

Oak Park

City Council Agenda

March 8, 2023





AGENDA
REGULAR CITY COUNCIL MEETING
39th CITY COUNCIL
OAK PARK, MICHIGAN
March 8, 2023
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 City Council Meeting Minutes for February 20, 2023
- B. Special City Council Meeting Minutes for February 20, 2023
- C. Special City Council Meeting Minutes for February 27, 2023
- D. Request to approve an invoice from OHM Advisors for GIS DWAM Grant for \$36,086.50
- E. Beautification Advisory Commission Meeting Minutes for September 20, 2022
- F. Traffic Safety Board Meeting Minutes for February 15, 2023
- G. Retirement Board Meeting Minutes for October 24, 2022
- H. Request to advertise for bids for 2023 Citywide Door Replacement Project
- I. Request to declare listed vehicles surplus and sold by sealed bid, public auction, or disposal at the lowest expense to the City in accordance with city policy
- J. Request to proclaim Friday, April 28, 2023 as Arbor Day in the City of Oak Park
- K. Request to advertise for bids for 2023 Landscape Maintenance Contract, M-755
- L. Licenses New and Renewals submitted for March 8, 2023

6. RECOGNITION OF VISITING ELECTED OFFICIALS

7. SPECIAL RECOGNITION/PRESENTATIONS:

- A. Proclamation honoring Thomas Zerafa

8. PUBLIC HEARINGS: None

9. COMMUNICATIONS: None

10. SPECIAL LICENSES: None

11. ACCOUNTING REPORTS:

- A. Approval for payment of an invoice submitted by Shifman Fournier for legal services retainer for April 1, 2023 – June 30, 2023 in the total amount of \$18,000.00

12. BIDS:

- A. Request to award the regular bid for the 2023 Water Main Replacement Project, M-750 to Inner City Contracting LLC of Detroit, MI for the total amount of \$2,240,831.75
- B. Request to award the regular bid for the 2023 Joint and Crack Sealing Project, M-751 to Michigan Joint Sealing Inc. of Farmington Hills, MI, for the total amount of \$96,516.00 and to amend the FY 2022-23 budget by moving \$96,516.00 .from the Local Street Fund to the Major Street Fund

13. ORDINANCES:

- A. Second reading and adoption of proposed text amendments to the City of Oak Park Zoning Ordinance in the following sections: Article 2, Division 2; Article 2, Division 3; Article 2, Division 4; Article 3, Division 1; Article 4, Division 1, Article 4, Division 3; Article 4, Division 4; Article 5, Division 1, Article 5, Division 3, Article 5, Division 4, Article 6, Division 1. (The proposed text amendments incorporate clarifications, additions, and/or deletions to specific sections of the Zoning Ordinance to support sustainable growth of the community as well as to be consistent with State & Federal laws and regulations)

14. CITY ATTORNEY:

15. CITY MANAGER:

Economic Development and Planning

- A. Request to authorize the City Manager to sign the Brownfield Grant Application and Letter of Support for the Corsaut Building Ventures development of property at 15101 11 Mile Road to build a new industrial incubator space

Finance

- B. Quarterly Investment Report for period ending 12/31/2022
- C. Quarterly Financial Report for period ending 12/31/2022
- D. Resolution approving requested Budget Amendment #2023-2 for period ending 12/31/22

Municipal Services/Engineering

- E. Request to approve an invoice and change order from OHM Advisors for Nine Mile Road Design Engineering for the total amount of \$23,755.25
- F. Request to approve Temporary Advance Construction Contract #23-5044 with MDOT for the Nine Mile Resurfacing Project, M-740 (Cloverlawn to Republic) and to authorize the Mayor and City Manager to sign the agreement on behalf of the city
- G. Request to approve a resolution of support for the County Water Resource Commissioner (WRC) Residential Green Stormwater Infrastructure Pilot Program

Department of Public Works/Facilities

- H. Request to approve the contract extension offer from Xpert Lawn and Snow, LLC for the 2023 Lawn Maintenance Contract, M-756 for \$112,488.00

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. Accommodation to participate in a Council Meeting will be made with 7-day prior notice.



**CITY OF OAK PARK, MICHIGAN
REGULAR COUNCIL MEETING OF THE
39th OAK PARK CITY COUNCIL
February 20, 2023
7:00 PM**

MINUTES

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

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

ABSENT: None

OTHERS

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

APPROVAL OF AGENDA:

There were no objections to proceeding with the agenda as presented.

CONSENT AGENDA:

CM-02-041-23 (AGENDA ITEM #5A-F) CONSENT AGENDA - APPROVED

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

- A. Regular City Council Meeting Minutes for February 6, 2023 **CM-02-042-23**
- B. Request to approve payment of invoices from OHM Advisors for GIS DWAM Grant, Event Hub Grant Prep and Leslie Water Main Topo for the total amount of \$19,827.25 **CM-02-043-23**
- C. Planning Commission Meeting Minutes for December 12, 2022 **CM-02-044-23**
- D. Request to release a tax foreclosure RFQ **CM-02-045-23**
- E. Arts & Cultural Diversity Commission Meeting Minutes for December 8, 2022 and January 12, 2023 **CM-02-046-23**
- I. Licenses New and Renewals submitted for February 20, 2023 **CM-02-047-23**

**MERCHANT'S LICENSES – February 20, 2023
(Subject to All Departmental Approvals)**

<u>NEW MERCHANT</u>	<u>ADDRESS</u>	<u>FEE</u>	<u>BUSINESS TYPE</u>
SE ROOFING CONTRACTORS	10621 CAPITAL AVE	\$150.00	SKILLED TRADE SCHOOL
SMOKEOLOGY SMOKE SHOP	25222 GREENFIELD RD	\$150.00	SMOKE SHOP
<u>RENEWALS (2022)</u>	<u>ADDRESS</u>	<u>FEE</u>	
AUTO METAL CRAFT INC	10230 CAPITAL AVE	\$187.50	PROTOTYPE STAMPINGS
AUTO METAL CRAFT INC	10241 CAPITAL AVE	\$188.50	PROTOTYPE STAMPINGS
SOCKS GALORE WHOLESALE	10355 CAPITAL AVE	\$150.00	RETAIL
STONE FOR YOU	10700 CAPITAL AVE	\$150.00	STONE INSTALLATION
AUTO METAL CRAFT INC	12721 CAPITAL AVE	\$187.50	PROTOTYPE STAMPINGS
AUTO METAL CRAFT INC	12741 CAPITAL AVE	\$187.50	PROTOTYPE STAMPINGS

VALLEY CITY LINEN	13165 CLOVERDALE AVE	\$150.00	LINEN SUPPLY
A1 WHOLESALE LLC	21300 COOLIDGE HWY	\$187.50	SMOKE SHOP SUPPLIES
LASHELLE'S SCHOOL OF DANCE	21330 COOLIDGE HWY	\$187.50	DANCE SCHOOL
VIP WEAR	22124 COOLIDGE HWY	\$187.50	RETAIL
TIM HORTONS	22211 COOLIDGE HWY	\$150.00	RESTAURANT
DANYYS FINE WINE	23063 COOLIDGE HWY	\$150.00	PARTY STORE
RAMSAY F DASS MD	24601 COOLIDGE HWY	\$150.00	DOCTOR OFFICE
OAK PARK RX	24651 COOLIDGE HWY	\$150.00	PHARMACY
MAIN STREET BROW & LASH	24687 COOLIDGE HWY	\$150.00	BEAUTY SHOP
HUNGRY HOWIES PIZZA	24691 COOLIDGE HWY	\$150.00	RESTAURANT
8 MILE ELECTRONICS	13630 W EIGHT MILE RD	\$187.50	ELECTRONIC REPAIR
PENNZOIL 10 MINUTE OIL	13601 W ELEVEN MILE RD	\$225.00	OIL CHANGE
UNIVERSAL WHOLESALE	14511 W ELEVEN MILE RD	\$150.00	RETAIL
DE-TWAH LUXURY EYEWEAR	21700 GREENFIELD # 313	\$187.50	RETAIL
STUDIO 218	23300 GREENFIELD # 218	\$225.00	STUDIO
MAPLE HOME HEALTH CARE	23300 GREENFIELD # 219	\$187.50	HOME HEALTH AGENCY
FEDEX OFFICE #1693	24760 GREENFIELD RD	\$187.50	OFFICE
EXPRESS PAYDAY & ADVANCE CHECK CASH	24800 GREENFIELD RD	\$187.50	CASH ADVANCE
FAMILY DRIVING SCHOOL	25246 GREENFIELD RD	\$187.50	DRIVING SCHOOL
BBQ CENTRAL	25298 GREENFIELD RD	\$187.50	RESTAURANT
STREET CORNER MUSIC LTD	26020 GREENFIELD RD	\$187.50	RETAIL
J ANTHONY SALON SPA LLC	26060 GREENFIELD RD	\$187.50	HAIR SALON
ALDI #88	26300 GREENFIELD RD	\$187.50	GROCERY STORE
DALE PRENTICE COMPANY	26511 HARDING AVE	\$150.00	OFFICE
MARINAS ALTERATIONS	15075 LINCOLN AVE # 117	\$150.00	ALTERATIONS
BOSS BLINKS LLC	8550 W NINE MILE RD	\$187.50	HAIR AND CLOTHING
CAIR HAIR COLLECTION	8660 NINE MILE	\$225.00	HAIR COMPANY
TOP SMOKERS & GIFTS LLC	13645 W NINE MILE RD	\$187.50	SMOKE SHOP
ALASKA FRESH FISH AND CHICKEN LLC	13701 W NINE MILE RD	\$150.00	FISH MARKET
BELLA VAMIER	13821 W NINE MILE RD	\$150.00	RETAIL
BELLA VAMIER	13825 W NINE MILE RD	\$150.00	RETAIL
SHERWIN WILLIAMS CO	13101 NORTHEND AVE	\$150.00	RETAIL
SCOTIA STOP	12701 W TEN MILE RD	\$150.00	PARTY STORE
NOTABLE INTERIORS & EVENTS LLC	21840 WYOMING PL #B	\$187.50	DECORATOR
AUTO METAL CRAFT INC	10230 CAPITAL AVE	\$187.50	PROTOTYPE STAMPINGS
AUTO METAL CRAFT INC	10241 CAPITAL AVE	\$188.50	PROTOTYPE STAMPINGS
SOCKS GALORE WHOLESALE	10355 CAPITAL AVE	\$150.00	RETAIL
STONE FOR YOU	10700 CAPITAL AVE	\$150.00	STONE INSTALLATION

DAY CARE FACILITY REGISTRATION – February 20, 2023
(Subject to All Departmental Approvals)

<u>RENEWALS (2022)</u>	<u>ADDRESS</u>	<u>FEE</u>	<u>OWNER</u>
Synod Community Services	10020 Rosewood	\$25.00	Dana Leahy

MASSAGE FACILITY REGISTRATION – February 20, 2023
(Subject to All Departmental Approvals)

<u>RENEWALS (2022)</u>	<u>ADDRESS</u>	<u>FEE</u>	<u>OWNER</u>
Humble Hands Massage Therapy, LLC	25900 Greenfield, # 503	\$125.00	Adrian R. Clemons

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

MOTION DECLARED ADOPTED

RECOGNITION OF VISITING ELECTED OFFICIALS:

State Representative Regina Weiss was present to provide an update on legislative activity in Lansing.

