

Oak Park City Council Agenda

April 16, 2018





AGENDA
REGULAR CITY COUNCIL MEETING
37th CITY COUNCIL
OAK PARK, MICHIGAN
April 16, 2018
7:00 PM

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **APPROVAL OF AGENDA**
5. **CONSENT AGENDA**

The following routine items are presented for City Council approval without discussion, as a single agenda item. Should any Council Member wish to discuss or disapprove any item it must be dropped from the blanket motion of approval and considered as a separate item.

- A. Regular Council Meeting Minutes of April 2, 2018
 - B. Board of Review Meeting Minutes of March 12, 2018, March 13, 2018, March 26, 2018 AM and March 26, 2018 PM
 - C. Planning Commission Meeting Minutes of March 12, 2018
 - D. Request to advertise for bids for the Program Year 2017 Yard Services Program, M-686
 - E. Request to cancel the April 24, 2018 Zoning Board of Appeals Meeting
 - F. Public Safety Activity Summary Reports for January and February 2018
 - G. Payment application No. 1 for the 2017-2018 Sewer Lining Project, M-677 to Insituform Technologies USA, LLC for the amount of \$53,358.34
 - H. Licenses - New and Renewals as submitted for April 16, 2018
6. **RECOGNITION OF VISITING ELECTED OFFICIALS**
 7. **SPECIAL RECOGNITION/PRESENTATIONS:**
 - A. Memorial Resolution for former DPW Director Henry Lybeck
 8. **PUBLIC HEARINGS:**
 - A. Public hearing and adoption of Special Assessment Resolutions to confirm the rolls and set the due date of May 31, 2018 together with penalty of ten percent (10%) for Special Assessment Districts #670 - Delinquent Utilities; #671 - False Alarms, #672 - Miscellaneous Concrete Replacement, #673 - Property Blight, and #674 - Sidewalk Replacement
 9. **COMMUNICATIONS:** None
 10. **SPECIAL LICENSES:** None
 11. **ACCOUNTING REPORTS:**
 - A. Approval for payment of an invoice submitted by Secrest, Wardle, Lynch, Hampton, Truex & Morley for legal services in the total amount of \$688.00
 - B. Approval for payment of invoices submitted by Garan, Lucow, Miller, P.C. for legal services in the total amount of \$15,163.02

12. **BIDS:** None

13. **ORDINANCES:**

- A. First reading of an ordinance to amend Article II, Definitions, Article XV, MX-1 Mixed Use District, Article IX, Light Industrial District, Article XIX Special Land Uses, Appendix A, Zoning, of the Code of Ordinances of the City of Oak Park, Michigan
- B. First reading of an ordinance to amend Article III, Regulation of On-The-Premises Consumption, Chapter 6, Sections 6-52, 6-53, 6-55, 6-56, 6-57, 6-58, 6-59, 6-63, 6-64, and 6-65 of the General Code of Ordinances of the City of Oak Park, Michigan

14. **CITY ATTORNEY:**

- A. Great Lakes Water Authority Class Action Settlement Resolutions

15. **CITY MANAGER:**

Administration

- A. Request to approve a one-year lease extension for Hatzalah, 13650 Oak Park Blvd., Suite A

Human Resources

- B. Request to approve updated Municipal Employees' Retirement System (MERS) agreements

Community and Economic Development

- C. Update on Tax Foreclosed Properties

Department of Public Works

- D. Proposed change order No. 3 in the amount of \$1,500 and payment application No. 5 (FINAL) in the amount of \$2,500.00 to ADJ Excavating, Inc. for the 2016 Water Main Replacement Project, M-625
- E. Proposal from OHM Advisors to perform professional services for Architecture and Engineering Services for the 45th District Court for an hourly, not to exceed amount of \$12,000 for the discovery phase of the project and a design development fee of 6.75% of the estimated project cost, subject to review by the City Attorney

16. **CALL TO THE AUDIENCE**

Each speaker's remarks are a matter of public record; the speaker, alone, is responsible for his or her comments and the City of Oak Park does not, by permitting such remarks, support, endorse or accept the content, thereof, as being true or accurate. "Any person while being heard at a City Council Meeting may be called to order by the Chair, or any Council Member for failure to be germane to the business of the City, vulgarity, or personal attacks on persons or institutions." There is a three minute time limit per speaker.

17. **CALL TO THE COUNCIL**

18. **ADJOURNMENT**

The City of Oak Park will comply with the spirit and intent of the American with Disabilities Act. We will provide support and make reasonable accommodations to assist people with disabilities to access and participate in our programs, facilities and services. Accommodations to participate at a Council Meeting will be made with 7-day prior notice.



**CITY OF OAK PARK, MICHIGAN
REGULAR COUNCIL MEETING OF THE
37th OAK PARK CITY COUNCIL
April 2, 2018
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, Mayor Pro Tem Radner, Council Member Burns, Council Member Rich, Council Member Weiss

ABSENT: None

OTHERS

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

APPROVAL OF AGENDA:

CM-04-115-18 (AGENDA ITEM #4) ADOPTION OF THE AGENDA WITH A CHANGE – APPROVED

Motion by Burns, seconded by Weiss, CARRIED UNANIMOUSLY, to approve the agenda with the following change:

- Add closed session to discuss attorney client privileged communication.

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

MOTION DECLARED ADOPTED

CONSENT AGENDA:

CM-04-116-18 (AGENDA ITEM #5A-J) CONSENT AGENDA - APPROVED

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

- A. Regular Council Meeting Minutes of March 19, 2018 **CM-04-117-18**
- B. Special Council Meeting Minutes of March 19, 2018 **CM-04-118-18**
- C. Recycling and Environmental Conservation Commission Meeting Minutes of December 21, 2017 **CM-04-119-18**
- D. Zoning Board of Appeals Meeting Minutes of November 28, 2017 **CM-04-120-18**
- E. Arts and Cultural Diversity Commission Meeting Minutes of January 11, 2018 **CM-04-121-18**
- F. Resolution designating Kevin J. Yee as the agent for the City of Oak Park with regard to the Oakland County West Nile Virus Reimbursement Program **CM-04-122-18**

- G. Payment Application No. 3 (FINAL) for the 2016-2017 Miscellaneous Concrete Project, M-644 to Rotondo Construction Corp. of Farmington Hills, MI. for the total amount of \$1,000.00 **CM-04-123-18**
- H. Resolution supporting the 2018 Tri-Party Program and authorizing the submission of funding for repairs to Greenfield Road (**Removed from the Consent Agenda by Mayor McClellan**)
- I. Payment of invoices from OHM Advisors for the Seneca and Sherman Pocket Parks, Traffic Signal Optimization, SAW Grant Support and Bridge Enhancements in the total amount of \$25,643.13 **CM-04-124-18**
- J. Licenses - New and Renewals as submitted for April 2, 2018 **CM-04-125-18**

MERCHANT'S LICENSES – April 2, 2018
(Subject to All Departmental Approvals)

<u>NEW MERCHANT</u>	<u>ADDRESS</u>	<u>FEE</u>	<u>BUSINESS TYPE</u>
None			
<u>RENEWALS</u>	<u>ADDRESS</u>	<u>FEE</u>	<u>BUSINESS TYPE</u>
Pronto Pest Management	10130 Capital	\$225	Pest Control
Huntington Cleaners	13000 Capital	\$150	Laundry
Integra Contractors	21410 Coolidge	\$150	Excavators
Meco Metals Company	21430 Coolidge	\$225	Steel Distributor
Gift Me Chocolate & Ent	22133 Coolidge	\$225	Retail
Joyful Tots Childcare Learning	22141 Coolidge	\$225	Childcare
Gotta Have Water	22175 Coolidge	\$225	Water Distributor
Complete Victory Fitness	23120 Coolidge	\$150	Fitness
Tubby's	13740 Eight Mile	\$225	Restaurant
Universal Wholesale	14511 Eleven Mile	\$225	Wholesale Distributor
OSKA Jewelers & Repair	21700 Greenfield 362	\$150	Jeweler
The Healthy Hair Gallery Intl	23300 Greenfield 215	\$187.50	Salon
International Cybergraphix	25900 Greenfield 256	\$187.50	Graphic Design
Jewish Family Service	25900 Greenfield 405	\$187.50	Non-Profit
Popeyes Chicken & Biscuits	25910 Greenfield	\$150	Restaurant
Metro PCS	26102 Greenfield	\$225	Cellular
Premier Insurance Agency	12708 Nine Mile	\$187.50	Insurance
On Point Hair Designs	13721 Nine Mile	\$225	Salon
Meadowbrook Home Health Care	13855 Nine Mile B	\$225	Health Care
Z's Resale	8106 Nine Mile	\$150	Retail
Pest Arrest	8560 Nine Mile	\$150	Pest Control
Margaret Hepke DO PC	8750 Nine Mile	\$150	Medical
C & B Motors	13000 Northend 205	\$150	Wholesale Car Dealer
Alfa Medical Equipment Supplies	13181 Ten Mile	\$225	Supplies
Check N Go	13321 Ten Mile	\$225	Financial

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

MOTION DECLARED ADOPTED

CM-04-126-18 (AGENDA ITEM #5H – Removed from the Consent Agenda by Mayor McClellan) Resolution supporting the 2018 Tri-Party Program and authorizing the submission of funding for repairs to Greenfield Road - APPROVED

Motion by Burns, seconded by Radner, CARRIED UNANIMOUSLY, to approve the resolution supporting the 2018 Tri-Party Program and authorizing the submission of funding for repairs to Greenfield Road.

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

MOTION DECLARED ADOPTED

Deputy DPW Director DeCoster explained that the Oakland County Board of Commissioners has approved a FY 2018 budget of \$2,000,000 to create a \$6,000,000 Tri-Party Program. The City of Oak Park's share in the 2018 Tri-Party Program is \$16,203 and the funds will be used to repair portions of Greenfield Road north of 10 mile.

RECOGNITION OF VISITING ELECTED OFFICIALS: None

SPECIAL RECOGNITION/PRESENTATIONS: None

PUBLIC HEARINGS: None

COMMUNICATIONS: None

SPECIAL LICENSES:

CM-04-127-18 (AGENDA ITEM #10A) SPECIAL EVENT REQUEST – ARTS AND CULTURAL DIVERSITY COMMISSION – WORLD DANCE DAY – APPROVED

Motion by Weiss, seconded by Burns, CARRIED UNANIMOUSLY, to approve the following special event request subject to all departmental approvals:

Name	Event	Fee
Arts and Cultural Diversity Commission	World Dance Day – Community Center April 29, 2018 6:30 p.m. – 9:30 p.m.	Fees waived

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

MOTION DECLARED ADOPTED

CM-04-128-18 (AGENDA ITEM #10B) SPECIAL EVENT REQUEST – ARTS AND CULTURAL DIVERSITY COMMISSION – DIA INSIDE OUT ART INSTALLATION EVENTS – APPROVED

Motion by Weiss, seconded by Burns, CARRIED UNANIMOUSLY, to approve the following special event request subject to all departmental approvals:

Name	Event	Fee
Arts and Cultural Diversity Commission	DIA Inside Out Art Installation Events - EZ Roll Bike Tour, Bus Tour and Selfie Event. June - July 2018	Fees waived

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

MOTION DECLARED ADOPTED

ACCOUNTING REPORTS: None

BIDS:

CM-04-129-18 (AGENDA ITEM #12A) REQUEST TO AWARD THE BID FOR THE 2018 LAWN MAINTENANCE CONTRACT, M-678 TO XPERT LAWN AND SNOW OF WARREN, MI FOR A TOTAL AMOUNT, WITH ALTERNATES, OF \$108,596.00 - APPROVED

Motion by Radner, seconded by Burns, CARRIED UNANIMOUSLY, to award the bid for the 2018 Lawn Maintenance Contract, M-678 to Xpert Lawn and Snow of Warren, MI for a total amount, with alternates, of \$108,596.00.

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

MOTION DECLARED ADOPTED

Deputy DPW Director DeCoster explained that the request to re-bid the 2018 Lawn Maintenance Contract, M-678 was approved (CM-03-079-18) on March 5, 2018. The project was advertised and 22 contractors viewed the documents. On March 26, 2018, two (2) bids were received and opened. The low bidder, Xpert Lawn and Snow of Warren, MI, submitted a bid of \$108,596.00. References were checked and all had positive responses. Mr. DeCoster explained further that funding is available in the Major and Local Street Fund, Water & Sewer Fund, and Public Works funds for this expenditure. Oak Park will be reimbursed \$17,715 from the Road Commission of Oakland County (RCOC) and Michigan Department of Transportation (MDOT) for the portion of this work performed on their roads.

ORDINANCES:

CM-04-130-18 (AGENDA ITEM #13H) SECOND READING AND ADOPTION OF AN ORDINANCE TO AMEND ARTICLE II, DEFINITIONS, ARTICLE VI, RM-1 AND RM-2 MULTI-FAMILY RESIDENTIAL DISTRICT, ARTICLE XVII, GENERAL PROVISIONS, APPENDIX A, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK, MICHIGAN – APPROVED AS AMENDED

Motion by Radner, seconded by Burns, to approve the second reading and adopt the following ordinance to amend Article II, Definitions, Article VI, RM-1 and RM-2 Multi-Family Residential District, Article XVII, General Provisions, Appendix A, Zoning, of the Code of Ordinances of the City of Oak Park, Michigan. After discussion and a successful motion to amend the ordinance, the amended ordinance was approved and adopted UNANIMOUSLY:

CITY OF OAK PARK, MICHIGAN

AN ORDINANCE TO AMEND ARTICLE II, DEFINITIONS, ARTICLE VI, RM-1 AND RM-2 MULTI-FAMILY RESIDENTIAL DISTRICT, ARTICLE XVII, GENERAL PROVISIONS, APPENDIX A, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK, MICHIGAN.

THE CITY OF OAK PARK, MICHIGAN ORDAINS:

SECTION 1. Article II, Definitions, Section 204, Appendix "A", Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to add the following definition to Section 204, and re-alphabetize the remaining listed definitions:

Stacked Flats and Townhouses. Multiple-family residential units arranged vertically or side by side with each having its own private entrance from the street or at least from the outside.

SECTION 2. Article VI, RM-1 AND RM-2, Multi-Family Residential Districts, Section 601, Permitted Uses, Appendix "A", Zoning, of the Code of Ordinances of the City of Oak Park, and is hereby amended to read as follows:

Sec. 601. - Permitted uses.

- A. Two-family dwellings.
- B. Multi-family dwellings.
- C. Stacked flats and townhouses.

SECTION 3. Article XVII, General Provisions, Section 1716, Screening and landscaping, A, Appendix "A", Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to read as follows:

A. General provisions. ~~In all zoning districts the following minimum standards apply.~~

SECTION 4. Article XVII, General Provisions, Section 1716, Screening and landscaping, A, 2, Appendix "A", Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to read as follows:

- 2. All required landscape areas shall be irrigated with an in-ground water irrigation system to assist in maintaining a healthy condition for all landscape plantings and lawn areas. All site plans shall note installation of required irrigation system. All proposed in-ground water irrigation systems subject to the following:

- a) The Planning Department may approve an alternative form of irrigation for a particular site, or may waive this requirement upon determining that underground irrigation is not necessary for the type of proposed plant materials.
- b) All automatic irrigation systems shall be designed to minimize water usage, and shall be shut off during water emergencies, periods of protracted rainfall, or water rationing periods.
- c) The irrigation requirement may be waived by the reviewing authority if the project incorporates landscaping that will contribute points towards LEED certification or an equivalent rating system.

SECTION 5. Article XVII, General Provisions, Section 1716, Screening and landscaping, D, Appendix "A", Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to read as follows:

D. Landscape materials used to satisfy the requirements of this Section shall be common to the area and suitable for their intended use. Species native to southeast Michigan are encouraged.

1. Suggested trees and shrubs for parking lot landscaping.

London Plane Tree
Snowdrift Crabapple
Sweetgum
Marshall Green Ash
Linden Trees
Honey Locust
Junipers
Dwarf Pear

2. Suggested trees and shrubs for greenbelt areas and interior landscape areas.

Amur Maple
Sweetgum
European Hornbeam
Hawthorns
Border Privet
Little Leaf Linden
White Ash (seedless)
Junipers
Buckhorn
Honeylocust
Serbian Spruce
Ginkgo (male only)
Scotch Pine
Euonymus
Eastern Ninebark

Mugo Pine
Smoke Tree
Cottoneaster
Beauty Bush
Hedge Maple
Dwarf Callery Pear
Snowdrift Crabapple
Bayberry
London Plane Tree

SECTION 6. Article XVII, General Provisions, Section 1716, Screening and landscaping, E, Appendix "A", Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to read as follows:

E. Existing Vegetation. Healthy existing trees on a site may be used to satisfy any of the requirements of this Article, subject to review and approval of the Planning Commission and the following.

1. Site plans shall show all existing trees which are located on the site and are six inches or greater in caliper, measured 4.5 feet above grade. Trees shall be labeled "To Be Removed" or "To Be Saved" on the site plan. Only trees six inches in caliper or greater may be used to satisfy any landscaping requirement of this ordinance.
2. Protective fencing shall be placed at the drip-line of existing trees, and around the perimeter of other preserved plant materials, with details of protective measures noted on the site plan. No vehicle or other construction equipment shall be parked or stored within protected areas.
3. In the event that healthy plant materials which are intended to meet the requirements of the Ordinance are cut down, damaged or destroyed during construction, said plant material shall be replaced with an equivalent species to the damaged or removed tree.

SECTION 7. Article XVII, General Provisions, Section 1716, Screening and landscaping, Appendix "A", Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to add the following:

F. Modification of Screening and Landscape Requirements. Recognizing that a wide variety of land uses and the relationships between them can exist, and that varying circumstances can mitigate the need for screening and landscaping, the Planning Commission may reduce or waive the screening and landscaping requirements of this Section and approve an alternative screening plan. The Planning Commission shall find that the following standards have been met whenever it modifies any screening or landscaping requirement:

1. The screening and landscaping plan shall protect the character of new and existing residential neighborhoods against negative impacts such as noise, glare, light, air pollution, trash and debris, and hazardous activities.
2. The alternate width and type of buffer zone and screening provided therein will ensure compatibility with surrounding and nearby land uses because:

- a) The development is compatible with and sensitive to the immediate environment of the site and neighborhood relative to architectural design, scale, bulk, building height, identified historical character, disposition and orientation of buildings on the lot and visual integrity.
- b) The site has natural existing vegetation and/or topography, natural bodies of water or wetland areas or other existing conditions which offer screening consistent with the standards set forth in this Article 12. The Planning Commission shall require the preservation of these natural features as a condition of site plan approval.
- c) The arrangement, design and orientation of buildings on the site maximize privacy and isolate adjacent and nearby land uses from any potential negative impacts of the project.

SECTION 8. Article XVII, General Provisions, Section 1726, Off-street parking and loading, Appendix "A", Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to add the following:

Sec. 1726. - Off-street parking and loading.

N. For all new development the amount of provided bicycle parking shall be determined in accordance with the following table:

Use	Minimum Number of Bicycle Parking Spaces or Bicycle Facilities per Indicated Area or Unit of Measure
Multiple-family residential uses	One space for every 20 units.
Commercial uses	One space for each 2,000 square feet of gross floor area.
Office uses	One space for each 4,000 square feet of gross floor area.
Industrial uses	One space for each 10,000 square feet of gross floor area.

All bike parking spaces will have a rack to safely secure the bicycle to. The rack must meet the following standards:

- 1. Support the bicycle upright by its frame in two places.
- 2. Prevent the wheel of the bicycle from tipping over.
- 3. Enable the frame and one or both wheels to be secured.
- 4. Support bicycles without a diamond-shaped frame with a horizontal top tube.

SECTION 9. Article XVII, General Provisions, Section 1726, Off-street parking and loading, Appendix "A", Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to add the following:

O. Vegetated storm water control measures:

1. The design and installation of vegetated storm water control measures, which may be incorporated into required parking lot, buffer strip and right-of-way plantings, is encouraged and shall be subject to review and approval by the City Engineer and City Planner. Required parking lot, buffer strip, and right-of-way plantings may incorporate vegetated storm water control measures so long as the aesthetic objectives and the minimum dimensional requirements of the planting area are, in the judgment of the City Planner, satisfied by the combination of landscaping, fencing, walls and other measures proposed.
2. Applicants shall utilize the design guidance from the Southeast Michigan Council of Governments (SEMCOG) in the selection, sizing and design of these areas. For any such vegetated storm water control measures proposed, the landscape or storm water management plan submitted to the city shall include:
 - a. A plan indicating the contributing drainage area, land use, slope, and seasonal high groundwater elevation in areas where the practices are proposed.
 - b. Design calculations.
 - c. Detailed planting plan.
 - d. Construction detail and sequencing plan.
 - e. Maintenance plan.

SECTION 10. Article XVII, General Provisions, Appendix "A", Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to add the following Section 1727:

Section 1727 – Commercial and Mixed Use Building Design Requirements.

All commercial and mixed-use buildings, shall meet the following requirements.

- A. The front facade that faces a street or plaza shall include windows, cornice work, edge detailing and decorative finish materials.
 1. Front building facades must include 40% transparent windows.
- B. Front entrances shall have a minimum of one (1) usable pedestrian entrance along the front-facing side of the building.
- C. Main pedestrian entrances - shall have design details that enhance the appearance and prominence of the entrance so that it is recognizable from the street and parking areas.
- D. Blank walls (without windows) longer than 20 feet shall not face a street.
- E. Awnings and canopies may project over the sidewalk, provided the awning or canopy is at least eight (8) feet above the sidewalk and does not project closer than two (2) feet from the back of the street curb.
 1. Awnings shall be of traditional design and must be made from fabric or metal materials and not from plastic, vinyl, or fiberglass.
- F. Mixed Use Residential - Multiple-family residential uses located in mixed-use buildings shall be subject to the general commercial and mixed-use buildings design requirements in this section.
 1. Entrance - There shall be a minimum of one pedestrian entryway facing the street or opening onto a courtyard facing the street. ADA-compliant access ramps that connect to the stoop may also project into the front yard.
 2. Windows and Doors - The front façade of all residential units shall be a minimum of 25% and a maximum of 75% windows and doors.
- G. Exemption: Commercial buildings over 10,000 square feet are exempt from this section.

SECTION 11. 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 12. 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 13. Effective Date

This ordinance shall be published as required by the Charter of the City of Oak Park and shall become effective ten (10) days from the date of its passage or upon the expiration of seven (7) days after its publication, whichever is later.

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

MOTION DECLARED ADOPTED

CM-04-131-18 MOTION TO AMEND THE ORDINANCE – APPROVED

Motion by Rich, seconded by Radner, CARRIED UNANIMOUSLY, to amend the proposed ordinance as follows:

- Leave “general provisions” as the heading in subsection (A), and remove the language following general provisions that states “In all zoning districts the following minimum standards apply.”

Roll Call Vote:	Yes:	McClellan, Burns, Speech, Rich, Radner
	No:	None
	Absent:	None

MOTION DECLARED ADOPTED

Community and Economic Development Director Marrone reviewed a memorandum from the City Attorney that outlined a proposed amendment to the ordinance that would clarify that green infrastructure requirements for screening and landscaping do not apply to residential zoning districts. After discussion, City Council adopted the motion to make the amendment.

CITY ATTORNEY: No Report

CITY MANAGER:

Finance

CM-04-132-18 (AGENDA ITEM #15A) AGREEMENT WITH BERKLEY SCHOOL DISTRICT TO COLLECT THEIR 2018 SUMMER TAX LEVY - APPROVED

Motion by Radner, seconded by Burns, CARRIED UNANIMOUSLY, to approve an agreement with Berkley School District to collect their 2018 summer tax levy.

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

MOTION DECLARED ADOPTED

CM-04-133-18 (AGENDA ITEM #15B) APPLICATIONS FOR WAIVER AND PLAN FOR OAK PARK RETIREMENT AND HEALTH BENEFIT SYSTEMS - APPROVED

Motion by Weiss, seconded by Burns, CARRIED UNANIMOUSLY, to approve applications for waiver and plan for the following:

Defined Benefit Pension General Retirement System
Defined Benefit Pension Public Safety Retirement System
General Retirement Health Benefit System
Public Safety Retirement Health Benefit System
District Court Retirement Health Benefit System

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

MOTION DECLARED ADOPTED

City Manager Tungate and Finance Director Crawford explained the Applications for Waiver and Plan issued under the authority of the Protecting Local Government Retirement and Benefits Act. The applications may be filed by any local unit of government with at least one defined benefit pension retirement system that has triggered a preliminary review of underfunded status. In accordance with the Act, if the state treasurer determines that the underfunded status is adequately being addressed by the local unit of government, the state treasurer may waive the determination of the underfunded status. Mr. Tungate reviewed the steps the city has undertaken to warrant the submission of the applications for the Oak Park retirement and health benefit systems.

CM-04-134-18

**(AGENDA ITEM #15C) RESOLUTION AUTHORIZING
THE CITY ASSESSOR TO PREPARE SPECIAL
ASSESSMENT ROLLS, ASSESSING UNPAID CHARGES
TOGETHER WITH A 10% PENALTY ON PRIVATE
PROPERTY FOR DELINQUENT UTILITIES - \$27,083.51;
FALSE ALARMS - \$385.00; MISCELLANEOUS
CONCRETE REPLACEMENT - \$4,442.69; PROPERTY
BLIGHT - \$29,714.24; AND SIDEWALK REPLACEMENT -
\$15,702.73 - APPROVED**

Motion by Weiss, seconded by Burns, CARRIED UNANIMOUSLY, to approve the following resolution authorizing the City Assessor to prepare Special Assessment Rolls, assessing unpaid charges together with a 10% penalty on private property for Delinquent Utilities - \$27,083.51; False Alarms - \$385.00; Miscellaneous Concrete Replacement - \$4,442.69; Property Blight - \$29,714.24; and Sidewalk Replacement - \$15,702.73:

**PROPOSAL FOR
SPECIAL ASSESSMENT DISTRICTS**

WHEREAS, As required by City Code, Article III, Sec. 12.14, the City Treasurer has reported the sums expended which represent City expenses incurred on private premises which remain unpaid, or in respect thereto, listed herewith;

THEREFORE, BE IT RESOLVED, in accordance with Section 12.14 of the City Charter, that the Assessor of the City is hereby authorized and directed to make Special Assessment Rolls for said expenses incurred, together with a penalty of ten percent (10%), and to assess the lands in the Special Assessment Districts therefore according to the benefits derived in the sum of \$77,328.17:

Delinquent Utilities	\$27,083.51
False Alarms	\$385.00
Miscellaneous Concrete Replacement	\$4,442.69
Property Blight	\$29,714.24
Sidewalk Replacement	\$15,702.73, and

THAT, Said Special Assessment Rolls shall be numbered to correspond with the number of the Special Assessment to which it pertains; and

THAT, The Assessor, when s/he shall have completed the said assessment rolls, shall report the same to the Council in the manner provided by the City Charter.

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

MOTION DECLARED ADOPTED

CM-04-135-18

(AGENDA ITEM #15D) RESOLUTION RECEIVING SPECIAL ASSESSMENT ROLLS ESTABLISHING APRIL 16, 2018 AS THE DATE FOR THE PUBLIC HEARING ON THE ROLLS FOR UNPAID CHARGES FOR CITY EXPENSES INCURRED ON PRIVATE PREMISES FOR DELINQUENT UTILITIES #670, FALSE ALARMS #671, MISCELLANEOUS CONCRETE REPLACEMENT #672, PROPERTY BLIGHT #673, AND SIDEWALK REPLACEMENT #674 - APPROVED

Motion by Weiss, seconded by Burns, CARRIED UNANIMOUSLY, to approve the following resolution receiving Special Assessment Rolls establishing April 16, 2018 as the date for the Public Hearing on the rolls for unpaid charges for city expenses incurred on private premises for Delinquent Utilities #670, False Alarms #671, Miscellaneous Concrete Replacement #672, Property Blight #673, and Sidewalk Replacement #674:

SPECIAL ASSESSMENT RESOLUTION

DISTRICT NO. 670, 671, 672, 673, and 674

Meeting of the City Council held April 2, 2018, at 7:00 P.M.

The Assessor reported Special Assessment Rolls No. 670, 671, 672, 673, and 674 to the City Council. Attached to said Special Assessment Roll was the certificate of the City Assessor in form as required in Chapter XII of the City Charter.

BE IT RESOLVED, that Special Assessment Rolls No. 670, 671, 672, 673, and 674 this day submitted to the City Council by the City Assessor, be filed in the office of the City Clerk.

BE IT FURTHER RESOLVED, that the City Council and the City Assessor shall meet in the City Council room in the City of Oak Park, Michigan, on the 16th day of April, 2018 at 7:00 P.M. Eastern Standard Time, for the purpose of reviewing the assessment contained in said Special Assessment Rolls.

BE IT FURTHER RESOLVED, that the City Clerk be and is hereby ordered to cause notice of said review and of the filing of said Special Assessment Rolls to be published once prior to said hearing in the Daily Tribune, a newspaper circulating in said City of Oak Park, the first publication to be at least one week before such hearing, and that said notice shall be in form as provided in Chapter XII of the City Charter.

BE IT STILL FURTHER RESOLVED that the City Clerk be and is hereby instructed to serve notice of said Special Assessment Hearing to each owner of, or party in interest in, property to be assessed, whose name appears upon the last general tax assessment records by mailing the notice first class mail, addressed to such owner or party at the address shown on the tax records, at least ten (10) days before the date of said hearing.

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

MOTION DECLARED ADOPTED

CALL TO THE AUDIENCE:

There were no members of the audience who wanted to speak.

CALL TO THE COUNCIL:

Mayor Pro Tem Radner wished everyone a good evening.

Council Member Burns thanked everyone for coming.

Council Member Weiss reviewed upcoming City events.

Council Member Rich wished everyone a good night.

Mayor McClellan indicated that City Council will convene into a Closed to discuss attorney client privileged communication.

**CM-04-136-18 (Added to the Agenda) MOTION TO CONVENE INTO A CLOSED
SESSION TO DISCUSS ATTORNEY CLIENT PRIVILEGED
COMMUNICATION - APPROVED**

Motion by Burns, Seconded by Rich, CARRIED UNANIMOUSLY, to convene into a Closed Session to discuss attorney client privileged communication.

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

MOTION DECLARED ADOPTED

The Closed Session began at 7:55 PM. The Regular Meeting reconvened at 8:54 PM.

CM-04-137-18 CLOSED SESSION MINUTES - APPROVED

Motion by Rich, seconded by Weiss, CARRIED UNANIMOUSLY, to approve the minutes of the April 2, 2018 Closed Session.

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

MOTION DECLARED ADOPTED

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

**CITY OF OAK PARK, MICHIGAN
BOARD OF REVIEW MEETING**

Monday, March 12, 2018

Afternoon Session

The Board of Review convened at 11:55 a.m.

Present: **Chairperson – Herschel Goldstein;
 Member – Zakiya Hollifield
 WCA Assessor – Robin Moore**

Absent: **N/A**

Case 1201 52-25-29-101-025 13510 Burton

Rae Lee, owner of the above listed property, appeared before the Board seeking tax relief. The Board reviewed his application for poverty exemption.

Motion by GOLDSTEIN, supported by HOLLIFIELD:

To ACCEPT a poverty exemption

YES: GOLDSTEIN, HOLLIFIELD

Case 1202 52-29-326-003 23850 Moritz

Faiza Khammo, owner of the above listed property, appeared before the Board seeking tax relief. The Board reviewed her application for poverty exemption.

Motion by GOLDSTEIN, supported by HOLLIFIELD:

To DENY a poverty exemption

Meets poverty guidelines but 3-1/2% of taxes is more than current taxable value. No Reduction.

YES: GOLDSTEIN, HOLLIFIELD

Case 1203 52-25-30-335-005 14431 Rosemary

Yvonne Simpson, owner of the above listed property, appeared before the Board seeking tax relief. The Board reviewed her application for poverty exemption.

