

Oak Park City Council Agenda

March 19, 2018





AGENDA
REGULAR CITY COUNCIL MEETING
37th CITY COUNCIL
OAK PARK, MICHIGAN
March 19, 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 March 5, 2018

B. Special Council Meeting Minutes of March 5, 2018

C. Planning Commission Meeting Minutes of December 11, 2017 and February 12, 2018

D. Request to advertise for bids for the 2018 Mechanics In-ground Truck Lift Rebuild Project, M-685

E. Licenses - New and Renewals as submitted for March 19, 2018

6. RECOGNITION OF VISITING ELECTED OFFICIALS

7. SPECIAL RECOGNITION/PRESENTATIONS:

A. City Manager Employee Recognition – Crystal McLain

8. PUBLIC HEARINGS: None

9. COMMUNICATIONS: None

10. SPECIAL LICENSES:

11. ACCOUNTING REPORTS:

A. Approval for payment of invoices submitted by Garan, Lucow, Miller, P.C. for legal services in the total amount of \$13,122.00

B. Approval for payment of an invoice submitted by Howard L. Shifman, P.C., for legal services retainer for April 1, 2018 thru June 30, 2018 in the total amount of \$15,000.00

C. Approval for payment of an invoice submitted by Secrest, Wardle, Lynch, Hampton, Truex & Morley for legal services in the total amount of \$624.00

12. BIDS: None

13. ORDINANCES:

A. Second reading and adoption of an ordinance to amend Section 1-24(4) of Chapter 1, General Provisions, of the Code of Ordinances, City of Oak Park

B. Second reading and adoption of an ordinance to amend Section 18-282 of Chapter 18, Buildings and Building Regulations, of the Code of Ordinances, City of Oak Park

- C. Second reading and adoption of an ordinance to amend Sections 3-3(1), 3-4, and 3-5, of Chapter 3, Municipal Civil Infractions, of the Code of Ordinances, City of Oak Park
- D. Second reading and adoption of an ordinance to amend Section 22-505 of Chapter 22, Businesses, of the Code of Ordinances, City of Oak Park
- E. Second reading and adoption of an ordinance to amend Section 71-22(a) of Chapter 71, Telecommunication Services, of the Code of Ordinances, City of Oak Park
- F. Second reading and adoption of an ordinance to amend Sections 14-1, 14-4, and 14-29, of Chapter 14, Animals, of the Code of Ordinances, City of Oak Park
- G. Second reading and adoption of an ordinance to amend Section 78-82 of Chapter 78, Trees, of the Code of Ordinances, City of Oak Park
- H. First reading 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

14. CITY ATTORNEY:

- A. Michigan Supreme Court Order regarding Harmony Montessori vs. City of Oak Park

15. CITY MANAGER:

Administration

- A. State of the City recap

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**

March 5, 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 Duff

APPROVAL OF AGENDA:

CM-03-069-18 (AGENDA ITEM #4) ADOPTION OF THE AGENDA AS PRESENTED – APPROVED

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

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

MOTION DECLARED ADOPTED

CONSENT AGENDA:

CM-03-070-18 (AGENDA ITEM #5A-G) CONSENT AGENDA - APPROVED

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

- A. (Removed from the Consent Agenda by Mayor McClellan)
- B. Special Council Meeting Minutes of February 19, 2018 CM-03-071-18
- C. Beautification Advisory Commission Meeting Minutes of December 19, 2017 CM-03-072-18
- D. Recycling and Environmental Conservation Commission Meeting Minutes of December 21, 2017 CM-03-073-18
- E. Request to advertise for bids for 2018 Landscape Maintenance Project, M-679 CM-03-074-18
- F. Payment Application No. 3 (FINAL) for the 2016 Catch Basin Line Replacement & Sewer Lateral Repair Project, M-648 to Troelsen Excavating Company of Troy, MI. for the total amount of \$1,000.00 CM-03-075-18

G. Licenses - New and Renewals as submitted for March 5, 2018 **CM-03-076-18**

MERCHANT'S LICENSES – March 5, 2018
(Subject to All Departmental Approvals)

<u>NEW MERCHANT</u>	<u>ADDRESS</u>	<u>FEE</u>	<u>BUSINESS TYPE</u>
Benston D. Harris Inc	13040 Capital	\$150	HVAC
Strawberry Locs	21700 Greenfield 109	\$150	Salon
Nee How Sushi LLC	10116 Nine Mile	\$150	Restaurant
Suds of Michigan	10840 Nine Mile B	\$150	Laundry
She's Got It Fitness	8521 Nine Mile	\$150	Fitness
J. A. Gaging Associates LLC	13250 Northend	\$150	Office
<u>RENEWALS</u>	<u>ADDRESS</u>	<u>FEE</u>	<u>BUSINESS TYPE</u>
Hersch's Inc	21100 Coolidge	\$150	Landscape
Express Collision	21470 Coolidge	\$150	Automotive
E-Zee Set Wood Products	21650 Coolidge	\$150	Home Improvement
Love Nail & Spa	22118 Coolidge	\$150	Salon
Advance America #1 328	22140 Coolidge	\$150	Financial
Little Caesars	24756 Coolidge	\$150	Restaurant
Moulden Agency LLC	26013 Coolidge	\$225	Insurance
Weathergard Windows Factory	14350 Eight Mile	\$150	Home Remodeling
Fed-Ex Distribution #383	21200 Greenfield	\$150	Mailing
B-Unique Hair Boutique	21700 Greenfield 412	\$187.50	Salon
Legit Ink	21700 Greenfield 489	\$187.50	Tattoo Parlor
Top's Fashion and Braiding	21910 Greenfield 105	\$187.50	Retail
Pinewood Dental	21950 Greenfield	\$150	Dental
Grape Leaves Restaurant	24700 Greenfield	\$150	Restaurant
Motor City Soul Food #2	24790 Greenfield	\$150	Restaurant
Eddie's Gourmet	25920 Greenfield	\$150	Restaurant
Top That LLC	25950 Greenfield	\$150	Retail
7-11 Food Stores #13486	15350 Lincoln	\$150	Retail
Dr. Benay Dabny	10300 Nine Mile	\$150	Medical
Salon Saga Studios	10450 Nine Mile A	\$187.50	Salon
Happy's Pizza #7	13700 Nine Mile	\$150	Restaurant
Motown Body Oils	13807 Nine Mile	\$225	Retail
Papa's Pizza	15400 Nine Mile	\$150	Restaurant
Mane Event	15405 Nine Mile	\$225	Salon
Attisha LLC – Food Mart	15450 Nine Mile	\$150	Retail
Tai Fai Restaurant	8505 Nine Mile	\$225	Restaurant
Oak Park Beauty	13421 Ten Mile	\$225	Retail

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

MOTION DECLARED ADOPTED

CM-03-077-18

(AGENDA ITEM #5A – Removed from the Consent Agenda by Mayor McClellan) Regular Council Meeting Minutes of February 19, 2018 - APPROVED

Motion by Weiss, seconded by Radner, CARRIED UNANIMOUSLY, to approve the Regular Council Meeting Minutes of February 19, 2018 as amended.

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

MOTION DECLARED ADOPTED

Mayor McClellan indicated that her comments regarding the Board of Review minutes should read as follows: Mayor McClellan explained that the anticipated increase in taxable home values in Oak Park can only go up the rate of inflation which is 1.021 %.

RECOGNITION OF VISITING ELECTED OFFICIALS: None

SPECIAL RECOGNITION/PRESENTATIONS:

(AGENDA ITEM #7A) Ferndale Public Schools Presentation.

Assistant Superintendent Dina Rochelea presented information regarding the master plan for Ferndale Public Schools.

(AGENDA ITEM #7B) Oath of Office for newly appointed members of various Boards & Commissions.

Mayor McClellan administered the Oath of Office to newly appointed members of Boards and Commissions as follows:

Steven Chudnow	Election Commission
Clarence Johns	Brownfield Redevelopment Authority/ Economic Development Corporation
Patrick North	Parks and Recreation Commission
Steven Gold	Recycling and Environmental Conservation Commission

PUBLIC HEARINGS: None

COMMUNICATIONS: None

SPECIAL LICENSES: None

ACCOUNTING REPORTS:

CM-03-078-18

(AGENDA ITEM #11A) APPROVAL FOR PAYMENT OF INVOICES SUBMITTED BY GARAN, LUCOW, MILLER, P.C. FOR LEGAL SERVICES IN THE TOTAL AMOUNT OF \$1,946.30 - APPROVED

Motion by Burns, seconded by Radner, CARRIED UNANIMOUSLY, to approve payment of invoices #491001, #485230 and #487825 by Garan, Lucow, Miller P.C., for legal services rendered through February 27, 2018 in the total amount of \$1,946.30.

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

MOTION DECLARED ADOPTED

BIDS:

CM-03-079-18 (AGENDA ITEM #12A) REQUEST TO REJECT ALL BIDS FOR THE 2018 LAWN MAINTENANCE CONTRACT, M-678 AND ALLOW THE PUBLIC WORKS DEPARTMENT TO SCALE BACK THE PROJECT FOR REBIDDING - APPROVED

Motion by Radner, seconded by Burns, CARRIED UNANIMOUSLY, to reject all bids for the 2018 Lawn Maintenance Contract, M-678 and allow the Public Works Department to scale back the project for rebidding.

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

MOTION DECLARED ADOPTED

Assistant City Manager Yee explained that the request to bid the 2018 Lawn Maintenance Contract, M-678 was approved (CM-11-450-17) on November 6, 2017. The project was advertised and 26 contractors viewed the documents. On February 27, 2018, three (3) bids were received and opened. The low bidder, Xpert Lawn and Snow of Warren, MI, submitted a bid of \$161,932.00. This amount exceeds the budgeted amount. Mr. Yee recommended the rejection of all bids for the project and to allow the Public Works Department to scale back the project by removing some large park areas that city crews and equipment can more efficiently maintain. This would hopefully encourage more bidders.

ORDINANCES:

CM-03-080-18 (AGENDA ITEM #13A) SECOND READING AND ADOPTION OF AN ORDINANCE TO AMEND ARTICLE III, ZONING DISTRICTS & MAP, ARTICLE XV RESERVED, ARTICLE XVI, SCHEDULE OF REGULATIONS, ARTICLE XVIII, SIGNS, SECTIONS 1803 & 1805, APPENDIX A, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK, MICHIGAN - APPROVED

Motion by Radner, seconded by Weiss, CARRIED UNANIMOUSLY, to approve the second reading and adopt the following ordinance to amend Article III, Zoning Districts & Map, Article XV Reserved, Article XVI, Schedule of Regulations, Article XVIII, Signs, Sections 1803 & 1805, Appendix A, Zoning, of the Code of Ordinances of the City of Oak Park, Michigan:

AN ORDINANCE TO AMEND ARTICLE III, ZONING DISTRICTS & MAP, ARTICLE XV RESERVED, ARTICLE XVI, SCHEDULE OF REGULATIONS, ARTICLE XVIII, SIGNS, SECTIONS 1803 & 1805, 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 III, Zoning Districts, Section 300, Appendix "A", Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to add the following:

Sec. 300. – Establishment of zoning districts.

PUD Planned Unit Development district

MX - 1 Mixed Use district

SECTION 2. Article XV, Reserved for Future Land Use, Appendix "A", Zoning, of the Code of Ordinances of the City of Oak Park, and is hereby amended by the addition of a new Article XV, MX-1 Mixed Use Districts, which shall read as follows:

ARTICLE XV. – MX-1 MIXED USE DISTRICTS

Sec. 1500. - Intent.

The MX-1 mixed use district is intended to blend two or more residential, commercial, or industrial uses in a compact area. This type of zoning is designed to accommodate mixed-use buildings that have business uses on the first floor and residential uses on the above floor(s). This arrangement will encourage pedestrian-friendly developments and specialty food and retail shops, which will in turn promote the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction.

Sec. 1501. - Permitted uses.

In all mixed use districts, no building or part thereof shall be erected, used or structurally altered, not land or premises used, in whole or in part, except for one or more of the following permitted uses or structures:

- A. Specialty retail limited to the following categories: gifts, flowers, apparel, jewelry, novelties, housewares, home accessories, sporting goods and photographic equipment.
- B. Restaurants, sit down. Outdoor dining as an accessory area and subject to the provisions in Section 1709.
- C. Bakeries & confectionaries.
- D. Coffee shops and tea rooms. Outdoor dining as an accessory area and subject to the provisions in Section 1709.
- E. Art facilities (art gallery and/or studios, music recording and/or dance studios).
- F. Health, fitness and exercise centers of 2,000 square feet or less.
- G. Showroom and workshop of a carpenter, plumber, electrician, painter, decorator or similar trade.
- H. Assembly of electronic devices, musical instruments, toys, novelties, sporting goods, and photographic equipment.
- I. Offices of an engineering, drafting, architectural, electrical, plumbing, industrial design firms and construction contractors
- J. Printing, copying and document services.
- K. Electronic data processing and computer centers.
- L. Research, experimental, film or testing laboratories.
- M. Indoor cold storage and warehouse uses but excluding self-storage facilities.

- N. Uses which, in the opinion of the planning commission based on findings of fact, are similar to the above permitted uses.
- O. Accessory uses customarily incidental to the above permitted uses, only when conducted within a completely enclosed building
- P. Residential dwelling units above the ground floor subject to the following provisions:
 - a. The site plan shall include a floor plan of the proposed residential development for use in determining the adequacy of provided residential parking and the available parking in the area
 - b. The layout of the site of the proposed residential development and its relationship to streets providing access to the site shall be in a manner that vehicular and pedestrian traffic to and from the proposed residential development, and the potential assembly of persons connected therewith, will not be hazardous, endangering, or inconvenient to the surrounding neighborhood and commercial district
 - c. The site plan shall include non-motorized amenities bike racks, bike lanes, pathways and sidewalks.

