNITION/PRESENTATIONS:

(AGENDA ITEM #7A) Mayor McClellan presented a proclamation recognizing May 1, 2022 – May 7, 2022 as Public Service Recognition Week in the City of Oak Park

(AGENDA ITEM #7B) City Manager Tungate presented employee recognition awards to Parking Enforcement Officers Glynn Thornton, Robert Dalton and Michael Foster

PUBLIC HEARINGS:

(AGENDA ITEM #8A) Public Hearing to hear public comments on the request by Michael Ferlito to vacate the alley adjacent to 8775 Nine Mile Rd, Oak Park, MI.

Mayor McClellan opened the public hearing at 7:21 p.m. The public hearing was immediately closed as there were no members of the audience who wished to speak.

CM-04-134-22 (AGENDA ITEM #8B) RESOLUTION APPROVING THE PETITION TO VACATE THE ALLEY ADJACENT TO 8775 NINE MILE RD, OAK PARK, MI - APPROVED

Motion by Burns, seconded by Edgar, CARRIED UNANIMOUSLY, to adopt the following resolution approving the petition to vacate the alley adjacent to 8775 Nine Mile Rd, Oak Park, MI:

CITY OF OAK PARK
OAKLAND COUNTY, MICHIGAN

RESOLUTION APPROVING ALLEY VACATION

At a Regular Meeting of the City Council of the City of Oak Park, Oakland County, Michigan, held at Oak Park City Hall located at 14000 Oak Park Boulevard on the 18th day of April, 2022, at 7:00 p.m.

WHEREAS, Act 288 of 1967, as amended, MCL 560.256, authorizes a City, by resolution or ordinance, to vacate all or a portion of an alley;

WHEREAS, Act 288 of 1967, as amended, MCL 560.257, authorizes a City Council to determine that it is necessary for the health, welfare, comfort, and safety of the people of the City to discontinue an existing alley shown on a plat and to reserve, by resolution or ordinance, an easement in the alley for public utility and other public purposes within the right-of-way of the alley;

WHEREAS, a petition to vacate the east-west and north-south alleys adjacent to lots 47-50, of the Ferndale-Wyoming subdivision, as recorded in Liber 36, page 17, Oakland County records has been received by the City Council;

WHEREAS, the City Council finds that vacating the east-west and north-south alleys as described above will allow Lots 47-50 to be put to more productive use, which is a benefit to the City and its residents, and will not impeded access to the adjacent lots;

WHEREAS, the City Council finds that it is in the interest of the health, welfare, comfort and safety of the people of the City of Oak Park that the full width and length of the east-west and north-south alleys adjacent to lots 47-50, of the Ferndale-Wyoming subdivision, as recorded in Liber 36, page 17, Oakland County records be vacated subject to reservation of an easement for public utilities and limited pedestrian and vehicular access;

WHEREAS, notice of this meeting was given in the manner prescribed by the Open Meetings Act, being Act No. 267, Public Acts of Michigan 1976, as amended; and

WHEREAS, the City Council has met on this date to receive and hear any objections to the proposed vacation;

NOW, THEREFORE, BE IT RESOLVED:

1. That the City Council, pursuant to the authority granted to it by MCL 560.526 and MCL 560.257, hereby vacates the full width and length of the east-west and north-south alleys adjacent to lots 47-50, of the Ferndale-Wyoming subdivision, as recorded in Liber 36, page 17, Oakland County records, as shown on <u>Exhibit A</u>, and reserves over the full width and length of each alley an easement for

inspection, maintenance, repair, removal, or replacement of existing public utilities together with an easement for pedestrian and vehicular access, which easement will be subject to the following covenants to be observed by the owners of the lots abutting the alley:

a. The easement shall remain accessible to the public utilities whose services are located within therein. No buildings, or structures of any nature whatsoever, shall be constructed or placed in the easement without the prior written consent of an authorized agent of the City of Oak Park.

b. The public utilities whose services are located within the easement and their agents shall have the right to cross or use the open areas, paved or unpaved, of the abutting lots at any time for ingress and egress to the subsurface easement. The public utilities shall use due care in crossing the abutting lots and accessing easement and in undertaking inspections, maintenance, repairs, removals and replacements, and shall restore any resulting property damage to the easement area or abutting lots to a condition at least equivalent to that existing prior to the activity resulting in the damage.

2. That, no more than 30 days after the date of this resolution, the City Clerk shall, as required by MCL 560.256 and 560.257, record a certified copy of this resolution with the Register of Deeds of Oakland County, and send a copy to the director of the Department of Energy, Labor and Economic Growth, now the Department of Licensing and Regulatory Affairs.