SPECIAL RECOGNITION/PRESENTATIONS:

(AGENDA ITEM #7A) Presentation of Public Safety Unit and Merit Citations.

Public Safety Director Cooper presented the following citations to public safety officers for the excellent way they performed their duties:

Merit Citation

Dispatcher Maryann Page
Officer Michael Hodakoski

Unit Citation

Sergeant Daniel Batora
Officer Felicia Roux
Officer David Cardinali
Officer Amanda Bishop
Officer Thomas Papas
Dispatcher Mavis McPherson
Officer Kyle Lawless
Dispatcher Shelly Diekman

PUBLIC HEARINGS: None

COMMUNICATIONS: None

SPECIAL LICENSES: None

ACCOUNTING REPORTS:

**CM-02-048-23 (AGENDA ITEM #11A) APPROVAL FOR PAYMENT OF INVOICES
SUBMITTED BY GARAN, LUCOW, MILLER, P.C. FOR LEGAL
SERVICES IN THE TOTAL AMOUNT OF \$13,653.34 - APPROVED**

Motion by Whitehead, seconded by Edgar, CARRIED UNANIMOUSLY, to approve payment of invoices #603928 by Garan, Lucow, Miller P.C., for legal services rendered through January 31, 2023 in the total amount of \$13,653.34.

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

MOTION DECLARED ADOPTED

BIDS: None

ORDINANCES:

CM-02-049-23 (AGENDA ITEM #13A) FIRST READING OF PROPOSED TEXT AMENDMENTS TO THE CITY OF OAK PARK ZONING ORDINANCE IN THE FOLLOWING SECTIONS: ARTICLE 2, DIVISION 2; ARTICLE 2, DIVISION 3; ARTICLE 2, DIVISION 4; ARTICLE 3, DIVISION 1; ARTICLE 4, DIVISION 1, ARTICLE 4, DIVISION 3; ARTICLE 4, DIVISION 4; ARTICLE 5, DIVISION 1, ARTICLE 5, DIVISION 3, ARTICLE 5, DIVISION 4, ARTICLE 6, DIVISION 1. (The proposed text amendments incorporate clarifications, additions, and/or deletions to specific sections of the Zoning Ordinance to support sustainable growth of the community as well as to be consistent with State & Federal laws and regulations) - APPROVED

Motion by Burns, seconded by Whitehead, CARRIED UNANIMOUSLY, to approve the first reading of proposed text amendments to the City of Oak Park Zoning Ordinance in the following sections: Article 2, Division 2; Article 2, Division 3; Article 2, Division 4; Article 3, Division 1; Article 4, Division 1, Article 4, Division 3; Article 4, Division 4; Article 5, Division 1, Article 5, Division 3, Article 5, Division 4, Article 6, Division 1.

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

MOTION DECLARED ADOPTED

CITY ATTORNEY:

(AGENDA ITEM #14A) Laurentian Village Water Bills.

City Attorney Krause asked if anyone in the audience wished to speak about water bills related to Laurentian Village Condominiums. Sam Fargaciu, 22100 Dante, on behalf of the Condominium Association asked that the city turn the water back on and waive penalties and interest that are owed since a large portion of the water bill has already been paid.

CITY MANAGER:

Administration

(AGENDA ITEM #15A) City Manager Tungate introduced Resident Services Coordinator Carol Jackson

(AGENDA ITEM #15B) City Manager Tungate introduced Executive Assistant/Office Manager Jamie Garcia

CM-02-050-23 (AGENDA ITEM #15C) CONFIRMATION OF KIM MARRONE AS DIRECTOR OF MUNICIPAL SERVICES - APPROVED

Motion by Burns, seconded by Whitehead, CARRIED UNANIMOUSLY, to confirm the appointment of Kim Marrone as Director of Municipal Services.

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

MOTION DECLARED ADOPTED

Finance

(AGENDA ITEM #15D) 2023/24 Public Budget Calendar. City Manager Tungate presented the 2023/24 Budget Calendar:

Public

City Manager gives Council budget update	04/17 - 04/21/23
City Council budget review session	04/17 - 04/21/23
City Council budget review session	04/24 - 04/28/23
City Council budget review session	04/24 - 04/28/23
City Council budget review session (if needed) / public hearing request	5/1/2023
Budget public hearing noticed published	5/3/2023
Budget public hearing	5/15/2023
Final budget, fee schedule and millage rate adoption	5/15/2023

Recreation

CM-02-051-23 (AGENDA ITEM #15E) REQUEST TO AUTHORIZE THE CITY OF OAK PARK RECREATION DEPARTMENT TO EXECUTE AN INTERLOCAL AGREEMENT WITH OAKLAND COUNTY FOR LOCAL FISCAL RECOVERY FUND DISTRIBUTION WITH THE GRANT MATCHING AMOUNT OF \$250,000 TO EQUIP A NEW COMMERCIAL KITCHEN IN THE FARMER'S MARKET/COMMUNITY EVENT HUB AND TO AUTHORIZE MAYOR MCCLELLAN AND CITY MANAGER TUNGATE TO SIGN THE AGREEMENT ON BEHALF OF THE CITY - APPROVED

Motion by Burns, seconded by Radner, CARRIED UNANIMOUSLY, to authorize the City of Oak Park Recreation Department to execute an Interlocal Agreement with Oakland County for Local Fiscal Recovery Fund Distribution with the grant matching amount of \$250,000 to equip a new commercial kitchen in the Farmer's Market/Community Event Hub and to authorize Mayor McClellan and City Manager Tungate to sign the agreement on behalf of the city.

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

MOTION DECLARED ADOPTED

Information Technology

CM-02-052-23 (AGENDA ITEM #15F) REQUEST TO APPROVE A MASTER SERVICES AGREEMENT WITH RING CENTRAL FOR THE IMPLEMENTATION OF A NEW CITY PHONE SYSTEM - APPROVED

Motion by Radner, seconded by Edgar, CARRIED UNANIMOUSLY, to approve a master services agreement with Ring Central for the implementation of a new city phone system.

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

MOTION DECLARED ADOPTED

CALL TO THE AUDIENCE:

Kenneth Sherman, 23840 Jerome St., expressed concerns about the city forgiving penalties and interest on water bills for only selected accounts.

CLOSED SESSION:

CM-02-053-23 (AGENDA ITEM #18) MOTION TO ADJOURN INTO CLOSED SESSION TO DISCUSS ATTORNEY CLIENT PRIVILEGED COMMUNICATION - APPROVED

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

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

MOTION DECLARED ADOPTED

The Closed Session began at 8:13 PM. The Regular Meeting reconvened at 8:53 PM.

CM-02-054-23 CLOSED SESSION MINUTES - APPROVED

Motion by Radner, seconded by Edgar, CARRIED UNANIMOUSLY, to approve the minutes of the 02-20-23 Closed Session.

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

MOTION DECLARED ADOPTED

CM-02-055-23

**MOTION TO APPROVE A PAYMENT PLAN FOR LAURENTIAN
VILLAGE WATER ACCOUNT B WITH CONDITIONS - APPROVED**

Motion by Radner, seconded by Edgar, CARRIED UNANIMOUSLY, to approve a payment plan for Laurentian Village water account B contingent upon the following:

1. A down payment of \$3,106.13, representing 25% of the outstanding usage charges of \$12,424.55.
2. The Association will maintain its payments on the remaining \$28,676.45 balance of the payment plan (after waiver by the City Manager of the \$1,587.12 penalty assessed 1/25/23 as permitted by ordinance), in addition to keeping the water account current going forward.
3. The Association will allow City Code officers access to the common areas of the buildings, including basements.

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

MOTION DECLARED ADOPTED

ADJOURNMENT:

There being no further business to come before the City Council, Mayor McClellan adjourned the meeting at 9:00 p.m.

T. Edwin Norris, City Clerk

Marian McClellan, Mayor



**CITY OF OAK PARK, MICHIGAN
SPECIAL COUNCIL MEETING OF THE
39th OAK PARK CITY COUNCIL
February 20, 2023
5:30 PM**

5B

MINUTES

Mayor McClellan called the special meeting to order at 5:30 p.m. in the Executive Conference Room of Oak Park City Hall, 14000 Oak Park Boulevard, Oak Park, MI 48237. (248) 691-7544.