Motion by GOLDSTEIN, supported by HOLLIFIELD:

To ACCEPT a poverty exemption

YES: GOLDSTEIN, HOLLIFIELD

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Case 1204

52-25-19-477-024

25245 Coolidge

Darrell Pacania, owner of the above listed property, appeared before the Board seeking to protest assessed value for 2018. The Board reviewed the assessment and determined it to be accurate.

Motion by GOLDSTEIN, supported by HOLLIFIELD:

To affirm the assessment as fair and equitable, thereby denying the appeal.

YES: GOLDSTEIN, HOLLIFIELD

Case VET001

52-25-30-405-034

23441 Parklawn

To grant request for a veteran's exemption an to adjust the assessed value to \$0 and the taxable value to \$0 based on the veterans exemption policy P.A. 161

Motion by GOLDSTEIN, supported by HOLLIFIELD:

YES: GOLDSTEIN, HOLLIFIELD

Case VET002

52-25-30-376-027

23051 Wildwood

To deny the request for a veteran's exemption due to the Veterans administration's decision that Mr. Burge is not 100% disabled.

Motion by GOLDSTEIN, supported by HOLLIFIELD:

To DENY a poverty exemption

YES: GOLDSTEIN, HOLLIFIELD

Case VET003

52-25-29-102-002

13531 Burton

To grant request for a veteran's exemption an to adjust the assessed value to \$0 and the taxable value to \$0 based on the veterans exemption policy P.A. 161

Motion by GOLDSTEIN, supported by HOLLIFIELD:

YES: GOLDSTEIN, HOLLIFIELD

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Case PP001

52-99-20-910-030

14471 Eleven Mile Road

The Board was presented with an assessor's change, due to a late filed statement by the taxpayer.

Motion by GOLDSTEIN, supported by HOLLIFIELD:

YES: GOLDSTEIN, HOLLIFIELD

Case PP002

52-99-10-007-885

12751-12771 Capital

The Board was presented with an assessor's change, due to a late filed statement by the taxpayer.

Motion by GOLDSTEIN, supported by HOLLIFIELD:

YES: GOLDSTEIN, HOLLIFIELD

Case PP003

52-99-00-009-032

14051 Eleven Mile Road

The Board was presented with an assessor's change, due to a late filed Form 5076 by the taxpayer.

Motion by GOLDSTEIN, supported by HOLLIFIELD:

YES: GOLDSTEIN, HOLLIFIELD

Case PP004

52-99-00-004-129

Oak Park

The Board was presented with an assessor's change, due to a late filed statement by the taxpayer.

Motion by GOLDSTEIN, supported by HOLLIFIELD:

YES: GOLDSTEIN, HOLLIFIELD

Case PP005

52-99-00-018-362

Various Locations

The Board was presented with an assessor's change, due to a late filed statement by the taxpayer.

Motion by GOLDSTEIN, supported by HOLLIFIELD:

YES: GOLDSTEIN, HOLLIFIELD

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Case PP006 52-99-10-900-115 12700 Northend

The Board was presented with an assessor's change, due to a late filed Form 5076 by the taxpayer.

Motion by GOLDSTEIN, supported by HOLLIFIELD:

YES: GOLDSTEIN, HOLLIFIELD

Case PP007 52-99-00-001-170 Oak Park

The Board was presented with an assessor's change, due to a late filed Form 5076 by the taxpayer.

Motion by GOLDSTEIN, supported by HOLLIFIELD:

YES: GOLDSTEIN, HOLLIFIELD

Case PP008 52-99-00-007-012 13900 Eight Mile Road

The Board was presented with an assessor's change, due to a late filed Form 5076 by the taxpayer.

Motion by GOLDSTEIN, supported by HOLLIFIELD:

YES: GOLDSTEIN, HOLLIFIELD

Case PP009 52-99-00-013-115 15075 Lincoln #100

The Board was presented with an assessor's change, due to a late filed Form 5076 by the taxpayer.

Motion by GOLDSTEIN, supported by HOLLIFIELD:

YES: GOLDSTEIN, HOLLIFIELD

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Case PP010

52-99-30-930-068

10720 Nine Mile Road

The Board was presented with an assessor's change, due to a late filed Form 5076 by the taxpayer.

Motion by GOLDSTEIN, supported by HOLLIFIELD:

YES: GOLDSTEIN, HOLLIFIELD

Case PP011

52-99-99-017-323

Oak Park

The Board was presented with an assessor's change, due to a late filed statement by the taxpayer.

Motion by GOLDSTEIN, supported by HOLLIFIELD:

YES: GOLDSTEIN, HOLLIFIELD

Case PP012

52-99-00-013-126

Various Locations

The Board was presented with an assessor's change, due to a late filed statement by the taxpayer.

Motion by GOLDSTEIN, supported by HOLLIFIELD:

YES: GOLDSTEIN, HOLLIFIELD

Case PP013

52-99-99-000-102

Oak Park

The Board was presented with an assessor's change, due to a late filed Form 5076 by the taxpayer.

Motion by GOLDSTEIN, supported by HOLLIFIELD:

YES: GOLDSTEIN, HOLLIFIELD

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Case PP014

52-99-00-013-125

Various Locations

The Board was presented with an assessor's change, due to business moving out of the city in 2017, resulting in a \$0 assessed value for 2018.

Motion by GOLDSTEIN, supported by HOLLIFIELD:

YES: GOLDSTEIN, HOLLIFIELD

Motion by GOLDSTEIN, supported by HOLLIFIELD:

That there being no further business to come before the Board at this meeting, that the meeting be hereby adjourned at 4:40 p.m. on March 12, 2018 with the next session to begin on Monday, March 12, 2018, at 6:00 p.m.

YES: GOLDSTEIN, HOLLIFIELD

NO: NONE

The above minutes reflect the actions and findings of the Board. Detailed affidavits and investigations are on file with the Assessor's Office.



Herschel Goldstein



Zakiya Hollifield

**CITY OF OAK PARK, MICHIGAN
BOARD OF REVIEW MEETING**

Monday, March 12, 2018

Evening Session

The Board of Review convened at 6:02 p.m.

Present: **Chairperson – James Gulley**
 Member – Phyllis Mackay
 Member – Craig McCrary
 City Assessor – Aaron Powers
 WCA Assessor- Robin Moore

Absent: **None**

As there were no appointments or walk in protests, no business was conducted at this time.

That there being no further business to come before the Board at this meeting, that the meeting be hereby adjourned at 7:35 p.m. on March 12, 2018 with the next session to begin on Tuesday, March 13, 2018 at 6:00 p.m.

YES: GULLEY, MACKAY, MCCRARY

NO: NONE

The above minutes reflect the actions and findings of the Board. Detailed affidavits and investigations are on file with the Assessor's Office.



James Gulley



Phyllis Mackay



Craig McCrary

**CITY OF OAK PARK, MICHIGAN
BOARD OF REVIEW MEETING
Tuesday, March 13, 2018
Evening Session**

The Board of Review convened at 6:02 p.m.

Present: **Chairperson – Herschel Goldstein**
 Member – Tannis Cummings
 Member – Phyllis MacKay
 City Assessor – Aaron Powers
 WCA Assessor – Robin Moore
Absent: **None**

Case 1301 **52-25-19-255-026** **14241 Elgin**

Lisa Lange, owner of the above listed property, appeared before the Board seeking tax relief. The Board reviewed her application for poverty exemption.

Motion by GOLDSTEIN, supported by CUMMINGS:

To DENY a poverty exemption. Would qualify based in Michigan Income Tax, but income exceeds guidelines with income from children.

YES: GOLSTEIN, CUMMINGS ABSTAIN: MACKAY

Case 1302 **52-25-29-159-008** **24036 Berkley**

Cherrise Brown, owner of the above listed property, appeared before the Board to protest her assessment. Petitioner supplied testimony and documentation of properties that sold recently to support her claim, which the Board reviewed. The Board also reviewed the assessor's records.

Motion by GOLDSTEIN, supported by CUMMINGS:

To affirm the assessment as fair and equitable, thereby denying the appeal.

YES: GOLDSTEIN, CUMMINGS, MACKAY

Case 1305

52-25-30-128-015

24651 Sussex

Leonard Cohen, owner of the above listed property, appeared before the Board to protest his assessment. Petitioner supplied testimony and documentation of properties that sold recently to support his claim, which the Board reviewed. The Board also reviewed the assessor's records.

Motion by GOLDSTEIN, supported by CUMMINGS:

To affirm the assessment as fair and equitable, thereby denying the appeal.

YES: GOLDSTEIN, CUMMINGS, MACKAY

Case 1307

52-25-30-329-015

14410 Elm

Crystal Davis, owner of the above listed property, appeared before the Board seeking tax relief. The Board reviewed her application for poverty exemption.

Motion by GOLDSTEIN, supported by CUMMINGS:

To DENY a poverty exemption. Met poverty guidelines but 3-1/2% of taxes is more than current taxable value. No Reduction.

YES: GOLDSTEIN, CUMMINGS, MACKAY

Case PP015

52-99-00-013-098

24740 Greenfield Road

The Board was presented with an assessor's change, due to a late filed Form 5076 by the taxpayer.

Motion by GOLDSTEIN, supported by CUMMINGS:

YES: GOLDSTEIN, CUMMINGS, MACKAY

Case PP016

52-99-10-008-670

21020 Coolidge Road

The Board was presented with an assessor's change, due to business moving out of the city in 2017, resulting in a \$0 assessed value for 2018.

Motion by GOLDSTEIN, supported by CUMMINGS:

YES: GOLDSTEIN, CUMMINGS, MACKAY

Motion by GOLDSTEIN, supported by HOLLIFIELD:

That there being no further business to come before the Board at this meeting, that the meeting be hereby adjourned at 7:45 p.m. on March 13, 2018.

YES: GOLDSTEIN, CUMMINGS, MACKAY

The above minutes reflect the actions and findings of the Board. Detailed affidavits and investigations are on file with the Assessor's Office.

A handwritten signature in blue ink, appearing to read "Herschel Goldstein", written over a horizontal line.

Herschel Goldstein

A handwritten signature in blue ink, appearing to read "Phyllis MacKay", written over a horizontal line.

Phyllis MacKay

A handwritten signature in blue ink, appearing to read "Tannis Cummings", written over a horizontal line.

Tannis Cummings

**CITY OF OAK PARK, MICHIGAN
BOARD OF REVIEW MEETING**

**Monday, March 26, 2018
Morning Session**

The Board of Review convened at 9:00 a.m.

**Present: Chairperson – Herschel Goldstein
 Member – Phyllis Mackay
 Member – Zakiya Hollifield
 WCA Assessor – Robin Moore**

Case 2601

52-25-19-451-057

14441 Balfour Ct

Shlomo & Tziporah Lieff, owners of the above listed property, appeared before the Board to protest their assessment. Petitioners supplied testimony and documentation of properties that sold recently to support their claim, which the Board reviewed. The Board then reviewed the assessor's records. Mr. Lieff made an additional claim that the sq. footage of his home is approximately 200 sq. ft. smaller than our records, according to his appraisal.

Motion by GOLDSTEIN, supported by MACKAY:

To affirm the assessment as fair and equitable, thereby denying the appeal. We will be sending an assessor out to re-measure the Lieff's property and should the numbers be incorrect; will take the clerical error to the July Board of Review.

YES: GOLDSTEIN, MACKAY, HOLLIFIELD

Case 2613

52-25-30-351-040

28250 Greenfield Rd

The above property is a commercial building owned by Wafid Kizy. He was represented by Karyn Klemptner. Petitioner's agent supplied testimony and documentation of properties that sold recently to support their claim, which the Board reviewed. The Board then review the assessor's records.

Motion by GOLDSTEIN, supported by MACKAY:

To affirm the assessment as fair and equitable, thereby denying the appeal.

YES: GOLDSTEIN. MACKAY, HOLLIFIELD

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Case VET004

52-25-29-258-013

23890 Seneca

To grant request for a veteran's exemption and to adjust the assessed value to \$0 and the taxable value to \$0 based on the veterans exemption policy P.A. 161

Motion by GOLDSTEIN, supported by MACKAY:

YES: GOLDSTEIN, MACKAY, HOLLIFIELD

Case VET005

52-25-29-228-050

10040 Rosewood Ct

To grant request for a veteran's exemption and to adjust the assessed value to \$0 and the taxable value to \$0 based on the veterans exemption policy P.A. 161

Motion by GOLDSTEIN, supported by MACKAY:

YES: GOLDSTEIN, MACKAY, HOLLIFIELD

Case PP017

52-99-00-012-082

Tim Horton's USA, Inc

The Board was presented with an assessor's change, due to a late filed statement by the taxpayer. Taxpayer sold restaurant in 2017 which would reduce both the assessed and taxable value to zero.

Motion by GOLDSTEIN, supported by MACKAY:

To accept the late filed statement as filed, thereby adjusting the assessed and taxable values

YES: GOLDSTEIN, MACKAY, HOLLIFIELD

Case PP018

52-99-72-017-778

Kava Restaurants LLC

The Board was presented with an assessor's change, due to a late filed statement by the taxpayer. This taxpayer purchased the Tim Horton Restaurant in 2017.

Motion by MACKAY, supported by GOLDSTEIN:

To accept the late filed statement as filed, thereby adjusting the assessed and taxable values.

YES: MACKAY, GOLDSTEIN, HOLLIFIELD

Case PP019

52-99-00-002-0136

Findings Outlets Inc

The Board was presented with an assessor's change, due to a late filed 5076 exemption form filed by the taxpayer

Motion by GOLDSTEIN, supported by MACKAY:

To correct the 2018 assessment to \$0.

YES: GOLDSTEIN, MACKAY, HOLLIFIELD

Case PP020

52-99-00-016-105

27000 Hubbell LLC

The Board was presented with an assessor's change, due to a late filed 5076 exemption form filed by the taxpayer

Motion by GOLDSTEIN, supported by MACKAY:

To correct the 2018 assessment to \$0.

YES: GOLDSTEIN, MACKAY, HOLLIFIELD

Case PP021

52-99-30-000-520

Manistee Clinic

The Board was presented with an assessor's change, due to business moving out of the city in 2017, resulting in a \$0 assessed value for 2018.

Motion by GOLDSTEIN, supported by MACKAY:

To correct the 2018 assessment to \$0.

YES: GOLDSTEIN, MACKAY, HOLLIFIELD

Case PP021

52-99-10-012-120

Greater Media Detroit - WMGC

The Board was presented with an assessor's change, due to a late filed 5076 exemption form filed by the taxpayer

Motion by MACKAY, supported by GOLDSTEIN:

To correct the 2018 assessment to \$0.

YES: MACKAY, GOLDSTEIN, HOLLIFIELD

To correct the 2018 assessment to \$0.

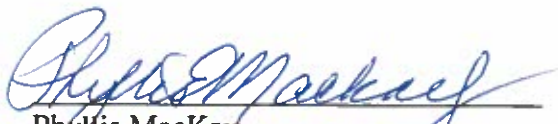
The Board of Review Afternoon Session was adjourned at 11:30 a.m.

Motion by GOLDSTEIN, supported by MACKAY:

That there being no further business to come before the Board at this meeting, that the meeting be hereby adjourned at 11:30 a.m. on March 26, 2018.

YES: GOLDSTEIN, MACKAY, HOLLIFIELD

The above minutes reflect the actions and findings of the Board. Detailed affidavits and investigations are on file with the Assessor's Office.


Herschel Goldstein
Phyllis MacKay
Zakiya Hollifield

**CITY OF OAK PARK, MICHIGAN
BOARD OF REVIEW MEETING**

**Monday, March 26, 2018
Afternoon Session**

The Board of Review convened at 1:05 p.m.

**Present: Chairperson – Herschel Goldstein
 Member – Phyllis Mackay
 Member – Craig McCrary
 WCA Assessor – Robin Moore**

Case LT001 52-25-30-201-002 14351 Ten Mile Road

Yechezkel & Rivka Koloditsky, owner of the above listed property, represented by their power of attorney, Rafael Reichenberg, entered by letter a protest of their assessment to the Board. The Board reviewed the Assessor's records.

Motion by GOLDSTEIN, supported by MACKAY:

To accept the letter appeal, and affirm the assessment as correct.

YES: GOLDSTEIN, MACKAY, MCCRARY

Case PP023 52-99-00-018-310 Lisa D's Divine Treats

The Board was presented with an assessor's change to zero, due to a late filed Personal Property Statement by the taxpayer. Her business is not located within the City of Oak Park.

Motion by GOLDSTEIN, supported by MACKAY:

To accept the late filed statement, thereby adjusting the assessed and taxable values.

YES: GOLDSTEIN, MACKAY, MCCRARY

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Case 2638

52-25-31-176-021

21621 Whitmore

Mr. & Mrs. Charles & Carol Mann, owners of the above listed property, appeared before the Board to protest their assessment. Petitioner did not supply any evidence that would substantiate their protest of the assessed and taxable value. The Board reviewed the assessor's records.

Motion by GOLDSTEIN, supported by MACKAY:

To affirm the assessment is ^{fair} ~~not~~ and equitable, thereby denying the appeal.

YES: GOLDSTEIN, MACKAY, MCCRARY

The Board of Review Afternoon Session was adjourned at 4:52 pm

Motion by GOLDSTEIN, supported by MACKAY:

That there being no further business to come before the Board at this meeting, that the meeting be hereby adjourned at 4:52 p.m. on March 26, 2018.

YES: GOLDSTEIN, MACKAY, MCCRARY

The above minutes reflect the actions and findings of the Board. Detailed affidavits and investigations are on file with the Assessor's Office.



Herschel Goldstein



Phyllis MacKay



Craig McCrary

**CITY OF OAK PARK PLANNING COMMISSION
MONDAY, MARCH 12, 2018
MINUTES**

Meeting was called to order at 7:00 p.m., in the City Council Chambers, Oak Park City Hall, 14000 Oak Park Boulevard, Oak Park, MI, by Vice Chairperson Brown and roll call was made.

PRESENT:

- Vice Chairperson Brown
- Commissioner Burns
- Commissioner Eizelman
- Commissioner McClellan
- Commissioner Seligson
- Commissioner Tkatch
- Commissioner Tungate
- Commissioner Walters-Gill

ABSENT: Chairperson Torgow

OTHERS PRESENT:

- City Planner, Kevin Rulkowski
- Community & Economic Development Director, Kimberly Marrone
- Deputy City Clerk, Lisa Vecchio

3. APPROVAL OF AGENDA OF MARCH 12, 2018 - APPROVED

4. APPROVAL OF MINUTES OF DECEMBER 11, 2017 & FEBRUARY 12, 2018 - APPROVED

MOTION by Eizelman, SECONDED by McClellan, to approve the minutes of December 11, 2017 & February 12, 2018 with no corrections.

VOTE: Yes: All
 No: None

MOTION CARRIED

5. COMMUNICATIONS/CORRESPONDENCE:

6. PUBLIC HEARING:

- A. Public Hearing to receive comments on proposed text amendments to Article II, Definitions, Article VI, RM-1 and RM-2 Multi-family Residential District, and Article XVII, General provisions. The proposed text amendments would allow for additional housing types and create regulations for green infrastructure, natural landscaping, building design, mixed-use and bicycle parking**

Vice Chairperson Brown referenced City Planner Rulkowski's report, dated March 7, 2018:

As was discussed at the February meeting, the Department of Community and Economic Development would prepare additional Zoning Ordinance text amendments to satisfy the requirements of the State of Michigan's Redevelopment Ready Certification program. To be a certified Redevelopment Ready Community, the City must develop Zoning Ordinance provisions for green infrastructure, non-traditional housing, and building design guidelines. The proposed changes were reviewed with the City Engineering Division for their review and comment. Attached are the proposed changes in a redlined summary as well in Ordinance ready formats.

After hearing comments from the public, if the proposed Zoning Ordinance text amendments for green infrastructure, non-traditional housing, and building design guidelines are acceptable to the Planning Commission, the Department of Community & Economic Development recommends approving the attached proposed ordinance.

The property is zoned LI, Light Industrial zoning district and the proposed use as indicated on the Site Plan is permitted by right. The proposed buildings meet all the setback and height requirements of the Zoning Ordinance.

Based on the square footage of the proposed office/warehouse building (18,600 square feet), the use is required to provide 33 parking spaces. The Site Plan indicates 33 parking spaces will be provided. The proposed Site Plan indicates entrances off of Eleven Mile Road as well as Raine Street. The location of the entryways and building layout will allow for good traffic circulation for larger trucks servicing the units in the rear of the building.

A storm water management plan is included with the Site Plan information. An application for a Land Development Permit is required to be submitted to the Engineering Division for review and approval of the on-site storm water management system and design of the entryways onto the site.

A landscaping plan is included with the Site Plan information. The Site Plan indicates new landscaping around the perimeter of the site and facing both street frontages. The landscaping plans notes interior landscaping of 6,718 square feet, the minimum required by the Zoning Ordinance. The required minimum number of trees and shrubs are indicated on the landscaping plan and the plan notes that the landscaped areas will be irrigated.

The Site Plan shows two dumpster enclosures on the site, one for each building. The Site Plan does not include a construction detail for the dumpster enclosures. Dumpster enclosure construction details will need to be submitted with the application for a building permit that meets the Zoning Ordinance requirements.

A lighting plan is included with the Site Plan information. Wall mounted luminaires are attached around the perimeter of the building to provide outdoor lighting to the site. The photometric plan shows acceptable levels of light at all property lines.

The building elevations do not specifically indicate whether there will be any new mechanical equipment on the roof or ground. The Zoning Ordinance requires all roof top and ground level equipment to be screened.

The Site Plan does not show any proposed signage for the facility. A separate sign application will have to be submitted and therefore no signage is approved as part of the site plan review.

The Commission expressed some concerns with the storage part of the space and asked for clarification on why this is included. The storage will be designated for the businesses of the building, to store equipment necessary for their business. They will not be self-storage units.

MOTION by Eizelman, SECONDED by Walters-Gill, to approve the site plan for Corsaut Building Ventures, LLC, 15101 Eleven Mile Road, with the following conditions:

- 1) An application for a Land Development Permit is required to be submitted to the Engineering Division for review and approval of the on-site storm water management system and design of the entryways onto the site.
- 2) Dumpster enclosure construction details to be submitted with the application for a building permit that meets the Zoning Ordinance requirements.
- 3) All proposed roof top or ground level equipment must be screened as required by the Zoning Ordinance.
- 4) No signs are approved as part of the Site Plan Review. A separate permit must be requested for the inclusion of any signs at this site.

VOTE: Yes: Brown, Burns, Eizelman, McClellan, Seligson, Tkatch,
Tungate, Walters-Gill
No: None

MOTION CARRIED

2) Citizens Bank, 23067 Coolidge Highway, Final Site Plan Review

Vice Chairperson Brown references City Planner Rulkowski's report dated March 7, 2018:

Citizens Bank has submitted a Final Site Plan to locate a drive-up ATM in the parking lot of the Oak Park Shopping Center (northwest corner of Coolidge Highway & Nine Mile Road). Citizens Bank will be locating a bank branch in the shopping center at 23067 Coolidge Highway.

The proposed facility will eliminate eight existing parking spaces or approximately 1,600 square feet. The shopping center has a surplus of parking spaces, so reducing the overall number by eight spaces should not create an issue. The proposed ATM is proposed to be located in the first row of parking nearest Coolidge Highway in front of the shopping center. The proposed location of the ATM should not interfere with the traffic circulation pattern of the shopping center. The one-way traffic flow of the drive-by ATM has one additional stacking space that should be adequate for additional vehicles waiting to use the ATM.

The property is zoned B-2, General Business District and the Zoning Ordinance permits uses such as banks.

City Planner Rulkowski explained that along with this stand-alone ATM, a Citizen' Bank walk-in branch location will be going into the Oak Park Shopping Center. The front will be in between two other businesses, therefore a drive up ATM connected to the bank is not possible and the ATM will stand in the parking lot.

MOTION by Eizelman, SECONDED by Walters-Gill, to approve the site plan for Citizens Bank, 23067 Coolidge Highway, Final Site Plan Review

VOTE: Yes: Brown, Burns, Eizelman, McClellan, Seligson, Tkatch,
Tungate, Walters-Gill
No: None

MOTION CARRIED

9. PLANNING COMMISSION MATTERS FOR DISCUSSION – from members only: None

10. PUBLIC COMMENTS ON ITEMS NOT SCHEDULED FOR PUBLIC HEARING: None

11. ADJOURNMENT

There being no further business, Vice Chairperson Brown adjourned the meeting at 7:48 p.m.

Lisa Vecchio, Deputy City Clerk



5D

BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN

AGENDA OF: April 16, 2018

AGENDA #

SUBJECT: The Department of Technical and Planning is requesting authorization to receive sealed bids for the PY 2017 Senior Yard Service Program, M-686.

DEPARTMENT: Technical & Planning – RMB

SUMMARY: Specifications are nearly complete for the Program Year 2017 Yard Services. This program provides low income seniors assistance in lawn mowing, snow removal and yard waste clean-up.

FINANCIAL STATEMENT: The Senior Yard Service Program is funded through the Community Development Block Grant, CDBG. \$30,000 has been allocated for program year 2017.

RECOMMENDED ACTION: It is recommended that the request to advertise for bids for Program Year 2017 Yard Services, M-686, be approved. Funding is available in the CDBG fund for this expenditure.

APPROVALS:

City Manager: _____

Department Director: _____

Finance Director: _____

EXHIBITS: none



BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN

AGENDA OF: April 16, 2018

AGENDA #

SUBJECT: Request to cancel the April 24, 2018 Zoning Board of Appeals meeting.

DEPARTMENT: Community & Economic Development, Planning Division

SUMMARY: The Chairperson of the Zoning Board of Appeals is requesting the April 24, 2018 meeting be cancelled. There is no business scheduled before Appeals is requesting the Zoning Board of Appeals.

FINANCIAL STATEMENT:

RECOMMENDED ACTION: The City Council consider accepting the request of the Chairperson of the Zoning Board of Appeals and cancel the April 24, 2018 regularly scheduled meeting.

APPROVALS:

City Manager: _____

Department Director: _____

Director of Finance: _____

Budgeted: ☐ _____

EXHIBITS:



OAK PARK PUBLIC SAFETY

January 2018

ACTIVITY SUMMARY



OPERATIONS:

Calls for Service

- 2017 Total: 14,549
- January 2017: 1,150
- 2017 YTD: 1,150
- January 2018: 1,208
- 2018 YTD: 1,208
- Arrests: 126
- Vacation/Property Checks: 6
- Non-Criminal Fingerprints: 5
- PBT's: 55
- Vehicles Impounded: 42
- Traffic Stops: 974

INVESTIGATIONS:

- Cases Assigned: 52
- Warrants Obtained: 14

See attached report
"RMS-008"
for January crime summary

Records Bureau:

- Animal Licenses: 38
- Alarm Permits: 7
- Handgun Registrations: 32
- FOIA / RFI / Discovery Requests: 167
- Calls Received at Dispatch: 4,062

REPORTED FIRES: 4 (4 structural,
0 vehicle, 0 other)

NON-FIRE INCIDENTS:

(12 includes false fire alarms)

FIRE SAFETY INSPECTIONS: 14



COMMUNITY POLICING

Three Block Club meeting,
Mentoring students from
Oak Park Schools, Resolved
Neighbor Trouble.

CITATIONS ISSUED: 768

HAZARDOUS	293	38%
NON - HAZARDOUS	307	40%
PARKING	42	5%
ORDINANCE VIOLATION	126	16%

NOTES: Training: M.A.C.N.L.O.W Training, Rite Training, Dept, wide M.F.R Training.



OAK PARK PUBLIC SAFETY

February 2018

ACTIVITY SUMMARY



OPERATIONS:

Calls for Service

- 2017 Total: 14,549
- February 2017: 1,084
- 2017 YTD: 2,235
- February 2018: 1,095
- 2018 YTD: 2,303
- Arrests: 98
- Vacation/Property Checks: 3
- Non-Criminal Fingerprints: 5
- PBT's: 60
- Vehicles Impounded: 40
- Traffic Stops: 832
- Medicals: 189

INVESTIGATIONS:

- Cases Assigned: 40
- Warrants Obtained: 09

See attached report
"RMS-008"
for February crime summary

Records Bureau:

- Animal Licenses: 25
- Alarm Permits: 2
- Handgun Registrations: 42
- FOIA / RFI / Discovery Requests: 119
- Calls Received at Dispatch: 3,551

REPORTED FIRES: 3 (2 structural,
1 vehicle, 0 other)

NON-FIRE INCIDENTS:
(20 includes false fire alarms)

FIRE SAFETY INSPECTIONS: 14



COMMUNITY POLICING

Three Block Club meeting,
Attended Winter Fest.
Attended Meeting regarding
Two hour parking.
Resolved Neighbor Trouble.

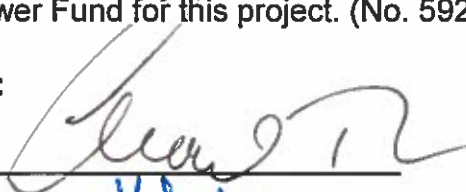
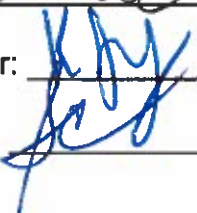
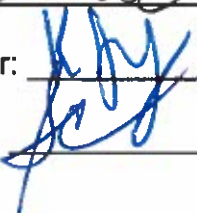
CITATIONS ISSUED: 765

HAZARDOUS	194	25%
NON - HAZARDOUS	253	33%
PARKING	239	31%
ORDINANCE VIOLATION	79	10%

NOTES: Training: (Sgt. Meier) attended Staff & Command Training. (LT. Tetter, PSO Fullerton) attended R.I.T training. Non Destructive Entry Policing Training.

**BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN****AGENDA OF:** April 16, 2018**AGENDA#****SUBJECT:** Payment Application No. 1 for the 2017-2018 Sewer Lining Project, M-677.**DEPARTMENT:** Technical & Planning – Engineering GWS**SUMMARY:** Attached is Payment Application No. 1 for the 2017-2018 Sewer Lining Project, M-677. This project lines the sewers shown on the attached maps. This project is 31% complete.