3. That the Mayor and City Clerk are each authorized to execute and deliver all certified resolutions, deeds, or other documents reasonably necessary or appropriate to carry forward action authorized by this resolution.

4. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are hereby rescinded.

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

MOTION DECLARED ADOPTED

(AGENDA ITEM #8C) Public Hearing to hear public comments on the creation of a Neighborhood Enterprise Zone (NEZ) District.

Mayor McClellan opened the public hearing at 7:25 p.m. The public hearing was immediately closed as there were no members of the audience who wished to speak.

CM-04-135-22 (AGENDA ITEM #8D) RESOLUTION APPROVING A NEIGHBORHOOD ENTERPRISE ZONE DISTRICT - APPROVED

Motion by Whitehead, seconded by Burns, CARRIED UNANIMOUSLY, to adopt the following resolution approving a Neighborhood Enterprise Zone District:

CITY OF OAK PARK
OAKLAND COUNTY, MICHIGAN

RESOLUTION APPROVING NEIGHBORHOOD ENTERPRISE ZONE DISTRICT

WHEREAS, Public Act 147 of 1992, as amended, authorizes eligible local governmental units to establish Neighborhood Enterprise Zones (NEZ) within which property owners may obtain exemption from ad valorem real property taxes for improvement to new facilities, qualified historic buildings, and rehabilitated facilities meeting the requirement of the Act; and

WHEREAS, the Michigan Enterprise Zone Authority has certified the City of Oak Park as eligible to participate in the Neighborhood Enterprise Zone Program; and

WHEREAS, at a public meeting held in December of 2021, the City Council indicated its intent to establish -Neighborhood Enterprise Zones (hereinafter "NEZ") within the City of Oak Park and approved a policy to meet the requirements set forth in Section 3 of Act 147 of 1992, as amended; and

WHEREAS, The City of Oak Park is a designated eligible distressed community for the purpose of creating NEZs;

WHEREAS, the City of Oak Park wishes to see underutilized properties redeveloped and additional housing units created in neighborhoods;

WHEREAS, Section 3 of Act 147 of 1992 requires the City to provide written notice at least 60 days before adopting a resolution designating a neighborhood enterprise zone to the assessor and to the governing board of each taxing unit that levies ad valorem taxes within the proposed neighborhood enterprise zone; and

WHEREAS, the notice was sent to the assessor and taxing jurisdictions via certified mail on February 10, 2022 (attached hereto as Exhibit A) with a public hearing date of April 18, 2022; and

WHEREAS, at a public meeting on December 20, 2021, City Council established a policy for approving Neighborhood Enterprise Zones with the following goals:

1. Revitalize existing neighborhoods and promote the creation of new residential areas
2. Promote new construction and the rehabilitation of housing
3. Advance City strategies for homeownership, economic development, mixed income development, housing type diversity, utilization of public transit and mobility focused initiatives, infill, and elimination of blight
4. Utilize vacant and underutilized properties
5. Increase the value of real property
6. Implement the Master Plan, Strategic Economic Development Plan and achieve the Oak Park Strategic Plan priorities, where applicable; and

WHEREAS, the NEZ district is legally described as Lots 42, 43, 44, 45 and 46, also ½ of vacated alley adjacent to same and lots 47, 48, 49, and 50, Ferndale-Wyoming Subdivision, as recorded in Liber 36, Page 17 of Plats, Oakland County Records, and consists of .45 acres eligible under PA 147 of 1992, as amended;

WHEREAS, notice of this meeting was given in the manner prescribed by the Open Meetings Act, being Act No. 267, Public Acts of Michigan 1976, as amended; and

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council shall designate the above described property as an NEZ District.
2. All actions heretofore taken by City officials, employees and agents with respect to the proposed NEZ and proceedings under Act 147 are hereby ratified and confirmed.
3. Any and all resolutions that are in conflict with this Resolution are hereby repealed, but only to the extent to give this Resolution full force and effect.

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

MOTION DECLARED ADOPTED

(AGENDA ITEM #8E) Public Hearing to hear public comments on the application for a Neighborhood Enterprise Zone (NEZ) Certificate.

Mayor McClellan opened the Public Hearing to hear public comments at 7:28 p.m. The public hearing was immediately closed as there were no members of the audience who wished to speak.

CM-04-136-22 (AGENDA ITEM #8F) RESOLUTION APPROVING A NEIGHBORHOOD ENTERPRISE ZONE CERTIFICATE - APPROVED

Motion by Burns, seconded by Edgar, CARRIED UNANIMOUSLY, to adopt the following resolution approving a Neighborhood Enterprise Zone Certificate:

CITY OF OAK PARK
OAKLAND COUNTY, MICHIGAN

RESOLUTION APPROVING NEIGHBORHOOD ENTERPRISE ZONE CERTIFICATE

At a Regular Meeting of the City Council of the City of Oak Park, Oakland County, Michigan, held at Oak Park City Hall located at 14000 Oak Park Boulevard on the 18th day of April, 2022, at 7:00 p.m.