PRESENT: Mayor McClellan, Mayor ProTem Edgar, Council Member Radner,
Council Member Whitehead

ABSENT: Council Member Burns

OTHERS

PRESENT: City Manager Tungate, City Clerk Norris, City Attorney Duff, City Attorney Krause, Deputy City Manager VanVleck, Deputy City Clerk Williams, Executive Assistant Garcia

SPECIAL BUSINESS:

(AGENDA ITEM A) Interview candidates for City Boards and Commissions

Council conducted interviews with the following candidate to fill vacancies on city boards and commissions:

Natalie Sturm

(AGENDA ITEM C) Consider new appointments to City Boards and Commissions

**SCM-02-039-23 NEW APPOINTMENT TO CITY BOARDS AND COMMISSIONS
– APPROVED**

Motion by Edgar, seconded by Radner, CARRIED UNANIMOUSLY, to authorize the following appointment to city boards and commissions:

Appointments to City Boards and Commissions:

APPOINTEE	BOARD	NEW TERM TO EXPIRE
Natalie Sturm	Recycling & Env. Conservation Commission	August 2026

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

MOTION DECLARED ADOPTED

SCM-02-040-23

**REAPPOINTMENT OF MEMBERS TO BOARDS AND
COMMISSIONS – APPROVED**

Motion by Edgar, seconded by Whitehead, CARRIED UNANIMOUSLY, to authorize the following reappointments of members to city boards and commissions:

APPOINTEE	BOARD	NEW TERM TO EXPIRE
Steven Chudnow	Election Commission	January 2024
Sarah Sherman	Election Commission	January 2024
Idella Bailey	Beautification Advisory Commission	February 2026
Karen Davis-Harris	Beautification Advisory Commission	February 2026
Pamela McKean	Beautification Advisory Commission	February 2026
Lonie Tabb-Upshaw	Beautification Advisory Commission	February 2026
Deborah Williamson	Beautification Advisory Commission	February 2026
Cameron Cummings	Building Board of Appeals	February 2025
Richard Readus	Building Board of Appeals	February 2025
Dwight Thomas	Building Board of Appeals	February 2025
Taleesa Anderson	Building Board of Appeals	February 2025
Andrew Hylton	Local Officers Compensation Commission	February 2030

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

MOTION DECLARED ADOPTED

(AGENDA ITEM D) City Manager Contract Amendment.

SCM-02-040A-23

**MOTION TO APPROVE AN AMENDMENT TO CITY
MANAGER TUNGATE’S EMPLOYMENT CONTRACT
– APPROVED**

Motion by Whitehead, seconded by Radner, CARRIED UNANIMOUSLY, to approve the following Memorandum of Agreement First Amendment for City Manager Erik Tungate:

MEMORANDUM OF AGREEMENT FIRST AMENDMENT

This Agreement hereinafter “Amendment” is intended to and shall serve as a formal amendment of to the Memorandum of Agreement between Erik D. Tungate (hereinafter referred to as “Employee”) and the City of Oak Park (hereinafter referred to as “Employer” or “City”).

It is understood and agreed that the Employee agrees to the below set forth terms and this Memorandum of Agreement First Amendment is effective upon the date of signature as set forth below:

1. City Manager Salary: to be modified as shown below:

As of February 20, 2023, the salary for the position of City Manager will be at a rate of \$160,000.00 per year. As of February 17, 2024 for the position of City Manager the salary will be at a rate of \$167,000.

Increases in salary and benefits shall occur at the pleasure of the City Council and shall be in such amounts and to such extent as the Employer may determine is appropriate and desirable, taking into account the annual review described in paragraph 15, below, and the economics of the City, among other things, but in no event shall such increase be less than the percentage increase received by all other administrative employees, if there is any such increase commencing on June 30, 2024.

2. Term and Duration:

The Term of this Agreement shall be for a period continuing through June 30, 2027.

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

MOTION DECLARED ADOPTED

(AGENDA ITEM E) Recreation Master Plan update.

City Manager Tungate and Deputy City Manager VanVleck presented an update to the City's Recreation Master Plan. They discussed amenity priorities for investment and reviewed estimated costs, possible funding sources and financing options for the plan. A complete copy of the report is on file with the City Clerk.

(AGENDA ITEM F) City Website.

Communications Director Flynn presented a new version of the city's website. After discussion, there was consensus among council members to proceed with the new design.

CALL TO THE AUDIENCE:

There were no members of the public who wished to speak.

ADJOURNMENT:

There being no further business to come before the City Council, Mayor McClellan adjourned the special meeting at 6:50 p.m.

T. Edwin Norris, City Clerk

Marian McClellan, Mayor



**CITY OF OAK PARK, MICHIGAN
SPECIAL COUNCIL MEETING OF THE
39th OAK PARK CITY COUNCIL
February 27, 2023
6:00 PM**

5C

MINUTES

Mayor McClellan called the special meeting to order at 6:13 p.m. in the Executive Conference Room of Oak Park City Hall, 14000 Oak Park Boulevard, Oak Park, MI 48237. (248) 691-7544.

PRESENT: Mayor McClellan, Mayor ProTem Edgar, Council Member Radner,
Council Member Whitehead, Council Member Burns

ABSENT: None

OTHERS

PRESENT: City Manager Tungate, City Clerk Norris

SPECIAL BUSINESS:

(AGENDA ITEM A) Interview candidates for City Prosecutor

Council conducted interviews with the following city prosecutor candidates:

Garan Lucow Miller P.C.
1155 Brewery Park Blvd., Suite 200
Detroit, MI 48207

L. Charlynn Turner
Fiona E. Heady

The Kaplan Law Firm
2855 Coolidge Highway, Ste. 101A
Troy, MI 48084

Joshua A. Kaplan
Jordan S. Dizik
Joshua A. Faber

(AGENDA ITEM B) Consider appointing a new City Prosecutor

**SCM-02-056-23 MOTION TO HIRE THE KAPLAN LAW FIRM FOR OAK PARK
CITY PROSECUTORIAL SERVICES EFFECTIVE
MARCH 1, 2023 SUBJECT TO CONDITIONS - APPROVED**

Motion by Burns, seconded by Radner, CARRIED UNANIMOUSLY, to hire The Kaplan Law Firm for Oak Park City Prosecutorial Services effective March 1, 2023 subject to the following conditions:

1. Monthly Retainer Flat Fee for City Prosecutorial Services: \$6,500.00 per month
2. Expenses: The City will pay for reasonable expenses and court costs resulting from the City Prosecutorial Services, including Process Service Fees and experts for trial
3. Five-year contract with review after second year

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

MOTION DECLARED ADOPTED

CALL TO THE AUDIENCE:

There were no members of the public who wished to speak.

ADJOURNMENT:

There being no further business to come before the City Council, Mayor McClellan adjourned the special meeting at 7:40 p.m.

T. Edwin Norris, City Clerk

Marian McClellan, Mayor

**BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN****AGENDA OF:** March 8, 2023**AGENDA #****SUBJECT:** Proposed payment request for Engineering Consulting Services.**DEPARTMENT:** DPW/Municipal Services – Engineering *KMG***SUMMARY:** Attached is a request for payment for invoices from OHM Advisors for the projects as listed below:

Project	This Period	Prior Billings	To Date	Current Contract	Account Number
GIS DWAM Grant	\$36,086.50	\$99,967.00	\$136,053.50	\$240,000.00	592-18-538-970
Totals	\$36,086.50	\$99,967.00	\$136,053.50	\$240,000.00	

RECOMMENDED ACTION: It is recommended that the invoices from OHM Advisors for the above listed projects be approved for the total amount of \$36,086.50. Funding is available in the above listed accounts.

APPROVALS:City Manager: _____ET_____ Department Director: _____*KMG*_____Finance Director: _____SC_____ City Attorney: _____*N/A*_____Budgeted ☒ X**EXHIBITS:** Invoices

REMIT TO:
OHM Advisors
34000 Plymouth Road
Livonia, MI 48150
T 734.522.6711
F 734.522.6427
OHM-Advisors.com



INVOICE

CITY OF OAK PARK
Attn: Kara Grisamer, City Engineer
10600 Capital Ave.
Oak Park, MI 48237

Invoice Date: 02/21/2023
Invoice #: 60025
Project: 0037228040

Project Name: Oak Park GIS DWAM

For Professional Services Rendered Through: February 11, 2023

Professional Services

<i>Description</i>	<i>Fee</i>	<i>Prior Billed</i>	<i>Total Available</i>	<i>Current Billing</i>
Task 1: City & OHM Meetings	\$2,500.00	\$1,358.00	\$1,142.00	\$1,009.00
Task 2: Field Data Colleciton	\$160,000.00	\$94,677.00	\$65,323.00	\$28,991.00
Task 3: GIS Topology / Attribution Updates	\$30,000.00	\$3,932.00	\$26,068.00	\$4,539.00
Task 4: Application Development	\$45,000.00	\$0.00	\$45,000.00	\$1,547.50
Task 5: Eos GPS Configuration and Training	\$2,500.00	\$0.00	\$2,500.00	\$0.00
Totals	\$240,000.00	\$99,967.00	\$140,033.00	\$36,086.50

Invoice Total

\$36,086.50

REMIT TO:
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34000 Plymouth Road
Livonia, MI 48150
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INVOICE

CITY OF OAK PARK
Attn: Kara Grisamer, City Engineer
10600 Capital Ave.
Oak Park, MI 48237

Invoice Date: 02/21/2023
Invoice #: 60025
Project: 0037228040

Project Name: Oak Park GIS DWAM

Task 1: City & OHM Meetings

Professional Services

	<i>Hours</i>	<i>Rate</i>	<i>Amount</i>
Associate	.50	198.00	\$99.00
Technician III	7.00	130.00	\$910.00
Professional Services Subtotal	7.50		\$1,009.00
Task 1: City & OHM Meetings Total:	7.50		\$1,009.00

Task 2: Field Data Collection

Professional Services

	<i>Hours</i>	<i>Rate</i>	<i>Amount</i>
Technician I	293.00	96.00	\$28,128.00
Technician III	5.50	130.00	\$715.00
Technician IV	1.00	148.00	\$148.00
Professional Services Subtotal	299.50		\$28,991.00
Task 2: Field Data Collection Total:	299.50		\$28,991.00

Task 3: GIS Topology / Attribution Updates

Professional Services

	<i>Hours</i>	<i>Rate</i>	<i>Amount</i>
Technician I	29.00	96.00	\$2,784.00
Technician III	13.50	130.00	\$1,755.00
Professional Services Subtotal	42.50		\$4,539.00
Task 3: GIS Topology / Attribution Updates Total:	42.50		\$4,539.00

Task 4: Application Development

Professional Services

	<i>Hours</i>	<i>Rate</i>	<i>Amount</i>
Technician II	9.50	115.00	\$1,092.50
Technician III	3.50	130.00	\$455.00
Professional Services Subtotal	13.00		\$1,547.50
Task 4: Application Development Total:	13.00		\$1,547.50

Total Backup: 362.50 \$36,086.50

5E

**CITY OF OAK PARK
BEAUTIFICATION ADVISORY COMMISSION MEETING MINUTES
September 20, 2022**

Meeting held in person at the Community Center in Room Four

1. THE MEETING WAS CALLED TO ORDER AT 7:05 PM

2. ROLL CALL:

PRESENT: Lonnie Tabb Upshaw, Santhia Guinn, Pamela McKean, Chrystal Wagner, Idella Bailey, Michele Franklin, DPW Director David DeCoster

ABSENT: Karen Davis Harris, Mattie Boykin, Reatha Richmond, Deborah Williamson
City Council Member Carolyn Burns, Tiffany Brown

Introduction of new member Michele Franklin, all members introduced themselves and welcomes Ms. Franklin.