<u>FINANCIAL STATEMENT:</u> Original Contract Amount:	\$189,754.60
Total Completed to Date:	\$ 59,287.05
Less Retainage:	\$ 5,928.71
Net Earned:	\$ 53,358.34
Deductions:	\$ 0.00
Balance:	\$ 53,358.34
Payments to Date:	\$ 0.00
Amount Due Insituform Technologies USA, LLC:	\$ 53,358.34

RECOMMENDED ACTION: It is recommended that Payment Application No. 1 for the 2017-2018 Sewer Lining Project, M-677 be approved to Insituform Technologies USA, LLC for the amount of \$53,358.34. Funding is available in the Water and Sewer Fund for this project. (No. 592-18-550-930).**APPROVALS:**City Manager: Department Director: Director of Finance: Budgeted: ☒**EXHIBITS:** Payment Application No. 1, Maps of areas

PAYMENT APPLICATION

PROJECT: 2017-2018 SEWER LINING PROJECT

OWNER: CITY OF OAK PARK, MICHIGAN

CONTRACTOR: INSITUFORM TECHNOLOGIES USA, LLC
17988 EDISON AVENUE
CHESTERFIELD, MO 63006

JOB NUMBER: M-877

APPLICATION NO.: 1

PERIOD ENDING: 3/22/2018

ITEM	DESCRIPTION	ORIGINAL BID QUANTITY		UNIT PRICE	PERIOD QUANTITY	PERIOD AMOUNT	QUANTITY TO DATE	AMOUNT TO DATE
1	8" SEWER PIPE LINING	188	LFT	\$28.50	0	\$0.00	0	\$0.00
2	10" SEWER PIPE LINING	859	LFT	\$28.50	857	\$18,724.50	857	\$18,724.50
3	12" SEWER PIPE LINING	1,840	LFT	\$32.00	759	\$24,288.00	759	\$24,288.00
4	16" SEWER PIPE LINING	302	LFT	\$64.90	114	\$8,268.80	114	\$8,268.80
5	18" SEWER PIPE LINING	337	LFT	\$52.50	0	\$0.00	0	\$0.00
6	24" SEWER PIPE LINING	843	LFT	\$84.30	0	\$0.00	0	\$0.00
7	REINSTATING SEWER LATERAL	124	EA	\$82.50	49	\$4,042.50	49	\$4,042.50
8	SEWER LATERAL PROTRUDING LEAD CUTTING	25	EA	\$58.20	82	\$3,808.40	82	\$3,808.40
9	MINOR TRAFFIC DEVICE	1	LSUM	\$987.50	1	\$987.50	1	\$987.50
10	PROJECT CLEAN UP	1	LSUM	\$317.40	0	\$0.00	0	\$0.00
11	INSPECTION CREW DAYS	18	DAYS	\$320.00	3	\$960.00	0	\$0.00
12	CLEANING ONLY	0	LFT	\$3.85	383	\$1,397.55	383	\$1,397.55
Period Total Amount:						\$80,247.08	Amount to Date:	\$59,287.05

Original Contract Amount: \$189,754.00

Earnings This Period: \$80,247.08

Total Earnings to Date: \$59,287.05

Less Retainage: \$5,928.71

Net Earned: \$53,358.34

Deductions: \$0.00

Balance: \$53,358.34

Payments to Date: \$0.00

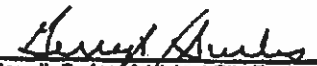
AMOUNT DUE Insituform Technologies USA, LLC: \$53,358.34

Accepted By:


Insituform Technologies USA, LLC

Date: 4/3/2018

Approved By:


Gertrude Surtee, Assistant City Engineer
City of Oak Park, Michigan

Date: 4/4/2018

MERCHANT'S LICENSES – APRIL 16, 2018

(Subject to All Departmental Approvals)

<u>NEW MERCHANT</u>	<u>ADDRESS</u>	<u>FEE</u>	<u>BUSINESS TYPE</u>
<u>RENEWALS</u>	<u>ADDRESS</u>	<u>FEE</u>	<u>BUSINESS TYPE</u>
Pro Wheels Inc	12720 Capital	\$150	Automotive
Woodway Corporation	12981 Capital	\$225	General Contractor
The Collective Music Group	13305 Capital #100	\$225	Studio
KFC Take Home of Oak Park	22001 Coolidge	\$225	Restaurant
Lee Beauty Supplies Discount	22136 Coolidge	\$150	Retail
Smart Way Recycling	13000 Eight Mile	\$150	Recycling
Four Seasons Garden Center	14471 Eleven Mile	\$225	Landscaping
Herschs Lawn Spray	15431 Eleven Mile	\$225	Landscaping
Allwell Physical Therapy	21700 Greenfield #257	\$150	Rehabilitation
Enhance Your Beauty	23300 Greenfield #218	\$225	Salon
Nails by Sliim	23300 Greenfield #225	\$225	Salon
Advance America #1398	26038 Greenfield	\$150	Financial
Lavish Luxe Hair Lounge	10730 Nine Mile	\$225	Salon
Ooze	13231 Northend	\$150	Retail
Interstate Auto Body LLC	21815 Republic	\$187.50	Automotive
Shoe Rack Outlet	13291 Ten Mile	\$225	Retail

LIQUOR LICENSE RENEWALS – APRIL 16, 2018

(Subject to All Departmental Approvals)

Jade Palace 13351 W. Ten Mile Road	Tavern License	Renewal Fee - \$250.00
Sahara Restaurant & Grille 24770 Coolidge Highway	Class C Liquor License	Renewal Fee - \$250.00

CITY OF OAK PARK, MICHIGAN

**CLASS C LIQUOR LICENSE OR TAVERN LICENSE
RENEWAL REQUIREMENTS CHECKLIST**

The following checklist is intended to assist the elected and appointed representatives of the City of Oak Park, Michigan in determining whether an applicant for renewal of a Class C Liquor License or Tavern License from the municipality has provided all of the required documentation and/or information as specified in the City's Class C Liquor License or Tavern License Application Process and pursuant to **Article III, Sections 6-51 – 6-68 and Ordinance No. O-13-597 (Zoning Ordinance) of the Code of Ordinances, City of Oak Park, Michigan.**

City of Oak Park Class C Liquor License or Tavern License Renewal Application No.: 001-2018
Name of Establishment Applying for Renewal of a License: Tony Wai-Chung Mar D/B/A Jade Palace
Name of Applicant and/or its Principals/Shareholders: Tony Wai-Chung Mar
Location: 13351 W. Ten Mile Road, Oak Park, MI 48237

A. Remittance of Application Fees

☒ Annual Renewal: \$250.00

B. Submission and Review of Background Check Information

☐ Investigation Completed by Representatives of the Department of Public Safety on _____

☒ Investigation completed on March 12, 2018 Confirmed that there are No Issues that Preclude the Issuance/Renewal of a Class C Liquor License or Tavern License in the Name of the Applicant

☒ No changes have occurred since the filing of the most recent application/issuance of the Class C Liquor License or Tavern License that the Renewal Application has been filed for that would require a Background Check

C. Application(s)

☒ Complete in All Appropriate/Requisite Sections

☒ Signed, Dated and Notarized

D. Proof of Possession of Property

☐ Deed ☐ Land Contract

☐ Lease ☐ Assignment of Lease

☐ Sublease ☐ Bill of Sale and/or Lease for Equipment/Furniture/Fixtures

☒ No changes have occurred since the filing of the most recent application/issuance of the Class C Liquor License or Tavern License that the Renewal Application has been filed for

E. Business Entity/Organization/Structure Documents

☐ Corporation (Copy of Articles of Incorporation Attached to Application)

☐ Partnership (General or Limited – Full Names, Dates of Birth and Home Addresses of All Partners and Copy of Articles of Partnership/Agreement Attached to Application)

☐ Sole Proprietorship (If Doing Business Under an Assumed Name a Copy of the D/B/A Certificate was Attached to the Application)

☐ Other (i.e. LLC – Details Provided as Required in Class C Liquor License or Tavern License Renewal Application)

- ☒ No changes have occurred since the filing of the most recent application/issuance of the Class C Liquor License or Tavern License that the Renewal Application has been filed for

F. Financial Qualifications/Information

- ☐ Copy of Loan Document(s)/Affidavits Detailing the Sources of Funding for the Business
- ☐ Information Provided Concerning Source of Funding for Acquisition/Opening/Operating the Licensed Business
- ☒ No changes have occurred since the filing of the most recent application/issuance of the Class C Liquor License or Tavern License that the Renewal Application has been filed for

G. Management Information

- ☐ Provided Name, Address and Telephone Number of Individual Who Will Serve as the Manager of the Licensed Business
- ☐ Provided Name, Address and Telephone Number of Individual Who is Authorized to Sign Checks and Pay Bills in Connection with the Operation of the Licensed Business
- ☒ No changes have occurred since the filing of the most recent application/issuance of the Class C Liquor License or Tavern License that the Renewal Application has been filed for

H. Description of Proposed Facilities in Some Detail

- ☐ Detail Provided Including Square Footage, Seating Capacity, Parking Capacity, Etc.
- ☐ Copy of Site Plan (If Necessary) and Description/Diagram (Detailed Floor Plan) of the Premises
- ☒ No changes have occurred since the filing of the most recent application/issuance of the Class C Liquor License or Tavern License that the Renewal Application has been filed for

J. Dancing or Entertainment

- ☐ Yes - Description of Planned Entertainment: Applicant requests a dance area at the business establishment. Pursuant to state law and/or local ordinance(s), Applicant is required to obtain any permit(s) for dancing required by the Michigan Liquor Control Commission and must maintain a dance floor that is not less than 100 square feet, is well defined and without tables, chairs, or other obstacles while customers are dancing. **Authorizing dancing at the venue does not allow topless activity or adult entertainment of any kind.**
- ☒ No
- ☒ No changes have occurred since the filing of the most recent application/issuance of the Class C Liquor License or Tavern License that the Renewal Application has been filed for

K. Status of City of Oak Park Business License

- ☒ Applicant has Current Valid City Business License(s) as Required Based on Business Activity
- ☐ Applicant has Submitted an Application for a Business License(s)
- ☐ Applicant is Current on All Applicable Business License(s) Fees

L. Applicant, and/or its Principals/Shareholders are Not in Default on Any Obligations Due the City of Oak Park and/or Oakland County

- | | |
|--|--|
| ☐ Personal Property Taxes | ☐ Yes in the Amount of \$ _____ |
| ☐ Real Property Taxes | ☐ Yes in the Amount of \$ _____ |
| ☐ Special Assessments | ☐ Yes in the Amount of \$ _____ |
| ☐ Sewer and Water | ☐ Yes in the Amount of \$ _____ |

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DEPARTMENTAL CERTIFICATIONS REQUIRED BY SECTION 6-58 (a) OF THE CODE OF ORDINANCES, CITY OF OAK PARK, MICHIGAN OR THE CITY ADMINISTRATION

City of Oak Park Class C Liquor License or Tavern License Renewal Application No.: 001-2018
Name of Establishment Applying for Renewal of a License: Tony Wai-Chung Mar D/B/A Jade Palace
Name of Applicant and/or its Principals/Shareholders: Tony Wai-Chung Mar
Location: 13351 W. Ten Mile Road, Oak Park, MI 48237

DEPARTMENT OF TECHNICAL AND PLANNING

Certification that the building(s) or structure(s) to which the License Renewal will apply meet all applicable building and property maintenance codes or that acceptable building plans for work which will satisfy all such codes have been submitted and the Licensed Premises are appropriately zoned for the use and that any required zoning approvals, including site plan approval, had been obtained previously.

- ☒ Recommended for Approval
☐ Recommended for Approval with Comments/Conditions/Explanations:

☐ Not Recommended for Approval


Robert Barrett
Director of the Department of Technical and Planning or Their Designee
Date: 2/27/18

DEPARTMENTAL CERTIFICATIONS REQUIRED BY SECTION 6-58 (a) OF THE CODE OF ORDINANCES, CITY OF OAK PARK, MICHIGAN OR THE CITY ADMINISTRATION

City of Oak Park Class C Liquor License or Tavern License Renewal Application No.: 001-2018
Name of Establishment Applying for Renewal of a License: Tony Wai-Chung Mar D/B/A Jade Palace
Name of Applicant and/or its Principals/Shareholders: Tony Wai-Chung Mar
Location: 13351 W. Ten Mile Road, Oak Park, MI 48237

DEPARTMENT OF PUBLIC SAFETY

Certification that the proposed Licensee(s) continue to be of good moral character and the Licensed Premises are in compliance with all applicable fire safety regulations.

☐ Calls for Service at the above-described Location: Ø

☐ Premise History Report for the above-described Location: N/A

Have there been any violations of any of the laws of the State of Michigan or the United States or any ordinances of the City of Oak Park or the administrative rules of any regulatory agency in the conduct of the business of the licensed establishment? NO. If so, please attach documentation/information specifying the violations, incidents or comments.

Have there been any incidents reported to the Department of Public Safety in the last year that would pertain to the Class C Liquor License or Tavern License and the establishment's alcoholic beverages or any dance or entertainment permits or its patrons? NO. If so, please attach documentation/information specifying the violations, incidents or comments.

Are there other concerns that need to be brought to the attention of the City Council? No. If so, please attach documentation/information specifying the violations, incidents or comments.

☒ Recommended for Approval

☐ Recommended for Approval with Comments/Conditions/Explanations:

☐ Not Recommended for Approval

(Print Name) COOPER, STEVE
Director of the Department of Public Safety or Their Designee
Date: 3/12/2018

City of Oak Park
Dept. of Public Safety
13800 Oak Park Blvd.
Oak Park, MI 48237
(248) 691-7527

DEPARTMENTAL CERTIFICATIONS REQUIRED BY SECTION 6-58 (a) OF THE CODE OF ORDINANCES, CITY OF OAK PARK, MICHIGAN OR THE CITY ADMINISTRATION

City of Oak Park Class C Liquor License or Tavern License Renewal Application No.: **001-2018**
Name of Establishment Applying for Renewal of a License: **Tony Wai-Chung Mar D/B/A Jade Palace**
Name of Applicant and/or its Principals/Shareholders: **Tony Wai-Chung Mar**
Location: **13351 W. Ten Mile Road, Oak Park, MI 48237**

CITY CLERK

Certification that the proposed Licensee has a current valid license for operation of a restaurant at the proposed Licensed Premises or meets applicable requirements for the issuance of such a license.

- ☒ The Licensee has met the food and beverage sale(s) requirements specified in Subsection (2) of Sec. 6-55 entitled Restaurant requirements of the Code of Ordinances, of the City of Oak Park, Michigan
- ☒ Recommended for Approval
- ☐ Recommended for Approval with Comments/Conditions/Explanation:

☐ Not Recommended for Approval



(Print Name) T. Edwin Norris

City Clerk or Their Designee

Date: 3-20-18

DEPARTMENTAL CERTIFICATIONS REQUIRED BY SECTION 6-58 (a) OF THE CODE OF ORDINANCES, CITY OF OAK PARK, MICHIGAN OR THE CITY ADMINISTRATION

City of Oak Park Class C Liquor License or Tavern License Renewal Application No.: 001-2018
Name of Establishment Applying for Renewal of a License: Tony Wai-Chung Mar D/B/A Jade Palace
Name of Applicant and/or its Principals/Shareholders: Tony Wai-Chung Mar
Location: 13351 W. Ten Mile Road, Oak Park, MI 48237

DEPARTMENT OF FINANCE

Certification that the proposed Licensee(s) are not in default on any obligation(s) due the City of Oak Park and/or Oakland County.

- ☒ Recommended for Approval
☐ Recommended for Approval with Comments/Conditions/Explanation:

☐ Not Recommended for Approval

S. L. KASIK
(Print Name) STEVEN LKASIK
Finance Director or Their Designee DEPUTY TREASURER
Date: 2-21-18

Based on the Certifications provided by the appropriate representatives of the departments of Finance, Public Safety, Technical and Planning and the City Clerk it is recommended that subject to any conditions specified by those administrative offices/officials the City Council renew the Class C Liquor License or Tavern License for:

City of Oak Park Class C Liquor License or Tavern License Renewal Application No.: 001-2018
Name of Establishment Applying for Renewal of a License: Tony Wai-Chung Mar D/B/A Jade Palace
Name of Applicant and/or its Principals/Shareholders: Tony Wai-Chung Mar
Location: 13351 W. Ten Mile Road, Oak Park, MI 48237

Comments/Conditions/Explanations:



Kimberly Marrone

Manager of Community and Economic Development or Her Designee

Date: 4-10-18

In accordance with Section 6-61 (b) of the Code, I have initiated the annual investigation and review of the on premises licensed establishment identified below and based on the Certifications provided by the appropriate representatives of the departments of Finance, Public Safety, Technical and Planning and the City Clerk, subject to any conditions specified by those administrative offices/officials and pursuant to the recommendation of the Manager of the Department of Community and Economic Development as well as having completed my analysis and assessment of the documentation and information submitted by the Applicant it is requested that the City Council consider approving the renewal of the Class C Liquor License or Tavern License previously issued to:

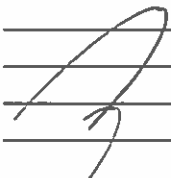
City of Oak Park Class C Liquor License or Tavern License Renewal Application No.: 001-2018
Name of Establishment Applying for Renewal of a License: Tony Wai-Chung Mar D/B/A Jade Palace
Name of Applicant and/or its Principals/Shareholders: Tony Wai-Chung Mar
Location: 13351 W. Ten Mile Road, Oak Park, MI 48237

Comments/Conditions/Explanations:

City staff and in particular, representatives of the Department of Public Safety have reviewed the request for renewal of the Class C Liquor License or Tavern License for Tony Wai-Chung Mar d/b/a Jade Palace and determined that no conditions exist that would warrant denial of a renewal or require additional time to investigate the business.

It is the recommendation of the Administration, subject to any comments, conditions, and/or explanations contained in the Class C Liquor License or Tavern License Renewal Requirements Checklist that after analyzing the review factors specified in Section 6-58 (c) of the Code that (unless evidence is presented that would serve as a basis for denial of the issuance of the license renewal) the City Council approve the issuance of a 2018-2019 Class C Liquor License or Tavern License with an expiration date of April 30, 2019 to Tony Wai-Chung Mar d/b/a Jade Palace, 13351 W. Ten Mile Road, Oak Park, MI 48237.

The Administration is requesting that the City Council as part of the Consent Agenda, renew the License for Tony Wai-Chung Mar d/b/a Jade Palace, 13351 W. Ten Mile Road, Oak Park, MI 48237.



Erik Tungate
City Manager

Date: 4/11/18

CITY OF OAK PARK, MICHIGAN

**CLASS C LIQUOR LICENSE OR TAVERN LICENSE
RENEWAL REQUIREMENTS CHECKLIST**

The following checklist is intended to assist the elected and appointed representatives of the City of Oak Park, Michigan in determining whether an applicant for renewal of a Class C Liquor License or Tavern License from the municipality has provided all of the required documentation and/or information as specified in the City's Class C Liquor License or Tavern License Application Process and pursuant to Article III, Sections 6-51 – 6-68 and Ordinance No. O-13-597 (Zoning Ordinance) of the Code of Ordinances, City of Oak Park, Michigan.

City of Oak Park Class C Liquor License or Tavern License Renewal Application No.: 002 -2018

Name of Establishment Applying for Renewal of a License: Sahara Restaurant & Grille

Name of Applicant and/or its Principals/Shareholders: Zeana Attisha/Szasza, Inc.

Location: 24770 Coolidge Highway, Oak Park, MI 48237

A. Remittance of Application Fees

☒ Annual Renewal: \$250.00

B. Submission and Review of Background Check Information

☒ Investigation Completed by Representatives of the Department of Public Safety on March 12, 2018.

☒ Investigation Confirmed that there are No Issues that Preclude the Issuance/Renewal of a Class C Liquor License or Tavern License in the Name of the Applicant

☒ No changes have occurred since the filing of the most recent application/issuance of the Class C Liquor License or Tavern License that the Renewal Application has been filed for that would require a Background Check

C. Application(s)

☒ Complete in All Appropriate/Requisite Sections

☒ Signed, Dated and Notarized

D. Proof of Possession of Property

☐ Deed ☐ Land Contract

☒ Lease ☐ Assignment of Lease

☐ Sublease ☐ Bill of Sale and/or Lease for Equipment/Furniture/Fixtures

☒ No changes have occurred since the filing of the most recent application/issuance of the Class C Liquor License or Tavern License that the Renewal Application has been filed for

E. Business Entity/Organization/Structure Documents

☐ Corporation (Copy of Articles of Incorporation Attached to Application)

☐ Partnership (General or Limited – Full Names, Dates of Birth and Home Addresses of All Partners and Copy of Articles of Partnership/Agreement Attached to Application)

☐ Sole Proprietorship (If Doing Business Under an Assumed Name a Copy of the D/B/A Certificate was Attached to the Application)

☐ Other (i.e. LLC – Details Provided as Required in Class C Liquor License or Tavern License Renewal Application)

☒ No changes have occurred since the filing of the most recent application/issuance of the

Class C Liquor License or Tavern License that the Renewal Application has been filed for

F. Financial Qualifications/Information

- ☐ Copy of Loan Document(s)/Affidavits Detailing the Sources of Funding for the Business
- ☐ Information Provided Concerning Source of Funding for Acquisition/Opening/Operating the Licensed Business
- ☒ No changes have occurred since the filing of the most recent application/issuance of the Class C Liquor License or Tavern License that the Renewal Application has been filed for

G. Management Information

- ☐ Provided Name, Address and Telephone Number of Individual Who Will Serve as the Manager of the Licensed Business
- ☐ Provided Name, Address and Telephone Number of Individual Who is Authorized to Sign Checks and Pay Bills in Connection with the Operation of the Licensed Business
- ☒ No changes have occurred since the filing of the most recent application/issuance of the Class C Liquor License or Tavern License that the Renewal Application has been filed for

H. Description of Proposed Facilities in Some Detail

- ☐ Detail Provided Including Square Footage, Seating Capacity, Parking Capacity, Etc.
- ☐ Copy of Site Plan (If Necessary) and Description/Diagram (Detailed Floor Plan) of the Premises
- ☒ No changes have occurred since the filing of the most recent application/issuance of the Class C Liquor License or Tavern License that the Renewal Application has been filed for

J. Dancing or Entertainment

- ☒ Yes - Description of Planned Entertainment: Applicant requests a dance area at the business establishment. Pursuant to state law and/or local ordinance(s), Applicant is required to obtain any permit(s) for dancing required by the Michigan Liquor Control Commission and must maintain a dance floor that is not less than 100 square feet, is well defined and without tables, chairs, or other obstacles while customers are dancing. **Authorizing dancing at the venue does not allow topless activity or adult entertainment of any kind.**
- ☐ No
- ☒ No changes have occurred since the filing of the most recent application/issuance of the Class C Liquor License or Tavern License that the Renewal Application has been filed for

K. Status of City of Oak Park Business License

- ☒ Applicant has Current Valid City Business License(s) as Required Based on Business Activity
- ☐ Applicant has Submitted an Application for a Business License(s)
- ☒ Applicant is Current on All Applicable Business License(s) Fees

L. Applicant, and/or its Principals/Shareholders are Not in Default on Any Obligations Due the City of Oak Park and/or Oakland County

- | | |
|--|--|
| ☐ Personal Property Taxes | ☐ Yes in the Amount of \$ _____ |
| ☐ Real Property Taxes | ☐ Yes in the Amount of \$ _____ |
| ☐ Special Assessments | ☐ Yes in the Amount of \$ _____ |
| ☐ Sewer and Water | ☐ Yes in the Amount of \$ _____ |

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Name of Establishment Applying for Renewal of a License: Sahara Restaurant & Grille
Name of Applicant and/or its Principals/Shareholders: Zeana Attisha/Szasza, Inc.
Location: 24770 Coolidge Highway, Oak Park, MI 48237

DEPARTMENT OF TECHNICAL AND PLANNING

Certification that the building(s) or structure(s) to which the License Renewal will apply meet all applicable building and property maintenance codes or that acceptable building plans for work which will satisfy all such codes have been submitted and the Licensed Premises are appropriately zoned for the use and that any required zoning approvals, including site plan approval, had been obtained previously.

☒ Recommended for Approval

☐ Recommended for Approval with Comments/Conditions/Explanations:

☐ Not Recommended for Approval



(Print Name) Robert Barrett

Director of the Department of Technical and Planning or Their Designee

Date: ~~March 30, 2017~~

2/27/18

DEPARTMENTAL CERTIFICATIONS REQUIRED BY SECTION 6-58 (a) OF THE CODE OF ORDINANCES, CITY OF OAK PARK, MICHIGAN OR THE CITY ADMINISTRATION

City of Oak Park Class C Liquor License or Tavern License Renewal Application No.: 00 -2018

Name of Establishment Applying for Renewal of a License: Sahara Restaurant & Grille

Name of Applicant and/or its Principals/Shareholders: Zeana Attisha/Szasza, Inc.
Location: 24770 Coolidge Highway, Oak Park, MI 48237

DEPARTMENT OF PUBLIC SAFETY

Certification that the proposed Licensee(s) continue to be of good moral character and the Licensed Premises are in compliance with all applicable fire safety regulations.

☒ Calls for Service at the above-described Location: EIGHT (8)

☐ Premise History Report for the above-described Location: SEE ATTACHED SUMMARY

Have there been any violations of any of the laws of the State of Michigan or the United States or any ordinances of the City of Oak Park or the administrative rules of any regulatory agency in the conduct of the business of the licensed establishment? NO. If so, please attach documentation/information specifying the violations, incidents or comments.

Have there been any incidents reported to the Department of Public Safety in the last year that would pertain to the Class C Liquor License or Tavern License and the establishment's alcoholic beverages or any dance or entertainment permits or its patrons? NO. If so, please attach documentation/information specifying the violations, incidents or comments.

Are there other concerns that need to be brought to the attention of the City Council? NO. If so, please attach documentation/information specifying the violations, incidents or comments.

☒ Recommended for Approval

☐ Recommended for Approval with Comments/Conditions/Explanations:

☐ Not Recommended for Approval

(Print Name) COOPER, STEVE
Director of the Department of Public Safety or Their Designee
Date: 3/12/2018

City of Oak Park
Dept. of Public Safety
13800 Oak Park Blvd.
Oak Park, MI 48237
(248) 691-7527

DEPARTMENTAL CERTIFICATIONS REQUIRED BY SECTION 6-58 (a) OF THE CODE OF ORDINANCES, CITY OF OAK PARK, MICHIGAN OR THE CITY ADMINISTRATION

City of Oak Park Class C Liquor License or Tavern License Renewal Application No.: 00 -2018
Name of Establishment Applying for Renewal of a License: Sahara Restaurant & Grille

CALL for SERVICE SUMMARY

Ref: Sahara Restaurant and Grille, 24770 Coolidge

Period: 03/01/2017 through 03/12/2018

03-25-2017 / #17-3340: The restaurant manager came into the lobby to report that a customer, dissatisfied with the size of his bowl of soup (despite receiving a refund), had threatened to kill him and promised to wait for the manager in the parking lot.

03-26-2017 / #17-3357: Restaurant manager reported that the suspect in the previously mentioned incident was in the business, refusing to leave. Officers arrived and asked subject to leave. Suspect alluded to "an incident report made with Sterling Hgts Police," then left the business without further incident. Suspect was identified and advised he would be arrested for trespassing if he returned.

08-11-2017 / #17-9008: Management reported an unwanted subject on scene creating a disturbance. Suspect left prior to officers' arrival.

08-31-2017 / #17-9777: A subject who did "odd jobs" around the restaurant in return for food became argumentative, refusing to leave. Subject departed at officers' request.

During this time period the Department of Public Safety also responded to four (4) requests for medical assistance.

Jul Kozlowski #1021
City of Oak Park
Dept. of Public Safety
13800 Oak Park Blvd.
Oak Park, MI 48237
(248) 691-7527

DEPARTMENTAL CERTIFICATIONS REQUIRED BY SECTION 6-58 (a) OF THE CODE OF ORDINANCES, CITY OF OAK PARK, MICHIGAN OR THE CITY ADMINISTRATION

City of Oak Park Class C Liquor License or Tavern License Renewal Application No.: 002 -2018
Name of Establishment Applying for Renewal of a License: Sahara Restaurant & Grille
Name of Applicant and/or its Principals/Shareholders: Zeana Attisha/Szasza, Inc.
Location: 24770 Coolidge Highway, Oak Park, MI 48237

CITY CLERK

Certification that the proposed Licensee has a current valid license for operation of a restaurant at the proposed Licensed Premises or meets applicable requirements for the issuance of such a license.

- ☒ The Licensee has met the food and beverage sale(s) requirements specified in Subsection (2) of Sec. 6-55 entitled Restaurant requirements of the Code of Ordinances, of the City of Oak Park, Michigan
☒ Recommended for Approval
☐ Recommended for Approval with Comments/Conditions/Explanation:

☐ Not Recommended for Approval



(Print Name) T. Edwin Norris

City Clerk or Their Designee

Date: 4-11-18

DEPARTMENTAL CERTIFICATIONS REQUIRED BY SECTION 6-58 (a) OF THE CODE OF ORDINANCES, CITY OF OAK PARK, MICHIGAN OR THE CITY ADMINISTRATION

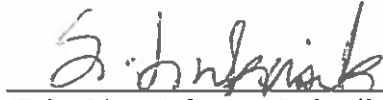
City of Oak Park Class C Liquor License or Tavern License Renewal Application No.: 00 -2018
Name of Establishment Applying for Renewal of a License: Sahara Restaurant & Grille
Name of Applicant and/or its Principals/Shareholders: Zeana Attisha/Szasza, Inc.
Location: 24770 Coolidge Highway, Oak Park, MI 48237

DEPARTMENT OF FINANCE

Certification that the proposed Licensee(s) are not in default on any obligation(s) due the City of Oak Park and/or Oakland County.

- ☒ Recommended for Approval
☐ Recommended for Approval with Comments/Conditions/Explanation:

☐ Not Recommended for Approval



(Print Name) Steven Lukasik, Deputy Treasurer

Finance Director or Their Designee

Date: 4-9-2018

Based on the Certifications provided by the appropriate representatives of the departments of Finance, Public Safety, Technical and Planning and the City Clerk it is recommended that subject to any conditions specified by those administrative offices/officials the City Council renew the Class C Liquor License or Tavern License for:

City of Oak Park Class C Liquor License or Tavern License Renewal Application No.: 00 -2018

Name of Establishment Applying for Renewal of a License: Sahara Restaurant & Grille

Name of Applicant and/or its Principals/Shareholders: Zeana Attisha/Szasza, Inc.

Location: 24770 Coolidge Highway, Oak Park, MI 48237

Comments/Conditions/Explanations:

Kimberly L. Marrone

Kimberly Marrone

Manager of Community and Economic Development or Her Designee

Date: 4-10-18

In accordance with Section 6-61 (b) of the Code, I have initiated the annual investigation and review of the on premises licensed establishment identified below and based on the Certifications provided by the appropriate representatives of the departments of Finance, Public Safety, Technical and Planning and the City Clerk, subject to any conditions specified by those administrative offices/officials and pursuant to the recommendation of the Manager of the Department of Community and Economic Development as well as having completed my analysis and assessment of the documentation and information submitted by the Applicant it is requested that the City Council consider approving the renewal of the Class C Liquor License or Tavern License previously issued to:

City of Oak Park Class C Liquor License or Tavern License Renewal Application No.: 00 -2018
Name of Establishment Applying for Renewal of a License: Sahara Restaurant & Grille
Name of Applicant and/or its Principals/Shareholders: Zeana Attisha/Szasza, Inc.
Location: 24770 Coolidge Highway, Oak Park, MI 48237

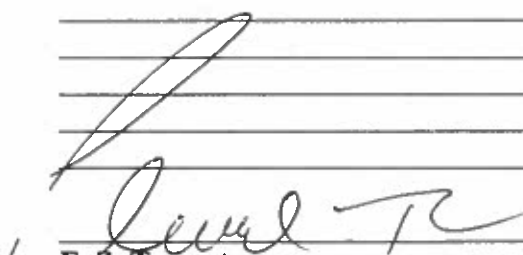
Comments/Conditions/Explanations:

City staff and in particular, representatives of the Department of Public Safety have reviewed the request for renewal of the Class C Liquor License or Tavern License for Sahara Restaurant & Grille and determined that no conditions exist that would warrant denial of a renewal or require additional time to investigate the business.

It is the recommendation of the Administration, subject to any comments, conditions, and/or explanations contained in the Class C Liquor License or Tavern License Renewal Requirements Checklist that after analyzing the review factors specified in Section 6-58 (c) of the Code that (unless evidence is presented that would serve as a basis for denial of the issuance of the license renewal) the City Council approve the issuance of a 2018-2019 Class C Liquor License or Tavern License with an expiration date of April 30, 2019 to Sahara Restaurant & Grille, located at 24770 Coolidge Highway, Oak Park, MI 48237.

The Applicant, Zeana Attisha/Szasza, Inc. has been invited to attend the City Council meeting to answer any questions the Council may have.

The Administration is requesting that the City Council as part of the Consent Agenda, renew the License for Sahara Restaurant & Grille, located at 24770 Coolidge Highway, Oak Park, MI 48237.



Erik Tungate
City Manager

Date: 4/11/18



AGENDA #

8A

BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN

AGENDA OF: April 16, 2018

SUBJECT: Public Hearing for Special Assessment Districts #670, #671, #672, #673, and #674 and resolutions confirming the rolls, setting due dates and penalties.