Sec. 1502. - Special land uses.

The following uses may be permitted by the planning commission upon submission of a site plan and such additional information as may be necessary to document the scope and intensity of the proposed use. Said uses may be permitted upon a finding by the planning commission that the use will comply with any specific requirements contained herein, and that the proposed location of the use will be desirable to the public convenience or welfare and in harmony with the various elements and objectives of the master plan of the City of Oak Park, as from time to time amended:

- A. Brew pubs, restaurants with breweries and distilleries subject to provisions in Section 1930. Outdoor dining as an accessory area and subject to the provisions in Section 1709.
- B. Restaurants, serving alcoholic liquor, subject to the provisions in Section 1930. Outdoor dining as an accessory area and subject to the provisions in Section 1709.
- C. Vehicle service centers subject to the provisions in section 1903.
- D. Nurseries and greenhouse subject to the provisions in Sections 1914 and 1925.
- E. Auto wash facilities subject to Section 1927.

Sec. 1503. - Required conditions.

- A. Except as otherwise provided in this article, all uses shall be conducted wholly within a completely enclosed building, except for off-street parking or loading.
- B. All truck well, loading dock and loading/truck service areas shall be located and designed to minimize negative impact on adjoining properties.
- C. No uses with drive-thru or vehicle pick-up windows are permitted.

Sec. 1504. - Additional site development standards.

All permitted and special land uses shall comply with all applicable provisions of the zoning ordinance including those listed below as a reference guide.

- A. Article II: Definitions.
- B. Article XVI: Schedule of district regulations (minimum lot width and area, setbacks, maximum height, etc.).
- C. Article XVII: General provisions for: visibility at intersections and corner clearance; visibility—walls, fences, hedges; accessory buildings and structures; swimming pools; erection of more than one principle structure on a lot; radio, television and satellite dish antenna; right-of-way-streets, alleys and railroad; access required: dwelling in other than main structures; building grades; performance standards for all land uses; screening and landscaping; fences, walls, and other

barriers; moved buildings or structures; recreational and commercial vehicles; site plan review; off-street parking and loading.

- D. Article XVIII: Signs.
- E. Article XIX: Special land uses.
- F. Article XX: Nonconforming lots, uses and structures.
- G. Article XXI: General exceptions for: essential services; height limits; projections into yards.

SECTION 3. Article XIX, Section 1600, Height, bulk, density, area, setback and lot coverage by district, Appendix "A", Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended by the addition of regulations applicable to MX – 1 Mixed Use Districts as follows:

Use District: MX – 1 Mixed Use Districts

Lot Area in Acres or Square Feet: SPA

Lot Width in Feet: SPA

Maximum Height of Structures

In Stories: 3

In Feet: 45

Minimum Yard Setbacks:

Front: none required

Side Least One: none required

Total of 2: none required

Rear: none required

Minimum Floor Area Per Unit: see footnote (E)

Maximum Percentage of Lot Area: Dependent upon standards for parking, setbacks, open space and landscaping and site plan approval.

SECTION 4. Article XVIII, Zoning Districts, Section 1803, Appendix "A", Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to add the following district:

MX – 1 Mixed Use district.

SECTION 5. Article XVIII, Zoning Districts, Section 1805, Appendix "A", Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to add the following district:

MX – 1 Mixed Use district.

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.

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

MOTION DECLARED ADOPTED

CM-03-081-18 (AGENDA ITEM #13B) SECOND READING AND ADOPTION OF AN ORDINANCE TO AMEND APPENDIX A-ZONING, ARTICLE III, AND THE OFFICIAL ZONING MAP CONTAINED THEREIN, BEING PART OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK, MICHIGAN, BY CHANGING THE USE DISTRICT OF CERTAIN PARCELS OF LAND IN SECTION 19 AND CURRENTLY ZONED LI, LIGHT INDUSTRIAL DISTRICT TO MX-1, MIXED-USE DISTRICT - APPROVED

Motion by Radner, seconded by Burns, CARRIED UNANIMOUSLY, to approve the second reading and adopt the following ordinance to amend Appendix A-Zoning, Article III, and the Official Zoning Map contained therein, being part of the Code of Ordinances of the City of Oak Park, Michigan, by changing the Use District of certain parcels of land in Section 19 and currently Zoned LI, Light Industrial District to MX-1, Mixed-Use District:

AN ORDINANCE TO AMEND APPENDIX A-ZONING, ARTICLE III, AND THE OFFICIAL ZONING MAP CONTAINED THEREIN, BEING PART OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK, MICHIGAN, BY CHANGING THE USE DISTRICT OF CERTAIN PARCELS OF LAND IN SECTION 19 AND CURRENTLY ZONED LI, LIGHT INDUSTRIAL DISTRICT TO MX-1, MIXED-USE DISTRICT.

THE CITY OF OAK PARK, MICHIGAN ORDAINS:

SECTION 1. The Code of Ordinances of the City of Oak Park is hereby amended by changing the use district of the following described parcels of land in Section 19 and currently zoned LI, Light Industrial District, according to the City's Official Zoning District Map, Appendix-A Zoning, Article III, to MX-1, Mixed Use District:

Address / Property Identification #

Vacant #52-25-19-128-001

14721 W Eleven Mile Rd #52-25-19-128-002

14701 W Eleven Mile Rd #52-25-19-128-003

14691 W Eleven Mile Rd #52-25-19-128-004

14669 W Eleven Mile Rd #52-25-19-128-005

14661 W Eleven Mile Rd #52-25-19-128-006

14611 W Eleven Mile Rd #52-25-19-128-007

14611 W Eleven Mile Rd #52-25-19-128-008

14511 W Eleven Mile Rd #52-25-19-201-022

14471 W Eleven Mile Rd #52-25-19-201-025

14441 W Eleven Mile Rd #52-25-19-201-026

14421 W Eleven Mile Rd #52-25-19-201-027

14401 W Eleven Mile Rd #52-25-19-201-014

Vacant #52-25-19-201-024

14283 W Eleven Mile Rd #52-25-19-202-001

Vacant #52-25-19-202-002

14251-14253 W Eleven Mile Rd #52-25-19-202-003

14241 W Eleven Mile Rd #52-25-19-202-010

14233 W Eleven Mile Rd #52-25-19-202-011

14231 W Eleven Mile Rd #52-25-19-202-006

14211 W Eleven Mile Rd #52-25-19-202-007

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

SECTION 3. It is further ordered that from and after the effective date of this ordinance, the above described parcel of land shall be in the MX-1, Mixed-Use District, and be subject to the regulations pertaining to such a district.

SECTION 4. Conflicting Provisions Repealed

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

SECTION 5. Severability

No other portion, paragraph or phrase of the Code of Ordinances of the City of Oak Park, Michigan shall be affected by this ordinance except as to the above sections, and in the event any portion, section or subsection of this ordinance shall be held invalid for any

reason, such invalidation shall not be construed to affect the validity of any other part or portion of this ordinance or of the Code of Ordinances of the City of Oak Park, Michigan.

SECTION 6. Effective Date

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

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

MOTION DECLARED ADOPTED

CM-03-082-18 (AGENDA ITEM #13C) FIRST READING OF AN ORDINANCE TO AMEND SECTION 1-24(4) OF CHAPTER 1, GENERAL PROVISIONS, OF THE CODE OF ORDINANCES, CITY OF OAK PARK - APPROVED

Motion by Weiss, seconded by Radner, CARRIED UNANIMOUSLY, to approve the first reading of the following ordinance to amend Section 1-24(4) of Chapter 1, General Provisions, of the Code of Ordinances, City Of Oak Park:

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

AN ORDINANCE TO AMEND SECTION 1-24(4) OF CHAPTER 1, GENERAL PROVISIONS, OF THE CODE OF ORDINANCES, CITY OF OAK PARK.

THE CITY OF OAK PARK ORDAINS:

SECTION 1. Ordinance - Section 1-24(4), Notice, of Chapter 1, General Provisions, of the Code of Ordinances, City of Oak Park, is hereby amended to read as follows:

Section 1-24. - Notice.

(4) In the case of grass and noxious weeds, notice shall be given by advertising one day in a newspaper of general circulation in the county during the month of March that weeds not cut by May 1 of that year may be cut by the city and the owner of the property charged with the cost under the provisions of section 18-283.

SECTION 2. Savings Clause - All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

SECTION 3. Severability - No other portion, paragraph or phrase of the Code of Ordinances of the City of Oak Park shall be affected by this Ordinance, except as to the above sections, and in the event that any portion, section or subsection of this Ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this Ordinance or the Code of Ordinances, City of Oak Park.

SECTION 4. Effective Date - This Ordinance shall become effective ten (10) days from the date of its passage and shall be published as required by the Charter of the City of Oak Park.

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

MOTION DECLARED ADOPTED

**CM-03-083-18 (AGENDA ITEM #13D) FIRST READING OF AN ORDINANCE
TO AMEND SECTION 18-282 OF CHAPTER 18, BUILDINGS
AND BUILDING REGULATIONS, OF THE CODE OF
ORDINANCES, CITY OF OAK PARK - APPROVED**

Motion by Burns, seconded by Radner, CARRIED UNANIMOUSLY, to approve the first reading of the following ordinance to amend Section 18-282 of Chapter 18, Buildings and Building Regulations, of the Code of Ordinances, City of Oak Park:

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

**AN ORDINANCE TO AMEND SECTION 18-282 OF CHAPTER 18, BUILDINGS AND
BUILDING REGULATIONS, OF THE CODE OF ORDINANCES, CITY OF OAK
PARK.**

THE CITY OF OAK PARK ORDAINS:

SECTION 1. Ordinance - Section 18-282, Duty of Occupant or Owner, of Article VIII, Grass and Noxious Weeds, Chapter 18, Buildings and Building Regulations, of the Code of Ordinances, City of Oak Park, is hereby amended to read as follows:

Section 18-282. – Duty of occupant or owner.

It shall be the duty of the occupant or owner of every premises or property within the city, whether improved or unimproved, to cut and remove or destroy by lawful means, all weeds, grass, or rank, poisonous or harmful vegetation as often as may be necessary to comply with the provisions of this article.

SECTION 2. Savings Clause - All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

SECTION 3. Severability - No other portion, paragraph or phrase of the Code of Ordinances of the City of Oak Park shall be affected by this Ordinance, except as to the above sections, and in the event that any portion, section or subsection of this Ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this Ordinance or the Code of Ordinances, City of Oak Park.

SECTION 4. Effective Date - This Ordinance shall become effective ten (10) days from the date of its passage and shall be published as required by the Charter of the City of Oak Park.

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

MOTION DECLARED ADOPTED

**CM-03-084-18 (AGENDA ITEM #13E) FIRST READING OF AN ORDINANCE
TO AMEND SECTIONS 3-3(1), 3-4, AND 3-5, OF CHAPTER 3,
MUNICIPAL CIVIL INFRACTIONS, OF THE CODE OF
ORDINANCES, CITY OF OAK PARK - APPROVED**

Motion by Radner, seconded by Weiss, CARRIED UNANIMOUSLY, to approve the first reading of the following ordinance to amend Sections 3-3(1), 3-4, and 3-5, of Chapter 3, Municipal Civil Infractions, of the Code of Ordinances, City of Oak Park:

**CITY OF OAK PARK
OAKLAND COUNTY MICHIGAN**

**AN ORDINANCE TO AMEND SECTIONS 3-3(1), 3-4, and 3-5, of CHAPTER 3,
MUNICIPAL CIVIL INFRACTIONS, OF THE CODE OF ORDINANCES, CITY OF
OAK PARK.**

THE CITY OF OAK PARK ORDAINS:

SECTION 1. Ordinance – Sections 3-3(1) – Authorized city official, 3-4 - Penalties for municipal civil infractions, and 3-5 – Designation of civil infractions, of Chapter 3 – Municipal Civil Infractions of the Code of Ordinances, City of Oak Park, are hereby amended to read as follows:

Sec. 3-3. – Authorized city official.

- (1) The building official, electrical inspector, plumbing and mechanical inspectors, code enforcement officer and public safety officers are hereby designated as the authorized city officials to issue municipal civil infraction citations directing alleged violators to appear in court as provided by this Code.

Sec. 3-4. - Penalties for municipal civil infractions.

- (a) The following civil fines shall apply in the event of a determination of responsibility for a municipal civil infraction, unless a different fine is specified in connection with a particular Code provision. Any fees listed in the fee schedule adopted by the City of Oak Park and posted at the 45th District Court shall be added to civil infraction fines set forth herein:

- (1) The first offense, \$150.00, plus any cost to abate.
- (2) The second offense, \$250.00, plus any cost to abate.
- (3) A person who is determined to be responsible for a third or any subsequent repeat offense, is guilty of a misdemeanor punishable by a fine of not more than \$500.00 and costs of prosecution, plus any cost to abate, if applicable or by imprisonment for not more than 90 days, or by both such fine, costs and imprisonment in the discretion of the court in accordance with Sec. 1-25. - General penalty. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense.

- (b) The following shall be exceptions to the civil fine schedule:

- (1) A violation of any provision of Chapter 71 – Telecommunications Services:
 - i. The first offense, \$500.00.
 - ii. The second offense, \$1,000.00.

iii. A person who is determined to be responsible for a third or any subsequent repeat offense, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$2,000.00, or community service for not more than 200 hours, or any combination of these penalties and the cost of prosecution, plus any cost to abate, if applicable.