3. APPROVAL OF MINUTES:

Motion to approve the minutes of June 21, 2022 by Reatha Richmond, seconded by Chrystal Wagner.

Vote: Yes: All

No: None

MOTION DECLARED ADOPTED

4. CITY COUNCL / CITY LIAISON UPDATE

- DPW Director DeCoster gave an update on the city beautification efforts.

5. CONSIDERATION OF OLD BUSINESS

A. BAC Awards Ceremony – Assignment of tasks

- Chairperson Tabb-Upshaw brought up the issue of refreshments at the ceremony. It was decided that prepackaged food and drink will be served.
- Chairperson Tabb-Upshaw asked we could be a united front and all wear masks to the ceremony. All agreed.
- Chairperson Tabb-Upshaw asked if the entire Commission could get name badges.

CITY OF OAK PARK
BEAUTIFICATION ADVISORY COMMISSION MEETING MINUTES
September 20, 2022

- Date for this year's award ceremony is October 13, 2022 at 6:30pm.
- Chairperson Tabb-Upshaw asked that all members be present at 5:00pm to help set up for the event.
- David explained that past ceremonies are available on youtube.com. He indicated that he would send out the link.

B. Flower Exchange – Date for 2023?

- David explained that a date must be chosen soon in order to get it into the 2023 city calendar.
- Chairperson Tabb-Upshaw asked that the Commission picture we placed in the calendar for the month of May.
- The goal for 2023 would be to have other communities participate.

6. PUBLIC COMMENTS

- There was no public comment.

7. COMMISSIONER COMMENTS

- Chairperson Tabb-Upshaw asked that all members show up to our events.
- Commissioner McKean asked about the 2023 truck or treat and if the commission needs to provide candy? Chairperson Tabb-Upshaw will provide update for commission.

8. ADJOURNMENT

Moved by Chrystal Wagner, seconded by Pamela McKean to adjourn the meeting at 7:41 pm.

Vote: Yes: All

No: None

MOTION DECLARED ADOPTED

Minutes prepared by David DeCoster

The Traffic & Safety Board Meeting 02/15/2023

In attendance: Aaron Tobin (Chair), Kara Grisamer (City Engineer), Julie Edgar (Mayor Pro-Temp), Mike Pinkerton (Deputy Director of Public Safety), Kemi (Tracey) Jackson (Secretary)

Absent: Noureldin Almahameed, Sharrista Brown

Called to Order: 6:05pmmi

Motion: Julie Edgar moved to approve the minutes from 11/16/2023. Kemi Jackson seconded. Motion carried.

New Business:

- A. Communication with the City Administration on who is going to send out notifications about our meetings.
 - a. Kara Grisamer will send out email reminders.
 - b. Aaron Tobin will write the agenda.
- B. Proper signage at school crossing. It was determined that signage of slow school ahead is needed.
- C. No parking sign at Balfour and Church has been a huge success: Clear view for turning.
- D. Kemi Jackson observed the need for traffic calming on Rosewood and Scotia. We will requesting the radar for these streets
- E. Fixed radar signs limited availability until the fuse problem is solved.
- F. Requests from our Traffic Group on Facebook discussed:
 1. Signage above street on 10 mile & Coolidge is requested. There is no arm to put signage. It's a county road; not our jurisdiction.
Response: We (Kara Grisamer) will request repainting the turn arrow when the weather breaks.
 2. Lady's son was almost hit on Kenwood and Scotia.
Response: We (Kara Grisamer) will request TIA for a study to is see what they propose on Scotia and Kentwood.
 3. A request for the Traffic Safety Board to address the use of the bike lanes for passing lanes.
Response: We are resurfacing the bike lanes next year. We are planning to move the bike lanes in both directions on the south side of the road. Also we will protect the bike lanes with alternating reflective extensions.
 4. Request to change yield signs to stop signs.
Response: Ask them to provide their street, intersection, where do they think it's needed the most. Then the Traffic Safety Board can request a study to be conducted.

- G. Encourage the of Joining our unofficial Facebook Page “Oak Park MI Traffic Safety Board.

Old Business

- A. Kara Grisamer wants to get opinion on the success of the NO PARKING signage at Balfour and Church; 4 way stops and Roanoke and Kentwood; Roanoke and Oak Park Blvd and Balfour and Kentwood to bring out at the banquet.
- B. Things in motion brought to the Council that hasn't been approved:
- i. Pedestrian safe crossings on Coolidge.
 - ii. Cutting the scrubs has been successful to clear the vision of drivers.

Matter Arising

Where crossing was put at Lincoln and Marlow is creating a visibility problem. Request NO PARKING SIGN.

The painting of the curbs. Might suggest it as a summer job for students.

Consider NO PARKING SIGN on Lincoln in front of Synagogue.

Parking concern on Stratford during the improvement plan.

Meeting Adjourned: 6:54pm



**CITY OF OAK PARK, MICHIGAN
EMPLOYEES' RETIREMENT SYSTEM AND
PUBLIC SAFETY RETIREMENT SYSTEM BOARD OF TRUSTEES
CONCURRENT MEETING**

**October 24, 2022
4:30 PM**

MINUTES

Chairperson Tungate called the meeting to order in the Executive Conference Room of City Hall. 14000 Oak Park Blvd., Oak Park MI 48237 at 4:30 PM and roll call was taken.

EMPLOYEES' RETIREMENT SYSTEM:

TRUSTEES PRESENT: Trustee Tungate, Trustee McClellan, Trustee Waxenberg, Trustee Crawford

TRUSTEES ABSENT: Trustee DeCoster

ALSO PRESENT: City Clerk Norris, City Attorney Duff, and Human Resources Interim Director Allen

PUBLIC SAFETY RETIREMENT SYSTEM:

TRUSTEES PRESENT: Trustee Tungate, Trustee McClellan, Trustee Radner (arrived late) Trustee Batora, Trustee MacFarlane

TRUSTEES ABSENT: None

ALSO PRESENT: City Clerk Norris, Finance Director Crawford, City Attorney Duff, Human Resources Interim Director Allen

City Manager Tungate welcomed Kyle MacFarlane who was recently elected to the PSRS Board and indicated that Trustee Tetler has resigned his position on the board. Trustee Batora was elected to remain on the board as the command representative.

(Agenda Item #3A) Approval of Minutes

ERS-10-012-22

**MINUTES FROM THE JULY 25, 2022 ERS/PSRS
CONCURRENT MEETING – APPROVED**

Motion by Crawford, seconded by McClellan, CARRIED UNANIMOUSLY, to approve the Minutes from the July 25, 2022 ERS/PSRS Concurrent Meeting.

Voice Vote:	Yes:	Tungate, McClellan, Crawford, Waxenberg
	No:	None
	Absent:	DeCoster

MOTION DECLARED ADOPTED

**PSRS-10-014-22 MINUTES FROM THE JULY 25, 2022 ERS/PSRS
CONCURRENT MEETING – APPROVED**

Motion by Batora, seconded by McClellan, CARRIED UNANIMOUSLY, to approve the Minutes from the October 25, 2022 ERS/PSRS Concurrent Meeting.

Voice Vote:	Yes:	Tungate, McClellan, Batora, MacFarlane
	No:	None
	Absent:	Radner

MOTION DECLARED ADOPTED

(Agenda Item #4A) Market Update and Portfolio Review – PNC

Carolyn Rains and Gary Salzer from PNC presented the 2022 Third Quarter Investment Review dated September 30, 2022. A complete report is on file in the City Clerk's Office. Mr. Salzer provided a market update and Ms. Rains presented a portfolio summary that reviewed the City's investment policy statement, assets, allocations, and investment performance for both systems. She reported the market value of the Employees' Retirement System as of September 30, 2022 was \$17,253,192 and the market value of the Public Safety Retirement System was \$44,964,018. The boards discussed proposed changes to the investment policy statement.

**ERS-10-013-22 MOTION TO MAKE THE FOLLOWING PROPOSED
TARGET CHANGES TO THE CITY OF OAK PARK
EMPLOYEES RETIREMENT SYSTEM INVESTMENT
POLICY STATEMENT – APPROVED**

Motion by Crawford, seconded by McClellan, CARRIED UNANIMOUSLY, to make the following proposed target changes to the City of Oak Park Employees Retirement System Investment Policy Statement:

Current IPS			Proposed Changes		
Major Asset Class	Target	Range	Major Asset Class	Target	Range
Equity	66%	35-80%	Equity	66%	35-80%
Real Estate	4%	0-10%	Real Estate	4%	0-10%
Fixed Income	29%	15-60%	Fixed Income	24%	15-60%
Alternative Investments	0%	0-15%	Alternative Investments	5%	0-15%
Cash	1%	0-20%	Cash	1%	0-20%
Sub Asset Class	Target	Range	Sub Asset Class	Target	Range
Large Cap Equity	25%	10-40%	Domestic Large Cap Equity	28%	10-40%

Roll Call Vote:	Yes:	Tungate, McClellan, Crawford, Waxenberg
	No:	None
	Absent:	DeCoster

**PSRS-10-015-22 MOTION TO MAKE THE FOLLOWING PROPOSED
TARGET CHANGES TO THE CITY OF OAK PARK
PUBLIC SAFETY RETIREMENT SYSTEM
INVESTMENT POLICY STATEMENT – APPROVED**