WHEREAS, at a public meeting held in December of 2021, the City Council indicated its intent to establish -Neighborhood Enterprise Zones (hereinafter "NEZ") within the City of Oak Park and approved a policy to meet the requirements set forth in Section 3 of Act 147 of 1992, as amended; and

WHEREAS, The City of Oak Park is a designated eligible distressed community for the purpose of creating NEZs;

WHEREAS, Section 3 of Act 147 of 1992 requires the City to provide written notice at least 60 days before adopting a resolution designating a neighborhood enterprise zone to the assessor and to the governing board of each taxing unit that levies ad valorem taxes within the proposed neighborhood enterprise zone; and

WHEREAS, the notice was sent to the assessor and taxing jurisdictions via certified mail on February 10, 2022 (attached hereto as Exhibit A) with a public hearing date of April 18, 2022; and

WHEREAS, at a public meeting on December 20, 2021, City Council established a policy for approving Neighborhood Enterprise Zones with the following goals:

1. Revitalize existing neighborhoods and promote the creation of new residential areas
2. Promote new construction and the rehabilitation of housing
3. Advance City strategies for homeownership, economic development, mixed income development, housing type diversity, utilization of public transit and mobility focused initiatives, infill, and elimination of blight
4. Utilize vacant and underutilized properties
5. Increase the value of real property
6. Implement the Master Plan, Strategic Economic Development Plan and achieve the Oak Park Strategic Plan priorities, where applicable; and

WHEREAS, the City of Oak Park Ordinance Division 2, Section 18-164 requires the Oak Park Technical and Planning Department to conduct inspections of the proposed NEZ property to determine whether the new facility is in compliance with all applicable construction and safety codes. The units will be reinspected on a periodic basis or upon re-occupancy but not to exceed a period of two years;

WHEREAS, the proposed NEZ property is legally described as Lots 42, 43, 44, 45 and 46, also ½ of vacated alley adjacent to same and lots 47, 48, 49, and 50, Ferndale-Wyoming Subdivision, as recorded in Liber 36, Page 17 of Plats, Oakland County Records, and consists of .45 acres eligible under PA 147 of 1992, as amended;

WHEREAS, the owner and developer of the of the new facility, 8775 West 9 Mile LLC, through its member Michael Ferlito has applied for a NEZ Certificate under PA 147 of 1992, as amended, to construct a 30 unit apartment complex with main level units designated as live/work and located within the Corridor Improvement Authority District behind a bus stop to become the first transit oriented development in Oak Park;

WHEREAS, the applicant, 8775 West 9 Mile LLC, is not delinquent on any taxes related to the facility;

WHEREAS, the property is currently blighted. The proposed development provides new housing that meets the goals in the Master Plan and Strategic Economic Development Plan, will utilize a current vacant lot and blighted structure and will help to increase property values;

WHEREAS, notice of this meeting was given in the manner prescribed by the Open Meetings Act, being Act No. 267, Public Acts of Michigan 1976, as amended; and

WHEREAS, the City Council has met on this date to receive and hear any objections to the proposed district and NEZ Certificate;

NOW, THEREFORE, BE IT RESOLVED:

1. 8775 West 9 Mile LLC is hereby granted a Neighborhood Enterprise Zone Facility Exemption for a period of fifteen (15 years) for the property commonly known as 8775 West Nine Mile Road, Oak Park, MI 48237.
2. All actions heretofore taken by City officials, employees and agents with respect to the proposed NEZ and proceedings under Act 147 are hereby ratified and confirmed.
3. Any and all resolutions that are in conflict with this Resolution are hereby repealed, but only to the extent to give this Resolution full force and effect.

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

MOTION DECLARED ADOPTED

COMMUNICATIONS: None

SPECIAL LICENSES: None

ACCOUNTING REPORTS:

CM-04-137-22 **(AGENDA ITEM #11A) APPROVAL FOR PAYMENT OF INVOICES SUBMITTED BY GARAN, LUCOW, MILLER, P.C. FOR LEGAL SERVICES IN THE TOTAL AMOUNT OF $21,404.24 - APPROVED**

Motion by Burns, seconded by Edgar, CARRIED UNANIMOUSLY, to approve payment of invoice #585396, #585397, and #585398 by Garan, Lucow, Miller P.C., for legal services rendered through March 31, 2022 in the total amount of $21,404.24.