- (c) A copy of the civil infraction fine schedule, including any fees, as amended from time to time, shall be posted at the 45th District Court.

Sec. 3-5. - Designation of civil infractions.

A violation of the following chapters, provisions, or sections of this Code or any rule, regulation, or order adopted or issued in pursuance thereof shall be deemed to be a municipal civil infraction which shall subject the violator to the civil fines and penalties as provided in this chapter unless specifically stated otherwise therein:

Chapter 14 - Animals;

Chapter 18 – Buildings and Building Regulations;

Chapter 22 – Businesses;

Chapter 38 – Environment;

Chapter 53 – Parking Lots;

Chapter 62 – Solid Waste;

Chapter 66 – Streets, Sidewalks and Other Public Places;

Chapter 71 – Telecommunications;

Chapter 78 – Trees;

Appendix A - Zoning; and

Any other chapter or section of this Code which specifically provides that a violation thereof is a municipal civil infraction.

SECTION 2. Savings Clause - All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

SECTION 3. Severability - No other portion, paragraph or phrase of the Code of Ordinances of the City of Oak Park shall be affected by this Ordinance, except as to the above sections, and in the event that any portion, section or subsection of this Ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this Ordinance or the Code of Ordinances, City of Oak Park.

SECTION 4. Effective Date – This Ordinance shall become effective ten (10) days from the date of its passage and shall be published as required by the Charter of the City of Oak Park.

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

MOTION DECLARED ADOPTED

CM-03-085-18

**(AGENDA ITEM #13F) FIRST READING OF AN ORDINANCE
TO AMEND SECTION 22-505 OF CHAPTER 22, BUSINESSES, OF
THE CODE OF ORDINANCES, CITY OF OAK PARK
- APPROVED**

Motion by Radner, seconded by Burns, CARRIED UNANIMOUSLY, to approve the first reading of the following ordinance to amend Section 22-505 of Chapter 22, Businesses, of the Code of Ordinances, City of Oak Park:

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

**AN ORDINANCE TO AMEND SECTION 22-505 OF CHAPTER 22, BUSINESSES, OF
THE CODE OF ORDINANCES, CITY OF OAK PARK.**

THE CITY OF OAK PARK ORDAINS:

SECTION 1. Ordinance - Section 22-505, Violations; penalty, of Article XII, Commercial Solicitations, Chapter 22, Businesses, of the Code of Ordinances, City of Oak Park, is hereby amended to read as follows:

Section 22-505. – Violations; penalty.

Any violation of this article shall be punishable as a civil infraction as prescribed in Section 3-4.

SECTION 2. Savings Clause - All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

SECTION 3. Severability - No other portion, paragraph or phrase of the Code of Ordinances of the City of Oak Park shall be affected by this Ordinance, except as to the above sections, and in the event that any portion, section or subsection of this Ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this Ordinance or the Code of Ordinances, City of Oak Park.

SECTION 4. Effective Date - This Ordinance shall become effective ten (10) days from the date of its passage and shall be published as required by the Charter of the City of Oak Park.

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

MOTION DECLARED ADOPTED

CM-03-086-18

**(AGENDA ITEM #13G) FIRST READING OF AN ORDINANCE
TO AMEND SECTION 71-22(A) OF CHAPTER 71,
TELECOMMUNICATION SERVICES, OF THE CODE OF
ORDINANCES, CITY OF OAK PARK - APPROVED**

Motion by Radner, seconded by Burns, CARRIED UNANIMOUSLY, to approve the first reading of the following ordinance to amend Section 71-22(a) of Chapter 71, Telecommunication Services, of the Code of Ordinances, City of Oak Park:

CITY OF OAK PARK
OAKLAND COUNTY, MICHIGAN

AN ORDINANCE TO AMEND SECTION 71-22(a) OF CHAPTER 71, TELECOMMUNICATION SERVICES, OF THE CODE OF ORDINANCES, CITY OF OAK PARK.

THE CITY OF OAK PARK ORDAINS:

SECTION 1. Ordinance - Section 71-22(a), Enforcement, of Article I, General Provisions, Chapter 71, Telecommunication Services, of the Code of Ordinances, City of Oak Park, is hereby amended to read as follows:

Section 71-22. – Enforcement.

(a) Any person who knowingly violates any prohibition in section 71-6 shall be guilty of a civil infraction as prescribed in section 3-4.

SECTION 2. Savings Clause - All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

SECTION 3. Severability - No other portion, paragraph or phrase of the Code of Ordinances of the City of Oak Park shall be affected by this Ordinance, except as to the above sections, and in the event that any portion, section or subsection of this Ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this Ordinance or the Code of Ordinances, City of Oak Park.

SECTION 4. Effective Date - This Ordinance shall become effective ten (10) days from the date of its passage and shall be published as required by the Charter of the City of Oak Park.

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

MOTION DECLARED ADOPTED

CM-03-087-18 (AGENDA ITEM #13H) FIRST READING OF AN ORDINANCE TO AMEND SECTIONS 14-1, 14-4, AND 14-29, OF CHAPTER 14, ANIMALS, OF THE CODE OF ORDINANCES, CITY OF OAK PARK - APPROVED

Motion by Weiss, seconded by Burns, CARRIED UNANIMOUSLY, to approve the first reading of the following ordinance to amend Sections 14-1, 14-4, and 14-29, of Chapter 14, Animals, of the Code of Ordinances, City of Oak Park:

CITY OF OAK PARK
OAKLAND COUNTY MICHIGAN

AN ORDINANCE TO AMEND SECTIONS 14-1, 14-4, and 14-29, of CHAPTER 14, ANIMALS, OF THE CODE OF ORDINANCES, CITY OF OAK PARK.

THE CITY OF OAK PARK ORDAINS:

SECTION 1. Ordinance – Sections 14-1 – Cruelty to Animals, 14-4 – Hunting and trapping, and 14-29 – Dangerous and rabid dogs and cats; confinement for observation; report of biting; destruction, of Chapter 14 – Animals, of the Code of Ordinances, City of Oak Park, are hereby amended to read as follows:

Sec. 14-1. – Cruelty to Animals.

(c) A person who violates section 14-1 is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or community service for not more than 200 hours, or any combination of these penalties and the cost of prosecution.

Sec. 14-4. - Hunting and trapping.

A person who violates section 14-4 is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or community service for not more than 200 hours, or any combination of these penalties and the cost of prosecution.

Sec. 14-29. - Dangerous and rabid dogs and cats; confinement for observation; report of biting; destruction.

A person who violates section 14-29 is guilty of a misdemeanor punishable by a fine of not more than \$500.00 and costs of prosecution, plus any cost to abate, if applicable or by imprisonment for not more than 90 days, or by both such fine, costs and imprisonment in the discretion of the court in accordance of Section 1-25.

SECTION 2. Savings Clause - All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

SECTION 3. Severability - No other portion, paragraph or phrase of the Code of Ordinances of the City of Oak Park shall be affected by this Ordinance, except as to the above sections, and in the event that any portion, section or subsection of this Ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this Ordinance or the Code of Ordinances, City of Oak Park.

SECTION 4. Effective Date – This Ordinance shall become effective ten (10) days from the date of its passage and shall be published as required by the Charter of the City of Oak Park.

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

MOTION DECLARED ADOPTED

CM-03-088-18 (AGENDA ITEM #13I) FIRST READING OF AN ORDINANCE TO AMEND SECTION 78-82 OF CHAPTER 78, TREES, OF THE CODE OF ORDINANCES, CITY OF OAK PARK - APPROVED

Motion by Burns, seconded by Radner, CARRIED UNANIMOUSLY, to approve the first reading of the following ordinance to amend Section 78-82 of Chapter 78, Trees, of the Code of Ordinances, City of Oak Park:

CITY OF OAK PARK
OAKLAND COUNTY, MICHIGAN

AN ORDINANCE TO AMEND SECTION 78-82 OF CHAPTER 78, TREES, OF THE
CODE OF ORDINANCES, CITY OF OAK PARK.

THE CITY OF OAK PARK ORDAINS:

SECTION 1. Ordinance - Section 78-82, Penalty for violation, of Article III, Dead, Dying, Damaged or Diseased Trees, Chapter 78, Trees, of the Code of Ordinances, City of Oak Park, is hereby amended to read as follows:

Section 78-82. – Penalty for violation.

Any person who shall violate any provisions of this article, or any lawful order issued in pursuance of the provisions hereof, shall be guilty of a civil infraction as prescribed in section 3-4.

SECTION 2. Savings Clause - All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

SECTION 3. Severability - No other portion, paragraph or phrase of the Code of Ordinances of the City of Oak Park shall be affected by this Ordinance, except as to the above sections, and in the event that any portion, section or subsection of this Ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this Ordinance or the Code of Ordinances, City of Oak Park.

SECTION 4. Effective Date - This Ordinance shall become effective ten (10) days from the date of its passage and shall be published as required by the Charter of the City of Oak Park.

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

MOTION DECLARED ADOPTED

CITY ATTORNEY: None

CITY MANAGER:

Administration

(AGENDA ITEM #15A) State of the City Address – March 14, 2018

City Manager Tungate announced that the State of the City address will take place on March 14, 2018. A reception will be held at 6:00 PM in the lobby of City Hall and the address will begin at 7:00 PM in the Council Chambers.

Finance

(AGENDA ITEM #15B) 2018-19 Three Year Budget Schedule

Mr. Tungate reviewed the following Budget Schedule:

City of Oak Park
Budget Calendar
Fiscal Year 2018-19

<u>Internal</u>	<u>Date</u>
Finance compiles departmental salary and fringe benefits summaries	2/15-3/15/18
Finance enters initial three year budget estimates in BSA	2/15-3/15/18
Department summary capital needs due to finance	3/15/2018
Departmental three year budget projects available in BSA for review	3/21/2018
Department meetings with finance and City Manager	3/23-4/3/18
Draft City Manager budget complete	4/9/2018

<u>Public</u>	
City Manager gives Council budget update	4/16/2018
City Council budget review session	4/16/2018
City Council budget review session	4/25/2018
City Council budget review session	4/30/2018
City Council budget review session (if needed) / public hearing request	5/7/2018
Budget public hearing noticed published	5/9/2018
Presentation of capital plan to planning commission	5/14/2018
Budget public hearing	5/16/2018
Final budget, fee schedule and millage rate adoption	5/16/2018
First reading of Utilities and Solid Waste ordinance amendments	6/4/2018
Second reading and adoption of Utilities and Solid Waste ord. amendments	6/18/2018

**CM-03-089-18 (AGENDA ITEM #15C) REQUEST TO RESCHEDULE THE
WEDNESDAY, MAY 23, 2018 COUNCIL MEETING TO
WEDNESDAY, MAY 16, 2018 - APPROVED**

Motion by Weiss, seconded by Burns, CARRIED UNANIMOUSLY, to reschedule the Wednesday, May 23, 2018 Council Meeting to Wednesday, May 16, 2018.

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

MOTION DECLARED ADOPTED

Mr. Tungate explained that the City Charter requires the budget to be approved by the 3rd Monday in May, therefore it is requested that the City Council meeting of May 23, 2018 be moved to May 16, 2018 to meet this requirement.

CALL TO THE AUDIENCE:

Joyce Bannon, 10611 Troy, commended the City for cracking down on homeowners who do not clear snow on their property.

CALL TO THE COUNCIL:

Mayor McClellan read a letter from a resident who thanked the city for the many positive changes that are taking place.

Mayor Pro Tem Radner wished everyone a good night.

Council Member Burns thanked everyone for coming out and asked everyone to be mindful of the weather. Spring is not yet here. She also reminded everyone about the time change coming up on the weekend.

Council Member Weiss announced that the Library will be hosting a "Rosie the Riveter" event on Thursday, March 8, 2018.

Council Member Rich wished everyone a good night.

ADJOURNMENT:

There being no further business to come before the City Council, Mayor McClellan adjourned the meeting at 7:56 P.M.

T. Edwin Norris, City Clerk

Marian McClellan, Mayor



**CITY OF OAK PARK, MICHIGAN
SPECIAL COUNCIL MEETING OF THE
37th OAK PARK CITY COUNCIL
March 5, 2018
5:30 PM**

MINUTES

The meeting was called to order at 5:35 PM by Mayor McClellan in the Executive Conference Room 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 and Council Member Weiss

ABSENT: None

OTHERS

PRESENT: City Manager Tungate, City Clerk Norris, Assistant City Manager Yee, City Attorney Duff, Director of Strategic Planning McLain, Finance Director Crawford, Deputy Finance Director Winters

SPECIAL BUSINESS:

(AGENDA ITEM #3A) Discuss the requirements of Public Act 202 of 2017 and consider strategies to improve the funding of the Oak Park Retirement Systems.

City Manager indicated the discussion would focus on collective bargaining negotiations and require a closed session of Council.

SCM-03-090-18 (AGENDA ITEM #18B) MOTION TO CONVENE INTO A CLOSED SESSION TO DISCUSS COLLECTIVE BARGAINING AGREEMENT NEGOTIATIONS - APPROVED

Motion by Rich, Seconded by Burns, CARRIED UNANIMOUSLY, to convene into a Closed Session to discuss collective bargaining agreement negotiations.

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

MOTION DECLARED ADOPTED

The Closed Session began at 5:36 PM. The Special Meeting reconvened at 6:40 PM.