Current IPS			Proposed Changes		
Major Asset Class	Target	Range	Major Asset Class	Target	Range
Equity	66%	35-80%	Equity	66%	35-80%
Real Estate	4%	0-10%	Real Estate	4%	0-10%
Fixed Income	29%	15-60%	Fixed Income	24%	15-60%
Alternative Investments	0%	0-15%	Alternative Investments	5%	0-15%
Cash	1%	0-20%	Cash	1%	0-20%
Sub Asset Class	Target	Range	Sub Asset Class	Target	Range
Large Cap Equity	25%	10-40%	Domestic Large Cap Equity	28%	10-40%
Mid Cap Equity	11%	0-20%	Domestic Mid Cap Equity	11%	0-20%
Small Cap Equity	7%	0-15%	Domestic Small Cap Equity	7%	0-15%
International Equity -Developed	14%	10-25%	International Equity Developed	17%	10-25%
International Equity -Small Cap	3%	0-10%	Remove Small Cap Intl	0%	0-10%
International Equity -Emerging Markets	3%	0-10%	International Equity Emerging Markets	3%	0-10%
Other Equity	3%	0-10%	Other Equity	0%	0-10%
Real Estate	4%	0-10%	Real Estate	4%	0-10%
Domestic Fixed Income	26%	15-60%	Domestic Fixed Income	24%	15-60%
Domestic High Yield	3%	0-10%	Domestic High Yield	0%	0-10%
Alternatives	0%	0-15%	Alternatives	5%	0-15%
Cash	1%	0-20%	Cash	1%	0-20%

Roll Call Vote:	Yes:	Tungate, McClellan, Batora, MacFarlane
	No:	None
	Absent:	Radner

MOTION DECLARED ADOPTED

**ERS-10-014-22 MOTION TO AUTHORIZE THE FOLLOWING
CHANGES TO THE CITY OF OAK PARK EMPLOYEES
RETIREMENT SYSTEM PORTFOLIO – APPROVED**

Motion by Crawford, seconded by Waxenberg, CARRIED UNANIMOUSLY, to make the following changes to the City of Oak Park Employees Retirement System portfolio:

- Sell ALL Cambiar International.
- Sell ALL Harding Loevner International Small Cap.
- Buy Vanguard International Value with proceeds.

Roll Call Vote:	Yes:	Tungate, McClellan, Crawford, Waxenberg
	No:	None
	Absent:	DeCoster

MOTION DECLARED ADOPTED

**PSRS-10-016-22 MOTION TO AUTHORIZE THE FOLLOWING
CHANGES TO THE CITY OF OAK PARK PUBLIC
SAFETY RETIREMENT SYSTEM PORTFOLIO
– APPROVED**

Motion by MacFarlane, seconded by Batora, CARRIED UNANIMOUSLY, to make the following changes to the City of Oak Park Public Safety Retirement System portfolio:

- Sell ALL Cambiar International.
- Sell ALL Harding Loevner International Small Cap.
- Buy Vanguard International Value with proceeds.

Roll Call Vote:	Yes:	Tungate, McClellan, Batora, MacFarlane, Radner
	No:	None
	Absent:	None

MOTION DECLARED ADOPTED

(Agenda Item #4B- PSRS) Domestic Relations Order – Donald A. Gundy

City Attorney Duff provided information regarding the Domestic Relations Order (DRO) that was received concerning Public Safety retiree Donald A. Gundy. Ms. Duff indicated the city received information that Mr. Gundy's ex-wife had filed a motion for reconsideration of the order that provides that she would no longer be a spousal beneficiary. She had asked if the board would wait to consider the acceptance of the DRO, however the court had subsequently denied the reconsideration before the next meeting of the board.

Ms. Duff clarified further that the language of the present order will need to be revised before the board can consider its acceptance. The order appears to give Mr. Gundy the right to an increase in retirement benefit that is inconsistent with the city's retirement ordinance.

Mr. Gundy was present to emphasize that his ex-wife's benefit was extinguished, and he should have received a pop-up to his benefit. He also stated the order language should circumvent the city's ordinance/charter. Ms. Duff indicated Mr. Gundy's ascertain is incorrect because the court settlement cannot change the city's plan and that new DRO language will need to be brought before the board at a future meeting.

(Agenda Item #4A-J) Financial Reports (ERS)

**ERS-10-015-22 RECEIVE AND APPROVE ERS FINANCIAL REPORTS
(JULY - SEPTEMBER, 2022) – APPROVED**

Motion by Waxenberg, seconded by Crawford, CARRIED UNANIMOUSLY, to receive and approve the following reports for the period July 1, 2022 – September 30, 2022:

- A. PNC Investment Management Report
- B. Fiduciary Net Assets Statement – Fund 731
- C. PNC Financial Report
- D. Disbursements made by the Retirement System

DATE	CHECK#	PAYEE/DESCRIPTION	AMOUNT
07/31/2022	EFT (JE11066 & JE11067)	PNC Inst. Asset Mgmt.	\$3,577.78
Investment Counseling Fees for 07/01/2022 – 09/30/2022			
08/29/2022	167122	Watkins Ross	\$890.00
Actuarial Services April, 2022 through July 31, 2022.			
TOTAL QUARTERLY DISBURSEMENTS			\$4,467.54

- E. Fiduciary Net Assets Statement – Fund 680
- F. Retirees Actuarial Statements

NAME	DEPARTMENT	DATE	STATUS
William Bohlen	DPW	09/11/2022	Final
Timothy Davis	DPW	08/04/2022	Final

- G. Municipal and Military Buy-Back Calculations - None
H. Correspondence of Retirement Submission - None
I. Necrology Report

NAME	DATE
Barbara Padilla	07/03/2022
Willie Horton	08/09/2022
Kevin Jones	09/05/2022

- J. Miscellaneous Information - None

Roll Call Vote:	Yes:	Tungate, McClellan, Crawford, Waxenberg
	No:	None
	Absent:	DeCoster

MOTION DECLARED ADOPTED

(Agenda Item #4A-J) Financial Reports (PSRS)

**PSRS-10-017-22 RECEIVE AND APPROVE PSRS FINANCIAL REPORTS
(JULY - SEPTEMBER 2022) – APPROVED**

Motion by MacFarlane, seconded by Radner, CARRIED UNANIMOUSLY, to receive and approve the following reports for the period July 1, 2022 – September 30, 2022:

- A. PNC Investment Management Reports
- B. Fiduciary Net Assets Statement – Fund 733
- C. PNC Financial Report
- D. Disbursements made by the Retirement System

DATE	CHECK#	PAYEE/DESCRIPTION	AMOUNT
07/31/2022	EFT (JE11066 & JE11067)	PNC Inst. Asset Mgmt.	\$9,567.23
	Investment Counseling Fees for 07/01/2022 – 09/30/2022		
08/29/2022	167122	Watkins Ross	\$4,530.00
	Actuarial Services April 1, 2022 through July 31, 2022.		

TOTAL QUARTERLY DISBURSEMENTS	\$14,097.23
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- E. Fiduciary Net Assets Statement – Fund 680
- F. Retirees Actuarial Statements - None
- G. Municipal and Military Buy-Back Calculations - None
- H. Correspondence of Retirement Submission – None
- I. Necrology Report - None
- J. Miscellaneous Information - None

Roll Call Vote:	Yes:	Tungate, Radner, McClellan, Batora, MacFarlane
	No:	None
	Absent:	None

MOTION DECLARED ADOPTED

PUBLIC COMMENTS:

There were no members of the public present wishing to speak.

ADJOURNMENT:

The meeting was adjourned at 5:54 p.m.

T. Edwin Norris, City Clerk

**BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN****AGENDA OF:** March 8, 2023**AGENDA #****SUBJECT:** Request authorization to bid the 2023 Citywide Door Replacement Project**DEPARTMENT:** Public Works / Facilities - *DED*

SUMMARY: Bid documents are being prepared for the 2023 Citywide Door Replacement Project. This project will remove and replace some of the exterior doors around the city. Locations include pumps stations, the Library, as well as City Hall. This project will also replace some of the aging hardware on select doors.

FINANCIAL STATEMENT: There is \$30,000 budgeted for this project in the FY 2022-23 budget. Funding is available in the Water / Sewer account (592-18.540-930.000) and Building Maintenance account (101-18.265-930) for this expenditure.

RECOMMENDED ACTION: It is recommended that the request to advertise for bids for 2023 Citywide Door Replacement Project be approved. Funding is available in the Water / Sewer and Building Maintenance funds for this expenditure.

APPROVALS:

City Manager: _____ ET _____

Department Director: _____ *DED* _____

Finance Director: _____ SC _____

Legal: _____ CK _____

Budgeted: X

EXHIBITS: None

**BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN****AGENDA OF:** March 8, 2023**AGENDA #****SUBJECT:** Request authorization to dispose of surplus vehicles / equipment.**DEPARTMENT:** Public Works - *DED***SUMMARY:** The Public Works Department is requesting authorization to have the following vehicles / equipment declared surplus and sold or disposed of in the best interest of the City.

Vehicle	Year	Description	VIN
#258	2009	Dodge Charger	2B3KA43V59H608563
#500	1996	International Tandem Axle Dump Truck	1HTGHAAT3TH389599
#516	1999	John Deere – 710D Backhoe	TO71ODJ850121
-	-	Misc. / scrap water meters	-

FINANCIAL STATEMENT: Any funds received would be deposited in account number 402-00.000-673.000 (Sale of Fixed Assets) of the 2022-2023 Budget.**RECOMMENDED ACTION:** It is recommended that City Council declare the listed vehicles surplus and sold by sealed bid, public auction, or disposal at the lowest expense to the City in accordance with City policy.**APPROVALS:**

City Manager: _____ ET

Department Director: _____ *DED*

Finance Director: _____ SC

Legal: _____ CK

Budgeted: ☐**EXHIBITS:** None

**BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN****AGENDA OF:** March 8, 2023**AGENDA #****SUBJECT:** Proclamation to proclaim Friday, April 28, 2023 as Arbor Day in the City of Oak Park.**DEPARTMENT:** Public Works - *DED***SUMMARY:** Every year, the City of Oak Park celebrates Arbor Day with a community tree planting. Arbor Day celebrates trees and how they benefit the community. These benefits include the beautification of our community, increased property values, providing oxygen, as well as habitat to wildlife.**FINANCIAL STATEMENT:** N/A**RECOMMENDED ACTION:** It is recommended that City Council proclaim Friday, April 28, 2023 as Arbor Day in the City of Oak Park.**APPROVALS:**

City Manager: _____ ET

Department Director: _____ *DED*

Finance Director: _____ SC

Legal: _____ CK

Budgeted:

EXHIBITS: Attached Proclamation

Arbor Day Proclamation

The following Proclamation was passed by the City Council of the City of Oak Park, Michigan, upon the recommendation of the Department of Public Works, at the Regular City Council Meeting on March 8, 2023.