DEPARTMENT: Finance/Treasury

SUMMARY: At the council meeting of April 2, 2018, City Council adopted Special Assessment Resolutions No. 8, establishing April 16, 2018 as the date for the public hearing on the rolls of Special Assessment Districts #670 - Delinquent Utilities; #671 - False Alarms, #672 - Miscellaneous Concrete Replacement, #673 - Property Blight and #674 - Sidewalk Replacement

FINANCIAL STATEMENT: None

RECOMMENDED ACTION: To adopt Special Assessment Resolution No. 9 to confirm the rolls, and Special Assessment Resolution No. 10, setting the due date of May 31, 2018, together with penalty of ten percent (10%) for Special Assessment Districts #670 - Delinquent Utilities; #671 - False Alarms, #672 - Miscellaneous Concrete Replacement, #673 - Property Blight and #674 - Sidewalk Replacement

APPROVALS:

City Manager: _____

Director: _____

Finance Director: _____

Budgeted: _____

**CITY OF OAK PARK
MICHIGAN**

SPECIAL ASSESSMENT RESOLUTION NO. 9

Meeting of the City Council April 16, 2018: The Mayor announced that this was the time set to review the Special Assessment Rolls as prepared and revised by the City Assessor for expenses incurred on private premises for Districts #670 - Delinquent Utilities; #671 - False Alarms, #672 - Miscellaneous Concrete Replacement, #673 - Property Blight and #674 - Sidewalk Replacement

The Clerk announced that the following written objections had been filed:

Objections were received at the public hearing as follows:

The following exceptions were made to Special Assessment Rolls:

The following resolution was offered by _____, and supported by _____:

BE IT RESOLVED that Special Assessment Rolls #664, #665, #666, #667, #668 and #669, as prepared and revised by the City Assessor, are hereby confirmed.

ROLL CALL VOTE: Yes:
 No:
 Absent:

MOTION DECLARED ADOPTED

STATE OF MICHIGAN)
) §
COUNTY OF OAKLAND)

I, the undersigned duly qualified Clerk of the City of Oak Park, Michigan, do hereby certify that the foregoing is a true and complete copy of proceedings taken at a Regular Meeting of the Council of said City held on April 16, 2018, insofar as said proceedings relate to the Special Assessment Districts as described in the foregoing, the original of which proceedings is on file in my office.

IN WITNESS WHEREOF, I have hereunto set my official signature this 16th day of April, 2018.

T. Edwin Norris, City Clerk

**CITY OF OAK PARK
MICHIGAN**

SPECIAL ASSESSMENT RESOLUTION NO. 10

At a Regular Meeting of the City Council of the City of Oak Park, held the 16th day of April, 2018, at 7:00 P.M., at the City Hall, 14000 Oak Park Boulevard, in said City.

PRESENT:

ABSENT:

The following preamble and resolution was offered by _____, and supported by _____:

WHEREAS, by resolution adopted April 16, 2018, Special Assessment Rolls #670, #671, #672, #673, and #674 were confirmed by City Council.

NOW, THEREFORE, BE IT RESOLVED THAT: Said Special Assessment Rolls shall be due in one (1) installment payable on May 31, 2018, in full, together with penalty of ten percent (10%).

BE IT FURTHER RESOLVED THAT: An unpaid installment of said Special Assessment Roll shall bear penalty at an annual rate of five percent (5%) after due date May 31, 2018.

ROLL CALL VOTE: Yes:
 No:
 Absent:

MOTION DECLARED ADOPTED

STATE OF MICHIGAN)
)§
COUNTY OF OAKLAND)

I, the undersigned duly qualified Clerk of the City of Oak Park, Michigan, do hereby certify that the foregoing is a true and complete copy of proceedings taken at a Regular meeting of the Council of said City held on April 16, 2018, insofar as said proceedings relate to the Special Assessment District as described in the foregoing, the original of which proceedings is on file in my office.

IN WITNESS WHEREOF I have hereunto set my official signature the 16th day of April, 2018.

T. Edwin Norris, City Clerk

SECRET
SW
WARDLE

SECRET, WARDLE, LYNCH
HAMPTON, TRUEX & MORLEY
2600 TROY CENTER DRIVE P.O. BOX 5025
TROY, MICHIGAN 48007-5025
(248) 851-9500

IRS # 38-1863919

City of Oak Park
Erik Tungate
13600 Oak Park Blvd
Oak Park, MI 48237

April 5, 2018
Invoice # 1334388
Client No. M1409
Matter No. 100314

RE: Oak Park, City of (Building Fund)

INTERIM

Services Rendered:

CURRENT BILLING SUMMARY THROUGH MARCH 31, 2018

Fees for Professional Services	\$688.00
Expenses Advanced	\$0.00

CURRENT BILL DUE	\$688.00
-------------------------	-----------------

PLEASE REMIT TO: SECRET, WARDLE, LYNCH,
HAMPTON, TRUEX & MORLEY, PC
P.O. BOX 772725
CHICAGO, IL 60677-2007

**GARAN
LUCOW
MILLER P.C.**

GREAT LAKES LAW FIRM SERVING CLIENTS NATIONALLY

1155 Brewery Park Blvd, Ste 200
Detroit, Michigan 48207
313-446-1530
Tax I.D. 38-1879991

Invoice 492826**April 11, 2018**

Erik Tungate
City of Oak Park
14000 Oak Park Blvd.
Oak Park, MI 48327

*Re: Harmony Montessori Center v City of Oak
Park*

*Client 7406
Matter 4*

Statement for City Attorney Legal Services

For Legal Services Rendered Through Saturday, March 31, 2018

\$126.00**Fee Total****Total Costs Advanced****\$0.00****Total Fees and Disbursements: \$126.00**

*Invoices for legal services are due upon receipt. To ensure proper application of your payment,
Please indicate our invoice number and client/matter number on your remittance.*

**GARAN
LUCOW
MILLER P.C.**

GREAT LAKES LAW FIRM SERVING CLIENTS NATIONALLY

1155 Brewery Park Blvd, Ste 200
Detroit, Michigan 48207
313-446-1530
Tax I.D. 38-1879991

Invoice 492827

April 11, 2018

Erik Tungate
City of Oak Park
14000 Oak Park Blvd.
Oak Park, MI 48327

*Re: Tina Polk and Richard Newton v City of Oak
Park, County of Oakland, et al.*

*Client 7406
Matter 24*

Statement for City Attorney Legal Services

For Legal Services Rendered Through Saturday, March 31, 2018

\$2,898.00

Fee Total

Costs Advanced:

Date	Description	Amount
03/07/18	Reproduction Charges 18 @ 0.15	2.70
03/12/18	Reproduction Charges 1 @ 0.15	0.15
03/15/18	Reproduction Charges 14 @ 0.15	2.10
03/19/18	Travel to and from status conference of Oakland County Circuit Court relevant to Plaintiff's, Tiny Polk, et al vs. Defendants, City of Oak Park, et al 66 @ 0.54	35.53
	Total Costs Advanced	\$40.48

Total Fees and Disbursements: \$2,938.48

**GARAN
LUCOW
MILLER P.C.**

GREAT LAKES LAW FIRM SERVING CLIENTS NATIONALLY

1155 Brewery Park Blvd, Ste 200
Detroit, Michigan 48207
313-446-1530
Tax I.D. 38-1879991

Invoice 492828

April 11, 2018

Erik Tungate
City of Oak Park
14000 Oak Park Blvd.
Oak Park, MI 48327

Re: In Re: City of Oak Park

*Client 7406
Matter 1*

Statement for City Attorney Legal Services

For Legal Services Rendered Through Saturday, March 31, 2018

\$12,083.34

Fee Total

Costs Advanced:

Date	Description	Amount
02/28/18	Fee for certified copy of judgment, 21111-21435 Coolidge.	14.00
03/27/18	Reproduction Charges 11 8 @ 0.15	1.20
	Total Costs Advanced	\$15.20

Total Fees and Disbursements: \$12,098.54

*Invoices for legal services are due upon receipt. To ensure proper application of your payment,
Please indicate our invoice number and client/matter number on your remittance.*



BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN

AGENDA OF: April 16, 2018

AGENDA #

SUBJECT: Recommendation of the Planning Commission for Zoning Ordinance text amendments to Article II, Definitions, Article XV, MX-1 Mixed Use Districts, Article IX, LI Light Industrial Districts, and Article XIX, Special Land Uses.

DEPARTMENT: Economic Development & Communications, Planning Division

SUMMARY: At the February 12, 2018 meeting, the Planning Commission conducted a Public Hearing regarding proposed changes to the City of Oak Park Zoning Ordinance. The proposed text amendments would create or modify regulations for restaurants, brew pubs, breweries, wineries and distilleries serving alcoholic liquor in certain Zoning Districts.

The Planning Commission voted to recommend to the City Council adoption of the text amendments.

RECOMMENDED ACTION: The City Council consider accepting the recommendation of the Planning Commission and conduct the first reading of the proposed text amendments to the City of Oak Park Zoning Ordinance, Article III, Zoning Districts & Map, Article XV Reserved, Article XVI, Schedule of Regulations, Article XVIII, Signs, Sections 1803 & 1805, to create a new MX-1 Mixed Use Zoning District.

APPROVALS:

City Manager: _____

Director: _____

Finance Director: _____

Budgeted: ☐ _____

EXHIBITS: Memorandums, proposed ordinance for adoption.



CITY OF OAK PARK

DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT

MEMORANDUM

TO: Planning Commission members DATE: April 5, 2018
FROM: Kevin Rulkowski, AICP, City Planner FILE: Planning/Alcohol on
Premises Memo
SUBJECT: Proposed changes to Restaurants Serving Alcohol regulations.

As was discussed at the March meeting, the provisions regulating Restaurants Serving Alcohol need to be modified if the City wants to attract brewpubs, breweries, wineries and distilleries to the new Mixed Use District as well to certain designated Light Industrial District areas. A Public Hearing was scheduled and a Public Notice published for the April meeting to hear public comment on the proposed changes.

The staff has incorporated the initial comments and concerns the Planning Commission voiced at the March meeting. Based on this discussion and additional staff research, appropriate new regulations were developed and incorporated into the proposed text amendment. These provisions include:

- Requiring proposed Establishments Serving Alcohol to follow a Special Land Use process.
- Defining different types of Establishments Serving Alcohol that are allowed and regulations for each type.
- Limiting the percentage of alcoholic liquor sales that are allowed on premise.
- Limiting the amount of square footage of a facility that can be devoted to alcoholic liquor sales in the case of manufacturing facilities.

Attached are the Michigan Liquor Control Commission alcoholic liquor uses definitions, the current restaurants serving alcoholic liquor Special Land Use provisions, redlined version of proposed text amendments and the proposed text amendment ordinance for City Council action.

If the proposed Zoning Ordinance text amendments for on premise alcoholic liquor sales are acceptable to the Planning Commission the Department of Community & Economic Development recommends approving the attached proposed ordinance.

Alcoholic Liquor Definitions

The Michigan Liquor Control Commission uses the term "*Alcoholic Liquor*" to describe a broad range of uses, including the following:

Alcoholic Liquor means any spirituous, vinous, malt, or fermented liquor, powder, liquids, and compounds, whether or not medicated, proprietary, patented, and by whatever name called, containing 1/2 of 1% or more of alcohol by volume that are fit for use for food purposes or beverage purposes as defined and classified by the Liquor Control Commission.

Brewery means a brewery that produces barrels of ale or beer for on-site consumption and wholesale distribution, as allowed by the Liquor Control Commission.

Brewpub means an establishment that not less than 25% of the gross sales of the restaurant during the one-year licensure period are derived from the sale of food and nonalcoholic beverages prepared for consumption on the premises and the Brewpub license is issued in conjunction with a Class C, Tavern, B-Hotel, or A-Hotel license that authorizes the licensee to brew up to 18,000 barrels of beer per calendar year for sale on the premises.

Distillery means an establishment that manufactures spirits, not to exceed 60,000 gallons annually of all brands combined for on-site consumption, for off-premises consumption, and may sell spirits to the Michigan Liquor Control Commission who resells spirit products through the spirit distribution system.

Microbrewery means a brewery that produces less than thirty thousand (30,000) barrels of ale or beer per year, and less than ten thousand (10,000) barrels of alcoholic liquors, other than ale or beer, per year, for on-site consumption and wholesale distribution, as allowed by state law.

Wine Maker/Small Wine Maker means an establishment that may sell wine they manufacture directly to consumers for on-premises consumption (by the glass) or off-premises consumption (take out sales) from the winery premises. They may also sell wine they manufacture to consumers for on-premises consumption (by the glass) at the winery in conjunction with a restaurant at the winery premises.

Proposed text amendments for Alcoholic Liquor Consumption on the Premises

ARTICLE II. - DEFINITIONS

Establishments Serving Alcoholic Liquor for Consumption on the Premises. An establishment that serves alcoholic liquor and is licensed by the Michigan Liquor Control Commission for the sale of on-premises consumption. Such establishment shall be subject to the requirements of section 1930. Alcoholic Liquor, as defined by the Michigan Liquor Control Commission, and includes beer, wine, and mixed spirits.

ARTICLE XV. – MX-1 MIXED USE DISTRICTS

Sec. 1502. - Special land uses.

- A. Brew pubs, breweries, wineries and distilleries serving alcoholic liquor subject to provisions in Section 1930. Outdoor dining as an accessory area and subject to the provisions in Section 1709.

ARTICLE IX. - LI LIGHT INDUSTRIAL DISTRICTS

Sec. 902. - Special land uses.

- F. Brew pubs, breweries, wineries and distilleries serving alcoholic liquor, ~~as defined by the Michigan Liquor Control Commission,~~ located on industrial sites abutting the major thoroughfares of Eight Mile Road, Coolidge Highway and Eleven Mile Road, subject to the provisions in section 1930.

ARTICLE XIX. - SPECIAL LAND USES

Sec. 1929. - Regulated uses.

- B. Requirements. All proposed regulated uses shall conform to the following requirements:
 - 1. The proposed regulated use is not located within 1,000 feet of any other regulated use, regardless of community boundaries. Establishments with SDD and SDM licenses from the Michigan Liquor Control Commission, greater than 10,000 square feet of gross floor area, and devoting less than ten percent of the gross floor area to sales regulated by the SDD and SDM license, are exempt from the spacing requirement between regulated uses. Brew pubs, breweries, wineries and distilleries serving alcoholic liquor with SDD and SDM licenses from the Michigan Liquor Control Commission, are exempt from the spacing requirement between regulated uses.

Sec. 1930. - Establishments Serving Alcoholic Liquor for Consumption on the Premises.

Establishments Serving Alcoholic Liquor for Consumption on the Premises may be permitted in certain districts specified in this Ordinance, subject to the following:

A. All Establishments Serving Alcoholic Liquor for Consumption on the Premises are subject to the following:

1. The proposed Establishment Serving Alcoholic Liquor for Consumption on the Premises is not located within 500 feet of a place of worship or school building. The distance between the place of worship or school building and the contemplated location shall be measured along the center line of the street or streets of address between two fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the place of worship or school building nearest to the contemplated location and from the part of the contemplated location nearest to the place of worship or school building. Notwithstanding the stated distance requirements, no proposed Establishment Serving Alcoholic Liquor for Consumption on the Premises will be permitted to serve alcoholic liquor if the proposed Establishment Serving Alcoholic Liquor for Consumption on the Premises is located on a parcel of land adjacent to a parcel of land with a place of worship or school building. This provision may be waived by the City Council if the affected school(s) or place(s) of worship, through its duly appointed or elected governing body, affirmatively waives, in writing, its right to object to the restaurant and the City Council determines that the proposed Establishment Serving Alcoholic Liquor for Consumption on the Premises will not adversely affect the operation of the school or place of worship.
2. The layout of the site of the proposed Establishment Serving Alcoholic Liquor for Consumption on the Premises and its relationship to streets serving access to the site shall be in a manner that vehicular and pedestrian traffic to and from the proposed Establishment Serving Alcoholic Liquor for Consumption on the Premises, and the potential assembly of persons connected therewith, will not be hazardous, endangering, or inconvenient to the surrounding neighborhood and commercial district.
3. The proposed Establishment Serving Alcoholic Liquor for Consumption on the Premises will be compatible with adjacent uses of land, considering the proximity of residential dwellings, places of worship, schools, public structures, and other places of public gatherings.
4. The proposed Establishment Serving Alcoholic Liquor for Consumption on the Premises will not be contrary to the public interest or injurious to nearby properties.
5. The proposed Establishment Serving Alcoholic Liquor for Consumption on the Premises will not have the possible effect of downgrading and blighting the surrounding neighborhood.
6. The proposed Establishment Serving Alcoholic Liquor for Consumption on the Premises will not reasonably be expected to diminish the value of properties in the immediate area.

B. For restaurants Serving Alcoholic Liquor for Consumption on the Premises the following additional requirements:

1. There shall at all times be maintained and provided culinary facilities to cook and prepare food, and tables and seating areas to accommodate dining on the premises by not fewer than 20 patrons at any time.
2. Not more than 50 percent of the gross floor area open to the general public shall be used for purposes other than seating for diners, consisting of tables, chairs, booths, and necessary aisle ways. Public restroom facilities shall not be considered in this determination.
3. Not less than 50 percent of the gross sales of the restaurant annually are derived from the sale of food and nonalcoholic beverages prepared for consumption on the premises as required by the Michigan Liquor Control Commission.
4. All truck well, loading dock and loading/truck service areas shall be located and designed to minimize negative impact on adjoining properties.

C. For brewpubs Serving Alcoholic Liquor for Consumption on the Premises the following additional requirements:

1. There shall at all times be maintained and provided culinary facilities to cook and prepare food, and tables and seating areas to accommodate dining on the premises by not fewer than 20 patrons at any time.
2. Not less than 25 percent of the gross sales of the restaurant annually are derived from the sale of food and nonalcoholic beverages prepared for consumption on the premises as required by the Michigan Liquor Control Commission.
3. Except as otherwise provided in this ordinance, all operations of the facility shall be conducted within a completely enclosed building, except for off-street parking or loading.
4. All truck well, loading dock and loading/truck service areas shall be located and designed to minimize negative impact on adjoining properties.

D. For breweries, wineries and distilleries Serving Alcoholic Liquor for Consumption on the Premises the following additional requirements:

1. Not more than 40 percent of the gross floor area of the facility shall be used for purposes other than the manufacturing of alcoholic liquor. The area not devoted to manufacturing may be used for the serving of alcohol, food preparation, seating for diners, entertainment, and retail sales. Public restroom facilities shall not be considered in this determination.
2. Except as otherwise provided in this ordinance, all operations of the facility shall be conducted within a completely enclosed building, except for off-street parking or loading.

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

Revisions

3/19/18

3/27/18

4/3/18

CITY OF OAK PARK, MICHIGAN

ORDINANCE NO.

AN ORDINANCE TO AMEND ARTICLE II, DEFINITIONS, ARTICLE XV, MX-1 MIXED USE DISTRICT, ARTICLE IX, LIGHT INDUSTRIAL DISTRICT, ARTICLE XIX SPECIAL LAND USES, APPENDIX A, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK, MICHIGAN.

THE CITY OF OAK PARK, MICHIGAN ORDAINS:

SECTION 1. Article II, Definitions, Section 202, Appendix "A", Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to add the following definition to Section 202, and re-alphabetize the remaining listed definitions:

Establishments Serving Alcoholic Liquor for Consumption on the Premises. An establishment that serves alcoholic liquor and is licensed by the Michigan Liquor Control Commission for the sale of on-premises consumption. Such establishment shall be subject to the requirements of section 1930. Alcoholic Liquor, as defined by the Michigan Liquor Control Commission, and includes beer, wine, and mixed spirits.

SECTION 2. Article XV, MX-1 Mixed Use Districts, Section 1502, Special Land Uses, Appendix "A", Zoning, of the Code of Ordinances of the City of Oak Park, and is hereby amended to read as follows:

- A. Brew pubs, breweries, wineries and distilleries serving alcoholic liquor subject to provisions in Section 1930. Outdoor dining as an accessory area and subject to the provisions in Section 1709.

SECTION 3. Article XI, LI Light Industrial Districts, Section 902, Special Land Uses, F, Appendix "A", Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to read as follows:

- F. Brew pubs, breweries, wineries and distilleries serving alcoholic liquor, located on industrial sites abutting the major thoroughfares of Eight Mile Road, Coolidge Highway and Eleven Mile Road, subject to the provisions in section 1930.

SECTION 4. Article XIX, Special Land Uses, Section 1929, Regulated uses, B, 1, Appendix "A", Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to read as follows:

- 1. The proposed regulated use is not located within 1,000 feet of any other regulated use, regardless of community boundaries. Establishments with SDD and SDM licenses from the Michigan Liquor Control Commission,

greater than 10,000 square feet of gross floor area, and devoting less than ten percent of the gross floor area to sales regulated by the SDD and SDM license, are exempt from the spacing requirement between regulated uses. Brew pubs, breweries, wineries and distilleries serving alcoholic liquor with SDD and SDM licenses from the Michigan Liquor Control Commission, are exempt from the spacing requirement between regulated uses.

SECTION 5. Article XIX, Special Land Uses, Section 1930, Restaurants serving alcoholic liquor, Appendix "A", Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to read as follows:

Sec. 1930. - Establishments Serving Alcoholic Liquor for Consumption on the Premises.

Establishments Serving Alcoholic Liquor for Consumption on the Premises may be permitted in certain districts specified in this Ordinance, subject to the following:

A. All Establishments Serving Alcoholic Liquor for Consumption on the Premises are subject to the following:

1. The proposed Establishment Serving Alcoholic Liquor for Consumption on the Premises is not located within 500 feet of a place of worship or school building. The distance between the place of worship or school building and the contemplated location shall be measured along the center line of the street or streets of address between two fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the place of worship or school building nearest to the contemplated location and from the part of the contemplated location nearest to the place of worship or school building. Notwithstanding the stated distance requirements, no proposed Establishment Serving Alcoholic Liquor for Consumption on the Premises will be permitted to serve alcoholic liquor if the proposed Establishment Serving Alcoholic Liquor for Consumption on the Premises is located on a parcel of land adjacent to a parcel of land with a place of worship or school building. This provision may be waived by the City Council if the affected school(s) or place(s) of worship, through its duly appointed or elected governing body, affirmatively waives, in writing, its right to object to the restaurant and the City Council determines that the proposed Establishment Serving Alcoholic Liquor for Consumption on the Premises will not adversely affect the operation of the school or place of worship.
2. The layout of the site of the proposed Establishment Serving Alcoholic Liquor for Consumption on the Premises and its relationship to streets serving access to the site shall be in a manner that vehicular and pedestrian traffic to and from the proposed Establishment Serving Alcoholic Liquor for Consumption on the Premises, and the potential assembly of persons connected therewith, will not be hazardous, endangering, or inconvenient to the surrounding neighborhood and commercial district.
3. The proposed Establishment Serving Alcoholic Liquor for Consumption on the Premises will be compatible with adjacent uses of land, considering the

proximity of residential dwellings, places of worship, schools, public structures, and other places of public gatherings.

4. The proposed Establishment Serving Alcoholic Liquor for Consumption on the Premises will not be contrary to the public interest or injurious to nearby properties.
5. The proposed Establishment Serving Alcoholic Liquor for Consumption on the Premises will not have the possible effect of downgrading and blighting the surrounding neighborhood.
6. The proposed Establishment Serving Alcoholic Liquor for Consumption on the Premises will not reasonably be expected to diminish the value of properties in the immediate area.

B. For restaurants Serving Alcoholic Liquor for Consumption on the Premises the following additional requirements:

1. There shall at all times be maintained and provided culinary facilities to cook and prepare food, and tables and seating areas to accommodate dining on the premises by not fewer than 20 patrons at any time.
2. Not more than 50 percent of the gross floor area open to the general public shall be used for purposes other than seating for diners, consisting of tables, chairs, booths, and necessary aisle ways. Public restroom facilities shall not be considered in this determination.
3. Not less than 50 percent of the gross sales of the restaurant annually are derived from the sale of food and nonalcoholic beverages prepared for consumption on the premises as required by the Michigan Liquor Control Commission.
4. All truck well, loading dock and loading/truck service areas shall be located and designed to minimize negative impact on adjoining properties.

C. For brewpubs Serving Alcoholic Liquor for Consumption on the Premises the following additional requirements:

1. There shall at all times be maintained and provided culinary facilities to cook and prepare food, and tables and seating areas to accommodate dining on the premises by not fewer than 20 patrons at any time.
2. Not less than 25 percent of the gross sales of the restaurant annually are derived from the sale of food and nonalcoholic beverages prepared for consumption on the premises as required by the Michigan Liquor Control Commission.
3. Except as otherwise provided in this ordinance, all operations of the facility shall be conducted within a completely enclosed building, except for off-street parking or loading.

4. All truck well, loading dock and loading/truck service areas shall be located and designed to minimize negative impact on adjoining properties.
- D. For breweries, wineries and distilleries Serving Alcoholic Liquor for Consumption on the Premises the following additional requirements:
1. Not more than 40 percent of the gross floor area of the facility shall be used for purposes other than the manufacturing of alcoholic liquor. The area not devoted to manufacturing may be used for the serving of alcohol, food preparation, seating for diners, entertainment, and retail sales. Public restroom facilities shall not be considered in this determination.
 2. Except as otherwise provided in this ordinance, all operations of the facility shall be conducted within a completely enclosed building, except for off-street parking or loading.
 3. All truck well, loading dock and loading/truck service areas shall be located and designed to minimize negative impact on adjoining properties.

SECTION 6. 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 7. 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 8. Effective Date

This ordinance shall be published as required by the Charter of the City of Oak Park and shall become effective ten (10) days from the date of its passage or upon the expiration of seven (7) days after its publication, whichever is later.

MADE, PASSED AND ADOPTED by the Council of the City of Oak Park on this day of _____, 2018.

T. Edwin Norris, City Clerk

I, T. Edwin Norris, the duly authorized Clerk of the City of Oak Park, Michigan, do hereby certify that the foregoing ordinance was adopted by the Council of the City of Oak Park at its regular meeting held on _____, 2018.

T. Edwin Norris
City Clerk

First Reading:
Second Reading:
Adopted:
Published:



BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN

AGENDA OF: April 16, 2018

AGENDA #

SUBJECT: First Reading to amend - ARTICLE III. – Chapter 6, Sections 6-52, 6-53, 6-55, 6-56, 6-57, 6-58, 6-59, 6-63, 6-64, and 6-65 of the General Code of Ordinances

DEPARTMENT: Economic Development & Communications

SUMMARY: The proposed text amendments make adjustments to the liquor licensing requirements in the General Code with the purpose of recognizing additional business types that serve alcoholic liquors with requirements unique to the business type. The changes to each section are as follows:

- Sec 6-52 – The statement of purpose includes the new business classes – Breweries, Microbreweries, Wineries, Distilleries and Brewpubs.
- Sec 6-53 – Additional definitions to include the new business classes
- Sec. 6-55 – (a) – changes the food requirement for a restaurant to provide culinary facilities instead of 10 food items and allows for admission fees and cover charges
- Sec 6-55 (b, c) – two new business categories with separate requirements by business type. This takes into consideration that a Brewery/Distillery/Winery/Brewpub has the main function of business of manufacturing alcoholic liquors and reduces or eliminates the food sales requirement.
- Sec 6-56 – (a) 6-8- Changed the requirement of applicant providing a written statement for individual items separately into being part of the new liquor license application.
- Sec 6-56 – (11) – eliminated the need to provide the estimated dollar amount expended to open
- Sec 6-75 - This section is removed and the items that were to be included in the Plan of Operation become part of the application instead.
- Sec 6-58 – (a) (3) - Change the certification from Technical and Planning to the City Planner to reflect the correct department responsible.
- Sec 6-58 (b) (3) – Remove requirement to notify ALL schools, places of worships and current license holders.
- Sec 6-58 (d) (9 & 11) – Removed 9 as a requirement to have management experience and removed 11 to reflect the allowance of new business types that are not a bona fide restaurant
- Sec 6-59 (b) (c) – Removed old language and replaced with new language to allow for entertainment and dancing on site but still excluding nudity and topless

entertainment.

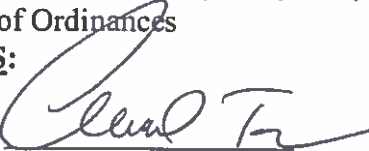
- Sec 6-63 – Formatting change
- Sec 6-64 – Remove (a) to follow LCC requirements that servers be 18 years old and remove (b) as this is an unreasonable requirement and provides no benefit
- Sec 6-65 – formatting change

FINANCIAL STATEMENT:

RECOMMENDED ACTION: Approve the first reading to amend ARTICLE III. – Chapter 6, Sections 6-52, 6-53, 6-55, 6-56, 6-57, 6-58, 6-59, 6-63, 6-64, and 6-65 of the General Code of Ordinances

APPROVALS:

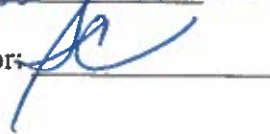
City Manager:



Director:



Finance Director:



EXHIBITS: ordinance changes, liquor license application

ARTICLE III. - REGULATION OF ESTABLISHMENTS SERVING ALCOHOLIC LIQUOR FOR CONSUMPTION ON-THE-PREMISES CONSUMPTION

Sec. 6-51. - Short title.

This article shall be known and may be cited as the City of Oak Park on-the-Premises Consumption Ordinance.

(Ord. No. O-15-615, § 1, 7-6-15)

Sec. 6-52. - Statement of purpose.

The purpose of this article is to allow the city to establish and administer a policy for the issuance and transfer of class C liquor licenses ("class C licenses") including those issued to Breweries, Microbreweries, Wineries, Distilleries and Brewpubs, and any related permits, to provide for the enforcement of liquor laws, regulations and ordinances, and to manage the number of class C alcoholic liquor licenses in the City of Oak Park.

Commented [CK1]: Consider the phrase "to manage the number of on-premises retail liquor licenses in the City of Oak Park."

(Ord. No. O-15-615, § 1, 7-6-15)

Sec. 6-53. - Definitions.

The following definitions shall apply in this article:

Applicant means the individual(s); or for partnerships, all partners; for limited liability companies, all managers and members; and for corporations, all directors, officers and stockholders if the stock is not publicly traded, seeking to be licensees hereunder.

Alcoholic Liquor means any spirituous, vinous, malt, or fermented liquor, powder, liquids, and compounds, whether or not medicated, proprietary, patented, and by whatever name called, containing 1/2 of 1% or more of alcohol by volume that are fit for use for food purposes or beverage purposes as defined and classified by the Michigan Liquor Control Commission.

Brewery means a brewery that produces barrels of ale or beer for on-site consumption and wholesale distribution, as allowed by the Michigan Liquor Control Commission.

Brewpub means an establishment that not less than 25% of the gross sales of the restaurant during the one-year licensure period are derived from the sale of food and nonalcoholic beverages prepared for consumption on the premises and the Brewpub license is issued in conjunction with a Class C, Tavern, B-Hotel, or A-Hotel license that authorizes the licensee to brew up to 18,000 barrels of beer per calendar year for sale on the premises.

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Distillery means an establishment that manufactures spirits, not to exceed 60,000 gallons annually of all brands combined for on-site consumption, for off-premises consumption, and may sell spirits to the Michigan Liquor Control Commission who resells spirit products through the spirit distribution system.

Licensee means and include all persons, including their agents, servants and employees, holding a license to sell alcoholic liquor in the city for consumption on the premises issued by the Michigan Liquor Control Commission.

Licensed premises means the Oak Park location at which a licensee is authorized to sell alcoholic liquor for consumption on the premises.

License means a license to sell alcoholic liquor for consumption on the premises issued by the Michigan Liquor Control Commission.

Microbrewery means a brewery that produces less than thirty thousand (30,000) barrels of ale or beer per year, and less than ten thousand (10,000) barrels of alcoholic liquors, other than ale or beer, per year, for on-site consumption and wholesale distribution, as allowed by the Michigan Liquor Control Commission.

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Related permit means any permit issued by the Michigan Liquor Control Commission to a licensee for entertainment or other activity at the licensed premises which legally requires such a permit.

Person means any person, firm, partnership, association or corporation.