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

MOTION DECLARED ADOPTED

BIDS:

CM-04-138-22 **(AGENDA ITEM #12A) REQUEST TO AWARD THE BID FOR THE NINE MILE LINEAR PARK LANDSCAPING PROJECT, M-739 TO SANTORO SERVICES LLC OF CHESTERFIELD, MI IN THE TOTAL AMOUNT OF $152,566.90 - APPROVED**

Motion by Radner, seconded by Burns, CARRIED UNANIMOUSLY to award the bid for the Nine Mile Linear Park Landscaping Project, M-739 to Santoro Services LLC of Chesterfield, MI in the total amount of $152,566.90.

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

MOTION DECLARED ADOPTED

City Engineer Grisamer indicated the request to bid the Nine Mile Linear Park Landscaping Project, M-739 (CM-02-036-22) was approved at the February 7, 2022 regular meeting of the Oak Park City Council. The project was advertised and twenty-nine (29) contractors viewed the documents. On April 4, 2022, two (2) bids were received and opened. The low bidder, Santoro Services LLC of Chesterfield, MI submitted a bid of $152,566.90 for the landscaping project. This project will landscape the Nine Mile Linear Park as well as the Connector Pocket Park. References were checked and all had positive responses.

CM-04-139-22 **(AGENDA ITEM #12B) REQUEST TO AWARD THE BID FOR THE 2021 PROGRAM YEAR YARD SERVICES REQUEST FOR PROPOSALS AND QUALIFICATIONS, M-744, TO LAWNCLIPPERS LANDSCAPING OF WARREN, MI FOR A TOTAL NOT TO EXCEED $26,500 - APPROVED**

Motion by Burns, seconded by Radner, CARRIED UNANIMOUSLY, to award the bid for the 2021 Program Year Yard Services Request for Proposals and Qualifications, M-744, to Lawnclippers Landscaping of Warren, MI for a total not to exceed $26,500.

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

MOTION DECLARED ADOPTED

Deputy City Manager Barrett indicated the request to bid the 2021 Program Year Yard Services Contract, M-744 was approved by City Council at their regular meeting on March 7, 2022. On March 25, 2022, one proposal was received. The sole bidder, Lawnclippers Landscaping of Warren, MI submitted a bid totaling $420.00 per price per service total. The total amount of services requested will not exceed $26,500. Lawnclippers Landscaping has worked with the City of Oak Park, Yard Services Program for our residents in the past and has performed great work.

ORDINANCES: None

CITY ATTORNEY: No Report

CITY MANAGER:

Finance/Assessing

CM-04-140-22 **(AGENDA ITEM #15A) REQUEST TO APPROVE A CONTRACT WITH WCA ASSESSING FOR ASSESSMENT AND MAINTENANCE WORK FOR CITY PROPERTY EFFECTIVE JUNE 1, 2022 – MAY 31, 2025 - APPROVED**

Motion by Burns, seconded by Radner, CARRIED UNANIMOUSLY, to approve the following contract with WCA Assessing for assessment and maintenance work for City property effective June 1, 2022 – May 31, 2025:

ASSESSMENT CONTRACT
FOR CITY OF OAK PARK, OAKLAND COUNTY, MICHIGAN

WHEREAS, City of Oak Park, hereinafter called "City", with its principal offices located at 14100 Oak Park Blvd, Oak Park, Michigan, 48237, is interested in having all real property and all personal property assessed and having said assessments maintained on an annual basis.

WHEREAS, WCA Assessing, with principal offices located at 38110 Executive Drive, Suite 200, Westland, Michigan 48185, hereinafter called the "Company", is interested in the contract for assessment and maintenance work for City property effective June 1, 2022;

IT IS THEREFORE AGREED:

1. Company agrees to plan, administer and provide overall supervision of property appraisal programs for assessment purposes; maintain appropriate levels of qualified staff to ensure work is completed to achieve overall department goals. The company is familiar with the laws, regulations and directives regarding the appraisal of real and personal property for assessment purposes with the State of Michigan.

2. Company has policies and procedures for staff in determining true cash value of assessable real and personal property including locating, identifying and inventorying quantity and characteristics of the property for determining the appropriate value and classification. During the term of this agreement, an Advanced Michigan Assessing Officer, or Master Michigan Certified Assessing Officer shall act as the assessor of record and supervise the preparation of the 2023, 2024, and 2025 assessment rolls, utilizing the services and personnel proposed herein.

3. Company agrees to respond to inquiries and requests for assessment information from the public. The City agrees to provide office space within the City Hall, or other City owned buildings for the completion of the terms of this contract. The office space shall be made available so as to not impede the performance of the department. Any days in which the Company is scheduled to be in the office but the office is closed due to

holidays, acts of God, educational purposes, or any other causes beyond the control of the Company, shall be considered included within the hours to complete this agreement. The purpose of office hours are:

- To meet with City staff to answer questions and give advice;
- To be available to assist with providing information and answering inquiries of taxpayers/residents/others.
- Serves as a liaison between the City and prospective business and industry investors; acts as a resource for City citizens by responding to inquiries and interpreting State laws.
- To perform certain other functions as described herein.