Whereas, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and
Whereas, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

Whereas, Arbor Day is now observed throughout the nation and the world, and

Whereas, Trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

Whereas, Trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

Whereas, Trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

Whereas, Trees, wherever they are planted, are a source of joy and spiritual renewal.

Now, Therefore, The Mayor and City Council of the City of Oak Park, do hereby proclaim Friday, April 28, 2023 Arbor Day in the City of Oak Park, and urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

Further, Urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Marian McClellan, Mayor

Solomon Radner

Julie Edgar, Mayor Pro Tem

Shaun Whitehead

Carolyn Burns

Dated





5K

BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN

AGENDA OF: March 8, 2023

AGENDA #

SUBJECT: Request authorization to bid the 2023 Landscape Maintenance Contract, M-755.

DEPARTMENT: Public Works / Facilities – *DED*

SUMMARY: Bid documents are being prepared for the City's 2023 Landscape Maintenance Contract, M-755. This project will maintain the lawns and flower beds in the City's parks, grounds, and rights of way.

FINANCIAL STATEMENT: There is funding available in the Major Street Fund, Shepherd Park Fund, Other Parks Fund, and the Public Works budget for these expenditures.

RECOMMENDED ACTION: It is recommended that the request to advertise for bids for 2023 Landscape Maintenance Contract, M-755 be approved. Funding is available in the Major Street Fund, Shepherd Park Fund, Other Parks Fund, and the Public Works budget.

APPROVALS:

City Manager: _____ ET _____

Department Director: _____ *DED* _____

Finance Director: _____ SC _____

Legal: _____ CK _____

Budgeted: ☐

EXHIBITS: None

MERCHANT'S LICENSES - MARCH 8, 2023

(Subject to All Departmental Approvals)

NEW MERCHANT	ADDRESS	FEES	BUSINESS TYPE
TOBACCO IMPORT USA	13201 CLOVERDALE AVE	\$150.00	WAREHOUSE
METRO FRAME	26045 COOLIDGE HWY	\$150.00	CUSTOM FRAMING
S.A.B. DIAMONDS	21700 GREENFIELD RD # 335	\$150.00	JEWELRY STORE
HUMBLE HANDS MASSAGE THERAPY	25900 GREENFIELD RD # 503	\$150.00	MASSAGE THERAPY
BEAU'TEES LAB	10616 W NINE MILE RD	\$150.00	HAIR SALON
RENEWALS FOR 2022	ADDRESS	FEES	BUSINESS TYPE
BELOVED MEMORIES	21470 COOLIDGE HWY A	\$150.00	PRINTING
NEW NORTHEAST MARKET	21601 COOLIDGE HWY	\$187.50	LIQUOR STORE
GRACE CENTERS OF HOPE	23119 COOLIDGE HWY	\$150.00	THRIFT STORE
THE BLIND FACTORY	25603 COOLIDGE HWY	\$150.00	RETAIL
CONGREGATION AISH HATORAH	25725 COOLIDGE HWY	\$150.00	RELIGIOUS GROUP
WINX & WAX LLC	26011 COOLIDGE HWY	\$150.00	LASHES AND WAX SALON
BELLA BODY SPA	26013 COOLIDGE HWY	\$150.00	BODY CONTOURING
UNEXPECTED CRAFT BREWING COMPANY	14401 W ELEVEN MILE RD	\$150.00	BREWERY
OAK PARK SOCIAL LLC	14691 W ELEVEN MILE RD	\$150.00	RESTAURANT
DEPENDABLE GAGE & TOOL CO	15321 W ELEVEN MILE RD	\$150.00	TOOL MANUFACTURING
A&W DRIVER EDUCATION SCHOOL	21700 GREENFIELD RD # LL1	\$225.00	SCHOOL
LAW OFFICE OF KARRI MITCHELL	21900 GREENFIELD RD	\$187.50	OFFICE
BOBBI'S PLACE	23300 GREENFIELD RD # 117-119	\$225.00	HAIR SALON
TOTAL ONE RESOURCE	23300 GREENFIELD RD # 122	\$225.00	COUNSELING SERVICES
DELUXE DENTAL	23350 GREENFIELD RD # 100	\$225.00	GENERAL DENTISTRY
LA MARRA	24700 GREENFIELD RD	\$150.00	RESTAURANT
ZEMANS NEW YORK BAKERY	25258 GREENFIELD RD	\$150.00	BAKERY
ZEMANS NEW YORK BAKERY	25258 GREENFIELD RD	\$150.00	BAKERY
APERTURE CONTENT MARKETING	25900 GREENFIELD RD # 402	\$225.00	OFFICE
ENTERPRISE RENT-A-CAR	26520 GREENFIELD RD	\$225.00	RENTAL
THE LOOK-A-SALON	8531 W NINE MILE RD	\$187.50	HAIR SALON
THE ORIGINAL PRIMOS PIZZA OAK PARK	10100 W NINE MILE RD	\$225.00	PIZZERIA
MY PLACE CENTER FOR WELLNESS	12718 NINE MILE	\$225.00	RECOVERY CENTER
GOBIND L GANG, M.D.	13801 W NINE MILE RD	\$187.50	DOCTOR OFFICE
GOOD HEALTH PHARMACY	15300 W NINE MILE RD # 2	\$225.00	PHARMACY
FANCY LADIES APPAREL	13261 TEN MILE	\$150.00	RETAIL
MISS BETTY'S SELF STORAGE	13631 W TEN MILE RD	\$150.00	STORAGE

Howard L. Shifman
Brandon Fournier
Robert Nyovich- Of Counsel



31600 Telegraph Road, Suite 100
Bingham Farms, MI 48025
Phone (248) 642-2383 or
(248) 594-8700
Fax (248) 594-7080
shifmanfournier.com

VIA E-MAIL ONLY

PRIVILEGED ATTORNEY-CLIENT COMMUNICATION

March 1, 2023

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

Re: City of Oak Park/Invoice for Retainer – April 1, 2023 thru June 30, 2023

Dear Mr. Tungate:

Enclosed please find our invoice for services per the Retainer Agreement.

Invoice No. 15350

City of Oak Park – General	\$18,000.00
Labor Matters	
TOTAL	\$18,000.00

Please make check payable to Shifman Fournier, PLC

Thank you for your attention in this matter. If you have any questions or comments, please feel free to contact me at your convenience.

Very truly yours,

SHIFMAN FOURNIER

A handwritten signature in dark ink, appearing to read "Jessica Fanego", is written over the printed name.

Jessica Fanego, Office Administrator

Jessica@shifmanfournier.com

Cc: Sandra Crawford, Finance Director

Shifman Fournier, PLC
31600 Telegraph Road, Suite 100
Bingham Farms, MI 48025

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 No. 15350

Professional Services

3/01/2023	Services per Retainer Agreement for April 1, 2023 – June 30, 2023	\$ 18,000.00
	TOTAL	\$ 18,000.00
	BALANCE DUE	\$ 18,000.00 =====

**BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN****AGENDA OF:** March 8, 2023**AGENDA #****SUBJECT:** Report on bids for the 2023 Water Main and Road Replacement Project, M-750.**DEPARTMENT:** Municipal Services – Engineering *KMG*

SUMMARY: At the January 17, 2023 regular meeting of the Oak Park City Council, the request to bid the 2023 Water Main and Road Replacement Project, M-750. The project was advertised and one hundred and eleven (111) contractors viewed the documents. On February 27, 2023, seven (7) bids were received and opened. The low bidder, Inner City Contracting LLC of Detroit, MI submitted a bid of \$2,240,831.75 for the water main and road project. This project will replace the water mains in the areas shown on the attached map and also replace the pavement on Cloverdale Ave and Northfield Ave. References were checked and all had positive responses.

FINANCIAL STATEMENT: This project is budgeted in Account Nos. 592-18-538-970, 203-18-479-970, and 202-18-479-970. As with many project in today's environment, the low bid came in approximately \$200,000.00 over budget. The Finance Department has confirmed that sufficient funding is available in the Water/Sewer fund balance (592-18-538-970) to cover the overage.

RECOMMENDED ACTION: It is recommended City Council award the regular bid for the 2023 Water Main and Road Replacement Project, M-750, M-750 to Inner City Contracting LLC of Detroit, MI for the total amount of \$2,240,831.75. Funding is provided in Account Nos. 592-18-538-970, 203-18-479-970, and 202-18-479-970 as well as the Water/Sewer fund balance (592-18-538-970) to cover the overage.