Wine Maker/Small Wine Maker means an establishment that may sell wine they manufacture directly to consumers for on-premises consumption (by the glass) or off-premises consumption (take out sales) from the winery premises. They may also sell wine they manufacture to consumers for on-premises consumption (by the glass) at the winery in conjunction with a restaurant at the winery premises.

(Ord. No. Q-15-615, § 1, 7-6-15)

Sec. 6-54. - Licensing policy.

- (a) No person shall engage in the business of selling alcoholic liquor for consumption on the premises in the City of Oak Park without first obtaining a liquor license, as required by the statutes of the State of Michigan and the City of Oak Park Code of Ordinances.
- (b) The city council may establish by resolution the number and type of establishments within the city in which the sale or consumption of alcoholic liquor shall be permitted for consumption on the premises. The number of such establishments may be less, but in no case greater than the number of such establishments permitted by Michigan law.
- (c) New licenses and related permits, transfers of ownership of existing licenses, and transfers of licenses into the city shall require the prior approval, and is at the sole discretion of, the city council.
- (d) An annual review shall be conducted of all existing licenses and related permits in the City of Oak Park.
- (e) No person shall engage in the business of selling alcoholic liquor for consumption on the premises in the City of Oak Park without first obtaining a special land use approval, as required by the Zoning Act and entering into a contract with the City of Oak Park.
- (f) Pursuant to the Michigan Liquor Control Code, liquor licenses issued by the Michigan Liquor Control Commission shall expire on April 30 of each year unless a different date is fixed by the commission.

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

Sec. 6-55. - Restaurant-Alcoholic Liquor License requirements.

The city council shall not approve any application for a new, a renewal, or transfer into the city of a license to sell alcoholic liquor for consumption on the premises unless the use of the license is in connection with and incidental to a restaurant operation meeting the following requirements and performance standards:

(a) For restaurants Serving Alcoholic Liquor for Consumption on the Premises the following additional requirements shall apply:

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- (1) There shall at all times be maintained and provided culinary facilities to cook and prepare food, and tables and seating areas to accommodate dining on the premises by not fewer than 20 patrons at any time. The proprietor shall make available a varied menu of food items consisting of not less than ten such food items cooked or prepared on the premises.
- (2) Not more than 50 percent of the gross revenues of the establishment will be or is derived from the sale of alcoholic liquor. Sales of food or alcoholic liquor to hotel or motel guests for consumption within their private rooms shall not be considered in determining the percentage ratio of sales to alcoholic beverages.
- (3) No admission fees or cover charges shall be levied on any patrons except as approved either through a special event permit or as outlined in the establishment's plan of operation as approved by the city council.
- (4) Restaurants are required to operate consistent with the hours established by the liquor control commission for such establishments.

(b) For brewpubs Serving Alcoholic Liquor for Consumption on the Premises the following additional requirements:

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- (1) There shall at all times be maintained and provided culinary facilities to cook and prepare food, and tables and seating areas to accommodate dining on the premises by not fewer than 20 patrons at any time.
- (2) Not less than 25 percent of the gross sales of the restaurant annually are derived from the sale of food and nonalcoholic beverages prepared for consumption on the premises as required by the Michigan Liquor Control Commission.
- (3) Except as otherwise provided in this ordinance, all operations of the facility shall be conducted within a completely enclosed building, except for off-street parking or loading.
- (4) All truck well, loading dock and loading/truck service areas shall be located and designed to minimize negative impact on adjoining properties.
- (5) May offer a maximum of two 1 ounce free samples for consumers from the Brewpub premises. A consumer shall not be provided more than 2 samples within a 24-hour period per licensed premises.

(c) For breweries, microbreweries, wineries and distilleries Serving Alcoholic Liquor for Consumption on the Premises the following additional requirements:

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

- (2) Except as otherwise provided in this ordinance, all operations of the facility shall be conducted within a completely enclosed building, except for off-street parking or loading.
- (3) All truck well, loading dock and loading/truck service areas shall be located and designed to minimize negative impact on adjoining properties.
- (4) May offer a maximum of ~~three~~ ^{two} 1 ounce free samples for consumers from the winery premises consumption on the licensed premises. A consumer shall not be provided more than two free samples within a 24-hour period per licensed premises.

(Ord. No. O-15-615, § 1, 7-6-15; Ord. No. O-16-623, § 3, 1-19-16)

Sec. 6-56. - Application for license.

- (a) Each applicant for a new license and/or a new related permit, the transfer into the city of a license, or the transfer of ownership of an existing license shall submit to the city clerk an application, on a form provided by the city, containing:
 - (1) The name and address of the applicant, with age for an individual, as well as for each partnership, the persons entitled to share in the profits thereof; and also for a corporation, the purpose for which organized, the names and addresses of the officers and directors; and if a majority interest of the stock of such corporation is owned by one person or nominee, the name and address of such person.
 - (2) The citizenship of the applicant; place of birth; and, if a naturalized citizen, the time and place of naturalization.
 - (3) The nature or purpose of the applicant's business, and, in the case of a corporation, the object for which it was formed; applicant shall submit copies of business entity's organizational documents.
 - (4) The length of time the applicant has been engaged in the business of that character, or, in the case of a corporation, the date when its charter was issued.
 - (5) The location and description of the premises or place of business which is to be operated under such license; applicant shall submit copy of lease, deed, or other proof of applicant's right to use the property.
 - (6) A form statement whether applicant has operated or made application for a similar or another license on any premises other than described in this application, and the disposition of such license or application.
 - (7) A form statement as to whether the applicant has ever been convicted of or found responsible for a violation of any federal or state law or administrative rules of the Michigan Liquor Control Commission concerning the manufacture, possession or sale of alcoholic liquor, or similar violation of another state or country or convicted of any felony or misdemeanor, and/or is otherwise disqualified to receive a license by reason of any matter or thing contained in this article or the laws of the State of Michigan.
 - (8) A form statement that the applicant will not violate any of the laws of the State of Michigan or of the United States or any ordinances of the City of Oak Park or the administrative rules of any regulatory agency in the conduct of its business.
 - (9) An accurate record and history of any liquor license complaint violations by the applicant, owners or stockholders of applicant, by a corporation or entity the applicant has worked for or had a substantial interest in, or by a parent or subsidiary corporation of the applicant for the immediate preceding five years.

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Commented [KM3R2]: Per Courtney Krause list them as form statements in text.

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

~~(11) The estimated total cost in dollars to be expended by the licensee for the licensed premises.~~

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

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

(Ord. No. Q-15-615, § 1, 7-6-15)

~~Sec. 6-57. - Plan of operation required.~~

~~(a) — Business operation. An application for a new license or related permit, an application for the transfer of ownership of an existing license or an application for transfer of a license into the city shall require submission of a plan of operation for review and consideration by the city council.~~

~~(b) — Plan of operation. A plan of operation shall contain an operational statement outlining the manner in which the establishment will be operated, including, but not limited to, the format, schedule of the hours of operation, crowd control, security, alcohol management, staff training, use of the facilities, parking provisions, plan for interior use and layout, and any other pertinent information requested by the city.~~

~~(c) — Compliance. A licensee shall comply with all applicable state and city regulations and the plan of operation as approved by the city council. A failure to so comply is a violation of this article and shall provide grounds for the city council recommending to the Michigan Liquor Control Commission that the license be revoked or not renewed.~~

(Ord. No. Q-15-615, § 1, 7-6-15)

Sec. 6-58. - Review procedures.

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

(1) Certification by the city clerk that the proposed licensee has a current valid license for operation of a restaurant at the proposed licensed premises or meets applicable requirements for the issuance of such a license.

(2) Certification by the director of technical and planning services that the buildings or structures to which the license will apply meet all applicable building and property maintenance codes or that acceptable building plans for work which will satisfy all such codes have been submitted.

(3) Certification by the ~~director of technical and planning services~~ City Planner that the proposed licensed premises is appropriately zoned for the use and that any required zoning approvals, including site plan approval, have been applied for or obtained.

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

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

(b) *Public hearing.*

- (1) When a completed application and fee, including public hearing and notice have been received, the city council shall schedule a public hearing to consider the request for a new license and related permit, the transfer of ownership of an existing license, or the transfer of a license into the city.
- (2) Notice of the public hearing shall be provided to all property owners within 300 feet of the proposed establishment, according to the tax records of the city.
- (3) ~~Notice of the public hearing shall be provided to all current liquor license holders located in the city, school districts, private schools, public school academies, and churches located in the city.~~
- (34) The applicant or an authorized representative shall appear at the city council hearing and make a written and/or oral presentation concerning the request.

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

- (1) Total number of similar licenses in the city.
- (2) Input from residents and surrounding business owners.
- (3) Impact of the establishment on surrounding businesses and neighborhoods.
- (4) Whether a proposed licensed premises is part of a multi-use project with substantial new retail, office, or residential components, and the size of the proposed licensed premises relative to the overall project or development.
- (5) Crowd control.
- (6) Parking availability.
- (7) Preservation or restoration of historic buildings.
- (8) Location in an underdeveloped area.
- (9) Concentration of establishments and impact on policing requirements.
- (10) Policing requirements.
- (11) Business history.
- (12) Business experience.
- (13) Liquor control commission violation history.
- (14) Percent of floor area devoted to dining versus bar area.
- (15) Size of bar area.
- (16) Overall benefit of the plan to the City of Oak Park.
- (17) Nonpayment of taxes or other payment due to the city.
- (18) Any other factor(s) that may affect the health, safety and welfare or the best interests of the community.

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

- (1) An applicant or licensee whose license has been revoked for cause.
- (2) An applicant, who at the time of application or at renewal of any license issued hereunder, would not qualify or be eligible therefor.
- (3) A co-partnership, unless all of the members of such co-partnership shall qualify to obtain a license.

- (4) A corporation if any officer, manager or director thereof, or a stock owner or stockholders owning in the aggregate more than five percent of the stock of such corporation, would not be eligible to receive a license hereunder for any reason.
- (5) An applicant or licensee whose place of business is or will be conducted by a manager or agent, unless such manager or agent possesses qualifications similar to those required of the applicant or licensee.
- (6) An applicant or licensee who has been convicted or found responsible for a violation of any federal or state law or administrative rules of the Michigan Liquor Control Commission concerning the manufacture, possession or sale of alcoholic liquor, or similar violation of another state or country.
- (7) An applicant or licensee who does not own the premises for which a license is sought or have a lease therefor for the full period for which the license is issued.
- (8) Any law enforcement official or any member of the council, or to any such official having interest in any way, either directly or indirectly, in manufacture, sale or distribution of alcoholic liquor.
- ~~(9) An applicant or licensee who does not have substantial management experience with entities having liquor licenses, or who, for other similar reasons, in the discretion of the city council, is not qualified to receive a license.~~
- (940) An applicant or licensee that has not submitted a site plan free from violations of the applicable building, electrical, mechanical, plumbing, or fire prevention codes, applicable zoning regulations, or applicable public health regulations;
- ~~(104) Unless an applicant or licensee is selling alcoholic liquor, demonstrably in connection with and incidental to, a bona fide restaurant operation;~~
- (112) An applicant or licensee that where the city council has determined that the premises do not, or will not reasonably soon after commencement of operations, have adequate off-street parking, lighting, refuse disposal facilities, noise or nuisance control, or such new construction or remodeling as proposed would not be completed;
- (123) An applicant or licensee that where the city council has determined that the location proposed for a licensed liquor establishment will have an adverse effect on the community, with consideration given to traffic safety conditions, accessibility to major streets or highways, distance from public or private schools, impact on adjacent residential districts, zoning classifications and the availability of parking.
- (134) An applicant or licensee unless a valid special land use approval is lawfully maintained for the premises.
- (145) An applicant or licensee unless a valid contract has been entered into with the city.
- (156) An applicant determined to have been untruthful in the application submitted to the city or to have submitted an application or other documentation with material omissions of fact.
- (e) *Approval.* After a review by staff and recommendation, and a public hearing, if the city council is satisfied that the establishment or operation will provide a benefit to the City of Oak Park and constitute an asset to the community, it will adopt a resolution granting approval, subject to the satisfaction of any conditions stated in the resolution. Approval of a license shall be conditioned on any necessary remodeling or new construction for the use of the license be completed within six months of the action of the city council or the Michigan Liquor Control Commission approving such license, whichever last occurs. Any unusual delay in the completion of such remodeling or construction may subject the license to revocation.

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

Sec. 6-59. - Entertainment permits.

(a) Requests for permits for dance, entertainment, or dance and entertainment shall be reviewed and approved in the discretion of the city council after an evaluation of the factors listed in subsection 6-58(c). The city will not consider requests for nude or topless entertainment permits.

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(b) Transfer of ownership. Requests for transfer of ownership of existing licensed establishments shall be reviewed and approved or disapproved by the city council following submission of an application pursuant to Sec. 6-56. If the continuation of an existing operation is contemplated, the applicant must present a plan with the application for license that indicates that it will continue the existing operation as established. If there are proposed changes in the existing operations, then the request for transfer of ownership shall be subject to evaluation of the factors outlined in subsection 6-58(c).

(c) Any change in existing operations from a full service sit down restaurant that serves alcohol to an establishment that features primarily alcohol would be subject to a new review as outlined in subsection 6-58(c).

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(b) ~~No licensee shall knowingly engage in, allow, or permit any of the following activities, without first being granted a permit by both the city and the Michigan Liquor Control Commission, which is in legal effect at the time of the occurrence of such activity, to be conducted by any person upon any licensed premises owned, occupied or controlled by such licensee:~~

(1) ~~Dancing, monologues, dialogues, motion pictures, still slides, closed circuit television, contests or other performances for public viewing on the licensed premises.~~

(c) ~~No nudity or topless activity shall be permitted on a licensed premises. As used in this section:~~

(1) ~~Nudity means exposure to public view of the whole or part of the pubic region; the whole or part of the anus; the whole or part of the buttocks; the whole or part of the genitals; or the breast area including the nipple or more than one-half of the area of the breast.~~

(2) ~~Topless activity means activity that includes, but is not limited to, or entertainment or work-related activity performed by any employee, agent, or contractor of the licensee or person acting under the control of or with the permission of the licensee, on the licensed premises in which the female breast area, including the nipple, or more than one-half of the area of the breast, is directly exposed or exposed by means of see-through clothing or a body stocking.~~

(Ord. No. O-15-615, § 1, 7-6-15)

Sec. 6-60. - Entertainment permit requests.

(a) The city will review each entertainment permit request to determine whether to approve the ~~temporary permit~~ after evaluation of the factors listed in subsection 6-58(c) and, if necessary, make a recommendation to the Michigan Liquor Control Commission regarding issuance of said permit, based upon a licensed establishment operation in a manner consistent with the provisions of this article and all other applicable laws, and regulations of the City of Oak Park and the State of Michigan.

(b) The city manager shall initiate an investigation and review of each request for an entertainment permit. The investigation and review may include, but not be limited to, the procedures listed in section 6-61.

(Ord. No. Q-15-615, § 1, 7-6-15)

Sec. 6-61. - Annual license review.

- (a) The city will review each license to determine whether to make a recommendation to the Michigan Liquor Control Commission regarding renewal of said license, based upon a licensed establishment operation in a manner consistent with the provisions of this article and all other applicable laws, and regulations of the City of Oak Park and the State of Michigan.
- (b) The city manager shall annually initiate an investigation and review of each on-premises licensed establishment shall cause an investigation to be made relative to each existing license for sales of alcoholic liquor on the premises in the city. The investigation and review shall include, but not be limited to, the following:
 - (1) Current valid licenses from appropriate county, state or federal governments authorizing service of food at the establishment.
 - (2) Inspection of the premises compliance with the license, its approved site plan and, if applicable, its plan of operation, as well as any conditions imposed by the city or the Michigan Liquor Control Commission or representations made by the licensee at the time of issuance or transfer of the license.
 - (3) City records to determine that all taxes and other monies due the city are timely paid.
 - (4) Police files or other sources of information to determine that no activity in connection with the licensed premises is in violation of the law, disturbs the public peace and tranquility, constitutes a nuisance, or contributes to the disruption of the normal activities of those in the neighborhood of the licensed premises.
 - (5) Continuous compliance with the applicable conditions or of the criteria as described in subsection 6-58(c) of this article.
 - (6) The operation of the licensed establishment for compliance with any and all representations made by the licensee to the city or the city council.
 - (7) Recommendations from city departments. Following receipt of a fully completed application, fees, and such other information as may be requested by the city, the city clerk shall forward the application to the department of public safety, department of technical and planning services, treasurer's office, and such other departments as required by the city manager, which departments shall make their reviews and recommendations prior to consideration by the city council. In conducting its review, the city may request other pertinent information from the licensee. The complete report shall be reviewed by staff prior to being submitted to the city council.

(Ord. No. Q-15-615, § 1, 7-6-15)

Sec. 6-62. - Revocation and nonrenewal.

- (a) Each establishment within the city for which a license or related permit is granted shall be operated and maintained in accordance with all applicable laws and regulations of the City of Oak Park and the State of Michigan. Upon any violation of this article, the council may, after notice and hearing, request the Michigan Liquor Control Commission to revoke such license and/or permit.
- (b) Upon any violation(s) of this article, the city will notify the licensee of the specific violation(s) and afford the licensee an opportunity to comply with said article. Licensee must comply in the time established by the city manager, but in no event more than ten days after notification to licensee by city of such violation. Absent compliance within that time established by the city manager, the city may hold a hearing and request that the Michigan Liquor Control Commission not renew and/or revoke such license and/or permit.

- (c) Before filing any objection to renewal or request for revocation of a license or permit with the Michigan Liquor Control Commission, the city shall serve the licensee with notice and proceed in accordance with this article, as amended. The city shall serve the licensee by first-class mail mailed to the licensed premises at least ten days prior to the hearing with notice of hearing, which notice shall contain the following:
- (1) Date, time and place of hearing.
 - (2) Notice of the proposed action.
 - (3) Reasons for the proposed action.
 - (4) Names of any witnesses known at the time who may testify.
 - (5) A statement that the licensee may present evidence or any testimony that may refute or respond to reasons for the proposed action.
 - (6) A statement requiring the licensee to notify the city attorney's office at least three days prior to the hearing date if they intend to contest the proposed action, and to provide the names of witnesses known at the time who will testify on their behalf.
- (d) Upon completion of the hearing, the city council shall submit to the licensee and the Michigan Liquor Control Commission a written statement of the findings and determination.

(Ord. No. 0-15-615, § 1, 7-6-15)

Sec. 6-63. - Criteria for nonrenewal or revocation.

The city council may recommend nonrenewal or revocation of a license or related permit to the liquor control commission upon a determination based upon a preponderance of the evidence presented at the hearing that any of the following exists:

- (a) ~~(1)~~ Failure to comply with all standards, plans or agreements, entered into in consideration for the issuance, transfer or continuance of the license or permit, or failure to comply with all agreements or consent judgments entered into subsequent to the issuance of the license or permit.
- (b) ~~(2)~~ Failure to comply with an approved plan of operation and other plans, specifications, or representations made or submitted to the city by the licensee.
- (c) ~~(3)~~ Violations of the state liquor laws or regulations of the liquor control commission.
- (d) ~~(4)~~ Violations of state laws or local ordinances including, but not limited to those laws or ordinances concerning the public health, safety or public welfare.
- (e) ~~(5)~~ Failure to meet the requirements of section 6-55 of this article.
- (f) ~~(6)~~ Maintenance of a nuisance upon or in connection with the licensed premises including, but not limited to, any of the following:
 - (7) ~~(i)~~ Failure to correct, within a reasonable amount of time, violations of building, electrical, mechanical, plumbing, zoning, health, fire or other applicable regulatory codes, to include the history thereof.
 - (ii) ~~8)~~ A pattern of patron conduct in the neighborhood of the licensed premises, which is a violation of the law and/or disturbs the peace, order and tranquility of the neighborhood, including types of police, fire or medical services related to this operation.
 - (iii) Failure to maintain the grounds and exterior of the licensed premises, including litter, debris or refuse blowing or being deposited upon adjoining properties.

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~~(iv) (10)~~ Entertainment on the premises or activity in connection with the licensed premises which by its nature causes, creates or contributes to disorder, disobedience to rules, ordinance or laws, or contributes to the disruption of normal activity of those in the neighborhood of the licensed premises.

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~~(g) (11)~~ Licensee's hindrance or obstruction of inspection of the licensed premises by the city's agents or employees in connection with the enforcement of this article.

~~(h) (12)~~ Failure to pay taxes or make other payments due to the city in a timely manner.

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(Ord. No. Q-15-615, § 1, 7-6-15)

~~Sec. 6-64. Employees to be 21.~~

~~(a) No person shall be employed to serve or handle any alcoholic beverage in any establishment where such beverage is sold for consumption upon the premises unless said person shall have attained the age of 21 years; provided, however, that persons under the age of 21 years but not under the age of 18 years may be employed to serve or handle alcoholic beverages by special permission of the director of public safety.~~

~~(b) All licensees must have in their possession a birth certificate or other official document showing the place and date of birth of each employee which shall be available for inspection by police officers at all times.~~

(Ord. No. Q-15-615, § 1, 7-6-15)

Sec. 6-65. - Sales restricted.

No licensee under this article, by himself, or another, shall sell, furnish, give or deliver any alcoholic beverage to any person:

~~(a) (1)~~ Who is so intoxicated as not to be in control of all his faculties;

~~(b) (2)~~ On any day during the hours not permitted by state law or the state liquor control commission.

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(Ord. No. Q-15-615, § 1, 7-6-15)

Sec. 6-66. - Game devices prohibited; presence of devices as prima facie evidence.

No licensee under this article shall allow upon his licensed premises slot machines, pinball machines, baseball, football, golf or hockey machines, electric ray machines, baffle boards, punch or pull boards, dice games or any gambling or gaming devices or paraphernalia of any nature, type or description, machines or apparatus, or gambling or gaming of any kind whatsoever.

The presence of any such device, machine or apparatus, mentioned in subsection (a) above, upon the premises of any establishment shall be prima facie evidence of a violation of this section.

(Ord. No. Q-15-615, § 1, 7-6-15)

Sec. 6-67. - Maintenance of peace and good order.

No person having the management, ownership or control of any premises in the city wherein any alcoholic beverage is sold for consumption on the premises shall permit any boisterous conduct, or in any manner the disturbance of the peace and good order of the neighborhood.

(Ord. No. Q-15-615, § 1, 7-6-15)

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

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

(Ord. No. Q-15-615, § 1, 7-6-15)

CITY OF OAK PARK, MICHIGAN

LIQUOR LICENSE APPLICATION PROCESS



The information herein is a good faith effort to briefly summarize an extensive set of laws, regulations and procedures. Persons seeking additional information may want to consult with a private attorney. It is the responsibility of the liquor license holder, their agents, and their employees to comply with the Code of Ordinances, City of Oak Park, Michigan and the Michigan Liquor Control Code, Administrative Rules and Related Laws available from the Michigan Liquor Control Commission, Department of Licensing and Regulatory Affairs.

The City of Oak Park, Michigan
City Clerk's Office
14000 Oak Park Blvd
Oak Park, MI 48237

Dear Liquor License Applicant:

Opening a business that requires a liquor license is a challenging yet rewarding endeavor, and the City is committed to helping you succeed. Please carefully review the attached City of Oak Park, Michigan Liquor License Application Process packet for an overview of the City's liquor license application process as well as the municipality's forms necessary to apply for such a license. This step-by-step guide will lead you through the City's requirements for obtaining a liquor license.

Obtaining a liquor license is a comprehensive process that involves both community input and facilities inspections. Whether you are looking to open a restaurant or are ready to acquire a business, the guide will provide you with the information you need to ensure that you make the right decisions. Pursuing a liquor license is a time-consuming process that generally takes 45 to 90 days, sometimes longer, to complete. Therefore, it is imperative that applicants contact the City Clerk far in advance of the business opening. In addition, an applicant is well-advised to research proposed locations prior to taking ownership and/or possession of a property. While the guide contains information about the major issues related to obtaining a liquor license from the City of Oak Park, it is recommended that you review the ordinances and statutes pertaining to the retail sale of liquor, beer and wine by the glass directly by consulting the Code of Ordinances, City of Oak Park, Michigan and the Michigan Liquor Control Code, Administrative Rules and Related Laws available from the Michigan Liquor Control Commission, Department of Licensing and Regulatory Affairs.

It should be noted that the requirements laid out in this document are in addition to, not a substitute for, the requirements set forth by the State of Michigan. You will need to contact the Michigan Liquor Control Commission to determine what steps you will need to complete to obtain approval from them in conjunction with the approval being requested by the Oak Park City Council. The Michigan Liquor Control Commission Licensing Division can be reached at (517) 322-1408.

After you complete and submit a liquor license application to the City Clerk's Office along with the applicable license fee(s), (the City Clerk's Office cannot accept or process an incomplete application or those lacking the required fee(s)) the City's review process will commence. Our office will forward your application for review to the City Manager's Office as well as various departments including but not limited to Public Safety and Technical and Planning. Representatives from those departments will be in contact with you.

Upon approval from all necessary departments, liquor license applications will be placed on the appropriate City Council agenda for consideration of approval; applicants will be notified in advance of the scheduled meeting date.

Fees Related to the Liquor License Process:

- New on-premises consumption or full transfer of ownership: \$800
- Adding additional owners to a liquor license for on-premises consumption: \$200
- Special Land Use Site Plan Review: \$600
- Background Check: \$75
- Annual Renewal: \$150
- Outdoor Dining Permit (Annual Fee): \$150

We recognize the importance of providing you with prompt service and a response as quickly as possible. The appointed and elected officials of the City of Oak Park and its staff are committed to working with you diligently. Representatives of the municipality are available to assist you with the application process but cannot provide legal advice. Therefore, an applicant may want to consult an attorney regarding any legal questions they have pertaining to obtaining a liquor license. Should you have any concerns or questions please do not hesitate to contact a representative of the Clerk's Office at your earliest convenience.

Best wishes in your entrepreneurial endeavors, and thank you for choosing Oak Park.

Very truly yours,

T. Edwin Norris
City Clerk

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I. The Application Process

The details of the liquor license application process are outlined below.

Due to notification requirements embedded within the City of Oak Park liquor license ordinance, actual issuance of a new liquor license takes a minimum of 45 – 90 days from the date the City receives payment of the applicable fee(s). Furthermore, payment may not be accepted until the location and plans for your business have been reviewed and approved by the Technical and Planning Department and/or the Economic Development and Communications Department due to the special land use requirements attributed to having a liquor license.

Step 1: Getting Started

The first step in applying for a new license is to complete an Application and submit it along with the applicable fee(s) to the City Clerk's Office. This form is available online at the City of Oak Park website, as well as at the City Clerk's Office in City Hall. You may request an application in person, by mail, or over the phone. It is highly recommended that interested business owners discuss the application process in detail with a representative from the Economic Development and Communications Department or the Technical and Planning Department. Both are located at the following address:
14300 Oak Park Blvd
Oak Park, MI 48237
(248) 691-7404

Determine if your business is located in a restricted area.

Prior to initiating the application process we recommend that you contact the Economic Development and Communications Department to confirm the zoning classification of your business location and for assistance in determining if your business is located in an area where liquor sales are restricted. A representative from the Economic Development and Communications Department can also assist you with building permits, occupancy restrictions, other types of permits that may be required, or other city services that may be necessary.

Office hours for the Economic Development and Communications Department are 8:00 A.M. to 5:00 P.M. Monday-Thursday, and the phone number is (248) 691-7404.

You are strongly encouraged to determine if a liquor license is permitted in a location prior to investing in any business. There are various restrictions that may prevent you from obtaining a liquor license in the City of Oak Park.

Step 2: Apply with the Michigan Department of Licensing and Regulatory Affairs (LARA)
LARA is responsible for the state's regulatory environment and makes the delivery of services more efficient for consumers and business customers.

Step 3: Complete a Background Check (Appendix A)

Liquor license applicants are required to be investigated by a representative(s) of the Department of Public Safety for certification that they are of good moral character and are in compliance with all applicable fire safety regulations. This process has its own application and fee. All liquor license applicants are required to undergo a thorough background investigation. Spouses of owners with a 5% or greater share of the business are required to submit a Spousal Affidavit.

The appropriate representative(s) of the City will review the financial and business information provided in the application file, and the results of the criminal background investigation to determine if the owner(s)/officers of the business are eligible to hold a liquor license. An applicant or licensee who has been convicted or found responsible for a violation of any federal or state law or Administrative Rules of the Michigan Liquor Control Commission concerning the manufacture, possession or sale of alcoholic liquor, cannabis, narcotics or other controlled substances, gambling or wagering or who has forfeited a bond to appear in court to answer charges for any such violations or similar violation(s) of another state or country is prohibited from obtaining a liquor license from the City of Oak Park. A prior conviction record for certain offenses is not an automatic impediment to obtaining a liquor license. The seriousness of the offense(s) committed, ones that involve the misuse of alcohol, violence, pandering or other offenses opposed to decency and morality as well as the total record of the applicant, and whether the person has been sufficiently rehabilitated to warrant the public trust are some of the specifics the City takes into consideration when making a determination as to the suitability for licensure.

Step 4: Complete the Special Land Use Site Plan Review

Along with the Liquor License Application and its required supporting documents, you are also required to submit copies of your site plans after you've completed the special land use site plan review process. Please consult with the Economic Development and Communications Department to complete your special land use site plan review process.

Step 5: Complete and File the Liquor License Application (Appendix B)

Once you have completed all the necessary prior steps and have paid the applicable license application fee(s) a representative of the Clerk's Office will commence the processing of your application(s) including preparation of the required public notifications, including but not limited to a notice of public hearing for a Class "C" liquor license that is to be provided to all property owners within 300 feet of the proposed establishment, according to the tax records of the City.

The City Clerk's Office is open for walk-in assistance, Monday – Thursday 8:00 A.M. to 5:00 P.M. The staff of the Clerk's Office is available during those hours to answer your questions and assist you with the application process. You may also schedule an appointment by calling (248) 691-7544.

Step 6: Inspections

It may be necessary for representatives of the Departments of Public Safety and/or Technical and Planning to perform inspections of the premises. A representative of the business must be available at the scheduled time for any necessary inspections.

Step 7: Public Notifications

When a completed application(s) has been filed with the City Clerk and all applicable fees have been paid, the City Council will schedule a public hearing to consider the request for a new license and related permit(s), the transfer of ownership of an existing license, or the transfer of a license into the City. Notice of the public hearing will be provided to all property owners within 300 feet of the proposed establishment, according to the tax records of the City. In addition, notice of the public hearings will be provided to all current liquor license holders located in the City, school districts, private schools, public school academies, and places of worship located in the City. The public and the property owners and entities described above have the opportunity to appear at the hearing to provide comments or may submit written comments including objections prior to the hearing. The applicant will be notified in writing of the date of the hearing and the applicant or the applicant's representative must attend the hearing.

Step 8: Submit Required Documents

Once you have filed your written application with the City Clerk's Office, you will have 60 days in which to submit all applicable documentation that is required as part of the application process. We recommend that you retain copies of all of the documentation you file with the City related to your efforts to obtain a liquor license. Failure to submit all of the required documentation within 60 days of the filing of your application(s), will suspend further processing of your application(s). Applicants will have the option to reactivate the application by submitting a \$150 reactivation fee. You will have up to 6 months from the filing of the application(s) to reactivate your application. If you fail to reactivate your application within 6 months; you will forfeit your license application fee(s). In order to apply for a liquor license after the 6-month period has lapsed, you must submit a new application(s) and start the process over again. You will not be eligible for a refund/credit of any previously paid application fee(s).

II. Making Changes to a Business with a Liquor License**Change of Officer/Shareholders**

Businesses holding a liquor license must report changes in ownership or corporate officers to the City of Oak Park within 30 days of the change by completing a Change of Officer(s)/Shareholders Application.

Any of the following changes to a business holding a liquor license requires that a Change of Officer(s)/Shareholders Application be filed with the City Clerk's Office.

A change of officers of a legal entity (if the officers have no ownership interest in the licensed business). If your business is simply removing an officer and you are not seeking to replace that officer, please submit a notarized letter to the City Clerk detailing the change.