SCM-03-091-18 CLOSED SESSION MINUTES - APPROVED

Motion by Burns, seconded by Radner, CARRIED UNANIMOUSLY, to approve the minutes of the 3-5-18 Closed Session.

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

MOTION DECLARED ADOPTED

CALL TO THE AUDIENCE: There were no members of the public wishing to speak.

ADJOURNMENT:

There being no further business to come before the City Council, Mayor McClellan adjourned the special meeting at 6:45 P.M.

T. Edwin Norris, City Clerk

Marian McClellan, Mayor

**CITY OF OAK PARK PLANNING COMMISSION
MONDAY, DECEMBER 11, 2017
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 Walters-Gill

ABSENT: Chairperson Torgow
Commissioner Seligson
Commissioner Tkatch
Commissioner Tungate

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

3. APPROVAL OF AGENDA OF DECEMBER 11, 2017 - APPROVED

4. APPROVAL OF MINUTES OF NOVEMBER 13, 2017 - APPROVED

MOTION by McClellan, SECONDED by Walters-Gill, to approve the minutes of November 13, 2017 with one correction.

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 IX, Light Industrial Districts. The proposed text amendments would allow for some indoor recreation uses to be permitted in the Light Industrial District.**

Vice Chairperson Brown referenced City Planner Rulkowski's report, dated November 29, 2017:

As was discussed at the November meeting, as a follow-up to amendments the Planning Commission made in 2014 to the L1, Light Industrial District and following recent trends in industrial districts, the staff is recommending consideration of some indoor recreation uses for this district. Indoor recreation uses generally require larger building spaces with higher ceilings that would typically be found in industrial districts. After additional review and discussion, the staff is suggesting a slightly different provision from that initially proposed to you in November. The revised provision to be included in the permitted uses section of Article IX – Light Industrial Districts, would read:

19. Art facilities (art gallery and/or studios, music recording and/or dance studios) and indoor recreation uses (gymnastic centers, rock climbing gyms, exercise and fitness centers) of 4,000 square feet or more.

Vice Chairperson Brown opened the Public Hearing at 7:04 p.m.

There was no comment from the public.

Vice Chairperson Brown close the Public Hearing at 7:04 p.m.

B. Planning Commission action on proposed text amendments to Article IX – Light Industrial Districts.

MOTION by Eizelman, SECONDED by McClellan, to approve the proposed text amendments to Article IX – Light Industrial Districts

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

MOTION CARRIED

7. CONSENT AGENDA: No Items Eligible This Month

8. MATTERS FOR CONSIDERATION

A. OLD BUSINESS – None

B. NEW BUSINESS

- 1) **Northland Plaza, 21260-21280 Greenfield (proposed), property ID 52-25-31-351-039, Final Site Plan Review**

Vice Chairperson Brown referenced City Planner Rulkowski's report, dated December 5, 2017:

Schostak Brothers, Northland Plaza, 21260-21280 Greenfield (proposed), has submitted a Final Site Plan to construct an 11,701 square foot shopping center. As noted in the application the first phase of development will utilize 1.22 acres of the 5.60 acre property, while storm water detention will be constructed for the entire site. The existing asphalt, light poles, islands and underground utilities for most of the remaining 4.38 acres will be cleared.

The property is zoned B-2, General Business District and the proposed use as a retail shopping center is permitted by right. The proposed building meets all the setback and height requirements.

Based on the square footage of the proposed shopping center (11,701 square feet), the use is required to provide 59 parking spaces. The Site Plan indicates 62 parking spaces will be provided. The proposed shopping center utilizes the existing main driveway off of Greenfield Road which leads to the Fed-Ex facility to the east. The shopping center will be accessed by two entryways off of the existing Greenfield driveway as well as a new third entryway directly off of Greenfield Road at the northern end of the shopping center. This new Greenfield Road drive approach will serve the proposed shopping center as well as any future development on the remainder of the property to the north. The Site Plan shows a continuous loading area along the rear of the building.

A storm water management plan is included with the Site Plan information. A storm water detention basin is indicated in the northeast corner of the property and will be designed to accommodate future development on the currently vacant areas of the property. 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.

A landscaping plan is included with the Site Plan information. The Site Plan indicates new landscaping around the perimeter of the shopping center site. The landscaping plans notes interior landscaping of 6,540 square feet (5,311 is required) and parking lot landscaping of 930 square feet. 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 a new dumpster enclosure in the southeast corner of the site. The Site Plan includes a construction detail for the dumpster enclosure.

A lighting plan is included with the Site Plan information. Parking lot lighting is provided by downward casting pole light fixtures along the Greenfield Road frontage. Wall luminaires and sconces are attached around the perimeter of the building to provide pedestrian lighting near the building. The photometric plan shows acceptable levels of light at property lines.

The building elevations do not specifically indicate whether there will be any new mechanical equipment on the roof or ground however there is a parapet wall which should properly screen any roof top equipment. The Zoning Ordinance requires all rooftop and ground level equipment to be screened.

The Site Plan shows a freestanding sign in the southwest corner of the site near Greenfield Road. A separate sign application will have to be submitted and therefore no signage is approved as part of the site plan review.

It was made known that the future tenants for this new building would be Foot Locker, Foot Locker Kids, and Foot Action.

There was discussion among the Commission regarding the types of building materials to be used on the face of the building, and the overall colors and aesthetic appearance of the building upon completion. This included using a cultured stone instead of EIFS, with a light toned color scheme instead of the described "chocolate brown" scheme. The applicant had no issue adjusting their plans to allow for different material and color scheme that the Planning Commission finds more visually appealing.

MOTION by Eizelman, SECONDED by McClellan, to approve the Final Site Plan for Northland Plaza, 21260-21280 Greenfield, with the following conditions:

- 1) An application for a Land Development Permit will need to be submitted to the Engineering Department for review and approval of the on-site storm water management system.
- 2) All proposed roof top or ground level equipment must be screened as required by the Zoning Ordinance.
- 3) 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, Walters-Gill
No: None

MOTION CARRIED

9. PLANNING COMMISSION MATTERS FOR DISCUSSION – from members only:

Commissioners Burns and Walters-Gill questioned the status of the openings of Sweet Soul Bistro and the 8MK Restaurant. Community and Economic Development Director Marrone explained that Sweet Soul Bistro had some unexpected hurdles, but that their liquor license is set for approval by City Council in January. 8MK Restaurant had some issues with leeching on site, but they are still in progress.

Director Marrone let everyone know that there is nothing on the January 8, 2018 meeting agenda at this time, aside from setting dates for public hearings.

MOTION by Burns, SECONDED by Eizelman, to allow the Planning Department to set public hearings in lieu of holding a meeting in January to do so.

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

MOTION CARRIED

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 7:33 p.m.

Lisa Vecchio, Deputy City Clerk

**CITY OF OAK PARK PLANNING COMMISSION
MONDAY, FEBRUARY 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 Walters-Gill

ABSENT: Chairperson Torgow
Commissioner Tkatch
Commissioner Tungate

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

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

4. APPROVAL OF MINUTES OF DECEMBER 11, 2017 - APPROVED

MOTION by McClellan, SECONDED by Walters-Gill, to approve the minutes of December 11, 2017 with one correction.

VOTE: Yes: All
No: None

MOTION CARRIED

5. COMMUNICATIONS/CORRESPONDENCE:

6. PUBLIC HEARING:

- A. Public Hearing to receive comments on proposed text amendments to consider text amendments to Article III, Zoning Districts & Map, Article XV Reserved (proposed MX-1 Mixed Use District), Article XVI, Schedule of Regulations, Article XVIII, Signs, Sections 1803 & 1805, Article XIX Special Land Uses, new Section 1931, Residential Dwelling Units in Mixed Use Districts. The proposed text amendments would create the MX-1 mixed use district, which would allow for two or more residential, commercial, or industrial uses in a compact area.**

AND

- C. Public Hearing to consider the proposed rezoning of properties of properties on Eleven Mile Road from Gardens Avenue west to Tulare Avenue, from LI, Light Industrial District to MX-1, Mixed Use District.**

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

As was discussed at the December meeting, a new mixed use zoning district is proposed on Eleven Mile Road from Gardens Avenue west to Tulare Avenue. This area on Eleven Mile was highlighted in the recently adopted Master Plan as a Priority Development Site.

As described in the intent section of the proposed district:

The MX-1 mixed use district is intended to blend two or more residential, commercial, or industrial uses in a compact area. This type of zoning is designed to accommodate mixed-use buildings that have business uses on the first floor and residential uses on the above floor(s). This arrangement will encourage pedestrian-friendly developments and specialty food and retail shops, which will in turn promote the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction.

In January, materials were mailed to all properties within 300 feet of the proposed rezoning. The materials included the official public hearing notices, a map of the area proposed for rezoning and a letter describing the proposal and inviting the residents and property owners to an Open House regarding the proposed changes.

The Open House was held on Monday February 5th with about a half dozen property and business owners in attendance, including Planning Commissioner Joe Brown. A few attendees expressed their concern regarding adequate parking should a use such as a restaurant locate in the district. At Commissioner Brown's request we have reviewed the number of parking spaces in this area and find there are 304 regular parking spaces and another 16 handicap parking spaces in the three block area proposed to be rezoned. The planning staff believes there is adequate parking provided for a mixture of uses in the three block area.

If the proposed Zoning Ordinance text amendments for an MX-1 mixed use zoning district are acceptable to the Planning Commission the Department of Community & Economic Development recommends approving the attached proposed ordinances.

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

As part of the discussion at the December meeting regarding the creation of a new mixed-use zoning district was the identification of an area to possibly be rezoned to the new zoning district. In keeping with the recently adopted Master Plan, areas on Eleven Mile Road were highlighted as Priority Development Sites.

A Public Hearing was scheduled for the February meeting to hear public comments on the proposed rezoning from LI, Light Industrial District to MX-1, Mixed-Use District for the properties fronting on Eleven Mile Road from Gardens Avenue west to Tulare Avenue.

The following considerations were noted during the review of this rezoning request:

- 1. The proposed rezoning is for the properties fronting on Eleven Mile Road from Gardens Avenue west to Tulare Avenue.*
- 2. The area proposed for rezoning currently has a mixture of warehouse, auto related and light intensity contractor uses.*

3. *The Zoning Ordinance, Section 900, states the intent of the LI, Light Industrial District is to "provide sites for manufacturing plants, warehousing, research laboratories and similar uses. Development is limited to uses that can be carried out in an unobtrusive manner, and maintain a compatibility with surrounding residential or commercial areas."*
4. *Given the very close proximity of the surrounding residential areas, the broad spectrum of permitted light industrial uses in the LI, Light Industrial District may no longer be compatible in this area.*
5. *The newly proposed MX-1, Mixed-Use District is intended to blend two or more residential, commercial, or industrial uses in a compact area. This type of zoning is designed to accommodate mixed-use buildings that have business uses on the first floor and residential uses on the above floor(s). This arrangement will encourage pedestrian-friendly developments and specialty food and retail shops, which will in turn promote the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction.*
6. *Given the very close proximity of the surrounding residential areas the newly proposed MX-1, Mixed-Use District would be a more compatible zoning district for this area.*
7. *The Future Land Use Plan of the City's recently adopted Master Plan identifies this area as a Priority Redevelopment Area.*
8. *The Priority Development Sites section of the City's recently adopted Master Plan states that to optimize redevelopment potential it should be rezoned to allow a mix of uses.*
9. *The newly proposed MX-1, Mixed-Use District is intended to allow for just such a mix of uses that are described in the Priority Development Sites section of the City's recently adopted Master Plan.*
10. *The adjacent parcels to the south of the subject property are zoned R-1, One Family Dwelling District. The adjacent parcels to the east and west of the subject property are zoned LI, Light Industrial District. The properties along Eleven Mile Road in Berkley appear to be zoned commercial and light industrial.*
11. *The proposed zoning change should have no significant impact on the availability public parking in the area.*
12. *The proposed zoning change should have no significant impact to the traffic conditions in the area.*
13. *The proposed zoning change will be consistent and compatible with existing land uses in the area.*

The proposed zoning district change is appropriate for this location and is consistent and compatible with existing land uses in the area. The Future Land Use Plan of the City's recently adopted Master Plan identifies this area as a Priority Redevelopment Area and states that to optimize redevelopment potential it should be rezoned to allow a mix of uses.

Based on the above considerations, the Planning Division recommends rezoning the properties fronting on Eleven Mile Road from Gardens Avenue west to Tulare Avenue from LI, Light Industrial District to MX-1, Mixed-Use District. The proposed property to be rezoned described as:

Address / Property Identification #

Vacant #52-25-19-128-001

14721 W Eleven Mile Rd #52-25-19-128-002

14701 W Eleven Mile Rd #52-25-19-128-003

14691 W Eleven Mile Rd #52-25-19-128-004

14669 W Eleven Mile Rd #52-25-19-128-005

14661 W Eleven Mile Rd #52-25-19-128-006

14611 W Eleven Mile Rd #52-25-19-128-007

14611 W Eleven Mile Rd #52-25-19-128-008

14511 W Eleven Mile Rd #52-25-19-201-022

14471 W Eleven Mile Rd #52-25-19-201-025

14441 W Eleven Mile Rd #52-25-19-201-026

14421 W Eleven Mile Rd #52-25-19-201-027

14401 W Eleven Mile Rd #52-25-19-201-014

Vacant #52-25-19-201-024

14283 W Eleven Mile Rd #52-25-19-202-001

Vacant #52-25-19-202-002

14251-14253 W Eleven Mile Rd #52-25-19-202-003

14241 W Eleven Mile Rd #52-25-19-202-010

14233 W Eleven Mile Rd #52-25-19-202-011

14231 W Eleven Mile Rd #52-25-19-202-006

14211 W Eleven Mile Rd #52-25-19-202-007

Vice Chairperson Brown opened the Public Hearings at 7:04 p.m.