4. Company agrees to oversee maintenance of departmental files including property records/cards, physical data, legal descriptions, splits and combinations of parcels, ownership transfers, and strives to identify new/improved methods for carrying out the responsibilities of the department.

5. Company agrees to represent the City in defending assessments appealed to the Michigan Tax Tribunal (MTT) if requested to do so by the City Manager. The company shall be available to defend all assessments to the MTT as needed during this contract.

6. If Company is retained by the City, the City agrees that responses to the Full MTT shall be prepared by the Company's legal staff. City agrees to provide full cooperation with Company's legal staff. Should expert witnesses and/or preparation of respondent's valuations disclosures be necessary, the Company shall notify the City Manager of such requirement.

7. Company agrees throughout the term of this contract to provide field inspections of all properties as necessary; to perform assessment ratio studies to determine true cash value; to perform personal property canvasses to ensure all personal property is equitably assessed; to update property records and ensure notification of annual assessment changes. All assessments completed by Company throughout the term of this contract will be in adherence to State Tax Commission procedures as to the valuation method, assessment manual, personal property multipliers, and general requirements. Company agrees to perform the duties of the certifying assessor for said City including but not limited to;

- Inspect, revise, and re-evaluate property record cards with new construction, demolition, and property splits.
- Perform neighborhood market studies and land value analyses throughout the term of this contract.
- Prepare assessment roll(s), all county and state equalization forms and requirements as determined by the State tax Commission.
- Provide digital photographs of all properties visited for maintenance purposes.
- Working with the Building Department to ensure all new property is equitably assessed.
- Prepare all new property record cards in compliance with State tax Commission requirements.
- Attend, prepare, and work with all Boards of Review.
- Assist City in establishment of any IFT, CFT, DDA, TIFA, Brownfield, or other statutory tax incentive program as established by the legislature.

8. Company agrees to meet with the City Manager and/or other designated staff of the City to review progress that the Company has made towards meeting the terms of this proposal/agreement, preparation of assessment rolls, and other matters parties deem necessary to review. In addition the Company will suggest any budgetary information necessary to upgrade and/or improve the City's assessment process.

9. City agrees that in addition to the responsibilities provided herein, the staff of the City shall provide full and reasonable cooperation to the Company in completion of the herein-stated services.

10. The Company shall be liable to the City, and hereby agrees to indemnify and hold the City harmless but only to the extent of its insurance coverage set forth below, against all claims covered by said insurance coverage arising out of the performance of the services rendered hereunder caused by any negligent conduct,

intentional conduct, or act of the Company or any of its employees in the performance of this contract that are covered by the policies listed in subparagraphs “a” through “c” below.

The Company will carry the following insurance coverage at all times during this agreement:
a. Comprehensive general liability insurance covering the Company and the City in the project with not less than the following limits of liability; bodily injury or death, $1,000,000 each person and subject to the same limit for each person; $1,000,000 for two or more persons in any occurrence; property damage, $1,000,000 each occurrence; $2,000,000 annual aggregate.
b. Worker’s Disability Compensation Insurance, securing compensation for the benefit of the
c. The Company shall also carry professional liability and errors and omissions insurance with not less than $2,000,000 limit of liability for each claim and in the aggregate including claim expenses. However, the City understands that it cannot be listed an additional insured under this type of policy. Should the City or its officers, directors, employees, and elected officials ever be held financially liable for any error or omission of the Company and seek indemnification from Company as a result thereof, under no circumstance shall the Company’s cumulative liability to the City or its officers, directors, employees and elected official exceed the coverage of the errors and omissions policy referenced herein.
All required insurance shall be maintained with responsible insurance carriers qualified to do business in the State of Michigan. As soon as practicable upon execution of this contract and upon commencing any performance hereunder, the Company shall deposit with the City the previously mentioned policies of insurance or certificates therefore. During the duration of this contract, a copy of said insurance or certificate shall be given to the City Clerk at the beginning of each year.

11. The Company shall not be held liable for any damages caused by strikes, explosions, war, fire or act of nature that might stop or delay the progress of work. In the event of a claim against the City relating to any act or failure to act of the Company that is not covered by the insurance coverage as set forth above, the City has no right to indemnification from Company.

12. The City and Company agree that the relationship of the City and Company is that of a client and contractor and not of that of and employer and employee and should not be construed as such.