If your business is removing an officer and you are seeking to replace that officer, you must file a Change of Officer(s)/Shareholders Application. The Application requirements include copies of the corporate minutes reflecting election/resignation of officers, Individual History Form and Photo Identification for each new officer. Fee: \$ 75.00.

A change in the owners or shareholders with 5% or more interest in the business. If the ownership of your business has changed, you are required to file a Change of Ownership/Shareholder Application. The process to apply for a change of ownership/shareholders is largely the same as the new liquor license application process except for the requirements provided for in Sections 1930 – 1401 of the City of Oak Park Zoning Ordinance (copies of which are attached hereto, pages 29-39). Fee: \$200.

III. Required Documents

The following is a comprehensive list of documentation that is required to be submitted when filing a liquor license application. The documentation must be submitted to the Clerk's Office so it can be reviewed for accuracy by the appropriate representatives of the City. Documents that are in bold are documents that you provide to the City; documents that are underlined are forms that the City provides to you for your completion. The underlined forms are available in the City Clerk's Office or online at www.ci.oak-park.mi.us.

- 1. Liquor License Application:** For any individuals who have a 5% interest or more in the business and officers of the applicant entity, or any corporate officers or members that the City determines need to be represented on the liquor license issued by the City. (Appendix B)
- 2. Photo Identification:** Driver's License, State ID or Passport for each person required to complete an Individual History Form, for the spouse of any individual with 5% interest or more in a liquor establishment, or for any individual who will manage the operations.
- 3. Spousal Affidavit (Appendix C):** For spouses of individuals who have a 5% or more interest in a liquor establishment.
- 4. 2 Passport Size Photos:** Each applicant must provide 2 passport size photos.
- 5. Deed or Lease for the Property:** Any lease must be for the duration of one year or more with the liquor license applicant identified as the lessee. If the liquor license applicant is the owner of the property a copy of the deed is required.
- 6. Certificate of Liquor Liability Insurance:** Or Dram Shop Insurance issued by carriers accepted by the Michigan Liquor Control Commission issued to the business for the premises in the aggregate amount per occurrence as required by state law. The policy should cover the business for a minimum of one year from the date of the issuance of the liquor license. There must be a 30-day cancellation notice included on the certificate. The insurance should also identify the City of Oak Park, 14000 Oak Park Blvd., Oak Park, MI 48237 as an additional insured and provide that it will receive a copy of any cancellation notice.

7. Verification of Compliance with Michigan Liquor Control Commission Mandatory Server Training Requirements: The Michigan Liquor Control Commission has implemented a mandatory server training requirement for licensees obtaining a new or transferring more than 50% interest in an existing on-premises license to have server trained supervisory personnel employed during all hours alcoholic beverages are served as provided in MCL 436.1501(1).

8. Business Structure Documents:

Corporations

- Corporate Minutes (showing election of new officers and resignation of any previous officers)
- All issued Stock Certificates (cancelled and current, privately held corporation only)
- Articles of Incorporation
- Business Organization Chart

Limited Liability Companies/Corporations

- Operating Agreement
- Articles of Organization
- Business Organization Chart

Limited Partnership

- Partnership Agreement
- Business Organization Chart
- Certificate of Limited Partnership
- Partnership/Agreement

General Partnership

- Partnership Agreement (if applicable)
- Business Organization Chart
- Articles of Incorporation

Sole Proprietorship

- D/B/A Certificate

9. City of Oak Park Site Plan Application

10. Detailed Floor Plan of the Establishment

11. Contract with the City of Oak Park: The liquor license contract is uniquely tailored to each proposed establishment and situation. Towards the end of the liquor license process, a contract will be drafted for the establishment and provided to the applicant to be signed.

12. Illustration of Expected Food Service Menu: You must provide the food service menu, or a sample document illustrating what the food service menu will consist of.

13. An accurate record and history of any liquor license complaints or violations by the applicant, owners or stockholders of applicant, by a corporation or entity the applicant has worked for or had a substantial interest in, or by a parent or subsidiary corporation of the applicant for the immediate preceding five (5) years.

14. Purchase/Sale Agreement: If the applicant is purchasing an existing business.

15. Any Current Valid Licenses: From appropriate county, state or federal governments authorizing service of food at the establishment

IV. Inspections

Initial License Inspections: Any business filing an application for a liquor license is required to pass inspections from several city departments prior to obtaining a license. Once an application is filed for a liquor license, the Technical and Planning Department may schedule your business establishment for inspection to determine if the location meets the requirements of the applicable building, electrical, mechanical, and plumbing codes as well as the applicable zoning regulations. In addition, a representative of the Department of Public Safety will schedule an inspection to confirm that the structure is in compliance with the applicable fire code. If the establishment does not pass the first inspections, you will have an opportunity to resolve any outstanding issues and schedule a re-inspection.

Periodic Annual Inspections: Once you have obtained a liquor license, the City will periodically inspect your establishment.

V. Liquor License Eligibility

The City of Oak Park's liquor license application process is designed to ensure that liquor licenses are issued only to persons who meet the eligibility requirements of the Code of Ordinances, City of Oak Park Michigan and the Michigan Liquor Control Act. The following list is a summary of all classes of individuals who are prohibited from holding a liquor license:

1. An applicant or licensee whose license has been revoked for cause.
2. An applicant who at the time of application or at renewal of any license would not qualify or be eligible therefor.
3. A co-partnership, unless all of the members of such co-partnership shall qualify to obtain a license.
4. A limited liability company (LLC), if any member would not be eligible to receive a license for any reason.

5. A corporation if any officer, manager or director thereof, or a stock owner or stockholders owning in the aggregate more than five (5) percent of the stock of such corporation, would not be eligible to receive a license for any reason.
6. An applicant or licensee whose place of business is or will be conducted by a manager or agent, unless such manager or agent possesses qualifications similar to those required of the applicant or licensee.
7. An applicant or licensee who has been convicted or found responsible for a violation of any federal or state law or Administrative Rules of the Michigan Liquor Control Commission concerning the manufacture, possession or sale of alcoholic liquor, cannabis, narcotics or other controlled substances, gambling or wagering or who has forfeited a bond to appear in court to answer charges for any such violations or similar violation(s) of another state or country.
8. An applicant or licensee who does not own the premises for which a license is sought or have a lease therefor for the duration of one year or more for which the liquor license is issued.
9. Any law enforcement official or any member of the City Council, or to any such official having interest in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic beverages.
10. An applicant or licensee who does not have substantial management experience with entities having liquor licenses, or who, for other similar reasons, in the discretion of the City Council, is not qualified to receive a license.
11. An applicant or licensee that has not submitted a site plan free from violations of the applicable building, electrical, mechanical, plumbing, or fire prevention codes, applicable zoning regulations, or applicable public health regulations.
12. An applicant or licensee that where the City Council has determined that the premises do not, or will not reasonably soon after commencement of operations, have adequate off-street parking, lighting, refuse disposal facilities, noise or nuisance control, or such new construction or remodeling as proposed would not be completed.
13. An applicant or licensee that where the City Council has determined that the location proposed for a liquor license will have an adverse effect on the community, with consideration given to traffic safety conditions, accessibility to major streets or highways, distance from public or private schools, impact on adjacent residential districts, zoning classifications and the availability of parking.
14. An applicant determined to have been untruthful in their application to the City or to have submitted an application or other documentation with material omissions of fact, false or incomplete information.
15. A prior conviction record is not an automatic impediment to obtaining a liquor license. The seriousness of the offense(s) committed, ones that involve the misuse of alcohol, violence,

pandering or other offenses opposed to decency and morality as well as the total record of the applicant, and whether the person has been sufficiently rehabilitated to warrant the public trust are some of the specifics the City takes into consideration when making a determination as to the suitability for licensure.

16. A person who is not of good character and reputation in the community in which he resides or in the Oak Park community.

17. A person who is the spouse of or domestic partner of, an individual who is ineligible to hold a liquor license.

18. A person who is in default on any obligation including but not limited to real and personal property taxes, special assessments or water bills to the City of Oak Park.

VI. Restrictions and Special Regulations

Zoning

The City of Oak Park is divided into a variety of zoning districts that reflect the diversity of community and neighborhood uses. Each zoning district has different regulations regarding the type of business activities that are permitted. It is imperative that you confirm the zoning requirements of your proposed business location. The following Zoning Districts permit Establishments Serving Alcoholic Liquor for Consumption on the Premises as a Special Land Use:

B-1, Neighborhood Business Districts (Section 702)

B-2, General Business Districts (Section 802)

LI, Light Industrial Districts (Section 902)

PCD, Planned Corridor Development Districts (Section 1202)

MX-1, Mixed Use Districts (Section 1502)

PUD, Planned Unit Development Districts (Section 1401)

Proximity to Schools and Places of Worship

Liquor licenses will not be issued to any establishment within 500 feet of a school or place of worship, regardless of community boundaries without written permission from the entity. Measurement of distances between the proposed location for the liquor license and a school or place of worship shall be in conformance of General Rule MCL 436.1503 and in addition excludes any parcels adjacent to the proposed location.

Deleterious Impact on the Surrounding Neighborhood

Applications for a liquor license undergo review by the Economic Development and Communications Department to ensure not only the safety of the public patronizing the liquor license establishment, but also to ensure that the new establishment will not have a deleterious impact on the surrounding community. A liquor license can be denied for deleterious impact when it is determined that issuance of the license would have an adverse impact on the value of any property or increase the risk of violations of law, or create a risk of substantial increases in noise, litter, or vehicular congestion. The applicant does have an opportunity to devise and

submit a plan for consideration by the City Council to address the specific negative impact concerns. The plan must provide reasonable assurance that the issuance of the liquor license will not negatively affect the community or surrounding neighborhood. The plan may include conditions upon the applicant's operation of the premises that are useful or necessary to mitigate a deleterious impact. Such conditions include, but are not limited to: providing security personnel, restricting hours of operation, installing outdoor lighting, displaying signs or any other reasonable restrictions on a business practice.

The primary method for determining whether a business with a liquor license will cause a deleterious impact is through community and law enforcement input and feedback. Part of the liquor license approval process requires that each property owner registered within 300 feet of a proposed liquor license establishment is notified when a new application is filed. In addition, notice of the public hearings will be provided to all current liquor license holders located in the City, school districts, private schools, public school academies, and places of worship located in the City.

Revocation and Non-Renewal

Each establishment within the City for which a liquor license or related permit is granted shall be operated and maintained in accordance with all applicable ordinances, laws and regulations of the City of Oak Park and the State of Michigan. Upon any violation of the Code of Ordinances, City of Oak Park, Michigan or the laws or regulations of the State of Michigan, the City Council may, after notice and hearing, request that the Michigan Liquor Control Commission revoke the liquor license or permit. The hearing process is outlined in Section 6-62 (c) of the Code of Ordinances, City of Oak Park, Michigan and the criteria for non-renewal or revocation are found in Section 6-63.

Upon any violation(s) of the Code of Ordinances, City of Oak Park, Michigan or the laws or regulations of the State of Michigan, the City will notify the Licensee of the specific violation(s) and afford the licensee an opportunity to comply with the applicable ordinance, law or regulation. Licensee must comply in the time established by the City Manager, but in no event more than 10 days after notification to Licensee by the City of such violation(s). Absent compliance within the time established by the City Manager, the City may hold a hearing and request that the Michigan Liquor Control Commission not renew and/or revoke the liquor license and/or permit.

VII. Your Responsibilities as a Liquor License Holder

Liquor licenses in the City of Oak Park are responsible for adhering to all federal, state and local laws regarding the sale and service of liquor, beer and wine for the consumption on the premises. As a licensee you should be familiar with those requirements.

The following is a partial list of prohibited activities:

It is illegal for a licensee or his/her agent to:

- Sell, give, or deliver alcohol to a minor; under 21 years of age

- Allow a person under 21 years of age to consume or possess for consumption, alcoholic beverages on the licensed premises
- Sell, give or deliver alcohol to an intoxicated person
- Allow an intoxicated person to consume alcoholic beverages on the licensed premises
- Allow a person who is less than 18 years of age to sell or serve alcoholic beverages
- Fail to cooperate or obstruct a police officer or Michigan Liquor Control Commission investigator who is investigating the licensed premises for Liquor Code and Rule requirements
- Allow the sale, possession, or consumption of any controlled substances on the premises
- Allow narcotics paraphernalia to be sold, exchanged, used or stored on the licensed premises
- Allow fighting, brawling, or the improper use of any weapons on the licensed premises
- Allow illegal gambling or gaming devices on the licensed premises
- Allow the annoying or molesting of customers or employees or allow the premises to be used for solicitation of prostitution by either customers or employees
- Allow topless activity or nudity on the licensed premises
- Sell alcoholic beverages on days and times prohibited by law or ordinance
- Sell or transfer an interest in a licensed business without the written approval of the Michigan Liquor Control Commission (MLCC) and the City
- Obtain a license for the use or benefit of a person whose name does not appear on the license
- Alter the size, rent, transfer or lease a portion of the licensed premises without MLCC and City approval
- Close the business for more than thirty days without returning the license for escrow
- Allow contests or tournaments in which alcoholic beverages are used or given as prizes
- Allow or advertise promotions that may encourage excessive alcohol consumption such as two-for-one drinks and all you can drink for one price

Be a Good Neighbor to Your Community:

As a liquor licensee, it is your responsibility, to operate and maintain a safe environment for your patrons. It is also your responsibility to be a good neighbor to the residents and businesses in your community. Maintain your business operations in a way that encourages your patrons to exit the establishment in a quiet and courteous fashion so as not to cause disturbances to nearby residents, litter or damage property. You are required to post your current license and occupancy placard in a visible location. You should also contact the Oak Park Department of Public Safety if violence and/or illegal activity occurs on or around the premises.

VIII. Fees Related to the Liquor License Process

Fees Related to the Liquor License Process:

- New on-premises consumption or full transfer of ownership: \$800
- Adding additional owners to a liquor license for on-premises consumption: \$200
- Special Land Use Site Plan Review: \$600
- Background Check: \$75
- Annual Renewal: \$150
- Outdoor Dining Permit (Annual Fee): \$150

IX. Oak Park Ordinances Pertaining to Liquor Licenses

CHAPTER 6 – ALCOHOLIC LIQUORS

ARTICLE III. – REGULATION OF ESTABLISHMENTS SERVING ALCOHOLIC LIQUOR FOR CONSUMPTION ON THE PREMISES

Sec. 6-53. – Definitions

Alcoholic Liquor means any spirituous, vinous, malt, or fermented liquor, powder, liquids, and compounds, whether or not medicated, proprietary, patented, and by whatever name called, containing 1/2 of 1% or more of alcohol by volume that are fit for use for food purposes or beverage purposes as defined and classified by the Michigan Liquor Control Commission.

Brewery means a brewery that produces barrels of ale or beer for on-site consumption and wholesale distribution, as allowed by the Michigan Liquor Control Commission.

Brewpub means an establishment that not less than 25% of the gross sales of the restaurant during the one-year licensure period are derived from the sale of food and nonalcoholic beverages prepared for consumption on the premises and the Brewpub license is issued in conjunction with a Class C, Tavern, B-Hotel, or A-Hotel license that authorizes the licensee to brew up to 18,000 barrels of beer per calendar year for sale on the premises.

Distillery means an establishment that manufactures spirits, not to exceed 60,000 gallons annually of all brands combined for on-site consumption, for off-premises consumption, and may sell spirits to the Michigan Liquor Control Commission who resells spirit products through the spirit distribution system.

Microbrewery means a brewery that produces less than thirty thousand (30,000) barrels of ale or beer per year, and less than ten thousand (10,000) barrels of alcoholic liquors, other than ale or beer, per year, for on-site consumption and wholesale distribution, as allowed by the Michigan Liquor Control Commission.

Wine Maker/Small Wine Maker means an establishment that may sell wine they manufacture directly to consumers for on-premises consumption (by the glass) or off-premises consumption (take out sales) from the winery premises. They may also sell wine they manufacture to consumers for on-premises consumption (by the glass) at the winery in conjunction with a restaurant at the winery premises.

APPENDIX A – ZONING

ARTICLE XIX. – SPECIAL LAND USES

Sec. 1930. – Establishments Serving Alcoholic Liquor for Consumption on the Premises.

Establishments Serving Alcoholic Liquor for Consumption on the Premises may be permitted in certain districts specified in this Ordinance, subject to the following:

A. All Establishments Serving Alcoholic Liquor for Consumption on the Premises are subject to the following:

1. The proposed Establishment Serving Alcoholic Liquor for Consumption on the Premises is not located within 500 feet of a place of worship or school building. The distance between the place of worship or school building and the contemplated location shall be measured along the center line of the street or streets of address between two fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the place of worship or school building nearest to the contemplated location and from the part of the contemplated location nearest to the place of worship or school building. Notwithstanding the stated distance requirements, no proposed Establishment Serving Alcoholic Liquor for Consumption on the Premises will be permitted to serve alcoholic liquor if the proposed Establishment Serving Alcoholic Liquor for Consumption on the Premises is located on a parcel of land adjacent to a parcel of land with a place of worship or school building. This provision may be waived by the city council if the affected school(s) or place(s) of worship, through its duly appointed or elected governing body, affirmatively waives, in writing, its right to object to the restaurant and the city council determines that the proposed Establishment Serving Alcoholic Liquor for Consumption on the Premises will not adversely affect the operation of the school or place of worship.
2. The layout of the site of the proposed Establishment Serving Alcoholic Liquor for Consumption on the Premises and its relationship to streets serving access to the site shall be in a manner that vehicular and pedestrian traffic to and from the proposed Establishment Serving Alcoholic Liquor for Consumption on the Premises, and the potential assembly of persons connected therewith, will not be hazardous, endangering, or inconvenient to the surrounding neighborhood and commercial district.
3. The proposed Establishment Serving Alcoholic Liquor for Consumption on the Premises will be compatible with adjacent uses of land, considering the proximity of residential dwellings, places of worship, schools, public structures, and other places of public gatherings.
4. The proposed Establishment Serving Alcoholic Liquor for Consumption on the Premises will not be contrary to the public interest or injurious to nearby properties.
5. The proposed Establishment Serving Alcoholic Liquor for Consumption on the Premises will not have the possible effect of downgrading and blighting the surrounding neighborhood.
6. The proposed Establishment Serving Alcoholic Liquor for Consumption on the Premises will not reasonably be expected to diminish the value of properties in the immediate area.

B. For restaurants Serving Alcoholic Liquor for Consumption on the Premises the following additional requirements:

1. There shall at all times be maintained and provided culinary facilities to cook and prepare food, and tables and seating areas to accommodate dining on the premises by not fewer than 20 patrons at any time.
2. Not more than 50 percent of the gross floor area open to the general public shall be used for purposes other than seating for diners, consisting of tables, chairs, booths, and

necessary aisle ways. Public restroom facilities shall not be considered in this determination.

C. For brewpubs Serving Alcoholic Liquor for Consumption on the Premises the following additional requirements:

1. There shall at all times be maintained and provided culinary facilities to cook and prepare food, and tables and seating areas to accommodate dining on the premises by not fewer than 20 patrons at any time.
2. Not less than 25 percent of the gross sales of the restaurant annually are derived from the sale of food and nonalcoholic beverages prepared for consumption on the premises as required by the Michigan Liquor Control Commission.
3. Except as otherwise provided in this ordinance, all operations of the facility shall be conducted within a completely enclosed building, except for off-street parking or loading.
4. All truck well, loading dock and loading/truck service areas shall be located and designed to minimize negative impact on adjoining properties.

D. For breweries, wineries and distilleries Serving Alcoholic Liquor for Consumption on the Premises the following additional requirements:

1. Not more than 40 percent of the gross floor area of the facility shall be used for purposes other than the manufacturing of alcoholic liquor. The area not devoted to manufacturing may be used for the serving of alcohol, food preparation, seating for diners, entertainment, and retail sales. Public restroom facilities shall not be considered in this determination.
2. Except as otherwise provided in this ordinance, all operations of the facility shall be conducted within a completely enclosed building, except for off-street parking or loading.
3. All truck well, loading dock and loading/truck service areas shall be located and designed to minimize negative impact on adjoining properties.

Appendix A: Background Check Application

CITY OF OAK PARK, MICHIGAN LIQUORE LICENSE APPLICATION BACKGROUND CHECK

The information requested on the following pages is for use by the Oak Park Department of Public Safety as part of its investigation pertinent to the City of Oak Parks interests in this matter.

Please be aware that the processing of this application will not begin until all requested documents are submitted and all questions on the application answered. All paperwork is to be submitted to the City Clerk's Office with a \$75 fee per applicant and all applicable partners and must be submitted with a color photo copy of appropriate picture identification and two copies of passport size photos for each applicant and all applicable partners.

The following information is required for the applicant and all applicable partners.
(Please photocopy application as necessary)

1. Full Name of Applicant: _____

(Maiden Name) (Sex: Male/Female)

(Date of Birth) (SSN) (Height) (Weight)

(Eye Color) (Hair Color) (Driver's License Number)

(Visa: Date and Place of Issue) (Citizenship) (Naturalization ID Number)

2. Home Address: _____

3. Address of Proposed Establishment: _____, Oak Park, MI 48237

4. Describe any physical characteristics (amputations, scars, tattoos): _____

5. Full name of spouse, including maiden name: _____

6. Full Name of Child: _____ Date of Birth: _____

Full Name of Child: _____ Date of Birth: _____

Full Name of Child: _____ Date of Birth: _____

Full Name of Child: _____ Date of Birth: _____

Full Name of Child: _____ Date of Birth: _____

7. Residence Addresses and Telephone Numbers for the past ten (10) years:

(Number, Street) (City, State, Zip) (Phone)

(Number, Street) (City, State, Zip) (Phone)

(Number, Street) (City, State, Zip) (Phone)

(Number, Street) (City, State, Zip) (Phone)

(Number, Street) (City, State, Zip) (Phone)

8. Provide a complete record of all arrests, whether convicted or not, including dates, places, circumstances and dispositions (Add additional pages if necessary):

9. List all civil cases which you have been a party to whether as a plaintiff or defendant including, court, case number, circumstances and final disposition(s) and describe the facts and circumstance pertaining to the case(s) in detail. (Add additional pages if necessary):

10. Do you associate, or have you ever associated, with an individual(s) who have been involved in, arrested, or convicted of gambling, narcotic, or vice activities? If yes, explain in detail. (Add additional pages if necessary):

BACKGROUND CHECK AFFIDAVIT

STATE OF MICHIGAN
COUNTY OF _____

I, _____, hereby authorize any bank, credit organization, lending institution, insurance company, educational institution, business firm or person to release any and/or all personal information regarding me relative to the liquor license for which I have applied for with the City of Oak Park, Michigan.

The above authorization is applicable only for release to the Director of the Department of Public Safety of the City of Oak Park, Michigan, and/or his representative(s) pertinent to the City of Oak Parks interests in this matter to seek and obtain documentation and conduct an investigation into the truth of the statements set forth in this liquor license application, and the qualifications of the applicant for the license, and I will execute waivers and/or authorization(s) for release of information upon request.

(Signature of Applicant)

On the _____ day of _____, 20____, _____
did appear personally before me, a Notary Public, in and for said County, and being duly sworn by me, did state (s)he is the applicant of the within liquor license application, and that the information contained within the application is true, correct and complete.

(Notary Public)

_____ County, Michigan

My Commission Expires: _____

Acting in: _____ County

Appendix B: Liquor License Application

CITY OF OAK PARK, MICHIGAN LIQUOR LICENSE APPLICATION

I, _____, do hereby apply to the City of Oak Park,
County of Oakland, Michigan for a Liquor License to be located at the following address:
_____, Oak Park, MI 48237.

1. Mailing address of proposed/licensed establishment (if different from above):

(Number and Street) (City and State) (Zip Code)

2. Telephone number of proposed/licensed establishment: _____

3. Name and telephone number of contact person (if different from above):

(Name) (Telephone Number)

4. Email address of contact person: _____

5. Relationship of applicant to establishment: _____

6. Name of business which will own establishment (if different from applicant):

DBA: _____

7. Form of Business Enterprise:

- ☐ Sole Proprietorship (If doing business under an assumed name attach a copy of D/B/A Certificate)
- ☐ Partnership (General or Limited) **Please provide full names, dates of birth, and home addresses of all partners attach copy of Articles of Partnership/Operating Agreement.**
- ☐ Corporation (Attach a copy of Articles of Incorporation)
- ☐ Other (Provide details on a separate sheet of paper)

8. Federal Taxpayer Identification Number/Social Security Number: _____

9. The following questions 9-18 must be answered:

- If the Applicant is a Sole Proprietorship;
- If the Applicant is a Corporation, by each shareholder/stockholder owning 5% or more of the Corporation (attach additional pages if necessary);
- If the Applicant is a General Partnership, by each partner (attach additional pages if necessary);
- If the Applicant is Limited Partnership, by each general partner (attach additional pages if necessary);
- If the Applicant will not devote full-time to the business, by Manager or Operator.

(First Name) (Middle Name) (Last Name)

(Position held in organization) (Amount of stock owned)

(Number and Street) (City and State) (Zip Code)

(Date of Birth) (Home Telephone) (Business Telephone)

10. Are you a United States Citizen? _____ If you are not a United States Citizen, are you legally authorized to work in the United States? _____

11. Length of time you have resided in the State of Michigan? _____

12. List all other names used at any other time: _____

13. Have you or any company in which you were the sole proprietor, partner, general partner, or owner of 5% or more of the stock ever filed for protection under the bankruptcy laws?

14. If your answer to Question 12 was "yes" please provide details below including but not limited the name of the petitioner(s), court(s) and case number(s):

15. List all employer(s) and occupations during the last ten (10) years:

16. Provide names, addresses, and telephone numbers of five individuals who know your reputation in the community in which you have lived and done business during the previous ten (10) years:

(Name)	(Telephone Number)	(Address)
(Name)	(Telephone Number)	(Address)
(Name)	(Telephone Number)	(Address)
(Name)	(Telephone Number)	(Address)
(Name)	(Telephone Number)	(Address)

17. Do you or any member of your family hold a license for the sale of alcoholic beverages at the present time, either as an individual, member of a partnership, or stockholder in a licensed corporation? _____ If yes, list type of license: _____

(Name and Nature of Relationship)

(Telephone)

(Address)

18. Have you, or any member of your family, previously held a license or any interest in a license for the sale of alcoholic beverages in the State of Michigan? _____ If yes, list the type of license: _____

(Name and Nature of Relationship)

(Telephone)

(Address)

19. Have you, or any member of your family, ever held a license for the sale of alcoholic beverages anywhere else in the United States? _____ If yes, provide the name, address, city and State in which the licensed was issued:

(Name and Nature of Relationship)

(Telephone)

(Address)

20. Have you ever been convicted of or found responsible for a violation of any federal or state law or Administrative Rule of the Michigan Liquor Control Commission concerning the manufacture, possession or sale of alcoholic liquor, or similar violation of another state or country or convicted of a felony or misdemeanor, and/or is otherwise disqualified to receive a license by reason of any matter or thing contained in the Code of Ordinances, City of Oak Park, Michigan or the laws of the State of Michigan? _____ If yes, please explain:

21. I, _____, hereby state that I will not violate any of the laws of the State of Michigan or of the United States or any ordinances of the City of Oak Park or the administrative rules of any regulatory agency in the conduct of its business.

22. I, _____, hereby state that I am not in default on any obligation including but not limited to real and personal property taxes, special assessments or water bills to the City of Oak Park.

23. Financial Qualifications Statement

A. Do you presently own the building? _____ If not, provide the name and address of the owner, and a copy of the lease agreement.

(Name) (Telephone Number) (Address)

If at the present time you own the building, but it is subject to a mortgage or being purchased under a land contract provide copies of the land contract or mortgage and any promissory note.

(Name of Lender/Land Contract Vendor)

(Complete Address of Above) (Telephone Number)

(Balance Owning)

(Repayment Terms (Including Interest Rate))

B. What is the total price of the building? \$ _____

C. What is the total down payment? \$ _____

D. What is your share of the down payment? \$ _____

E. Balance of loan to be paid off (per month)? \$ _____

F. Interest rate of loan (Annual)? _____

G. Duration of the Loan (Number of Years): _____

H. Are all of your local including city and county personal and real property taxes including special assessments and statements for water and sewer services paid to date?

I. Are you borrowing money to finance the purchase of this business? _____ If yes, from whom? (Attach copies of any financing or lending agreement)

(Name)

(Telephone Number)

(Address)

(Amount(s) Borrowed)

(Terms of Payment)

J. If you are not borrowing the entire amount of money, state the specific source from which the money was obtained:

_____ (Source)	_____ (Means)	\$_____ (Amount)
_____ (Source)	_____ (Means)	\$_____ (Amount)
_____ (Source)	_____ (Means)	\$_____ (Amount)
_____ (Source)	_____ (Means)	\$_____ (Amount)
_____ (Source)	_____ (Means)	\$_____ (Amount)
_____ (Source)	_____ (Means)	\$_____ (Amount)

K. Do you currently own the fixtures? _____ If not, provide the following:

(Name)

(Telephone Number)

(Address)

L. Do you plan on purchasing the fixtures? _____ If yes, provide the following:

(Purchase Price)

(Terms)

24. The business is presently operating, or will be operated as: _____

25. List the days and hours of operation: _____

26. Will there be any form of entertainment at the establishment? _____ If yes, please explain:

27. Are you going to devote full time to the operation of this business? _____ If not, provide the following information:

A. Who will serve as manager of the business?

(Name) (Telephone Number) (Address)

B. Who will be authorized to sign checks and pay bills in connection with the operation of the licensed business?

(Name) (Telephone Number) (Address)

28. Describe the proposed facilities in some detail (square footage, seating capacity, parking capacity, etc.) and attach copy of any site plan and a diagram which does not have to be scale of the premises.

29. Does the applicant intend to have dancing and/or entertainment? _____ If yes, briefly describe what type of entertainment is planned.

30. Provide the following documents with your application:

- ☐ Liquor License Application (For each applicant)
- ☐ Photo Identification (Color copy for each applicant)
- ☐ Spousal Affidavit (For each applicant if applicable)
- ☐ 2 passport size photos (For each applicant)
- ☐ Deed or Lease for the Property
- ☐ Certificate of Liquor Liability Insurance
- ☐ Verification of Compliance with Michigan Liquor Control Commission Mandatory Server Training Requirements
- ☐ Business Structure Documentation
- ☐ City of Oak Park Site Plan Application
- ☐ Detailed Floor Plan of Establishment
- ☐ Contract with the City of Oak Park (Signed)
- ☐ Illustration of Expected Food Service Menu
- ☐ An accurate record and history of any liquor license complaints or violations by the applicant, owners or stockholders of applicant, by a corporation or entity the applicant has worked for or had a substantial interest in, or by a parent or subsidiary corporation of the applicant for the immediate preceding five (5) years (If necessary)
- ☐ Purchase/Sale Agreement (If necessary)
- ☐ Any current valid licenses from appropriate county, state or federal governments authorizing service of food at the establishment

APPLICANT AFFIDAVIT

I, _____, hereby authorize the agents and employees of the City of Oak Park, Michigan to seek and obtain documentation and conduct an investigation into the truth of the statements set forth in this liquor license application, and the qualifications of the applicant for the license, and I will execute waivers and/or authorization(s) for release of information upon request.

STATE OF MICHIGAN
COUNTY OF _____

I, _____, hereby declare under penalty of perjury that the foregoing information in the liquor license application is true and correct, and understand that any falsification or omission is grounds for denial or if issued grounds for revocation or recommendation for non-renewal.

I further declare that I will not violate any of the laws of the State of Michigan or the United States or any ordinances of the City of Oak Park or the administrative rules of any regulatory agency in the conduct of the business.

(Signature of Applicant)

On the _____ day of _____, 20____, _____
did appear personally before me, a Notary Public, in and for said County, and being duly sworn by me, did state (s)he is the applicant of the within liquor license application, and that the information contained within the application is true, correct and complete.