Tatiana Plahin, 1441 Kingston expressed concerns that if there was this type of use it would bring more traffic, noise, and make the area too urban. They see no benefit and believe it will raise their taxes.

Curt Pascal, owner of Curt's Service, 14611 W. 11 Mile, expressed concerns regarding a lack of parking that already exists, and that will worsen with more business with evening hours. He explained that his customers often drop off vehicles for repair after his business hours, which are being ticketed for overnight parking. He wishes to see a resolution regarding parking issues in the present, and future if this zoning is to be accepted.

David Nerenberg, 14601 Kingston, would like the neighborhood to be kept quiet, has concerns about parking if there was to be a busy restaurant, it could lead to parking on the residential streets.

Mr. and Mrs. Farquharson, 14641 Kingston, expressed concerns regarding noise, lack of parking behind businesses that can lead to parking down their streets. Their children often play outside and they worry for their safety if traffic down the street increases.

Ronald Growe, 14651 Kingston, believes this would not add a good element to the neighborhood, and worries about safety if there were to be restaurants serving alcohol, he would like to see business hours limited in the district.

Martin Weinberg, owner of Quality Car Wash, 14421 11 Mile, expressed concerns regarding the parking overflow if restaurants and bars come in, and people lingering and becoming intoxicated where alcohol is served. Would love to see retail, cafes, diners, bakeries, but not establishments serving alcohol. Also concerned whether taxes will increase.

Vice Chairperson Brown closed the Public Hearings at 7:26 p.m.

City Planner Rulkowski and Community & Economic Development Director Marrone explained that they held an open house to be available to answer questions and address residents' concerns. They discussed allowing Curt's Service parking passes for customers' vehicles, and/or addressing some ordinance changes with City Council. Concerns such as noise, tax increase were addressed.

Vice Chairperson Brown stated that he was at the open house and they counted out the parking spaces – there are currently 304 spaces, and 16 handicap spaces. Staff explained that an analysis of parking is done before any business is permitted to set up, with different businesses requiring specific amounts of parking spaces. If there is physically no parking space for the business, it will not be approved.

Commissioner Eizelman explained how there was also concern about Sahara serving alcohol adjacent to a residential area but there have been no issues reported since their opening, the area has actually been visually improved and cleaned up. The Planning Commission must also approve anything that will go into the space. He stated that the arguments presented against this have no rational basis.

Commissioner McClellan stated that development of the sort will make their area safer and drive criminals out if there is business going on in the evening. She offered her contact information to the residents to report any other concerns that may come up.

Commissioner Burns thanked everyone for coming to voice their opinions. She asked that they keep in mind that no particular business has been contracted yet and that there is zoning and ordinances to govern businesses in the City.

B. Planning Commission action on proposed text amendments to consider text amendments to Article III, Zoning Districts & Map, Article XV Reserved (proposed MX-1 Mixed Use District), Article XVI, Schedule of Regulations, Article XVIII, Signs, Sections 1803 & 1805, Article XIX Special Land Uses, new Section 1931, Residential Dwelling Units in Mixed Use Districts.

MOTION by Walters-Gill, SECONDED by Burns, to approve the proposed text amendments to Article III, Zoning Districts & Map, Article XV Reserved (proposed MX-1 Mixed Use District), Article XVI, Schedule of Regulations, Article XVIII, Signs, Sections 1803 & 1805, Article XIX Special Land Uses, new Section 1931, Residential Dwelling Units in Mixed Use Districts.

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

MOTION CARRIED

- D. Planning Commission action regarding the proposed rezoning of properties on Eleven Mile Road from Gardens Avenue west to Tulare Avenue, from LI, Light Industrial District to MX-1, Mixed Use District.**

MOTION by Burns, SECONDED by Seligson, to approve the proposed rezoning of properties on Eleven Mile Road from Gardens Avenue west to Tulare Avenue, from LI, Light Industrial District to MX-1, Mixed Use District.

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

MOTION CARRIED

7. CONSENT AGENDA: No Items Eligible This Month

8. MATTERS FOR CONSIDERATION

A. OLD BUSINESS – None

B. NEW BUSINESS

- 1) **Proposed Zoning Ordinance text amendments regarding Green Infrastructure, Non-traditional Housing and Building Design Guidelines.**

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

The Department of Community and Economic Development is currently working on 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 plans for green infrastructure and non-traditional housing, and put in place building design guidelines. The following is an outline of the areas that may be addressed:

1. *Green Infrastructure*

A. *Green infrastructure facilities are those that help manage weather events and storm water in a cost-effective and environmentally-conscious manner. It is required that the zoning ordinance includes regulations for green infrastructure standards.*

B. *Examples of green infrastructure include:*

- I. *Rain gardens and bioswales*
- II. *Green roofs*
- III. *Pervious pavement*

2. *Non-Traditional Housing*

A. *Non-traditional housing types are those that don't fit into the standard types of housing like single family homes and multi-family apartments complexes, and whose building techniques typically focus on minimizing time and cost. It is required that the zoning ordinance allows for two or more types of housing that are considered non-traditional.*

B. *Examples of non-traditional housing include:*

- I. *Live-work situations*

- II. Accessory dwelling units
- III. Residential units above non-residential units
- IV. Stacked flats

3. *Building Design Guidelines*

- A. *Building design guidelines are for the purpose of setting visual standards for future developments, as to help the City create a more modern and cohesive aesthetic. It is required that the City implement some degree of building design guidelines for future developments.*
- B. *Examples of building design guidelines include:*
 - I. *Building entrance requirements*
 - II. *Front façade requirements*
 - III. *Allowing for outdoor dining, with accompanying design standards*
 - IV. *Building material requirements*

Before the next meeting in March, the Department of Community and Economic Development will be developing and distributing information regarding possible Zoning Ordinance text amendments that address these areas. The process for approval of text changes to the Zoning Ordinance requires a Public Hearing to be scheduled. It is the recommendation of the Department of Community and Economic Development that the Planning Commission schedule a Public Hearing for the March 12, 2018, regular meeting.

MOTION by Walters-Gill, SECONDED by Burns, to set a Public Hearing to receive comments on proposed Zoning Ordinance text amendments regarding Green Infrastructure, Non-traditional Housing and Building Design Guidelines for Monday, March 12, 2018.

VOTE: Yes: Brown, Burns, Eizelman, McClellan, Seligson, 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 8:14 p.m.

Lisa Vecchio, Deputy City Clerk



5D

BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN

AGENDA OF: March 19, 2018

AGENDA #

SUBJECT: Request authorization to bid the 2018 Mechanics Inground Truck Lift Rebuild Project, M-685.

DEPARTMENT: DPW – KJY

SUMMARY: Bid documents are nearly complete for the 2018 Mechanics Inground Truck Lift Rebuild Project, M-685. This project will rebuild the mechanics bay lift to service our large vehicles.

FINANCIAL STATEMENT: There is \$90,000 budgeted in the Motor Pool for this expenditure.

RECOMMENDED ACTION: It is recommended that the request to advertise for bids for 2018 Mechanics Inground Truck Lift Rebuild Project, M-685 be approved. Funding is available in the Motor Pool budget fund 654-18-875-801 for this expenditure.

APPROVALS:

City Manager: _____

Department Director: _____

Finance Director: _____

Budgeted: ☒

EXHIBITS: none

MERCHANT'S LICENSES – MARCH 19, 2018

(Subject to All Departmental Approvals)

<u>NEW MERCHANT</u>	<u>ADDRESS</u>	<u>FEE</u>	<u>BUSINESS TYPE</u>
Oak Park Pharmacy	21675 Coolidge	\$825	Retail
Elegant Locs	21700 Greenfield #216	\$150	Salon
Zamler, Mellen & Shiffman	25900 Greenfield #109	\$825	Law Office
Davison Coney Island Inc	13631 Nine Mile	\$375	Restaurant
Oak Park Medical	15300 Nine Mile	\$187.50	Medical Office
Diversified Spec Sales	13261 Northend	\$825	Office/Warehouse

<u>RENEWALS</u>	<u>ADDRESS</u>	<u>FEE</u>	<u>BUSINESS TYPE</u>
Apollo Heat Treating	10400 Capital	\$150	Metal Heat Treating
SR Audio Inc	21070 Coolidge	\$225	Sound & Lighting
Party Poopers	21641 Coolidge	\$225	Party Rentals
Chiropractic Works PC	21790 Coolidge	\$150	Medical
Anniwrap & Flowers	22171 Coolidge	\$225	Floral
Tim Hortons	22211 Coolidge	\$375	Restaurant
Designer Suite	23130 Coolidge	\$150	Retail
Cash Giant of Oak Park	23160 Coolidge	\$225	Financial
Ramsay Dass MD	24601 Coolidge	\$225	Medical
H2O Life	24705 Coolidge	\$225	
Major Deals	24721 Coolidge	\$225	Pawn Shop
Sahara Restaurant & Grill	24770 Coolidge	\$150	Restaurant
A Head of Exsalonce	25201 Coolidge	\$225	Salon
Aquatic Solutions Physical Therapy	25591 Coolidge	\$225	Physical Therapy
Learning Disabilities Clinic	25611 Coolidge	\$225	Educational
Caring Dentistry	26021 Coolidge	\$225	Dentist
Hagopian Cleaning Services	14000 Eight Mile	\$150	Cleaning Service
Michigan Const Protection	14211 Eleven Mile	\$225	Consulting
Family Foot & Ankle	20770 Greenfield 100A	\$150	Medical
Taco Bell	21350 Greenfield	\$150	Restaurant
Forgotten Harvest Inc	21800 Greenfield	\$150	Non-Profit Food Rescue
Metro PCS	21830 Greenfield 101	\$150	Cellular
Michigan Ambulatory Surgical Center	22000 Greenfield	\$150	Medical
Rite Aid Discount	24850 Greenfield	\$150	Retail
Oxford Hill Partners LLC	25900 Greenfield 232	\$150	Marketing
Hewson Van Hellemont PC	25900 Greenfield 650	\$150	Law Offices
Bling Bling GG Inc	26122 Greenfield	\$187.50	Retail
Payless Shoesource	26142 Greenfield	\$150	Retail
Paper Goods Plus	15310 Lincoln	\$150	Retail
Touch of Class Catering	10612 Nine Mile	\$225	Catering

<u>RENEWALS</u>	<u>ADDRESS</u>	<u>FEE</u>	<u>BUSINESS TYPE</u>
LNS Tobacco	10700 Nine Mile	\$150	Smoke Shop
Evolve Salon	12712 Nine Mile	\$150	Salon
Dollar General	12720 Nine Mile	\$150	Retail
Captain Jay's	13500 Nine Mile	\$150	Restaurant
Wireless Superstore of Grand Rapids LLC	13645 Nine Mile	\$225	Cellular
Modern Nails	13720 Nine Mile	\$150	Salon
Fresh Baked Prints	8670 Nine Mile	\$225	Printer
Positive Home Doctors	12800 Northend	\$150	Medical
Samaritan Homes Inc	22610 Rosewood	\$150	Personal Care
C & J General Contractors Inc	22610 Rosewood	\$150	Contractor

**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 491355**March 12, 2018**

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

*Re: Judy Kish and Joyce Bannon, et al v City of
Oak Park*

*Client 7406
Matter 31*

Statement for City Attorney Legal Services

For Legal Services Rendered Through Wednesday, February 28, 2018

\$62.00**Fee Total****Total Costs Advanced****\$0.00****Total Fees and Disbursements: \$62.00**

*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 491354

March 12, 2018

Erik Turgate
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 Wednesday, February 28, 2018

\$714.00

Fee Total

Total Costs Advanced

\$0.00

Total Fees and Disbursements: \$714.00

*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 491353

March 12, 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 Wednesday, February 28, 2018

\$12,083.34

Fee Total

Costs Advanced:

Date	Description	Amount
02/21/18	Fee to Oakland County Register of Deeds for certified recording fee for final judgment quieting title	35.00
02/21/18	Fee to Oakland County Register of Deeds for recording fee regarding permanent sidewalk easement	30.00
02/28/18	Travel to/from Oak Park for attendance at meeting with Mr. Tungate 29 @ 0.54	15.66
	Total Costs Advanced	\$80.66

Total Fees and Disbursements: \$12,164.00

**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 491356

March 12, 2018

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

Re: Hanover Insurance Group v. City Of Oak Park

*Client 7406
Matter 40*

Statement for City Attorney Legal Services

For Legal Services Rendered Through Wednesday, February 28, 2018

\$182.00

Fee Total

Total Costs Advanced

\$0.00

Total Fees and Disbursements: \$182.00

*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.*

Howard L. Shifman, P.C.
370 E. Maple Road, Ste. 200
Birmingham, MI 48009

Invoice Submitted to:

Erik Tungate, City Manager
City of Oak Park
14000 Oak Park Boulevard
Oak Park, MI 48237

In Reference To: City of Oak Park/General Labor

Invoice # 13210

Professional Services

3/1/18	Services per Retainer Agreement for April 1, 2018 thru June 30, 2018	\$ 15,000.00
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TOTAL		\$ 15,000.00
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BALANCE DUE		<u><u>\$ 15,000.00</u></u>
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SECREST, 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

March 6, 2018
Invoice # 1331134
Client No. M1409
Matter No. 100314

RE: Oak Park, City of (Building Fund)

INTERIM

Services Rendered:

CURRENT BILLING SUMMARY THROUGH FEBRUARY 28, 2018

Fees for Professional Services	\$624.00
Expenses Advanced	\$0.00
CURRENT BILL DUE	\$624.00

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

REMITTANCE COPY

PLEASE INCLUDE THIS PAGE WITH YOUR PAYMENT



CITY OF OAK PARK

Robert Barrett, Director
Department of Technical & Planning Services

Council Members
Carolyn Burns
Regina Weiss
Ken Rich
City Manager
Erik Tungate

To: Erik Tungate, City Manager

From: Robert Barrett, Director of Technical and Planning

Date: February 27, 2018

RE: Grass and noxious weeds notice

The Technical & Planning Department has undertaken a review of the city's grass and noxious weeds notice requirements. The current grass and noxious weeds notice ordinance requires that the city advertise for five days during the month of March in a local newspaper. For reference, last year the advertisement costs the city \$971.70.