13. In the event that the Company shall not be in substantial compliance with the terms of this agreement, the City shall give the Company written notice of said breach and thirty (30) days to cure the breach. If the Company fails to cure the breach within thirty (30) days after such notice, the City may terminate this Contract immediately without further notice or liability to the Company, other than for permitted fees and expenses accrued through the date of termination.

14. The City and Company agree that the Company shall not assign or transfer neither this agreement nor any portion therein without first receiving written approval from the other party.

15. The City agrees to pay the Company as follows;

June, 2022 to May, 2023……$ 184,898
June, 2023 to May, 2024……$ 192,294
June, 2024 to May, 2025……$ 199,986

The payments shall be made in twelve (12) equal installments due on the fifteenth (15th) day of each month.
The City’s representation for all Michigan Tax Tribunal petitions ***not in the Small Claims Division***, shall be provided by Company’s para legal staff, possessing experience in the representation of municipalities before the Michigan Tax Tribunal at the rate of:

June, 2022 to May, 2023……$ ……………………$152.06 / Hourly

June, 2023 to May, 2024……$ ……………………$158.15/ Hourly
June, 2024 to May, 2025……$ ……………………$164.48/ Hourly

The City's representation for all Michigan Tax Tribunal petitions not in the Small Claims Division ***relative to Tribunal Hearings***, shall be provided by Company's legal staff, possessing experience in the representation of municipalities before the Michigan Tax Tribunal at the rate of:

June, 2022 to May, 2023……$ ……………………$182.52 / Hourly
June, 2023 to May, 2024……$ ……………………$189.82 / Hourly
June, 2024 to May, 2025……$ ……………………$ 197.41 / Hourly

16. MICHIGAN TAX TRIBUNAL APPRAISAL SERVICES PLUS SPECIAL PROJECTS
Appraisal services rendered by the Company in Full Claims Michigan Tax Tribunal matters, and or any special services requested and approved by the City, shall be provided to the City at the rate of:

Title	06/2022 05/2023	06/2023 05/2024	06/2024 05/2025
Appraiser Aide …………….	$50.96	$53.00	$55.12
Appraiser …………………..	$70.72	$73.55	$76.49
Level III Appraiser ………...	$125.32	$130.33	$135.54
Assessor ………………….	$142.59	$148.30	$154.22

Hourly fees include clerical costs and overhead for the Company.

17. Michigan Tax Tribunal appraisal services and requested special projects are separate from normal assessment and appraisal functions.

18. The City and Company agree that the term of this contract shall begin June 1, 2022 and expire May 31, 2025. The term of this agreement may be extended, by amendment, if mutually agreed upon in writing by each party.

19. The City and Company agree this contract is entered into subject to the charter and ordinances of the City and the applicable laws of the State of Michigan.

20. The Company agrees that in the performance of this contract neither the Company nor any person acting on its behalf will refuse to employ or refuse to continue in any employment any person because of race, creed, color, national origin, sex, or age. The Company will in all solicitations or advertisements for employees placed by or on behalf of the Company state that all qualified applicants shall be considered for employment without regard to race, creed, color, national origin, sex, or age.

21. The Company shall acknowledge receipt of and comply with the City's ethics policy, computer usage policy or other singed documents

22. The City agrees the Mayor and City Clerk possess complete authority by resolution of the City Council or otherwise to execute this agreement on behalf of the City.

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

MOTION DECLARED ADOPTED

Human Resources

CM-04-141-22 (AGENDA ITEM #15B) REQUEST TO APPROVE A LETTER OF AGREEMENT WITH THE TECHNICAL, PROFESSIONAL AND OFFICEWORKERS ASSOCIATION OF MICHIGAN (TPOAM) - APPROVED

Motion by Whitehead, seconded by Burns, CARRIED UNANIMOUSLY, to approve the following letter of agreement with the Technical, Professional and Officeworkers Association of Michigan (TPOAM):

LETTER OF AGREEMENT
between
THE CITY OF OAK PARK (Employer)
and
TPOAM (Union)

This Letter of Agreement is made on this _____ day of April, 2022 between the Technical, Professional and Officeworkers Association of Michigan (TPOAM) ("Union"), and City of Oak Park ("City"), and collectively will be referred to as the "Parties."

Effective as of the date of this Agreement, the Parties hereto agree to the following:

Whereas, the Parties agree, that due to the difficulty in recruiting Public Service Worker I and Building Maintenance Repairer candidates, the City recognizes the need to offer a competitive starting wage;

Whereas, through the course of the last six months, the City has only been able to procure and retain one full-time hire for the position of Public Service Worker I and currently has seven vacancies in that position, as well as not being able to procure the hiring and retention of two full-time Building Maintenance Repairer hires;

Whereas, the City wishes to expand its Department of Public Works and to recruit and retain its talent in the field of public service work, and exceptional maintenance of our various facilities.