(Notary Public)

_____ County, Michigan
My Commission Expires: _____
Acting in: _____ County

Appendix C: Spousal Affidavit

SPOUSAL AFFIDAVIT

FORM REQUIRED: For the current spouse of any individual owning 5% or more, either directly or indirectly, of a liquor license establishment or proposed liquor license establishment located within the City of Oak Park, Michigan.

INSTRUCTIONS: Provide the requested information below. If more space is needed to complete any of the following sections, include an attachment. This form must be signed and notarized by the spouse whose information is provided on this form.

Address of Liquor License Establishment or Proposed Liquor License Establishment

PERSONAL INFORMATION:

First Name (Spouse)

Middle Name (Spouse)

Last Name (Spouse)

Social Security Number (Spouse)

Date of Birth (Spouse)

Applicant's First Name

Applicant's Middle Name

Applicant's Last Name

PROHIBITED ACTIVITIES:

1. Any felony under federal or state law;
2. Maintaining a house of prostitution;
3. Any violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, or the forfeiture of bond to appear in court to answer charges for any such violation;
4. Any violation of any federal or state law concerning the manufacture, possession or sale of cannabis, narcotics or other controlled substances, or the forfeiture of bond to appear in court to answer charges for such violation;

5. Any gambling offense; or

6. Being the sole proprietor, partner, corporate officer, limited liability company member/participant, manager or shareholder owning 5% or more of a revoked liquor license.

LEGAL AFFIDAVIT: Check one of the two following statements that best describes your criminal background/history.

_____ No, I have never been convicted of any of the above described crimes nor have I ever been charged with any of those offenses.

_____ Yes, I have been convicted and/or charged of/with one or more of the above - described crimes, as follows:

Type of Offense	Charge Date	Conviction Date	Penalty	Jurisdiction
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

ACKNOWLEDGEMENT: Review the following statement and sign your acknowledgement.

I swear (or affirm) that I have read the foregoing statements contained herein that I understand the contents thereof, that they are true, accurate and correct to the best of my knowledge and belief; that I have been informed and understand that any material misrepresentation or omission of facts given by me may be cause for denial of a liquor license; or if a license is approved, it may later be cause for rescission or revocation of the license or denial of license renewal.

(Signature of Applicant's Spouse)

(Date)

(Notary Public)

_____ County, Michigan

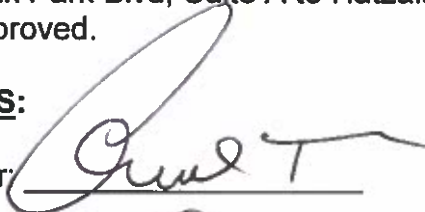
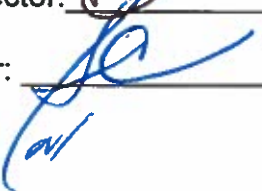
My Commission Expires: _____

Acting in: _____ County

**BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN****AGENDA OF:** April 16, 2018**AGENDA #****SUBJECT:** Proposed one-year lease extension for Hatzalah of Michigan**DEPARTMENT:** Facilities – DED

SUMMARY: The City of Oak Park is currently leasing space (13650 Oak Park Blvd, Suite A) to the non-profit group Hatzalah of Michigan (Hatzalah). The current one-year lease expires on May 1, 2018. Hatzalah has expressed interest in extending the lease for an additional year. This would extend the lease for a period of May 1, 2018 through April 30, 2019. Hatzalah has been a model tenant and is current with their lease payments.

RECOMMENDED ACTION: It is recommended that a one-year lease extension for 13650 Oak Park Blvd, Suite A to Hatzalah, upon review by the City Attorney's office, be approved.

APPROVALS:City Manager: Department Director: Finance Director: 

Budgeted

EXHIBITS: Hatzalah - Letter of Intent

Hatazalah of Michigan
13600 Oak Park Blvd., Suite A
Oak Park, Michigan
Phone: 248.414.5875

April 10, 2018

David DeCoster
Deputy Director of Public Works / Director of Facilities
Department of Public Works
City of Oak Park
10600 Capital Avenue
Oak Park, MI 48237
Via email to: ddecoster@oakparkmi.gov

Re: **Letter of Intent**
13600 Oak Park Blvd., Suite A
Oak Park, Michigan 48237

Dear Mr. DeCoster:

This letter of intent ("LOI") sets forth the general basis upon which Hatazalah of Michigan ("Hatazalah"), would be prepared to proceed with an extension of the current lease ("Lease") of the property located at 13600 Oak Park Blvd., Suite A (the "Property"), located in Oak Park, Michigan.

I. Non-Binding Provisions

As is indicated below, the following provisions are non-binding:

A. Property Description:

The Property contains a total of approximately 991 square feet of office space.

B. Rent:

The monthly rent for the Property will be **\$825.83** which will be paid by the first of each month which shall include all costs except for phone and internet.

C. Term:

One year.

D. Misc.:

All terms of the current Lease shall remain substantially the same and in full force and effect.

E. Non-Binding:

The foregoing provisions are meant to evidence Hatzalah's interest in extending the Lease for the Property solely according to the general terms and conditions set forth herein, it being understood, however, that neither party shall be legally obligated in any way with respect to this LOI, nor does any agreement exist between Hatzalah and the City of Oak Park, unless and until a definitive lease amendment has been prepared, executed and delivered between the parties.

If the above general terms and conditions are acceptable, please arrange for the City of Oak Park's representatives to acknowledge the same by signing and returning the enclosed copy of this LOI no later than **5:00 p.m. E.S.T. on April 24, 2018**. Thereafter, we will provide a draft of a lease amendment. This LOI shall not be binding upon or impose any obligations upon either Hatzalah and the City of Oak Park or their affiliates, upon execution of this letter by the City of Oak Park.

Signature page to follow

Mr. David DeCoster
April 10, 2018
Page 3 of 3

We look forward to working with you and the City of Oak Park on this transaction.

Sincerely,

Hatzalah of Michigan,
a Michigan Nonprofit Corporation

By: _____
Avrohom N. Soloff
Its: Authorized representative

Accepted and Agreed this
_____ day of April, 2018

City of Oak Park,
a Michigan Municipal Corporation

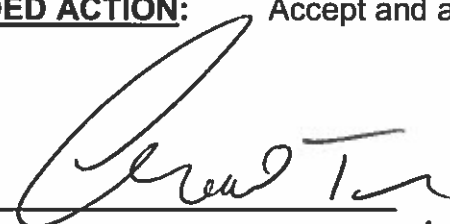
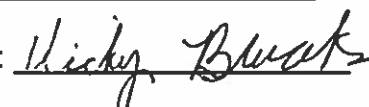
By: _____
Erik Tungate
City Manager

**BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN****AGENDA OF:** April 16, 2018**SUBJECT:** MERS Amended Plan Agreements**DEPARTMENT:** Human Resources and Operations

SUMMARY: The administrative processes of the City's Defined Contribution and Health Care Savings plans are outlined in Agreements with the plan administrators, Municipal Employees' Retirement System (MERS). The documents have been updated to reflect negotiated bargaining agreement changes.

FINANCIAL STATEMENT: N/A

RECOMMENDED ACTION: Accept and approve signing of the amended documents.

APPROVALS:City Manager: Department Director: 

Director of Finance: _____

Budgeted: ☐**EXHIBITS:**

- (1) MERS Defined Contribution Plan Adoption Agreement – TPOAM/Dispatchers hired after 7/1/2017
- (2) MERS Defined Contribution Plan Adoption Agreement – Non-union, TPOAM/POAM/POLC/Dispatchers hired before 7/1/2017
- (3) MERS Health Care Savings Program Participation Agreement – Non-union hired after 8/1/2004, TPOAM hired after 7/1/2006 and before 7/1/2017, Dispatchers hired on or after 7/1/2007 thru 7/1/2010
- (4) MERS Health Care Savings Program Participation Agreement – Dispatchers hired after 7/1/2010, POLC/POAM

www.mersofmich.com

Employer Name: City of Oak Park
(Name of municipality or court)

Municipality Number: 6334 **Division Number:** 301148

1. If this is the initial Participation Agreement relating to the MERS Health Care Savings Program for this covered group, the effective date of the program here adopted shall be:

(Date)
2. If this is an amendment and restatement of an existing Participation Agreement relating to the MERS Health Care Savings Program for this covered group, the effective date of this amendment and restatement shall be effective: 1/1/2018
(Date)

The original Health Care Savings Program was effective: 3/1/2013
(Date)

Note: You only need to mark *changes* to your plan throughout the remainder of this Agreement.

A participating Employer may cover all of its employee groups, bargaining units or personnel/ employee classifications ("Covered Group"), in Health Care Savings Program. **Contributions shall be made on the same basis within each Covered Group identified by this agreement, and remitted as directed by the Program Administrator.** If the Employer has varying coverage or contribution structures between groups, a separate agreement will need to be completed for each covered group. This agreement encompasses the following group(s):

Dispatchers hired after 7/1/2010, POLC and POAM
(Name/s of HCSP covered group/s)

Only Employees of a "municipality" may be covered by the Health Care Savings Program Participation Agreement. Independent contractors may not participate in the Health Care Savings Program.

The Employer shall provide MERS with the name, address, Social Security Number, and date of birth for each Eligible Employee, as defined by the Participation Agreement.

MERS Health Care Savings Program Participation Agreement

V. EMPLOYER CONTRIBUTIONS TO THE HEALTH CARE SAVINGS PROGRAM

The Participating Employer hereby elects to make contributions to the Trust. Contributions shall be made on the same basis within each Covered Group specified in this agreement, and remitted to MERS as directed by the Employer, to be credited to the individual accounts of Eligible Employees as follows:

Check one or more (A, B, and/or C):

- A. ☒ **Basic Employer (Before-Tax) Contributions.** Before-tax employer contributions may be made as a percentage of salary and/or by a specified dollar amount. Identify below the basic employer contribution formula to be applied to the covered groups within the Health Care Savings Program identified in this agreement.

Contribution structure (specify):

1% of gross pay

Vesting Cycle For Basic Employer Contributions Only. The employer contributions identified in this Participation Agreement are subject to the following vesting cycle.

- ☐ Immediate Vesting upon Participation
- ☒ Cliff Vesting: The participant is 100% vested upon 10 year(s).
(Stated years)
- ☐ Graded Vesting Percentage per year of service: Employers can select the percentage of vesting with the corresponding years of service:

Years of Service

Percent Vested

FORFEITURE PROVISION. Upon separation from service with the Employer prior to meeting the required vesting schedule set out above or in the event a Participant dies without Dependent(s) and/or a named Beneficiary, a Participant's account assets shall:

Check only one:

- ☐ Remain in the HCSP sub-trust to be reallocated among all Plan participants equally
- ☒ Remain in the HCSP sub-trust to be used to offset future Employer Contributions
- ☐ Be transferred to the Retiree Health Funding Vehicle ("RHFV")

MERS Health Care Savings Program Participation Agreement

- B. ☒ **Mandatory Salary Reduction (Before-Tax) Contributions.** Before-tax Employer Contributions to the Health Care Savings Program Sub-Trust shall be made that represent a mandatory salary reduction resulting from collective bargaining or the establishment of a personnel policy. These reductions may be made as a percentage of salary or a specific dollar amount.

Contribution structure (specify):

2% of gross pay

- C. ☐ **Mandatory Leave Conversion (Before-Tax) Contributions.** Before-tax Employer Contributions to the Health Care Savings Program Sub-Trust shall be made that represent a mandatory conversion of accrued leave including, but not limited to vacation, holiday, sick leave, or severance amounts otherwise paid out, to a cash contribution. These contributions may be calculated as a percentage of accrued leave or a specific dollar amount representing the accrued leave. Leave conversions may be made on an annual basis or at separation from service, or at such other time as the Employer indicates. *(Note: The leave conversion program shall not permit employees the option of receiving cash in lieu of the employer contribution.)*

Check one or more:

- | | | | |
|--------------------------|---|--------------------------|--|
| ☐ | As of <u>n/a</u>
Annual date or X weeks before termination
must be contributed to the HCSP. | <u>n/a</u>
Percentage | % of <u>n/a</u>
Type of Leave Conversion (sick, vacation, etc.) |
| ☐ | As of <u>n/a</u>
Annual date or X weeks before termination
must be contributed to the HCSP. | <u>n/a</u>
Percentage | % of <u>n/a</u>
Type of Leave Conversion (sick, vacation, etc.) |
| ☐ | As of <u>n/a</u>
Annual date or X weeks before termination
must be contributed to the HCSP. | <u>n/a</u>
Percentage | % of <u>n/a</u>
Type of Leave Conversion (sick, vacation, etc.) |
| ☐ | As of <u>n/a</u>
Annual date or X weeks before termination
must be contributed to the HCSP. | <u>n/a</u>
Percentage | % of <u>n/a</u>
Type of Leave Conversion (sick, vacation, etc.) |

MERS Health Care Savings Program Participation Agreement

Post-Tax Employee Contributions. Post-tax Employee Contributions made by Eligible Employees within the Covered Group(s) shall be remitted as directed by the Program Administrator, to be credited to the individual accounts of Eligible Employees. All Employee Contributions must be remitted to MERS along with the Participation Report.

VI. MODIFICATION OF THE TERMS OF THE PARTICIPATION AGREEMENT

If a Participating Employer desires to amend any of its previous elections contained in this Participation Agreement, including attachments, the Governing Body by official action must adopt a new Participation Agreement and forward it to the Board for approval. The amendment of the new Participation Agreement is not effective until approved by the Board and other procedures required by the Trust Agreement and Plan Document have been implemented.

VII. STATE LAW

To the extent not preempted by federal law, this agreement shall be interpreted in accordance with Michigan law.

VIII. TERMINATION OF THE PARTICIPATION AGREEMENT

This Participation Agreement may be terminated only in accordance with the Trust Agreement.

IX. EXECUTION BY GOVERNING BODY OF MUNICIPALITY

The foregoing Participation Agreement is hereby adopted and approved on
the ____ day of _____, 20 18 at the official meeting held
by City of Oak Park
(Name of approving employer)

Authorized Signature: _____

Title: _____

Witness Signature: _____

Received and Approved by the Municipal Employees' Retirement System of Michigan

Dated: _____, 20 18

(Authorized MERS signatory)

MERS Health Care Savings Program Participation Agreement



1134 Municipal Way Lansing, MI 48917 | 800.767.2308 | Fax 517.703.9707

www.mersofmich.com

I. PARTICIPATING EMPLOYER

Employer Name: City of Oak Park

(Name of municipality or court)

Municipality Number: 6334

Division Number: 300434

II. EFFECTIVE DATE

1. If this is the initial Participation Agreement relating to the MERS Health Care Savings Program for this covered group, the effective date of the program here adopted shall be:

(Date)

2. If this is an amendment and restatement of an existing Participation Agreement relating to the MERS Health Care Savings Program for this covered group, the effective date of this amendment and restatement shall be effective: 1/1/2018

(Date)

The original Health Care Savings Program was effective: 7/1/2006

(Date)

Note: You only need to mark *changes* to your plan throughout the remainder of this Agreement.

III. COVERED EMPLOYEE GROUPS

A participating Employer may cover all of its employee groups, bargaining units or personnel/employee classifications ("Covered Group"), in Health Care Savings Program. **Contributions shall be made on the same basis within each Covered Group identified by this agreement, and remitted as directed by the Program Administrator.** If the Employer has varying coverage or contribution structures between groups, a separate agreement will need to be completed for each covered group. This agreement encompasses the following group(s):

All non-union employees hired after 8/1/2004, TPOAM employees hired after 7/1/2006 and before 7/1/2017, and Dispatchers hired on or after 7/1/2007 through 7/1/2010

(Name/s of HCSP covered group/s)

IV. ELIGIBLE EMPLOYEES

Only Employees of a "municipality" may be covered by the Health Care Savings Program Participation Agreement. Independent contractors may not participate in the Health Care Savings Program.

The Employer shall provide MERS with the name, address, Social Security Number, and date of birth for each Eligible Employee, as defined by the Participation Agreement.

MERS Health Care Savings Program Participation Agreement

V. EMPLOYER CONTRIBUTIONS TO THE HEALTH CARE SAVINGS PROGRAM

The Participating Employer hereby elects to make contributions to the Trust. Contributions shall be made on the same basis within each Covered Group specified in this agreement, and remitted to MERS as directed by the Employer, to be credited to the individual accounts of Eligible Employees as follows:

Check one or more (A, B, and/or C):

- A. ☒ **Basic Employer (Before-Tax) Contributions.** Before-tax employer contributions may be made as a percentage of salary and/or by a specified dollar amount. Identify below the basic employer contribution formula to be applied to the covered groups within the Health Care Savings Program identified in this agreement.

Contribution structure (specify):

3% of gross pay

Vesting Cycle For Basic Employer Contributions Only. The employer contributions identified in this Participation Agreement are subject to the following vesting cycle.

- ☐ Immediate Vesting upon Participation
- ☒ Cliff Vesting: The participant is 100% vested upon 1 year(s).
(Stated years)
- ☐ Graded Vesting Percentage per year of service: Employers can select the percentage of vesting with the corresponding years of service:

Years of Service	Percent Vested
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u>100%</u>

FORFEITURE PROVISION. Upon separation from service with the Employer prior to meeting the required vesting schedule set out above or in the event a Participant dies without Dependent(s) and/or a named Beneficiary, a Participant's account assets shall:

Check only one:

- ☐ Remain in the HCSP sub-trust to be reallocated among all Plan participants equally
- ☒ Remain in the HCSP sub-trust to be used to offset future Employer Contributions
- ☐ Be transferred to the Retiree Health Funding Vehicle ("RHFV")

MERS Health Care Savings Program Participation Agreement

- B. ☐ **Mandatory Salary Reduction (Before-Tax) Contributions.** Before-tax Employer Contributions to the Health Care Savings Program Sub-Trust shall be made that represent a mandatory salary reduction resulting from collective bargaining or the establishment of a personnel policy. These reductions may be made as a percentage of salary or a specific dollar amount.

Contribution structure (specify):

- C. ☐ **Mandatory Leave Conversion (Before-Tax) Contributions.** Before-tax Employer Contributions to the Health Care Savings Program Sub-Trust shall be made that represent a mandatory conversion of accrued leave including, but not limited to vacation, holiday, sick leave, or severance amounts otherwise paid out, to a cash contribution. These contributions may be calculated as a percentage of accrued leave or a specific dollar amount representing the accrued leave. Leave conversions may be made on an annual basis or at separation from service, or at such other time as the Employer indicates. *(Note: The leave conversion program shall not permit employees the option of receiving cash in lieu of the employer contribution.)*

Check one or more:

- | | | | |
|--------------------------|---|--------------------------|--|
| ☐ | As of <u>n/a</u>
Annual date or X weeks before termination
must be contributed to the HCSP. | <u>n/a</u>
Percentage | % of <u>n/a</u>
Type of Leave Conversion (sick, vacation, etc.) |
| ☐ | As of <u>n/a</u>
Annual date or X weeks before termination
must be contributed to the HCSP. | <u>n/a</u>
Percentage | % of <u>n/a</u>
Type of Leave Conversion (sick, vacation, etc.) |
| ☐ | As of <u>n/a</u>
Annual date or X weeks before termination
must be contributed to the HCSP. | <u>n/a</u>
Percentage | % of <u>n/a</u>
Type of Leave Conversion (sick, vacation, etc.) |
| ☐ | As of <u>n/a</u>
Annual date or X weeks before termination
must be contributed to the HCSP. | <u>n/a</u>
Percentage | % of <u>n/a</u>
Type of Leave Conversion (sick, vacation, etc.) |

MERS Health Care Savings Program Participation Agreement

Post-Tax Employee Contributions. Post-tax Employee Contributions made by Eligible Employees within the Covered Group(s) shall be remitted as directed by the Program Administrator, to be credited to the individual accounts of Eligible Employees. All Employee Contributions must be remitted to MERS along with the Participation Report.

VI. MODIFICATION OF THE TERMS OF THE PARTICIPATION AGREEMENT

If a Participating Employer desires to amend any of its previous elections contained in this Participation Agreement, including attachments, the Governing Body by official action must adopt a new Participation Agreement and forward it to the Board for approval. The amendment of the new Participation Agreement is not effective until approved by the Board and other procedures required by the Trust Agreement and Plan Document have been implemented.

VII. STATE LAW

To the extent not preempted by federal law, this agreement shall be interpreted in accordance with Michigan law.

VIII. TERMINATION OF THE PARTICIPATION AGREEMENT

This Participation Agreement may be terminated only in accordance with the Trust Agreement.

IX. EXECUTION BY GOVERNING BODY OF MUNICIPALITY

The foregoing Participation Agreement is hereby adopted and approved on the ____ day of _____, 20 18 at the official meeting held by City of Oak Park
(Name of approving employer)

Authorized Signature: _____

Title: _____

Witness Signature: _____

Received and Approved by the Municipal Employees' Retirement System of Michigan

Dated: _____, 20 18

(Authorized MERS signatory)

MERS Defined Contribution Plan Adoption Agreement



1134 Municipal Way Lansing, MI 48917 | 800.767.MERS (6377) | Fax 517.703.9711

www.mersofmich.com

The Employer, a participating municipality or court within the state of Michigan that has adopted MERS coverage, hereby establishes the following Defined Contribution Plan provided by MERS of Michigan, as authorized by 1996 PA 220 in accordance with the MERS Plan Document.

I. Employer Name City of Oak Park Municipality #: 6334

If new to MERS, provide your municipality's/court's fiscal year: _____ through _____.
(Month) (Month)

II. Effective Date

Check one:

A. ☒ If this is the **initial** Adoption Agreement for this group, the effective date shall be the first day of July 1st, 2017.

☒ This municipality or division is new to MERS, so vesting credit prior to the **initial** MERS effective date by each eligible participant shall be credited as follows (choose one):

☒ Vesting credit from date of hire ☐ No vesting credit

☐ This division is for new hires, rehires, and transfers of current Defined Benefit* division # _____ and/or current Hybrid division # _____

Closing this division will change future invoices to a flat dollar amount instead of a percentage of payroll, as provided in your most recent annual actuarial valuation. (The amount may be adjusted for any benefit modifications that may have taken place since then.)

Current active (defined benefit or hybrid) employees (select one of the following and see Plan Document, Section 64 for more information):

☐ Will have a one-time opportunity to convert the value of their current defined benefit from the existing defined benefit or hybrid plan into the new Defined Contribution Plan as a lump sum, or continue accruing service in the Defined Benefit. (Complete *MERS Defined Contribution Conversion Addendum*.)

☐ Will have a one-time opportunity to cease service accrual in the current plan and transfer to the new Defined Contribution plan for future service accrual, or continue accruing service in the Defined Benefit. The deadline for participants to make their election is: ____/____/____

☐ Will be required to cease service accrual in Defined Benefit and will transfer to Defined Contribution for future service accrual.

** By completing the section above, the Employer acknowledges receiving Projection Study results and understands the municipality's obligation to continue funding the liability associated with the closed Defined Benefit division.*

B. ☐ If this is an **amendment** of an existing Adoption Agreement (existing division number _____), the effective date shall be the first day of _____, 20____.

Note: You only need to mark **changes** to your plan throughout the remainder of this Agreement.

MERS Defined Contribution Plan Adoption Agreement

- C. ☐ If this is to **separate employees from an existing Defined Contribution division** (existing division number(s) _____) into a new division, the effective date shall be the first day of _____, 20____.
- D. ☐ If this is to **merge division(s)** _____ into division(s) _____, the effective date shall be the first of _____, 20____.

III. Eligible Employees

Only those Employees eligible for MERS membership may participate in the MERS Defined Contribution Plan. A copy of ALL employee enrollment forms must be submitted to MERS. The following groups of employees are eligible to participate:

Full-time TPOAM employees and Dispatchers hired on or after 7/1/2017

(Name of Defined Contribution division – e.g. All Full Time Employees, or General After 7/01/13)

To further define eligibility, (check all that apply):

- ☐ **Probationary periods** are allowed in one-month increments, no longer than 12 months. During this introductory period the Employer will not report or make contributions for this period, including retroactively. Service will begin after the probationary period has been satisfied. The probationary period will be _____ month(s).
- ☐ **Temporary employees** in a position normally requiring less than a total of 12 whole months of work in the position may be *excluded* from membership. These employees must be notified in writing by the participating municipality that they are excluded from membership within 10 business days of date of hire or execution of this Agreement. The temporary exclusion period will be _____ month(s).

MERS Defined Contribution Plan Adoption Agreement

IV. Provisions

1. Vesting (Check one):

- ☐ Immediate
- ☐ Cliff Vesting (fully vested after below number years of service)
☐ 1 year ☐ 2 years ☐ 3 years ☐ 4 years ☐ 5 years
- ☒ Graded Vesting
0 % after 1 year of service
0 % after 2 years of service
50 % after 3 years of service (min 25%)
0 % after 4 years of service (min 50%)
100 % after 5 years of service (min 75%)
 % after 6 years of service (min 100%)

Vesting will be credited using (check one):

- ☒ Elapsed time method – Participants will be credited with one vesting year for each 12 months of continuous employment from the date of hire.
- ☐ Hours reported method – Participants will be credited with one vesting year for each calendar year in which _____ hours are worked

In the event of disability or death, a participant's (or his/her beneficiary's) entire employer contribution account shall be 100% vested, to the extent that the balance of such account has not previously been forfeited.

Normal Retirement Age (presumed to be age 60 unless otherwise specified) 55

If an employee is still employed with the municipality at the age specified here, their entire employer contribution balance will become 100% vested regardless of years of service.

2. Contributions

a. Will be remitted (check one):

- ☐ Weekly
- ☒ Bi-Weekly (every other week)
- ☐ Semi-Monthly (twice each month)
- ☐ Monthly
- ☐ Other (must specify) _____

b. Employee/Employer contribution structure (subject to limitations of Section 415(c) of the Internal Revenue Code)

	Enter % or \$ for contribution amounts						
Employee Contribution	0%	0.5%	1.0%	1.5%	2.0%	2.5%	3.0%
Employer Contribution	7.5%	8.0%	8.5%	9.0%	9.5%	10.0%	10.5%

☒ Direct mandatory employee contributions as pre-tax

c. Voluntary employee contributions may be made after-tax, subject to the Section 415(c) limitations of the Internal Revenue Code

MERS Defined Contribution Plan Adoption Agreement

3. Compensation:

Employers may designate the definition of compensation per division participating in Defined Contribution pursuant to section 49 of the MERS Plan Document (check one):

- ☐ Medicare taxable wages reported in Box 5 of Form W-2
- ☒ All income subject to income tax reported in Box 1 of Form W-2, plus elective deferrals
- ☐ Compensation, for retirement purposes, is defined as base wages. Any of the following may be included:
 - ☐ Longevity pay
 - ☐ Overtime pay
 - ☐ Shift differentials
 - ☐ Pay for periods of absence from work by reason of vacation, holiday, and sickness
 - ☐ Workers' compensation weekly benefits (if reported and are higher than regular earnings)
 - ☐ A member's pre-tax contributions to a plan established under Section 125 of the IRC
 - ☐ Transcript fees paid to a court reporter
 - ☐ A taxable car allowance
 - ☐ Short term or long term disability payments
 - ☐ Payments for achievement of established annual (or similar period) performance goals
 - ☐ Payment for attainment of educational degrees from accredited colleges, universities, or for acquisition of job-related certifications
 - ☐ Lump sum payments attributable to the member's personal service rendered during the FAC period
 - ☐ Other: _____
 - ☐ Other 2: _____

NOTE: In either of the above elections, an employee's compensation shall not exceed the annual limit under section 401(a)(17) of the Internal Revenue Code.

4. **Loans:** ☐ shall be permitted ☒ shall not be permitted
If Loans are elected, please complete and attach the *MERS Defined Contribution Loan Addendum*.
5. Rollovers from qualified plans are permitted and the plan will account separately for pre-tax and post-tax contributions and earnings thereon.

V. Appointing MERS as the Plan Administrator

The Employer hereby agrees to the provisions of this *MERS Defined Contribution Plan Adoption Agreement* and appoints MERS as the Plan Administrator pursuant to the terms and conditions of the Plan. The Employer also agrees that in the event of any conflict between the MERS Plan Document and the MERS Defined Contribution Plan Adoption Agreement, the provisions of the Plan Document control.

VI. Modification of the terms of the Adoption Agreement

If the Employer desires to amend any of its elections contained in this Adoption Agreement, including attachments, the Governing Body or Chief Judge, by resolution or official action accepted by MERS, must adopt a new Adoption Agreement. The amendment of the new Agreement is not effective until approved by MERS.

MERS Defined Contribution Plan Adoption Agreement

VII. Enforcement

1. The Employer acknowledges that the Michigan Constitution of 1963, Article 9, Section 24, provides that accrued financial benefits arising under a public Employer's retirement plan are a contractual obligation of the Employer that may not be diminished or impaired.
2. The Employer agrees that, pursuant to the Michigan Constitution, its obligations to pay required contributions are contractual obligations to its employees and to MERS and may be enforced in a court of competent jurisdiction;
3. The Employer acknowledges that employee contributions (if any) and employer contributions must be submitted in accordance with the *MERS Reporting and Contribution Enforcement Policy*, the terms of which are incorporated herein by reference;
4. The Employer acknowledges that late or missed contributions will be required to be made up, including any applicable gains, pursuant to the Internal Revenue Code;
5. Should the Employer fail to make its required contribution(s) when due, MERS may implement any applicable interest charges and penalties pursuant to the *MERS Reporting and Contribution Enforcement Policy* and Plan Document Section 79, and take any appropriate legal action, including but not limited to filing a lawsuit and reporting the entity to the Treasurer of the State of Michigan in accordance with MCL 141.1544(d), Section 44 of PA 436 of 2012, as may be amended.
6. It is expressly agreed and understood as an integral and non-severable part of this Agreement that Section 43 of the Plan Document shall not apply to this Agreement and its administration or interpretation. In the event any alteration of the terms or conditions of this Agreement is made or occurs, under Section 43 or other plan provision or law, MERS and the Retirement Board, as sole trustee and fiduciary of the MERS plan and its trust reserves, and whose authority is non-delegable, shall have no obligation or duty to administer (or to have administered) the MERS Defined Contribution Plan, to authorize the transfer of any defined benefit assets to the MERS Defined Contribution Plan, or to continue administration by MERS or any third-party administrator of the MERS Defined Contribution Plan.

VIII. Execution

Authorized Designee of Governing Body of Municipality or Chief Judge of Court

The foregoing Adoption Agreement is hereby approved by City of Oak Park on
the ____ day of _____, 20 18. (Name of Approving Employer)

Authorized signature: _____

Title: _____

Witness signature: _____

Received and Approved by the Municipal Employees' Retirement System of Michigan

Dated: _____, 20 18 Signature: _____
(Authorized MERS Signatory)

MERS Defined Contribution Plan Adoption Agreement



1134 Municipal Way Lansing, MI 48917 | 800.767.MERS (6377) | Fax 517.703.9711

www.mersofmich.com

The Employer, a participating municipality or court within the state of Michigan that has adopted MERS coverage, hereby establishes the following Defined Contribution Plan provided by MERS of Michigan, as authorized by 1996 PA 220 in accordance with the MERS Plan Document.

I. Employer Name City of Oak Park Municipality #: 6334

If new to MERS, provide your municipality's/court's fiscal year: _____ through _____.
(Month) (Month)

II. Effective Date

Check one:

A. ☐ If this is the **initial** Adoption Agreement for this group, the effective date shall be the first day of _____, 20____.

☒ This municipality or division is new to MERS, so vesting credit prior to the **initial** MERS effective date by each eligible participant shall be credited as follows (choose one):

☒ Vesting credit from date of hire ☐ No vesting credit

☐ This division is for new hires, rehires, and transfers of current Defined Benefit* division # _____ and/or current Hybrid division # _____

Closing this division will change future invoices to a flat dollar amount instead of a percentage of payroll, as provided in your most recent annual actuarial valuation. (The amount may be adjusted for any benefit modifications that may have taken place since then.)