In my opinion, this notification requirement is expensive and antiquated. To continue to comply with state law MCL 247.64a, I recommend that we change the notification ordinance to advertise for one day in a local newspaper. In addition, I recommend that we voluntarily place the notice on the City's website during the month of March. I believe that this process will more effectively communicate the requirement to our residents and will also save the city valuable general fund dollars.

For your review, below are the recommended changes to the referenced ordinances. The amended language is highlighted or crossed out-red text.

Sec. 1-24. - Notice.

Notice regarding sidewalk repairs, sewer or water connections, dangerous structures, abating nuisances or any other act, the expense of which if performed by the city may be assessed against the premises under the provisions of this Code, shall be served:

- (1) By delivering the notice to the owner personally or by leaving the notice at his residence, office or place of business with some person of suitable age and discretion; or*
- (2) By mailing the notice by certified or registered mail to such owner at his last known address; or*
- (3) If the owner is unknown, by posting the notice in some conspicuous place on the premises at least five days before the act or action concerning which the notice is given is to take place. No person shall interfere with, obstruct, mutilate, conceal or tear down any official notice or placard posted by any city officer, unless permission is given by the officer.*

(4) In the case of grass and noxious weeds, notice shall be given by advertising ~~five days~~ **one day** in a newspaper of general circulation in the county during the month of March that weeds not cut by May 1 of that year may be cut by the city and the owner of the property charged with the costs under the provisions of Section 18-283. ~~in a newspaper with city circulation and designated by the city council as the official, legal advertising media for the city.~~

Sec. 18-282. - Duty of occupant or owner.

It shall be the duty of the occupant or owner of every premises or property within the city, whether improved or unimproved, to cut and remove or destroy by lawful means, all weeds, grass, or rank, poisonous or harmful vegetation as often as may be necessary to comply with the provisions of this article. ~~, and at least once in every three weeks between May 1 and October 15 of each year.~~

(Code 1973, § 29-31; Ord. No. O-95-342, § 1, 7-3-95)

NOXIOUS WEEDS (EXCERPT)

Act 359 of 1941

247.64 Destruction of noxious weeds; duty of owner, commissioner, agent, and department of natural resources and environment; notice; ordinance; resolution; expenses; lien; penalty; exceptions; action in court of claims.

Sec. 4. (1) The owner of land on which noxious weeds are found growing shall destroy the weeds before they reach a seed bearing stage and prevent their regrowth, or shall prevent them from becoming a detriment to public health. The commissioner shall notify by certified mail with return receipt requested the owner, agent, or occupant of land on which noxious weeds are found growing. The notice shall describe methods of treating and eradicating the noxious weeds and a summary of the provisions of this section. Failure of the commissioner to give the notice does not, however, constitute a defense to an action to enforce the payment of a fine provided for or debt created under this act. If the owner, agent, or occupant refuses to destroy the noxious weeds, the commissioner shall enter upon the land and destroy the noxious weeds. Expenses incurred in the destruction shall be paid by the owner of the land, and the township, city, or village of which the commissioner is an officer shall have a lien against the land for the amount of the expense. The lien shall be enforced in the manner provided by law for the enforcement of construction liens.

(2) A village, city, or township may, whether or not provided in its charter, provide by ordinance enacted for the purpose of controlling and eradicating noxious weeds in subdivided land that if the owner, agent, or occupant of subdivided land in a subdivision in which buildings have been erected on 60% of the lots, or the owner, agent, or occupant of a lot along an improved street in common usage, has failed, after 10 days' notice as provided in this section, to destroy the weeds, for a depth of 10 rods or the depth of the lot, whichever is less, then an agent authorized by the governing body of the township, village, or city may enter upon the lot and destroy noxious weeds by cutting. Mechanical equipment that will not damage the property or the adjacent sidewalk, may be used to cut the noxious weeds. Expenses incurred in the destruction shall be paid by the owner of the lot. The township, village, or city shall have a lien upon the lot for the amount of the expense. The lien shall be enforced in the manner prescribed by charter, by the laws of this state providing for the enforcement of tax liens, or by ordinance passed by the governing body of the township, village, or city.

(3) An owner who refuses to destroy noxious weeds as provided in this section is subject to a fine of not more than \$100.00. When collected, the fine shall become a part of the "noxious weed control fund" of the township, village, or city. By ordinance, the township, city, or village may designate the refusal to destroy noxious weeds as provided in this section as a municipal civil infraction, in which case the fine shall be a civil fine. If the city establishes an administrative hearings bureau pursuant to statute to adjudicate and impose sanctions for blight violations, the city by ordinance may designate the refusal to destroy noxious weeds as provided in this section as a blight violation and any fine imposed shall be a civil fine.

(4) This act does not apply to weeds in fields devoted to growing any small grain crop such as wheat, oats, barley, or rye. In the case of an easement, property such as an abandoned subdivision, strip mine, or gravel pit, public property such as a forest preserve, and all other land as to which definite ownership is not known to the commissioner and cannot be established, the county board of commissioners shall cause the destruction of noxious weeds in accordance with this act.

(5) If the county board of commissioners of a county passes a resolution to participate under this act, the commissioner of noxious weeds shall notify the department of natural resources and environment, which shall determine whether there is land in the county belonging to this state under the jurisdiction of the department. The department of natural resources and environment shall cut noxious weeds growing on that land within 10 rods of any privately owned improved property, upon receipt of the notification. If the department of natural resources and environment fails to cut the weeds, the commissioner of noxious weeds shall enter upon the land and destroy the weeds. The expense shall be a charge against the department of natural resources and environment and may be recovered in an action in the court of claims.

History: 1941, Act 359, Eff. Jan. 10, 1942;—Am. 1947, Act 114, Eff. Oct. 11, 1947;—CL 1948, 247.64;—Am. 1956, Act 81, Eff. Aug. 11, 1956;—Am. 1962, Act 29, Eff. Mar. 28, 1963;—Am. 1984, Act 58, Imd. Eff. Apr. 12, 1984;—Am. 1994, Act 26, Eff. May 1, 1994;—Am. 2003, Act 321, Imd. Eff. Jan. 12, 2004;—Am. 2010, Act 118, Imd. Eff. July 13, 2010.

Compiler's note: For transfer of powers and duties of department of natural resources to department of natural resources and environment, and abolishment of department of natural resources, see E.R.O. No. 2009-31, compiled at MCL 324.99919.

For transfer of powers and duties of department of natural resources and environment to department of natural resources, see E.R.O. No. 2011-1, compiled at MCL 324.99921.

Rendered Thursday, February 15, 2018 Page 1 Michigan Compiled Laws Complete Through PA 15 of 2018

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NOXIOUS WEEDS (EXCERPT)

Act 359 of 1941

247.64a Cutting of weeds by township, city, or village; publication of notice; charging cost to owner; provisions inapplicable to railroads.

Sec. 4a. (1) Instead of the notice required by section 4, the township, city, or village may publish a notice in a newspaper of general circulation in the county during the month of March that weeds not cut by May 1 of that year may be cut by the township, village, or city and the owner of the property charged with the cost under the provisions of section 4. The publication shall also contain all other information required of the notice provided for in section 4. The township, city, or village may cut weeds as many times as is necessary and charge the cost to the property owner.

(2) The provisions of this act relative to entering on property for the cutting of weeds shall not apply to railroads which shall continue to be subject to the provisions of section 11.

History: Add. 1969, Act 172, Eff. Mar. 20, 1970;—Am. 1987, Act 210, Imd. Eff. Dec. 22, 1987.

Rendered

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

ORDINANCE NO. O-18-

**AN ORDINANCE TO AMEND SECTION 1-24(4) OF CHAPTER 1,
GENERAL PROVISIONS, OF THE CODE OF ORDINANCES, CITY OF
OAK PARK.**

THE CITY OF OAK PARK ORDAINS:

SECTION 1. Ordinance - Section 1-24(4), Notice, of Chapter 1, General Provisions, of the Code of Ordinances, City of Oak Park, is hereby amended to read as follows:

Section 1-24. - Notice.

(4) In the case of grass and noxious weeds, notice shall be given by advertising one day in a newspaper of general circulation in the county during the month of March that weeds not cut by May 1 of that year may be cut by the city and the owner of the property charged with the cost under the provisions of section 18-283.

SECTION 2. Savings Clause - All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

SECTION 3. Severability - No other portion, paragraph or phrase of the Code of Ordinances of the City of Oak Park shall be affected by this Ordinance, except as to the above sections, and in the event that any portion, section or subsection of this Ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this Ordinance or the Code of Ordinances, City of Oak Park.

SECTION 4. Effective Date - This Ordinance shall become effective ten (10) days from the date of its passage and shall be published as required by the Charter of the City of Oak Park.

MADE, PASSED AND ADOPTED by the Council of the City of Oak Park on this 5th day of March, 2018.

T. EDWIN NORRIS, City Clerk

MARIAN MCCLELLAN, Mayor

I, T.EDWIN NORRIS, 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

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

ORDINANCE NO. O-18-

**AN ORDINANCE TO AMEND SECTION 18-282 OF CHAPTER 18,
BUILDINGS AND BUILDING REGULATIONS, OF THE CODE OF
ORDINANCES, CITY OF OAK PARK.**

THE CITY OF OAK PARK ORDAINS:

SECTION 1. Ordinance - Section 18-282, Duty of Occupant or Owner, of Article VIII, Grass and Noxious Weeds, Chapter 18, Buildings and Building Regulations, of the Code of Ordinances, City of Oak Park, is hereby amended to read as follows:

Section 18-282. – Duty of occupant or owner.

It shall be the duty of the occupant or owner of every premises or property within the city, whether improved or unimproved, to cut and remove or destroy by lawful means, all weeds, grass, or rank, poisonous or harmful vegetation as often as may be necessary to comply with the provisions of this article.

SECTION 2. Savings Clause - All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

SECTION 3. Severability - No other portion, paragraph or phrase of the Code of Ordinances of the City of Oak Park shall be affected by this Ordinance, except as to the above sections, and in the event that any portion, section or subsection of this Ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this Ordinance or the Code of Ordinances, City of Oak Park.

SECTION 4. Effective Date - This Ordinance shall become effective ten (10) days from the date of its passage and shall be published as required by the Charter of the City of Oak Park.

MADE, PASSED AND ADOPTED by the Council of the City of Oak Park on this 5th day of March, 2018.

T. EDWIN NORRIS, City Clerk

MARIAN MCCLELLAN, Mayor

I, T.EDWIN NORRIS, 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

**CITY OF OAK PARK
OAKLAND COUNTY MICHIGAN**

ORDINANCE NO. O-18-

**AN ORDINANCE TO AMEND SECTIONS 3-3(1), 3-4, and 3-5, of
CHAPTER 3, MUNICIPAL CIVIL INFRACTIONS, OF THE CODE OF
ORDINANCES, CITY OF OAK PARK.**

THE CITY OF OAK PARK ORDAINS:

SECTION 1. Ordinance – Sections 3-3(1) – Authorized city official, 3-4 - Penalties for municipal civil infractions, and 3-5 – Designation of civil infractions, of Chapter 3 – Municipal Civil Infractions of the Code of Ordinances, City of Oak Park, are hereby amended to read as follows:

Sec. 3-3. – Authorized city official.

- (1) The building official, electrical inspector, plumbing and mechanical inspectors, code enforcement officer and public safety officers are hereby designated as the authorized city officials to issue municipal civil infraction citations directing alleged violators to appear in court as provided by this Code.

Sec. 3-4. - Penalties for municipal civil infractions.

- (a) The following civil fines shall apply in the event of a determination of responsibility for a municipal civil infraction, unless a different fine is specified in connection with a particular Code provision. Any fees listed in the fee schedule adopted by the City of Oak Park and posted at the 45th District Court shall be added to civil infraction fines set forth herein:
 - (1) The first offense, \$150.00, plus any cost to abate.
 - (2) The second offense, \$250.00, plus any cost to abate.
 - (3) A person who is determined to be responsible for a third or any subsequent repeat offense, is guilty of a misdemeanor punishable by a fine of not more than \$500.00 and costs of prosecution, plus any cost to abate, if applicable or by imprisonment for not more than 90 days, or by both such fine, costs and imprisonment in the discretion of the court in accordance with Sec. 1-25. - General penalty. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense.
- (b) The following shall be exceptions to the civil fine schedule:
 - (1) A violation of any provision of Chapter 71 – Telecommunications Services:
 - i. The first offense, \$500.00.
 - ii. The second offense, \$1,000.00.
 - iii. A person who is determined to be responsible for a third or any subsequent repeat offense, is guilty of a misdemeanor punishable by imprisonment for not more than 93

days or a fine of not more than \$2,000.00, or community service for not more than 200 hours, or any combination of these penalties and the cost of prosecution, plus any cost to abate, if applicable.