Now Therefore Be It Resolved, the City and the Union agree to the following:

1. The Parties agree that the City removed the "START," "STEP 1," and "STEP 2" wages for Public Service Worker I and Public Service Worker II in the TPOAM 2021 – 2024 Collective Bargaining Agreement's wage scale (Appendix F in the current Agreement), and change the "START" wage to the current "STEP 3" wage ($21.2807), as outlined in the attached proposed TPOAM Wage Scale. All other stipulations regarding wages in the Collective Bargaining Agreement will not be affected or changed by this Letter of Agreement.

2. The Parties also agree that the Union members who are currently below the new "START" wage will be moved up to the new "START" wage accordingly, and that the Public Service Worker I & Public Service Worker II positions will now have a four-year wage progression, moving them closer into accordance with the rest of the bargaining unit members.

3. The Parties also agree that the position title of "Building Maintenance Repairer" will be changed to "Building Maintenance Technician" and the current TPOAM pay grade of "Grade 8," will be changed to "Grade 14," moving this position alongside the "Building Inspector" and "Engineering Technician II" positions. The current job description of "Building Maintenance Repairer" will be updated to reflect the title change, and the language will be modified to reflect the added requirements for the position.

4. The Parties also agree that this is a one-time, non-precedent-setting Letter of Agreement, and will not affect any other terms or conditions of the collective bargaining agreement.

5. The Parties also agree that the contents in this Letter of Agreement will be incorporated into the subsequently negotiated Collective Bargaining Agreement during the next round of bargaining; as the current Collective Bargaining Agreement is set to expire on June 30, 2024.

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

MOTION DECLARED ADOPTED

Human Resources Director Burke indicated the onus behind the Letter of Agreement is due to the difficulty the city has experienced recruiting candidates for the Public Service Worker I and Building Maintenance Repairer positions. Multiple candidates decline offers due to the rate of pay, as well as had candidates accept the offer and begin the hiring process, to have them back out at a later date and to take a job that offered more pay.

Ms. Burke summarized the following changes:

- Remove the “Start,” “Step 1,” and “Step 2” pay rates for the Public Service Worker I and Public Service Worker II positions. The new “Start” rate will be the current “Step 3” rate.

- Change the title of “Building Maintenance Repairer” to “Building Maintenance Technician,” and change the TPOAM Pay Grade from “Grade 8” to “Grade 14”

The TPOAM Union has voted unanimously in favor of the changes, and their TPOAM Business Agent agreed as well.

Technical and Planning/Engineering

CM-04-142-22 **(AGENDA ITEM #15C) REQUEST TO APPROVE A PROPOSAL FROM HYDROCORP TO PROVIDE PROFESSIONAL SERVICES FOR AN ONGOING CROSS-CONNECTION CONTROL PROGRAM FOR THE MONTHLY COST OF $1,422.00 SUBJECT TO REVIEW BY THE CITY ATTORNEY - APPROVED**

Motion by Burns, seconded by Radner, CARRIED UNANIMOUSLY, to approve a proposal from HydroCorp to provide professional services for an ongoing Cross-Connection Control Program for the monthly cost of $1,422.00 subject to review by the city attorney.

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

MOTION DECLARED ADOPTED

Ms. Grisamer summarized the proposal from HydroCorp to provide professional services to provide the City with inspections and data of the non-residential water customers in the City. This proposal will cover the field inspections, compliance inspections, and re-inspections at industrial, commercial, institutional facilities, and miscellaneous water users within the City served by the public water supply for cross connections. They will document their efforts and provide that information to the State Regulatory Agency so that the City complies with the regulations. This contract is for a two year term.

CM-04-143-22 **(AGENDA ITEM #15D) REQUEST TO APPROVE A PROPOSAL FROM OHM ADVISORS TO PROVIDE PROFESSIONAL SURVEY SERVICES FOR THE HOURLY, NOT TO EXCEED COSTS OF $4,000 AND $1,350 FOR EACH REQUIRED EASEMENT - APPROVED**

Motion by Burns, seconded by Whitehead, CARRIED UNANIMOUSLY, to approve a proposal from OHM Advisors to provide professional survey services for the hourly, not to exceed costs of $4,000 and $1,350 for each required easement.