Current active (defined benefit or hybrid) employees (select one of the following and see Plan Document, Section 64 for more information):

☐ Will have a one-time opportunity to convert the value of their current defined benefit from the existing defined benefit or hybrid plan into the new Defined Contribution Plan as a lump sum, or continue accruing service in the Defined Benefit. (Complete *MERS Defined Contribution Conversion Addendum*.)

☐ Will have a one-time opportunity to cease service accrual in the current plan and transfer to the new Defined Contribution plan for future service accrual, or continue accruing service in the Defined Benefit. The deadline for participants to make their election is: ____/____/____

☐ Will be required to cease service accrual in Defined Benefit and will transfer to Defined Contribution for future service accrual.

** By completing the section above, the Employer acknowledges receiving Projection Study results and understands the municipality's obligation to continue funding the liability associated with the closed Defined Benefit division.*

B. ☒ If this is an **amendment** of an existing Adoption Agreement (existing division number 106127), the effective date shall be the first day of July, 2017.

Note: You only need to mark **changes** to your plan throughout the remainder of this Agreement.

MERS Defined Contribution Plan Adoption Agreement

- C. ☐ If this is to **separate employees from an existing Defined Contribution division** (existing division number(s) _____) into a new division, the effective date shall be the first day of _____, 20____.
- D. ☐ If this is to **merge division(s)** _____ into division(s) _____, the effective date shall be the first of _____, 20____.

III. Eligible Employees

Only those Employees eligible for MERS membership may participate in the MERS Defined Contribution Plan. A copy of ALL employee enrollment forms must be submitted to MERS. The following groups of employees are eligible to participate:

All Non-union, TPOAM, POAM, POLC, and Dispatchers hired before 7/1/2017

(Name of Defined Contribution division – e.g. All Full Time Employees, or General After 7/01/13)

To further define eligibility, (check all that apply):

- ☐ **Probationary periods** are allowed in one-month increments, no longer than 12 months. During this introductory period the Employer will not report or make contributions for this period, including retroactively. Service will begin after the probationary period has been satisfied. The probationary period will be _____ month(s).
- ☐ **Temporary employees** in a position normally requiring less than a total of 12 whole months of work in the position may be *excluded* from membership. These employees must be notified in writing by the participating municipality that they are excluded from membership within 10 business days of date of hire or execution of this Agreement. The temporary exclusion period will be _____ month(s).

MERS Defined Contribution Plan Adoption Agreement

IV. Provisions

1. Vesting (Check one):

- ☐ Immediate
- ☒ Cliff Vesting (fully vested after below number years of service)
☒ 1 year ☐ 2 years ☐ 3 years ☐ 4 years ☐ 5 years
- ☐ Graded Vesting
_____ % after 1 year of service
_____ % after 2 years of service
_____ % after 3 years of service (min 25%)
_____ % after 4 years of service (min 50%)
_____ % after 5 years of service (min 75%)
_____ % after 6 years of service (min 100%)

Vesting will be credited using (check one):

- ☒ Elapsed time method – Participants will be credited with one vesting year for each 12 months of continuous employment from the date of hire.
- ☐ Hours reported method – Participants will be credited with one vesting year for each calendar year in which _____ hours are worked

In the event of disability or death, a participant's (or his/her beneficiary's) entire employer contribution account shall be 100% vested, to the extent that the balance of such account has not previously been forfeited.

Normal Retirement Age (presumed to be age 60 unless otherwise specified) 55

If an employee is still employed with the municipality at the age specified here, their entire employer contribution balance will become 100% vested regardless of years of service.

2. Contributions

- a. Will be remitted (check one):
- ☐ Weekly
- ☒ Bi-Weekly (every other week)
- ☐ Semi-Monthly (twice each month)
- ☐ Monthly
- ☐ Other (must specify) _____
- b. Employee/Employer contribution structure (subject to limitations of Section 415(c) of the Internal Revenue Code)

	Enter % or \$ for contribution amounts						
Employee Contribution	0%	0.5%	1.0%	1.5%	2.0%	2.5%	3.0%
Employer Contribution	7.5%	8.0%	8.5%	9.0%	9.5%	10.0%	10.5%

☒ Direct mandatory employee contributions as pre-tax

- c. Voluntary employee contributions may be made after-tax, subject to the Section 415(c) limitations of the Internal Revenue Code

MERS Defined Contribution Plan Adoption Agreement

3. Compensation:

Employers may designate the definition of compensation per division participating in Defined Contribution pursuant to section 49 of the MERS Plan Document (check one):

- ☐ Medicare taxable wages reported in Box 5 of Form W-2
- ☒ All income subject to income tax reported in Box 1 of Form W-2, plus elective deferrals
- ☐ Compensation, for retirement purposes, is defined as base wages. Any of the following may be included:
 - ☐ Longevity pay
 - ☐ Overtime pay
 - ☐ Shift differentials
 - ☐ Pay for periods of absence from work by reason of vacation, holiday, and sickness
 - ☐ Workers' compensation weekly benefits (if reported and are higher than regular earnings)
 - ☐ A member's pre-tax contributions to a plan established under Section 125 of the IRC
 - ☐ Transcript fees paid to a court reporter
 - ☐ A taxable car allowance
 - ☐ Short term or long term disability payments
 - ☐ Payments for achievement of established annual (or similar period) performance goals
 - ☐ Payment for attainment of educational degrees from accredited colleges, universities, or for acquisition of job-related certifications
 - ☐ Lump sum payments attributable to the member's personal service rendered during the FAC period
 - ☐ Other: _____
 - ☐ Other 2: _____

NOTE: In either of the above elections, an employee's compensation shall not exceed the annual limit under section 401(a)(17) of the Internal Revenue Code.

4. **Loans:** ☐ shall be permitted ☒ shall not be permitted
If Loans are elected, please complete and attach the *MERS Defined Contribution Loan Addendum*.
5. Rollovers from qualified plans are permitted and the plan will account separately for pre-tax and post-tax contributions and earnings thereon.

V. Appointing MERS as the Plan Administrator

The Employer hereby agrees to the provisions of this *MERS Defined Contribution Plan Adoption Agreement* and appoints MERS as the Plan Administrator pursuant to the terms and conditions of the Plan. The Employer also agrees that in the event of any conflict between the MERS Plan Document and the MERS Defined Contribution Plan Adoption Agreement, the provisions of the Plan Document control.

VI. Modification of the terms of the Adoption Agreement

If the Employer desires to amend any of its elections contained in this Adoption Agreement, including attachments, the Governing Body or Chief Judge, by resolution or official action accepted by MERS, must adopt a new Adoption Agreement. The amendment of the new Agreement is not effective until approved by MERS.

MERS Defined Contribution Plan Adoption Agreement

VII. Enforcement

1. The Employer acknowledges that the Michigan Constitution of 1963, Article 9, Section 24, provides that accrued financial benefits arising under a public Employer's retirement plan are a contractual obligation of the Employer that may not be diminished or impaired.
2. The Employer agrees that, pursuant to the Michigan Constitution, its obligations to pay required contributions are contractual obligations to its employees and to MERS and may be enforced in a court of competent jurisdiction;
3. The Employer acknowledges that employee contributions (if any) and employer contributions must be submitted in accordance with the *MERS Reporting and Contribution Enforcement Policy*, the terms of which are incorporated herein by reference;
4. The Employer acknowledges that late or missed contributions will be required to be made up, including any applicable gains, pursuant to the Internal Revenue Code;
5. Should the Employer fail to make its required contribution(s) when due, MERS may implement any applicable interest charges and penalties pursuant to the *MERS Reporting and Contribution Enforcement Policy* and Plan Document Section 79, and take any appropriate legal action, including but not limited to filing a lawsuit and reporting the entity to the Treasurer of the State of Michigan in accordance with MCL 141.1544(d), Section 44 of PA 436 of 2012, as may be amended.
6. It is expressly agreed and understood as an integral and non-severable part of this Agreement that Section 43 of the Plan Document shall not apply to this Agreement and its administration or interpretation. In the event any alteration of the terms or conditions of this Agreement is made or occurs, under Section 43 or other plan provision or law, MERS and the Retirement Board, as sole trustee and fiduciary of the MERS plan and its trust reserves, and whose authority is non-delegable, shall have no obligation or duty to administer (or to have administered) the MERS Defined Contribution Plan, to authorize the transfer of any defined benefit assets to the MERS Defined Contribution Plan, or to continue administration by MERS or any third-party administrator of the MERS Defined Contribution Plan.

VIII. Execution

Authorized Designee of Governing Body of Municipality or Chief Judge of Court

The foregoing Adoption Agreement is hereby approved by City of Oak Park on
the ____ day of _____, 2018. (Name of Approving Employer)

Authorized signature: _____

Title: _____

Witness signature: _____

Received and Approved by the Municipal Employees' Retirement System of Michigan

Dated: _____, 2018 Signature: _____
(Authorized MERS Signatory)



BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN

AGENDA OF: April 16, 2018

AGENDA #

SUBJECT: Update on Tax Foreclosed Properties**DEPARTMENT:** Economic Development and Communications

SUMMARY: In the third year of the Tax Foreclosure Program, a second partner was selected to purchase residential properties and a vacant lot in last year's tax foreclosure process. The second company was RealTeam Real Estate who is here tonight to present an update on their progress to date including the plans to construct a new home on the vacant lot per the agreement with the City of Oak Park. Global Realty will present their update at the first meeting in May.

FINANCIAL STATEMENT: None**RECOMMENDED ACTION:** None**APPROVALS:**

City Manager:

Director:

Director of Finance

Budgeted ☐**EXHIBITS:**

**BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN****AGENDA OF:** April 16, 2018**AGENDA#**

SUBJECT: Proposed Change Order No. 3 and Payment Application No. 5 (FINAL) for the 2016 Water Main Replacement Project, M-625.

DEPARTMENT: Technical & Planning – Engineering GWS

SUMMARY: Attached is Proposed Change Order No. 3 and Payment Application No. 5 (FINAL) for the 2016 Water Main Replacement Project, M-625. The Change Order is an increase for additional pavement restoration. This project is now complete.

<u>FINANCIAL STATEMENT:</u>	Original Contract Amount:	\$280,160.00
	Change Order No. 1:	(\$21,952.71)
	Change Order No. 2	\$ 32,454.46
	Proposed Change Order No. 3:	\$ 1,500.00
	New Contract Amount:	\$292,161.75
	Total Completed to Date:	\$292,161.75
	Less Retainage:	\$ 0.00
	Net Earned:	\$292,161.75
	Deductions:	\$ 0.00
	Balance:	\$292,161.75
	Payments to Date:	\$289,661.75
	Amount Due ADJ Excavating, Inc.:	\$ 2,500.00

RECOMMENDED ACTION: It is recommended that Proposed Change Order No. 3 for the 2016 Water Main Replacement Project, M-625, to ADJ Excavating, Inc. be approved for the amount of \$1,500. It is further recommended that Payment Application No. 5 (FINAL) for the same be approved for the amount of \$2,500.00. Funding is available in the Water and Sewer Fund for this project. (No. 592-18-538-970).

APPROVALS:

City Manager: _____

Department Director: _____

Director of Finance: _____

Budgeted: ☒

EXHIBITS: Proposed Change Order No. 3, Payment Application No. 5 (FINAL), Map of area

PAYMENT APPLICATION

PROJECT: 2016 Water Main Replacement Project
OWNER: City of Oak Park, Michigan
CONTRACTOR: ADJ Excavating, Inc.
 47301 Feathered Ct.
 Shelby Twp., MI 48315

JOB NUMBER: M-625
APPLICATION NO.: 5(FINAL)
PERIOD ENDING: 3/30/18
PAGE: 1 of 2

Item No.	Description	Original Bid Quantity	Unit	Unit Price	Period Quantity	Period Amount	Quantity To Date	Amount To Date
1	Mobilization, Max 5%	1	LSUM	\$8,200.00	0.00	\$0.00	1.00	\$8,200.00
2	Minor Traffic Device, Modified SP	1	LSUM	\$5,000.00	0.00	\$0.00	1.00	\$5,000.00
3	Pavement Removal, Modified SP	1,175	SYD	\$8.00	0.00	\$0.00	1,224.54	\$9,796.32
4	Water Main D.I CL 54 8 inch Trench Detail "B" Modified	1,420	LFT	\$75.50	0.00	\$0.00	1,407.00	\$106,228.50
5	Install Fire Hydrant. EJIW 5BR-250	3	EACH	\$3,750.00	0.00	\$0.00	3.00	\$11,250.00
6	Water Main Connection "A"@ Kenwood Ave./Rosewood Ave.	1	LSUM	\$7,800.00	0.00	\$0.00	1.00	\$7,800.00
7	Water Main Connection "B"@ Ithaca Ave./Nine Mile Rd.	1	LSUM	\$2,000.00	0.00	\$0.00	1.00	\$2,000.00
8	Install 8" Gate Valve and Well	3	EACH	\$3,250.00	0.00	\$0.00	2.00	\$6,500.00
9	Remove & Replace Short Side Service Curb Box 3/4 inch to 2 inch	17	EACH	\$225.00	0.00	\$0.00	25.00	\$5,625.00
10	Service Transfers (long and short side)	36	EACH	\$750.00	0.00	\$0.00	42.00	\$31,500.00
11	3/4" to 2" Diameter Type K Copper	110	LFT	\$10.00	0.00	\$0.00	35.17	\$351.70
12	Remove Existing Fire Hydrant	2	EACH	\$350.00	0.00	\$0.00	2.00	\$700.00
13	Remove Existing Gate Valve and Well	2	EACH	\$400.00	0.00	\$0.00	2.00	\$800.00
14	Abandon Existing Water Main - Ithaca Ave.	1	LSUM	\$1,500.00	0.00	\$0.00	0.00	\$0.00
15	Conc. Pavt. With Integral Curb Non-Reinforced, 8" Modified SP	105	SYD	\$60.00	0.00	\$0.00	156.17	\$9,370.20
16	Sidewalk Conc. Non-Reinforced 6" Conc. Sidewalk/Drive Approach	3,100	SFT	\$5.25	0.00	\$0.00	2,476.04	\$12,999.21
17	Sidewalk Conc. Non-Reinforced 4" Conc. Sidewalk/Driveway	6,000	SFT	\$4.35	0.00	\$0.00	5,668.80	\$24,659.28
18	Sidewalk Conc. Non-Reinforced 8" Conc. Sidewalk/Drive Approach	400	SFT	\$6.50	0.00	\$0.00	189.10	\$1,229.15
19	Hot Mix Asphalt, 3C 2 inch leveling Modified SP	5	TON	\$250.00	3.00	\$750.00	6.00	\$1,500.00
20	Hot Mix Asphalt, 4C 2 inch leveling Modified SP	5	TON	\$250.00	3.00	\$750.00	6.00	\$1,500.00
21	Aggregate base under concrete (6" 21AA Crush Limestone)	135	SYD	\$6.00	0.00	\$0.00	222.49	\$1,334.94
22	Cast in Place Detectable, Tactile Warning Surfaces	64	SFT	\$20.00	0.00	\$0.00	64.00	\$1,280.00
23	Underdrain Subgrade, Open Graded 6" Modified SP	20	LFT	\$10.00	0.00	\$0.00	25.00	\$250.00
24	Class A Sodding, Modified SP	900	SYD	\$7.50	0.00	\$0.00	1,129.58	\$8,471.85
25	Adjusting Drainage Structure Cover Case 1, Modified SP	1	EACH	\$225.00	0.00	\$0.00	0.00	\$0.00
26	Drainage Structure Cover	1,140	LBS	\$1.50	0.00	\$0.00	1,140.00	\$1,710.00
27	Salvage Sign, Modified SP	5	EACH	\$50.00	0.00	\$0.00	2.00	\$100.00
28	Erosion Control Inlet Filter, Fabric Drop, Modified SP	10	EACH	\$80.00	0.00	\$0.00	10.00	\$800.00
29	Maintenance Gravel, Modified SP	250	TON	\$8.00	0.00	\$0.00	146.00	\$1,168.00
30	Crossing Existing Water Mains, Sewers, and Sewer Leads	5	EACH	\$250.00	0.00	\$0.00	5.00	\$1,250.00
31	Unidentified Irrigation System Repairs - Sprinkler Lines	75	LFT	\$3.00	0.00	\$0.00	285.00	\$855.00
32	Unidentified Irrigation System Repairs - Sprinkler Heads	25	EACH	\$50.00	0.00	\$0.00	26.00	\$1,300.00
33	Project Clean Up (5% max)	1	LSUM	\$4,500.00	0.00	\$0.00	1.00	\$4,500.00
33	Inspection Crew Days, Modified SP	\$320	DAY	30.00	0.00	\$0.00	1.50	\$480.00
34	Connection at Basement	0	EACH	750.00	0.00	\$0.00	2.00	\$1,500.00
35	3/4" Type K Copper (lead services only)	0	LFT	25.00	0.00	\$0.00	473.00	\$11,825.00
36	Class A Sodding, Modified SP (lead services only)	0	SYD	20.00	0.00	\$0.00	378.00	\$7,560.00
37	Maintenance Gravel, Modified SP (lead services Only)	0	TON	20.00	0.00	\$0.00	38.38	\$767.60

\$1,500.00

\$292,161.75

PROJECT: 2016 Water Main Replacement Project
OWNER: City of Oak Park, Michigan
CONTRACTOR: ADJ Excavating, Inc.
47301 Feathered Ct.
Shelby Twp., MI 48315

JOB NUMBER: M-625
APPLICATION NO.: 5(FINAL)
PERIOD ENDING: 3/30/18
PAGE: 2 of 2

Original Contract Amount: \$280,160.00
Change Order No. 1 (\$21,952.71)
Change Order No.2: \$32,454.46
Proposed Change Order No.3: \$1,500.00
New Contract Amount: \$292,161.75

Earnings This Period: \$1,500.00
Total Earnings to Date: \$292,161.75
Less Retainage: \$0.00
Net Earned: \$292,161.75
Deductions: \$0.00
Balance: \$292,161.75
Payments to Date: \$289,661.75
Amount Due: \$2,500.00

Accepted By:


ADJ Excavating Inc.

Date: 4-4-18


Gerrah Surles, Assistant City Engineer
City of Oak Park, Michigan

Date: 4/4/2018

CHANGE ORDER

PROJECT: 2016 Water Main Replacement Project
OWNER: City of Oak Park, Michigan
CONTRACTOR: ADJ Excavating, Inc.
47301 Feathered Ct.
Shelby Twp., MI 48315

JOB NUMBER: M-625
CHANGE ORDER NO.: 3
PAGE: 1 OF 1

TO THE CONTRACTOR:

You are hereby directed to comply with the changes/extras to the contract documents.

This change order reflects work completed or anticipated. Documentation supporting these changes is on file with the City Engineer.

THE FOLLOWING ITEMS AND OR CONTRACT UNITS PRICES SHALL BE ADDED TO THE CONTRACT AMOUNT

Item No.	Description	Original Bid Quantity	Unit	Unit Price	Increased Quantity	Quantity to Date	Increased Amount
19	Hot Mix Asphalt, 3C 2 inch leveling Modified SP	3	TON	\$250.00	3.00	6.00	\$750.00
20	Hot Mix Asphalt, 4C 2 inch leveling Modified SP	3	TON	\$250.00	3.00	6.00	\$750.00
Totals:							\$1,500.00

SUMMARY

Total Increase

\$1,500.00

Total Amount for Change Order No. 2:

\$1,500.00


ADJ Excavating, Inc.

4-4-18
Date

Original Contract Amount:

\$280,160.00

Change Order No. 1:

(\$21,952.71)

Change Order No. 2:

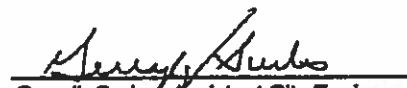
\$32,454.46

Proposed Change Order No.3:

\$1,500.00

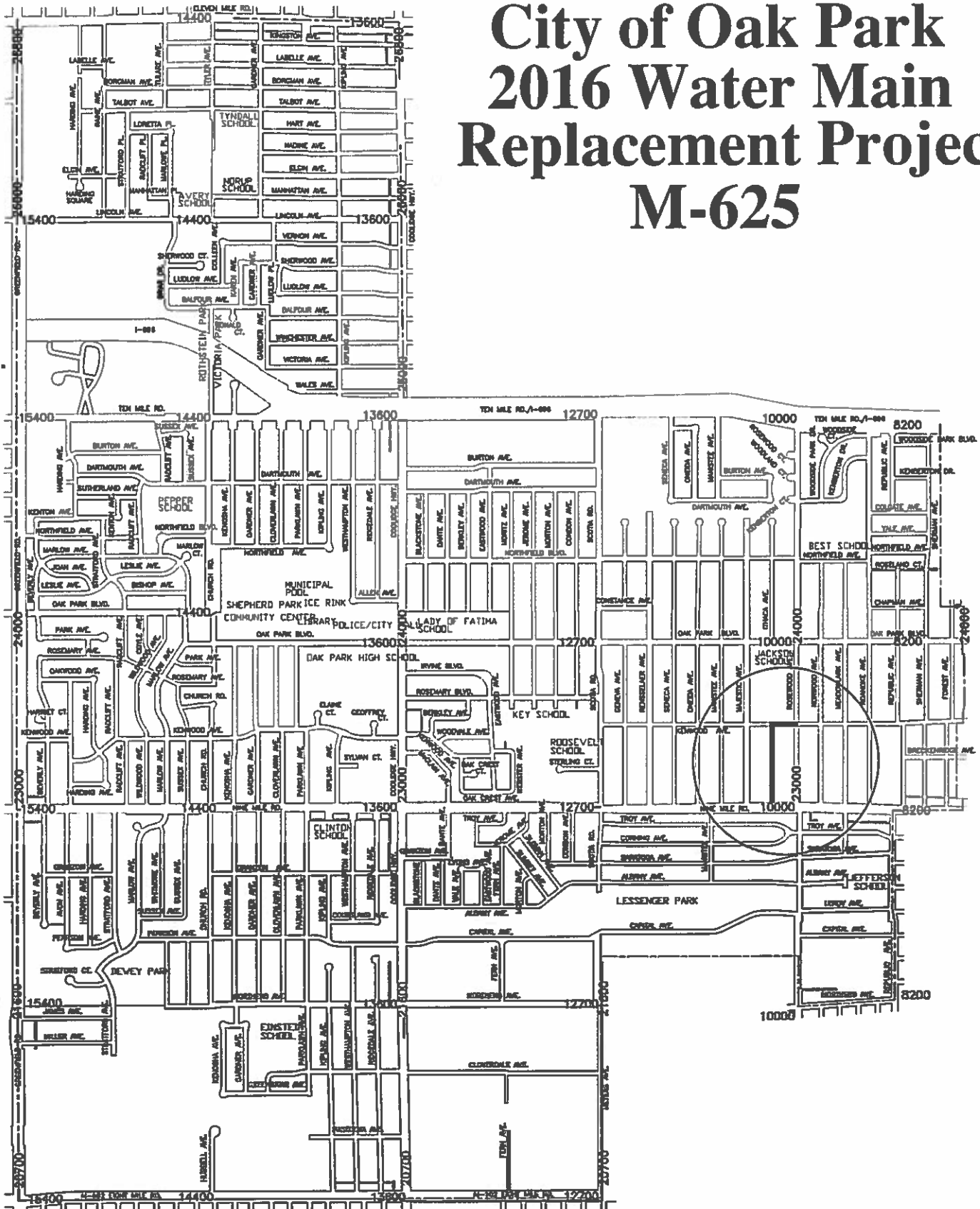
New Contract Amount:

\$292,161.75


Gerajh Surles, Assistant City Engineer

4/4/2018
Date

City of Oak Park 2016 Water Main Replacement Project M-625



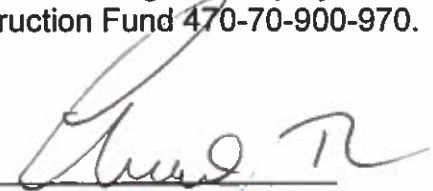
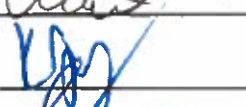
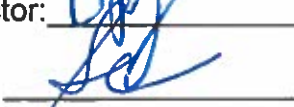
**BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN****AGENDA OF:** April 16, 2018**AGENDA #**

SUBJECT: Proposal for professional services for Architecture and Engineering Services for the 45th District Court.

DEPARTMENT: Public Works *KJY*

SUMMARY: The City and 45th District Court interviewed three (3) architecture firms for the renovation work to the 45th District Court. After the interviews, the selection team unanimously selected OHM Advisors to perform the services for this project.

RECOMMENDED ACTION: It is recommended that the proposal from OHM Advisors to perform professional services for Architecture and Engineering Services for the 45th District Court be approved for an hourly, not to exceed amount of \$12,000 for the discovery phase of the project and a design development fee of 6.75% of the estimated project cost, upon review by the City Attorney's office. Funding for this project is available in the Court Municipal Building Construction Fund 470-70-900-970.

APPROVALS:City Manager: Department Director: Finance Director: ☒ Budgeted**EXHIBITS:** Proposal



ARCHITECTS. ENGINEERS. PLANNERS.

April 10, 2018

Mr. Kevin J. Yee, P.E.
Assistant City Manager, Public Works Director, City Engineer
City of Oak Park
10600 Capital
Oak Park, MI 48237

**RE: Professional Services Proposal
Architectural and Engineering Services for 45th District Court**

Dear Mr. Yee:

Thank you for the opportunity to submit this proposal for architectural and engineering services to explore and implement improvements for the 45th District Court facility. This letter represents our proposed scope of services, time schedule approach and fee.

PROJECT UNDERSTANDING

The 45th District Court facility is located at 13600 Oak Park Boulevard, in Oak Park, Michigan. Our understanding of the project includes discovery of facility and program needs throughout the existing court facility. After this process, OHM Advisors will work with the Owner's representatives and Construction Manager to determine scope of work for document development through project close-out. We understand that the conceptual project budget is \$1.3 million.

SCOPE OF SERVICES

Our Scope of Services for this work will be executed in three separate parts, as outlined below. OHM Advisors will perform the following tasks:

Part One – Discovery

Discovery of Facility Needs

- OHM's Project Manager to initiate internal project management responsibilities and project set-up.
- Client to create "steering committee" and "guiding principles".
- Schedule and attend a project initiation meeting with the Owner's representative to review existing facility assessment documents, and other available building information. Establish priorities and project scope, confirm schedule, and goals for the project.
- Tour existing facilities with the Owner's representatives and the project team.
- Provide conceptual floor plan with conceptual notes to delineate the desired facility needs.
- Provide facility needs conceptual floor plan to the construction manager for estimate values.

Discovery of Programmatic Needs

- Schedule and attend a pre-programming meeting with the Owner's representatives to share trends and brainstorm programmatic needs with staff. Dave King to be able to join meeting by conference call.
- Prepare conceptual block/bubble diagrams to delineate the desired program needs.
- Attend follow up design meeting and provide one revision to the conceptual plan based on Owner's feedback from this meeting.
- Provide program needs conceptual floor plan to the construction manager for estimate values.



Part Two – Design Development

- ▼ Meet with Owner's representatives and construction manager to review conceptual cost and prioritize items that align with project budget.
- ▼ Develop an architectural floor plan based on the prioritized items and present to the Owner's representatives for review.
- ▼ OHM to complete one revision to the architectural floor plan based on client feedback.
- ▼ Provide architectural floor plan to the construction manager for estimate values.
- ▼ Confirm that scope of work aligns with budget and receive direction from Owner to proceed with Construction Documents.

Part Three – Document Development through Project Close-out

- ▼ Field verification of existing conditions.
- ▼ Develop documents and specifications for procurement.
- ▼ Budget verification and monitoring with Owner and Construction Manager.
- ▼ Evaluate quotes with Owner and Construction Manager.
- ▼ Submit agency review documents to required reviewing agencies.
- ▼ Coordinate construction installation with the Owner and Construction Manager, including 4 construction project meetings on-site.
- ▼ Review construction shop submittals.
- ▼ Punch list and project close-out with the Owner and Construction Manager.

DELIVERABLES

- ▼ Digital PDF file of the updated programming spreadsheet.
- ▼ Digital PDF files of the conceptual and design development floor plans for each design task/part.
- ▼ Digital PDF copy of the final procurement documents.

COMPENSATION AND SCHEDULE

For Part One, we propose to provide our services on an hourly basis, within a not-to-exceed amount of \$12,000. We have estimate that the above task for Part One will take approximately 76 hours, which includes 4-meetings.

For Part Two and Part Three, the fee will be based on 6.75% of the estimated project costs, finalized at the end of Design Development.

All costs are included and no reimbursable expenses are expected. OHM Advisors bears the overhead costs for providing the services herein.

OHM Advisors is prepared to begin the work immediately upon receipt of a signed agreement and to complete our services as per the attached schedule. This schedule is contingent upon the timeliness of Owner provided information and decision making and any unforeseen conditions or circumstances that may arise.

ADDITIONAL SERVICES

Should the client require services beyond the scope of work outlined above (including additional meetings), additional fees may apply. Major portions of work associated with additional services may require a separate future agreement.

Additional work includes:

- ▼ Specialty renderings
- ▼ Site Plan planning and landscape design
- ▼ Existing furniture inventory
- ▼ Condition assessment of existing furniture
- ▼ Furniture master planning
- ▼ Services related to furniture mock-ups
- ▼ Development of move drawings related to existing and new furniture
- ▼ Furniture identification tagging
- ▼ Development of pilot rooms and studies
- ▼ Specialty consultants



ASSUMPTIONS, EXCLUSIONS & OWNER RESPONSIBILITIES

OHM Advisors is prepared to complete the work as outlined above per our understanding of the project, which includes the following assumptions, exclusions and identified Owner responsibilities.

- ▾ Construction / permit cost estimate(s) are not included in this proposal.
- ▾ Owner will be responsible for all permit and review fees in addition to application submittals.

ACCEPTANCE

If this proposal is acceptable to you, a signature on this letter will serve as our authorization to proceed. Once we receive this signed proposal, we will prepare the standard city agreement for execution. This proposal is valid for 30 days from the date of this letter.

Thank you for giving us the opportunity to be of service. We look forward to working with you on this project!

Orchard, Hiltz, & McCliment, Inc.
CONSULTANT

City of Oak Park
CLIENT



Misty J. Raatz, Associate AIA

(Signature)

(Name)

Project Manager

(Title)

April 10, 2018

(Date)

Attachments: Exhibit 1 – OHM Advisors Hourly Rate Schedule
Exhibit 2 – Approach Schedule



OHM ADVISORS 2018 HOURLY RATE SCHEDULE

Professional Engineer IV/Architect IV	\$170.00
Professional Engineer III/Architect III	\$155.00
Professional Engineer II/Architect II	\$140.00
Professional Engineer I/Architect I	\$130.00
Graduate Engineer IV	\$135.00
Graduate Engineer III	\$125.00
Graduate Engineer II	\$120.00
Graduate Engineer I	\$110.00
Graduate Architect III/Landscape Architect III	\$120.00
Graduate Architect II/Landscape Architect II	\$100.00
Graduate Architect I/Landscape Architect I	\$90.00
Technician IV	\$130.00
Technician III	\$110.00
Technician II	\$95.00
Technician I	\$75.00
Engineering/Architectural Aide	\$60.00
Professional Surveyor III	\$155.00
Professional Surveyor II	\$140.00
Professional Surveyor I	\$130.00
Graduate Surveyor	\$110.00
Surveyor III	\$107.00
Surveyor II	\$100.00
Surveyor I	\$80.00
Surveyor Aide	\$60.00
Planner IV	\$155.00
Planner III	\$135.00
Planner II	\$120.00
Planner I	\$80.00
Planner Aide	\$60.00
Graphic Designer	\$105.00
Data Base Developer	\$185.00
Administrative Support	\$65.00
Clerical Aide	\$50.00
Principal	\$195.00
Sr. Associate	\$185.00
Associate	\$175.00

Rates as reflected subject to review and adjustment on an annual basis.

APPROACH