- (c) A copy of the civil infraction fine schedule, including any fees, as amended from time to time, shall be posted at the 45th District Court.

Sec. 3-5. - Designation of civil infractions.

A violation of the following chapters, provisions, or sections of this Code or any rule, regulation, or order adopted or issued in pursuance thereof shall be deemed to be a municipal civil infraction which shall subject the violator to the civil fines and penalties as provided in this chapter unless specifically stated otherwise therein:

Chapter 14 - Animals;

Chapter 18 – Buildings and Building Regulations;

Chapter 22 – Businesses;

Chapter 38 – Environment;

Chapter 53 – Parking Lots;

Chapter 62 – Solid Waste;

Chapter 66 – Streets, Sidewalks and Other Public Places;

Chapter 71 – Telecommunications;

Chapter 78 – Trees;

Appendix A - Zoning; and

Any other chapter or section of this Code which specifically provides that a violation thereof is a municipal civil infraction.

SECTION 2. Savings Clause - All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

SECTION 3. Severability - No other portion, paragraph or phrase of the Code of Ordinances of the City of Oak Park shall be affected by this Ordinance, except as to the above sections, and in the event that any portion, section or subsection of this Ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this Ordinance or the Code of Ordinances, City of Oak Park.

SECTION 4. Effective Date – This Ordinance shall become effective ten (10) days from the date of its passage and shall be published as required by the Charter of the City of Oak Park.

MADE, PASSED AND ADOPTED by the Council of the City of Oak Park on this 5th day of March, 2018.

T. Edwin Norris
City Clerk

Marian McClellan
Mayor

I, T. Edwin Norris, 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 _____

T. Edwin Norris, City Clerk

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

ORDINANCE NO. O-18-

**AN ORDINANCE TO AMEND SECTION 22-505 OF CHAPTER 22,
BUSINESSES, OF THE CODE OF ORDINANCES, CITY OF OAK PARK.**

THE CITY OF OAK PARK ORDAINS:

SECTION 1. Ordinance - Section 22-505, Violations; penalty, of Article XII, Commercial Solicitations, Chapter 22, Businesses, of the Code of Ordinances, City of Oak Park, is hereby amended to read as follows:

Section 22-505. – Violations; penalty.

Any violation of this article shall be punishable as a civil infraction as prescribed in Section 3-4.

SECTION 2. Savings Clause - All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

SECTION 3. Severability - No other portion, paragraph or phrase of the Code of Ordinances of the City of Oak Park shall be affected by this Ordinance, except as to the above sections, and in the event that any portion, section or subsection of this Ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this Ordinance or the Code of Ordinances, City of Oak Park.

SECTION 4. Effective Date - This Ordinance shall become effective ten (10) days from the date of its passage and shall be published as required by the Charter of the City of Oak Park.

MADE, PASSED AND ADOPTED by the Council of the City of Oak Park on this 5th day of March, 2018.

T. EDWIN NORRIS, City Clerk

MARIAN MCCLELLAN, Mayor

I, **T.EDWIN NORRIS**, 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

T. EDWIN NORRIS, City Clerk

CITY OF OAK PARK
OAKLAND COUNTY, MICHIGAN

ORDINANCE NO. O-18-

AN ORDINANCE TO AMEND SECTION 71-22(a) OF CHAPTER 71,
TELECOMMUNICATION SERVICES, OF THE CODE OF
ORDINANCES, CITY OF OAK PARK.

THE CITY OF OAK PARK ORDAINS:

SECTION 1. Ordinance - Section 71-22(a), Enforcement, of Article I, General Provisions, Chapter 71, Telecommunication Services, of the Code of Ordinances, City of Oak Park, is hereby amended to read as follows:

Section 71-22. – Enforcement.

(a) Any person who knowingly violates any prohibition in section 71-6 shall be guilty of a civil infraction as prescribed in section 3-4.

SECTION 2. Savings Clause - All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

SECTION 3. Severability - No other portion, paragraph or phrase of the Code of Ordinances of the City of Oak Park shall be affected by this Ordinance, except as to the above sections, and in the event that any portion, section or subsection of this Ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this Ordinance or the Code of Ordinances, City of Oak Park.

SECTION 4. Effective Date - This Ordinance shall become effective ten (10) days from the date of its passage and shall be published as required by the Charter of the City of Oak Park.

MADE, PASSED AND ADOPTED by the Council of the City of Oak Park on this 5th day of March, 2018.

T. EDWIN NORRIS, City Clerk

MARIAN MCCLELLAN, Mayor

I, T.EDWIN NORRIS, 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

**CITY OF OAK PARK
OAKLAND COUNTY MICHIGAN**

ORDINANCE NO. O-18-

**AN ORDINANCE TO AMEND SECTIONS 14-1, 14-4, and 14-29, of
CHAPTER 14, ANIMALS, OF THE CODE OF ORDINANCES, CITY OF
OAK PARK.**

THE CITY OF OAK PARK ORDAINS:

SECTION 1. Ordinance – Sections 14-1 – Cruelty to Animals, 14-4 – Hunting and trapping, and 14-29 – Dangerous and rabid dogs and cats; confinement for observation; report of biting; destruction, of Chapter 14 – Animals, of the Code of Ordinances, City of Oak Park, are hereby amended to read as follows:

Sec. 14-1. – Cruelty to Animals.

(c) A person who violates section 14-1 is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or community service for not more than 200 hours, or any combination of these penalties and the cost of prosecution.

Sec. 14-4. - Hunting and trapping.

A person who violates section 14-4 is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or community service for not more than 200 hours, or any combination of these penalties and the cost of prosecution.

Sec. 14-29. - Dangerous and rabid dogs and cats; confinement for observation; report of biting; destruction.

A person who violates section 14-29 is guilty of a misdemeanor punishable by a fine of not more than \$500.00 and costs of prosecution, plus any cost to abate, if applicable or by imprisonment for not more than 90 days, or by both such fine, costs and imprisonment in the discretion of the court in accordance of Section 1-25.

SECTION 2. Savings Clause - All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

SECTION 3. Severability - No other portion, paragraph or phrase of the Code of Ordinances of the City of Oak Park shall be affected by this Ordinance, except as to the above sections, and in the event that any portion, section or subsection of this Ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this Ordinance or the Code of Ordinances, City of Oak Park.

SECTION 4. Effective Date – This Ordinance shall become effective ten (10) days from the date of its passage and shall be published as required by the Charter of the City of Oak Park.

MADE, PASSED AND ADOPTED by the Council of the City of Oak Park on this 5th day of March, 2018.

T. Edwin Norris
City Clerk

Marian McClellan
Mayor

I, T. Edwin Norris, 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 _____

T. Edwin Norris, City Clerk

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

ORDINANCE NO. O-18-

**AN ORDINANCE TO AMEND SECTION 78-82 OF CHAPTER 78, TREES,
OF THE CODE OF ORDINANCES, CITY OF OAK PARK.**

THE CITY OF OAK PARK ORDAINS:

SECTION 1. Ordinance - Section 78-82, Penalty for violation, of Article III, Dead, Dying, Damaged or Diseased Trees, Chapter 78, Trees, of the Code of Ordinances, City of Oak Park, is hereby amended to read as follows:

Section 78-82. – Penalty for violation.

Any person who shall violate any provisions of this article, or any lawful order issued in pursuance of the provisions hereof, shall be guilty of a civil infraction as prescribed in section 3-4.

SECTION 2. Savings Clause - All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

SECTION 3. Severability - No other portion, paragraph or phrase of the Code of Ordinances of the City of Oak Park shall be affected by this Ordinance, except as to the above sections, and in the event that any portion, section or subsection of this Ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this Ordinance or the Code of Ordinances, City of Oak Park.

SECTION 4. Effective Date - This Ordinance shall become effective ten (10) days from the date of its passage and shall be published as required by the Charter of the City of Oak Park.

MADE, PASSED AND ADOPTED by the Council of the City of Oak Park on this 5th day of March, 2018.

T. EDWIN NORRIS, City Clerk

MARIAN MCCLELLAN, Mayor

I, T.EDWIN NORRIS, 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 .

T. EDWIN NORRIS, City Clerk



BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN

AGENDA OF: March 19, 2018

AGENDA #

SUBJECT: Recommendation of the Planning Commission for Zoning Ordinance text amendments to Article II, Definitions, Article VI, RM-1 and RM-2 Multi-family Residential District, and Article XVII, General provisions.

DEPARTMENT: Economic Development & Communications, Planning Division

SUMMARY: At the March 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 create Zoning Ordinance provisions for green infrastructure, non-traditional housing, and building design guidelines. The proposed changes for green infrastructure were reviewed with the City Engineering Division for their review and comment and found to be acceptable.

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 II, Definitions, Article VI, RM-1 and RM-2 Multi-family Residential District, and Article XVII, General provisions.

APPROVALS:

City Manager: [Signature]

Director: [Signature]

Finance Director: [Signature]

Budgeted: ☐ n/a

EXHIBITS: Memorandums, proposed ordinance for adoption.



CITY OF OAK PARK

DEPARTMENT OF COMMUNITY &
ECONOMIC DEVELOPMENT

MEMORANDUM

TO: Planning Commission members DATE: March 7, 2018
FROM: Kevin Rulkowski, AICP, City Planner FILE: Planning/Green Text
Amend Memo
SUBJECT: Proposed Zoning Ordinance text amendments for green infrastructure, non-traditional housing, and building design guidelines.

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. A Public Hearing has been scheduled to hear public comment on the proposed changes for the March meeting.

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.

Proposed Zoning Ordinance Text Amendments

(New or modified language in red)

Green Infrastructure

Sec. 1716. - Screening and landscaping.

Screening and landscaping in all zoning districts, where required, shall adhere to the following minimum standards.

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

1. All required landscaping shall be continuously maintained in a healthy, growing condition.
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.**

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

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.

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.

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

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.

Non-motorized Transportation

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.

Non-Traditional Housing

Add this definition to Article II. – DEFINITIONS, Section 204. Definitions N through S.

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.

ARTICLE VI. - RM-1 AND RM-2 MULTI-FAMILY RESIDENTIAL DISTRICTS

Sec. 600. - Intent.

The RM-1 low-rise multi-family residential districts and the RM-2 mid-rise multi-family districts are intended to provide areas for multiple family dwellings and related uses, which will generally serve as zones of transition from lower-density residential districts to more intense use districts, while providing appropriate housing alternatives in a properly planned setting.

Sec. 601. - Permitted uses.

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

Building Design Regulations

Section 1731 – 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.

CITY OF OAK PARK, MICHIGAN

ORDINANCE NO.

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, 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:
 - d) 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.
 - e) 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.

- f) 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 4. 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
Gingko (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 5. 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.

4. 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.
5. 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.
6. 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 6. 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:

3. 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.
4. The alternate width and type of buffer zone and screening provided therein will ensure compatibility with surrounding and nearby land uses because:

- d) 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.
- e) 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.
- f) 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 7. 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:

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

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:

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 9. 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.

- H. 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.
- I. Front entrances shall have a minimum of one (1) usable pedestrian entrance along the front-facing side of the building.
- J. 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.
- K. Blank walls (without windows) longer than 20 feet shall not face a street.
- L. 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.
- M. 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.

N. Exemption: Commercial buildings over 10,000 square feet are exempt from this section.

SECTION 10. 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 11. 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 12. 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:

Order

Michigan Supreme Court
Lansing, Michigan

March 9, 2018

Stephen J. Markman,
Chief Justice

154819

Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Kurtis T. Wilder
Elizabeth T. Clement,
JusticesHARMONY MONTESSORI CENTER,
Petitioner-Appellant,

v

SC: 154819
COA: 326870
Tax Tribunal: 00-370214CITY OF OAK PARK,
Respondent-Appellee.

On January 11, 2018, the Court heard oral argument on the application for leave to appeal the October 13, 2016 judgment of the Court of Appeals. On order of the Court, the application is again considered, and it is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court.

MARKMAN, C.J. (*concurring*).

I concur in this Court's order denying leave to appeal because petitioner has failed adequately to brief the specific issue raised by this Court in its order for supplemental briefing, which was "whether *Ladies Literary Club v Grand Rapids*, 409 Mich 748 (1980), and *David Walcott Kendall Memorial School v Grand Rapids*, 11 Mich App 231 (1968), continue to provide the appropriate test of what constitutes a 'nonprofit . . . educational . . . institution[]' under MCL 211.7n." *Harmony Montessori Center v Oak Park*, 500 Mich 1016 (2017) (alterations in original). I write separately because I believe that this Court's current interpretation of what constitutes an "educational institution" under MCL 211.7n is a "strained construction that is contrary to the Legislature's intent." *SBC Health Midwest, Inc v Kentwood*, 500 Mich 65, 71 (2017) (quotation marks and citation omitted). In a future case, this Court should consider adopting a definition of "educational institution" that is more consistent with the plain meaning of that phrase.