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

MOTION DECLARED ADOPTED

Ms. Grisamer reviewed a proposal from OHM Advisors to provide professional survey services for the potential vacation of the Fern St Right-of-Way and adjacent city owned parcels to approximately 800 feet north of Eight Mile Road. This proposal will cover a field survey to locate all City utilities and provide us with drawings indicating the location of said utilities. OHM will then provide us with easement document and title work for the remaining utility easements that are required after vacating City owned property and Right-of-Way

CM-04-144-22 **(AGENDA ITEM #15E) REQUEST TO APPROVE A PROPOSAL FROM OHM ADVISORS TO PROVIDE PROFESSIONAL DESIGN ENGINEERING SERVICES FOR THE 2023 NINE MILE ROAD REHABILITATION PROJECT, M-740 FOR THE HOURLY, NOT TO EXCEED COST OF $161,500 - APPROVED**

Motion by Radner, seconded by Burns, CARRIED UNANIMOUSLY, to Request to approve a proposal from OHM Advisors to provide Professional Design Engineering Services for the 2023 Nine Mile Road Rehabilitation Project, M-740 for the hourly, not to exceed cost of $161,500.

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

MOTION DECLARED ADOPTED

Ms. Grisamer reviewed a proposal from OHM Advisors to provide professional services to provide Professional Design Engineering Services for the 2023 Nine Mile Road Rehabilitation Project, M-740. This proposal will cover the design and construction documents to resurface Nine Mile Road from Cloverlawn St. to Pinecrest Dr.

CM-04-145-22 (AGENDA ITEM #15F) REQUEST TO APPROVE PAYMENT APPLICATION NO. 2 IN THE AMOUNT OF $27,270.20 AND CHANGE ORDER NO. 1 IN THE AMOUNT OF $8,331.97 TO DVM UTILITIES OF STERLING HEIGHTS, MI FOR THE 2021 SEWER & CATCH BASIN CLEANING AND TV INSPECTION PROJECT, M-728 - APPROVED

Motion by Edgar, seconded by Radner, CARRIED UNANIMOUSLY, to Request to approve Payment Application No. 2 in the amount of $27,270.20 and Change Order No. 1 in the amount of $8,331.97 to DVM Utilities of Sterling Heights, MI for the 2021 Sewer & Catch Basin Cleaning and TV Inspection Project, M-728.

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

MOTION DECLARED ADOPTED

Ms. Grisamer reviewed Payment Application No. 2 and Change Order No. 1 for the 2021 Sewer & Catch Basin Cleaning and TV Inspection Project, M-728 by DVM Utilities of Sterling Heights, Michigan. This project cleans and inspects the sewers and catch basins in specific areas of the city. Change Order No. 1 covers charges for an emergency sewer repair on Geneva. Soil was discovered actively entering the sewer during the routine inspections conducted by this project. This project is approximately 25% complete.

CALL TO THE AUDIENCE:

Curtis Daniels, expressed concerns that the city should hire more Oak Park residents.

Daniel C. Hall, introduced herself as a State Representative candidate for District 6.

CLOSED SESSION:

CM-04-146-22 (AGENDA ITEM #18) MOTION TO ADJOURN INTO CLOSED SESSION TO DISCUSS ATTORNEY CLIENT PRIVILEGED COMMUNICATION - APPROVED

Motion by Burns, Seconded by Radner, CARRIED UNANIMOUSLY, to adjourn into Closed Session to discuss Attorney Client Privileged Communication.

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

MOTION DECLARED ADOPTED

The Closed Session began at 8:05 PM. The Regular Meeting reconvened at 8:35 PM.

CM-04-147-22 CLOSED SESSION MINUTES - APPROVED

Motion by Radner, seconded by Burns, CARRIED UNANIMOUSLY, to approve the minutes of the 04-18-22 Closed Session.

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

MOTION DECLARED ADOPTED

CM-04-148-22 MOTION TO IMMEDIATELY REINSTATE PROSECUTOR LUMBERG AND TO RESUME PROSECUTIONS MAY 1, 2022 - FAILED

Motion by Edgar, seconded by Burns, FAILED, to reinstate Prosecutor Lumberg effective immediately and resume prosecutions May 1, 2022.

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

MOTION FAILED

CM-04-149-22 MOTION TO REINSTATE PROSECUTOR LUMBERG EFFECTIVE IMMEDIATELY - APPROVED

Motion by Burns, seconded by Edgar, CARRIED UNANIMOUSLY, to reinstate Prosecutor Lumberg effective immediately.

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

MOTION DECLARED ADOPTED

ADJOURNMENT:

There being no further business to come before the City Council, Mayor ProTem Edgar adjourned the meeting at 8:40 P.M.

T. Edwin Norris

Marian McClellan
Marian McClellan (May 3, 2022 15:58 EDT)

T. Edwin Norris, City Clerk

Marian McClellan, Mayor

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Final Audit Report 2022-05-03

Created:	2022-05-03
By:	Ed Norris (enorris@oakparkmi.gov)
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Agreement completed.

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