The General Property Tax Act (GPTA), MCL 211.1 *et seq.*, provides that "all property, real and personal, within the jurisdiction of this state, not expressly exempted,

shall be subject to taxation.” MCL 211.1. Section 7 of the GPTA provides property tax exemptions for properties put to particular uses. As relevant here, MCL 211.7n provides:

Real estate or personal property owned and occupied by *nonprofit* theater, library, *educational*, or scientific *institutions* incorporated under the laws of this state with the buildings and other property thereon while occupied by them solely for the purposes for which the institutions were incorporated is exempt from taxation under this act. In addition, real estate or personal property owned and occupied by a nonprofit organization organized under the laws of this state devoted exclusively to fostering the development of literature, music, painting, or sculpture which substantially enhances the cultural environment of a community as a whole, is available to the general public on a regular basis, and is occupied by it solely for the purposes for which the organization was incorporated is exempt from taxation under this act. [Emphasis added.]

Thus, “nonprofit educational institutions” are exempt from property taxes under the GPTA if they are “incorporated under the laws of this state with the buildings and other property thereon while occupied by them solely for the purposes for which the institutions were incorporated.” *Id.*

In *Detroit v Detroit Commercial College*, 322 Mich 142, 153 (1948), this Court held that an institution is only entitled to a tax exemption as an “educational institution” if it “fit[s] into the general scheme of education provided by the State and supported by public taxation.” This Court went on to hold that, because the institution seeking an exemption in that case was “a specialized school operated for the purpose of training its students to enter into specialized fields of employment,” it was not entitled to a tax exemption as an “educational institution.” *Id.* In *David Walcott Kendall Mem Sch (Kendall)*, the Court of Appeals addressed the *Detroit Commercial College* case, opining:

To apply the rule of [that] case to the present case, we must find that even if a school exists, and is created or is expanded to meet the needs of these students in a specialized major field of advanced study which substantially parallels the same major field of study as a State supported college or university, tax exemption cannot be granted for that school. It must be a “general educational institution”; not a “special school”. [*Kendall*, 11 Mich App at 238.]

The Court of Appeals then noted the change in educational demands and the public need for such education since this Court’s decision in 1948, and how specialized schools addressing a particular area of study might meet these needs. *Id.* at 238-240. In light of these developments, the Court of Appeals, in an apparent attempt to expand the scope of institutions entitled to an exemption, “formulate[d] the following test to be applied in

dealing with schools of higher education” that seek an exemption as an “educational institution”:

If the particular institution in issue were not in existence, then would, and could, a substantial portion of the student body who now attend that school instead attend a State-supported college or university to continue their advanced education in that same major field of study? [*Id.* at 240.]

In *Ladies Literary Club*, this Court adopted the test from *Kendall*:

In [*Detroit Commercial College*], our Court determined that an institution seeking an educational exemption must fit into the general scheme of education provided by the state and supported by public taxation. This proposition was refined in [*Kendall*], which declared that an educational exemption may be available to an institution otherwise within the exemption definition, if the institution makes a substantial contribution to the relief of the burden of government.

It cannot be maintained that were it not for the Ladies Literary Club’s programs, which enhance educational and cultural interests, the burden on the state would be proportionately increased. The club’s programs do not sufficiently relieve the government’s educational burden to warrant the claimed educational institution exemption. [*Ladies Literary Club*, 409 Mich at 755-756; see also *Mich United Conservation Clubs v Lansing Twp*, 423 Mich 661, 669-670 (1985).]

Thus, this Court has held that an entity is entitled to a tax exemption as an “educational institution” if it can show (1) that it is part of the “general scheme of education provided by the state and supported by taxation” and (2) that it “makes a substantial contribution to the relief of the burden of government.” *Ladies Literary Club*, 409 Mich at 755-756.¹

¹ This Court has never clearly explained whether an entity is entitled to an exemption if it satisfies *either* of these requirements, or whether it is only entitled to an exemption if it satisfies *both* of these requirements. However, multiple Court of Appeals decisions have cited *Ladies Literary Club* for the proposition that an entity is only entitled to an exemption if it satisfies *both* of these requirements. See, e.g., *Harmony Montessori Ctr v Oak Park*, unpublished per curiam opinion of the Court of Appeals, issued February 18, 2014 (Docket No. 312856), p 2; *Telluride Ass’n Inc v City of Ann Arbor*, unpublished per curiam opinion of the Court of Appeals, issued July 16, 2013 (Docket Nos. 304735 and 305239), pp 5-6; *Mich Laborers’ Training & Apprenticeship Fund v Breitung Twp*, unpublished per curiam opinion of the Court of Appeals, issued October 23, 2012 (Docket No. 303723), p 3.

I believe that this standard is unsupported by the statutory text. Nothing in MCL 211.7n suggests that an entity only constitutes an “educational institution” if it “makes a substantial contribution to the relief of the burden of government.” *Id.* This requirement effectively limits tax exemptions to those institutions that perform a quasi-governmental function by relieving the government of some public responsibility. However, the statute does not require that the institution have any particular effect on the government’s burden. Rather, it only requires that the institution be “educational.” That is, the relevant inquiry is the nature of the institution—whether the institution is “educational”—not the effect that the institution has upon the government’s burden.

Respondent argues that a tax exemption is an “unequal removal of the burden generally placed on all landowners to share in the support of local government” and therefore must be strictly construed in favor of the taxing entity. *Mich Baptist Homes & Development Co v City of Ann Arbor*, 396 Mich 660, 669-670 (1976); see also *Ladies Literary Club*, 409 Mich at 753. It further contends that because an exempted institution is no longer supporting services alternatively provided by public taxation, it is reasonable to require an institution to show that its activities relieve the government’s burden to provide such services. Essentially, respondent argues that the “educational institution” exemption is a sort of quid pro quo; if the institution relieves the government’s burden to provide education to the public, then it receives a tax exemption. However, nothing in the language of the statute suggests such a requirement, and it is well established that the perceived purpose of a statute may not supersede the statutory text. See, e.g., *Perkovic v Zurich American Ins Co*, 500 Mich 44, 53 (2017) (“The Court of Appeals’ reliance on the perceived purpose of the statute runs counter to the rule of statutory construction directing us to discern legislative intent from plain statutory language.”). This principle applies with equal force when interpreting a statute that provides a tax exemption. As this Court has recently explained:

When interpreting statutory language, our obligation is to ascertain the legislative intent that may reasonably be inferred from the words expressed in the statute. This requires us to consider the plain meaning of the critical word or phrase as well as its placement and purpose in the statutory scheme. . . .

. . . This Court has historically required that tax exemptions be narrowly or strictly construed in favor of the government. Yet at the same time, we have held that this requirement does not permit a strained construction that is contrary to the Legislature’s intent. [*SBC Health Midwest*, 500 Mich at 70-71 (quotation marks and citations omitted).]

In my judgment, engrafting a requirement that an institution relieve the government's burden in order to receive a tax exemption as an "educational institution" is a "strained construction that is contrary to the Legislature's intent." *Id.* at 71.

Moreover, even if the Legislature's ostensible "purpose" for exempting "educational institutions" from property tax assessment were relevant to the interpretation of MCL 211.7n, the quid pro quo relationship suggested by respondent is not the only possible justification for such an exemption. Rather, it is possible that the Legislature simply wanted to promote the existence of "educational institutions" by lessening the financial burden on them. This Court has long recognized the benefits derived from providing tax exemptions to "educational institutions":

We need not, in our history, go beyond the ordinance of 1787, which declares that—

“Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.”

Exemption from taxation is the only form of encouragement that our laws provide. . . . The advantage of multiplying the facilities of learning has been rightly regarded as worth to any decent community very much more than can be counted in money. [*Detroit Home & Day Sch v Detroit*, 76 Mich 521, 523-524 (1889).]

Similarly, the United States Supreme Court has recognized the role of tax exemptions in promoting the development of "educational institutions":

New York, in common with the other States, has determined that certain entities that exist in a harmonious relationship to the community at large, and that foster its "moral or mental improvement," should not be inhibited in their activities by property taxation or the hazard of loss of those properties for nonpayment of taxes. [*Walz v Tax Comm of City of New York*, 397 US 664, 672 (1970).]

This alternative understanding of the "purpose" for providing a tax exemption to "educational institutions" is supported by the fact that MCL 211.7n also provides a tax exemption to nonprofit theaters, and it is difficult to see how those institutions relieve any governmental burden. Therefore, even if the Legislature's "purpose" for providing a property tax exemption were relevant to defining an "educational institution" under MCL 211.7n, I see no reason why that "purpose" is limited to the quid pro quo relationship advocated by respondent.

I also find no statutory basis for concluding that an entity is only an educational institution if it fits within the “general scheme of education *provided by the state and supported by public taxation.*” *Ladies Literary Club*, 409 Mich at 755 (emphasis added). While there is a strong and proud tradition of publicly funded education both in Michigan and in the United States as a whole, there is a similarly proud tradition of private educational institutions. Indeed, “tax exemption for private educational institutions extends to the beginning of colonial America.” Colombo, *Why is Harvard Tax-Exempt? (And Other Mysteries of Tax Exemption for Private Educational Institutions)*, 35 Ariz L Rev 841, 844 (1993). There is no statutory basis for concluding that an “educational institution” must be part of the “general scheme of education *provided by the state*” rather than a part of the general scheme of education provided by the state *and* private institutions.

For these reasons, I believe that, in a more appropriate case, this Court should reconsider what constitutes an “educational institution” under MCL 211.7n. While I do not purport to articulate a definitive standard in this statement, I share a few initial observations that I believe warrant further consideration by this Court. Taken in isolation, the definition of the word “educational” could be broadly interpreted to provide a property tax exemption for most properties, which would clearly be inconsistent with the statutory scheme.² However, when viewed in the context of MCL 211.7n as a whole, I believe that a more reasonable interpretation emerges. MCL 211.7n does not only provide a tax exemption for “educational institutions,” but also for theaters, libraries, scientific institutions, and properties “devoted exclusively to fostering the development of literature, music, painting, or sculpture which substantially enhances the cultural environment of a community as a whole, [and] is available to the general public on a regular basis” “This Court must avoid an interpretation that would render any part of the statute nugatory.” *People v Rea*, 500 Mich 422, 433 (2017). Accordingly, it appears that theaters, libraries, scientific institutions, and properties devoted to promoting cultural development will generally *not* constitute “educational institutions,” even if they are “educational” in the broadest sense of the term.

In addition, the history of the American educational experience itself provides at least some guidance as to the meaning of an “educational institution.” There are certain kinds of institutions that, in the American experience, have traditionally been viewed as

² *Merriam-Webster’s Collegiate Dictionary* defines “educate”—the verb form of “educational”—as “1 a : to provide schooling for <chose to [educate] their children at home> b : to train by formal instruction and supervised practice esp. in a skill, trade, or profession 2 a : to develop mentally, morally, or aesthetically esp. by instruction b : to provide with information[.]”

“educational institutions.” Such institutions include public schools,³ parochial schools,⁴ liberal arts colleges,⁵ graduate programs,⁶ and vocational schools.⁷ The common thread among these institutions is that they instruct students in order to promote intellectual growth or employment-related skills. By contrast, other kinds of institutions that “educate” in the broadest sense, such as baby-sitting programs, zoos, dance academies, and athletic teams, are not, in common parlance, generally considered to be “educational institutions.” Thus, it appears to me that an “educational institution” must be of a kind that, in the perspective of the overall American experience, has been traditionally viewed as an institution that instructs students to promote intellectual growth or employment related skills. But these are all tentative ruminations and speculations, and await specific development in a future case.

As the Supreme Court of New Hampshire aptly noted when defining an “educational institution” under its own tax exemption statute, “the construction of a brightline test is impossible; each case will necessarily depend on its own peculiar facts.” *New Canaan Academy, Inc v Town of Canaan*, 122 NH 134, 137 (1982). Thus, it is incumbent upon this Court, as the highest court in this state, to provide an appropriate

³ This category would also seem to include “public school academies,” i.e., charter schools. See *Council of Orgs & Others for Ed About Parochialism, Inc v Governor*, 455 Mich 557, 576 (1997) (“[W]e find that public school academies are ‘public schools.’”).

⁴ See *Walz*, 397 US at 703 (Douglas, J., dissenting) (“Parochial schools teach religion; yet they are also educational institutions offering courses competitive with public schools. They prepare students for the professions and for activities in all walks of life. Education in the secular sense [is] combined with religious indoctrination at . . . parochial schools . . .”).

⁵ See generally Bauer, *Small Liberal Arts Colleges, Fraternities, and Antitrust: Rethinking Hamilton College*, 53 Cath U L Rev 347, 354-357 (2004) (describing the origin and expansion of American liberal arts colleges).

⁶ See generally Kimball, *The Context of Graduate Degrees at Harvard Law School Under Dean Erwin N. Griswold, 1946-1967, Commentary on Gail Hupper's Educational Ambivalence: The Rise of a Foreign-Student Doctorate in Law*, 49 New Eng L Rev 449, 450-455 (2015) (describing the development of graduate programs throughout the United States from 1870 to 1970).

⁷ See James, *Predatory Ed: The Conflict between Public Good and For-Profit Higher Education*, 38 JC & UL 45, 104 n 322 (2011) (“Vocational education has had a long history in the United States, starting in the form of apprenticeships in the early colonial period. Land-grant institutions continued this tradition, with an early mission of training farmers and home-economists. Today, vocational training is offered at high schools, training centers, and two and four-year colleges and universities . . .”).

framework for determining whether an entity constitutes an “educational institution” that is entitled to a property tax exemption. In my judgment, the current framework is clearly contrary to the statutory text and imposes an unwarranted burden on an institution seeking a tax exemption to show that it performs a quasi-governmental function. I welcome the opportunity in a future case to formulate a new standard for what constitutes an “educational institution” that is more consistent with the plain meaning of that phrase and within the American educational tradition.



s0306

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 9, 2018

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line.

Clerk