APPROVALS:

City Manager: _____ET_____

Department Director: _____KMG_____

Finance Director: _____SC_____

City Attorney: _____N/A_____

Budgeted: ☐**EXHIBITS:** Bid Tab, Map of project area

BID TABULATION

2023 WATER MAIN & PAVING PROJECT, M-750 BID OPENING DATE MONDAY FEBRUARY 27, 2023 2:00 PM				INNER CITY CONTRACTING LLC 18715 GRAND RIVER AVE. DETROIT, MI 48223 810-625-3501		SPRINGLINE EXCAVATING, LLC 32948 FOLSOM RD. FARMINGTON HILLS, MI 48336 313-491-6688		HWC, LLC 6120 M ILLETT AVE. STERLING HIGHTS, MI 48312 586-865-9976	
ITEM	DESCRIPTION	QUANT	UOM	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	Mobilization, Max 5%	1.00	LSUM	\$ 112,000.00	\$ 112,000.00 *	\$ 125,000.00	\$ 125,000.00	\$ 55,000.00	\$ 55,000.00
2	Minor Traffic Device, Modified SP	1	LSUM	\$ 14,000.00	\$ 14,000.00	\$ 120,000.00	\$ 120,000.00	\$ 10,500.00	\$ 10,500.00
3	Pavement Removal, Modified SP	8,700	SYD	\$ 7.30	\$ 63,510.00	\$ 30.00	\$ 261,000.00	\$ 16.00	\$ 139,200.00
4	Erosion Control, Inlet Protection, Fabric Drop, Modified SP	32	EACH	\$ 100.00	\$ 3,200.00	\$ 290.00	\$ 7,480.00	\$ 125.00	\$ 4,000.00
5	Project Cleanup	1.00	LSUM	\$ 4,500.00	\$ 4,500.00	\$ 10,000.00	\$ 10,000.00	\$ 12,000.00	\$ 12,000.00
6	Aggregate Base Under Concrete (6" 21AA Crush Limestone)	8,300	SYD	\$ 13.50	\$ 85,050.00	\$ 11.00	\$ 69,300.00	\$ 18.00	\$ 113,400.00
7	Earth Excavation	1,550	CYD	\$ 2.70	\$ 4,185.00	\$ 27.00	\$ 41,850.00	\$ 40.00	\$ 62,000.00
8	Subgrade Undercutting	720	CYD	\$ 70.00	\$ 50,750.00	\$ 70.00	\$ 50,750.00	\$ 60.00	\$ 43,500.00
9	Station Grading	16	STA	\$ 5,117.00	\$ 80,592.75	\$ 3,100.00	\$ 48,825.00	\$ 6,000.00	\$ 94,500.00
10	Gate Wall, 1040C frame and cover	12	EACH	\$ 887.00	\$ 10,644.00	\$ 590.00	\$ 7,080.00	\$ 625.00	\$ 7,500.00
11	Sanitary Manhole 1040A frame and cover	5	EACH	\$ 1,050.00	\$ 5,250.00	\$ 650.00	\$ 3,250.00	\$ 700.00	\$ 3,500.00
12	Catch Basin 5080M3 6 hole frame & cover	18	EACH	\$ 845.00	\$ 15,210.00	\$ 600.00	\$ 10,800.00	\$ 640.00	\$ 11,700.00
13	Underdrain Subgrade, Open Graded 6", Modified SP	3,300	LFT	\$ 12.90	\$ 42,570.00	\$ 20.00	\$ 66,000.00	\$ 18.00	\$ 59,400.00
14	Conc. Pavement, 24" Curb and Gutter Section Non-Reinf. 7 inch., Modified SP	100	LFT	\$ 98.20	\$ 9,820.00	\$ 65.00	\$ 6,500.00	\$ 75.00	\$ 7,500.00
15	Conc. Pavement, With Integral Curb Non-Reinf. 7 inch., Modified SP	4,000	SYD	\$ 68.50	\$ 403,400.00	\$ 63.00	\$ 376,000.00	\$ 68.00	\$ 408,000.00
16	Sidewalk Conc.- NonReinf. Modified SP 4" Concrete sidewalk	12,600	SFT	\$ 8.20	\$ 103,320.00	\$ 5.50	\$ 69,300.00	\$ 6.25	\$ 78,750.00
17	Sidewalk Conc.- NonReinf. Modified SP 6" Conc. Sidewalk/DR.	11,700	SFT	\$ 10.25	\$ 119,925.00	\$ 6.50	\$ 76,050.00	\$ 7.25	\$ 84,825.00
18	Approach	3,800	SYD	\$ 16.10	\$ 61,180.00	\$ 10.85	\$ 41,230.00	\$ 13.25	\$ 50,350.00
19	Class A Sodding, Modified SP	3,150	LFT	\$ 70.00	\$ 220,500.00	\$ 175.00	\$ 551,250.00	\$ 140.00	\$ 441,000.00
20	Water Main D.I. CL. 54 8 inch Trench Detail "B" Modified								
	Cloverdale Ave. Water Main Connection "A" Cloverdale Ave. @	1	LSUM	\$ 20,450.00	\$ 20,450.00	\$ 5,400.00	\$ 5,400.00	\$ 9,500.00	\$ 9,500.00
	Cloverdale Ave. Water Main Connection "B" Cloverdale Ave. @	1	LSUM	\$ 17,655.00	\$ 17,655.00	\$ 5,400.00	\$ 5,400.00	\$ 11,000.00	\$ 11,000.00
21	Cloverdale Ave. Water Main Connection "B" Cloverdale Ave. @ Parklawn Ave.	1	LSUM	\$ 17,655.00	\$ 17,655.00	\$ 5,400.00	\$ 5,400.00	\$ 11,000.00	\$ 11,000.00
22	Leslie Ave. Water Main Connection "A" Leslie Ave. @ Beverly Ave.	1	LSUM	\$ 16,320.00	\$ 16,320.00	\$ 5,400.00	\$ 5,400.00	\$ 10,500.00	\$ 10,500.00
23	Leslie Ave. Water Main Connection "B" Leslie Ave. @ Joan Ave. South side	1	LSUM	\$ 16,320.00	\$ 16,320.00	\$ 5,400.00	\$ 5,400.00	\$ 10,500.00	\$ 10,500.00
24	Leslie Ave. Water Main Connection "C" Leslie Ave. @ Joan Ave. North Side	1	LSUM	\$ 16,320.00	\$ 16,320.00	\$ 5,400.00	\$ 5,400.00	\$ 10,000.00	\$ 10,000.00
25	Leslie Ave. Water Main Connection "D" Leslie Ave. @ Stratford Ave.	1	LSUM	\$ 19,590.00	\$ 19,590.00	\$ 10,800.00	\$ 10,800.00	\$ 11,000.00	\$ 11,000.00
26	Leslie Ave. Water Main Connection "E" Leslie Ave. @ Marlow Ave.	1	LSUM	\$ 20,580.00	\$ 20,580.00	\$ 10,800.00	\$ 10,800.00	\$ 11,000.00	\$ 11,000.00
27	Install Fire Hydrant, E/HW 5BR-250	7	EACH	\$ 10,915.00	\$ 76,405.00	\$ 6,100.00	\$ 42,700.00	\$ 9,500.00	\$ 66,500.00
28	Install 8" Gate Valve and Well	12	EACH	\$ 9,332.50	\$ 111,990.00	\$ 5,200.00	\$ 62,400.00	\$ 7,000.00	\$ 84,000.00
29	Remove & Replace Service Curb Box 3/4 inch to 2 inch	51	EACH	\$ 892.00	\$ 45,492.00	\$ 275.00	\$ 14,025.00	\$ 1,000.00	\$ 51,000.00
30	Service Transfers	83	EACH	\$ 900.00	\$ 74,700.00	\$ 1,450.00	\$ 120,350.00	\$ 2,000.00	\$ 166,000.00
31	3/4" to 2" Diameter Type K Copper	400	LFT	\$ 90.50	\$ 36,200.00	\$ 80.00	\$ 32,000.00	\$ 60.00	\$ 24,000.00
32	24" Drainage Structure, Inlet	7	EACH	\$ 4,500.00	\$ 31,500.00	\$ 1,700.00	\$ 11,900.00	\$ 3,000.00	\$ 21,000.00
33	48" Drainage Structure	11	EACH	\$ 5,990.00	\$ 65,890.00	\$ 3,000.00	\$ 33,000.00	\$ 5,000.00	\$ 55,000.00
34	Sewer Pipe, 12" Reinf. Concrete Pipe	600	LFT	\$ 101.50	\$ 60,900.00	\$ 90.00	\$ 54,000.00	\$ 130.00	\$ 78,000.00
35	Remove Existing Fire Hydrant	5	EACH	\$ 3,563.00	\$ 17,815.00	\$ 1,200.00	\$ 6,000.00	\$ 2,000.00	\$ 10,000.00
36	Remove Existing Gate Valve and Well	9	EACH	\$ 4,384.00	\$ 39,456.00	\$ 1,200.00	\$ 10,800.00	\$ 2,500.00	\$ 22,500.00
37	Drainage Structure Remove	16	EACH	\$ 3,262.00	\$ 52,112.00	\$ 1,200.00	\$ 19,200.00	\$ 700.00	\$ 11,200.00
38	Drainage Structure Adjust	9	EACH	\$ 430.00	\$ 3,870.00	\$ 940.00	\$ 8,460.00	\$ 550.00	\$ 4,950.00
39	Sewer Pipe, Remove, 12" and under	600	LFT	\$ 5.25	\$ 3,150.00	\$ 25.00	\$ 15,000.00	\$ 30.00	\$ 18,000.00
40	Crossing Existing Watermain, Sewer, and Sewer Leads	20	EACH	\$ 100.00	\$ 2,000.00	\$ 1,200.00	\$ 24,000.00	\$ 5,000.00	\$ 100,000.00
41	Cast in Place Detectable, Tactile Warning Surfaces 5X2	380	SFT	\$ 45.00	\$ 17,100.00 *	\$ 35.00	\$ 13,300.00	\$ 48.00	\$ 18,240.00
42	Abandon Existing Cloverdale Ave. Water Main	1	LSUM	\$ 5,600.00	\$ 5,600.00	\$ 6,500.00	\$ 6,500.00	\$ 10,000.00	\$ 10,000.00
43	Abandon Existing Leslie Ave. Water Main	1	LSUM	\$ 12,100.00	\$ 12,100.00	\$ 13,700.00	\$ 13,700.00	\$ 14,000.00	\$ 14,000.00
44	Maintenance Gravel, Modified SP	1,000	TON	\$ 24.00	\$ 24,000.00	\$ 40.00	\$ 40,000.00	\$ 35.00	\$ 35,000.00
45	Salvage Sign, Modified SP	22	EACH	\$ 95.50	\$ 2,101.00	\$ 95.00	\$ 2,090.00	\$ 250.00	\$ 5,500.00
46	Unidentified Irrigation System Repairs - Sprinkler lines	500	LFT	\$ 6.50	\$ 3,250.00	\$ 6.00	\$ 3,000.00	\$ 7.00	\$ 3,500.00
47	Unidentified Irrigation System Repairs - Sprinkler Heads	100	EACH	\$ 125.00	\$ 12,500.00	\$ 20.00	\$ 2,000.00	\$ 80.00	\$ 8,000.00
TOTAL COST				\$ 2,240,831.75 *		\$ 2,534,290.00		\$ 2,568,416.00	

Other Bidders:

MARK ANTHONY CONTRACTING

PARMAR ENTERPRISES INC

OPFORD CONTRACTING

LGC GLOBAL INC

\$2,581,775.89

\$2,709,220.00

\$2,926,080.00

\$3,255,381.41

* CORRECTED BY ENGINEER

Project Technician:

J WILSON

Date:

2/28/2023

PROJECT INFORMATION

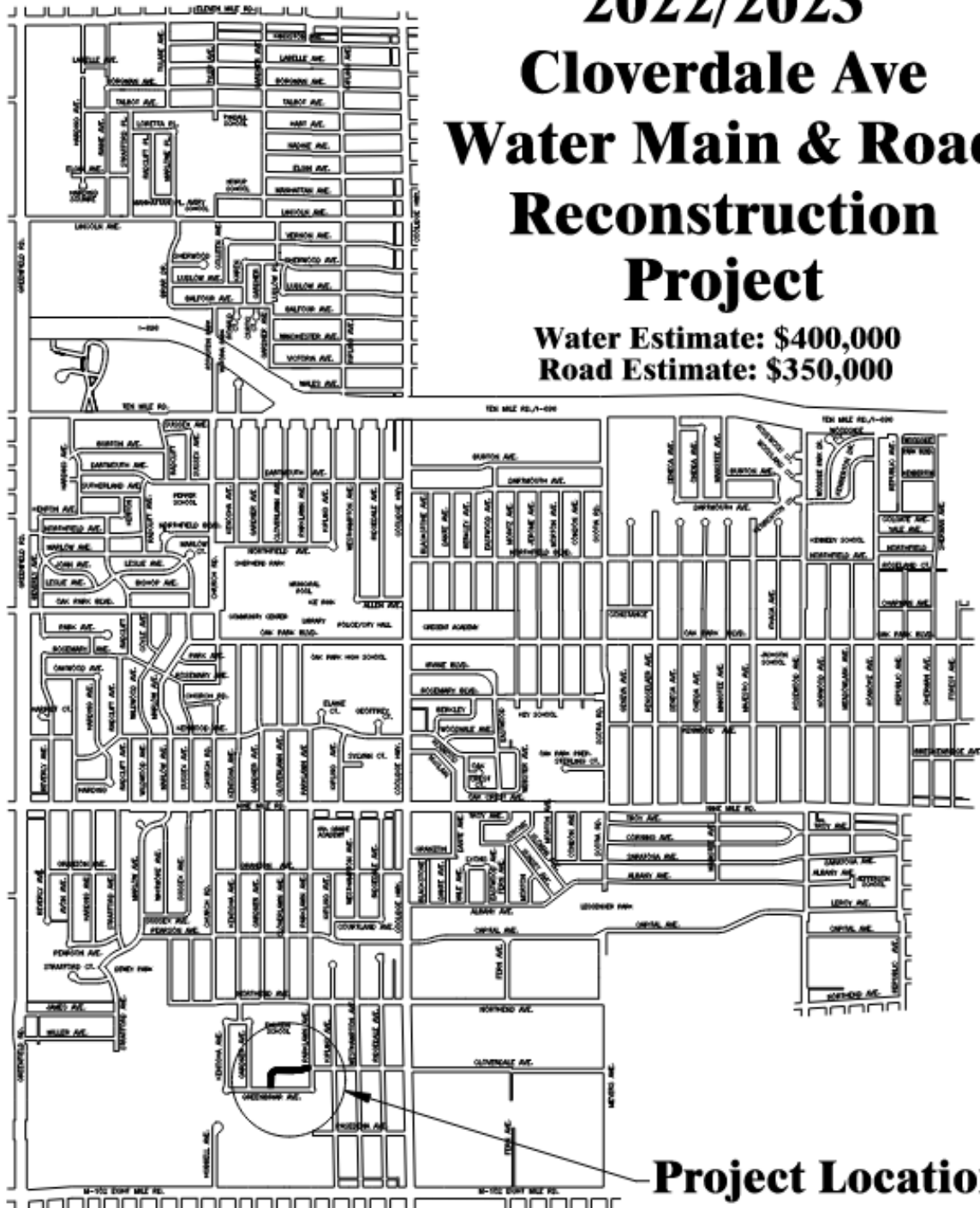
Project Name:	2023 WATER MAIN & PAVING PROJECT
Project M#:	M-750
Budget Year:	2022-2023
Budget Amount:	\$2,050,000.00
Bid Amount:	\$2,240,831.75
Apparent Low Bidder:	INNER CITY CONTRACTING LLC
Total Project Views:	111
Total Bids Submitted:	7
References Checked:	yes
Expected Start of Const.	10-Apr-23
Expected Comp. Date	FALL OF 2023
Additional Information:	BID WAS OVER BUDGET . RECOMMEND TO AWARD.

City of Oak Park

2022/2023

Cloverdale Ave Water Main & Road Reconstruction Project

Water Estimate: \$400,000
Road Estimate: \$350,000

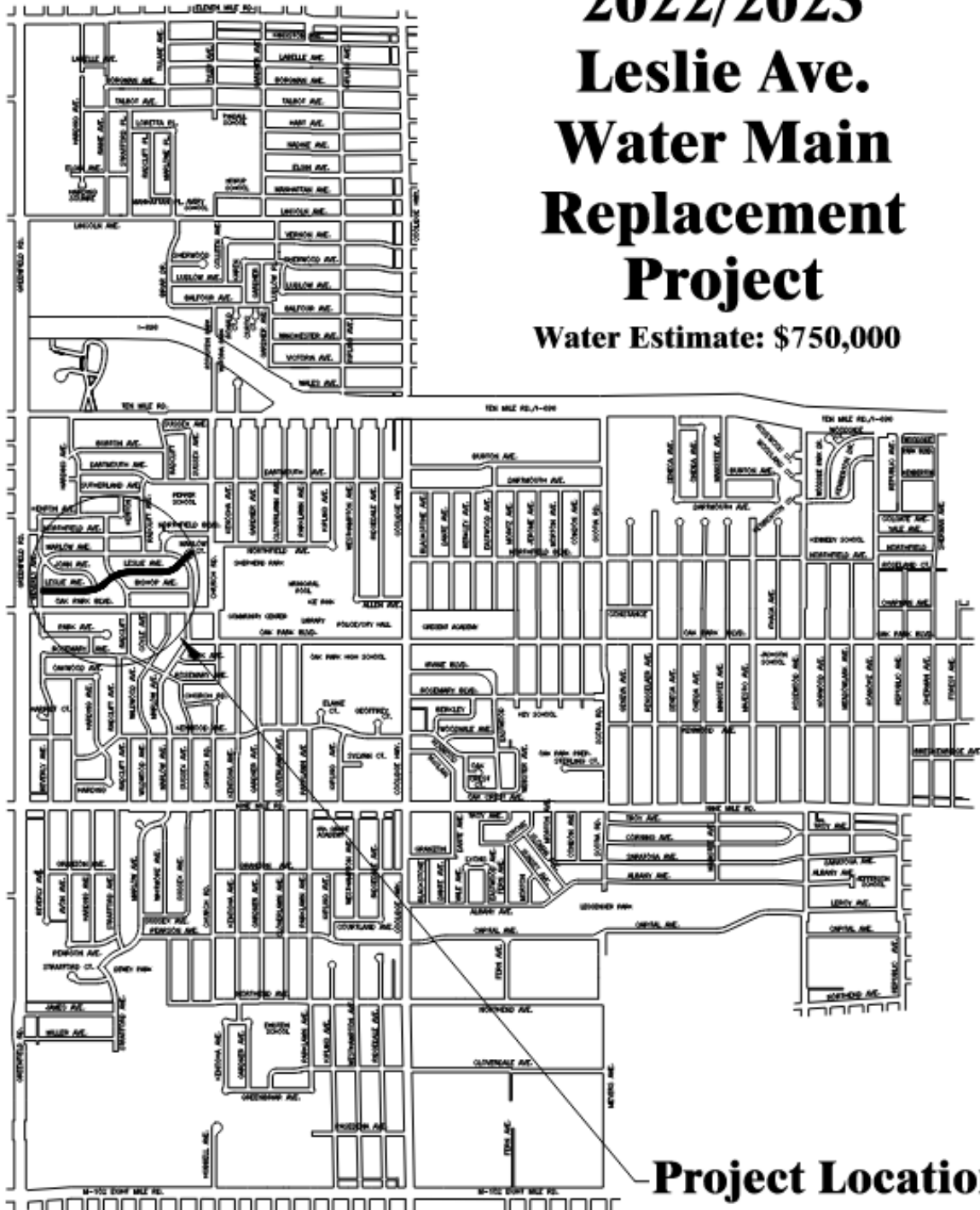


City of Oak Park

2022/2023

Leslie Ave. Water Main Replacement Project

Water Estimate: \$750,000



Road Constr. Estimate: \$550,000**Road Constr. Estimate: \$550,000**

**BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN****AGENDA OF:** March 8, 2023**AGENDA #**

SUBJECT: Report on bids for the 2023 Joint and Crack Sealing Project, M-751 and a budget amendment.

DEPARTMENT: Municipal Services – KMG

SUMMARY: At the January 17, 2023 regular meeting of the Oak Park City Council, the request to bid the 2023 Joint and Crack Sealing Project, M-751 was approved. The project was advertised and fifteen (15) contractors viewed the documents. On February 20, 2023, two (2) bids were received and opened. The low bidder, Michigan Joint Sealing Inc. of Farmington Hills, MI, submitted a bid of \$96,516.00.

FINANCIAL STATEMENT: There is funding available in the Local Streets Fund 203-18-479-970 for this expenditure. However, the project will take place on Coolidge, which is a major street. Therefore, we are amending the FY 2022-23 budget to reduce the Local Street Fund (203-18-479-970) by \$96,516.00 and moving that money (\$96,516.00) to the Major Street Fund (202-18-479-970).

RECOMMENDED ACTION: It is recommended City Council award the regular bid for the 2023 Joint and Crack Sealing Project, M-751 to Michigan Joint Sealing Inc. of Farmington Hills, MI, for the total amount of \$96,516.00. It is further recommended that we amend the FY 2022-23 budget to reduce the Local Street Fund (203-18-479-970) by \$96,516.00 and moving that money (\$96,516.00) to the Major Street Fund (202-18-479-970).

APPROVALS:

City Manager: _____ ET _____ Department Director: _____ KMG _____

Finance Director: _____ SC _____ Legal: _____ CK _____

Budgeted ☒

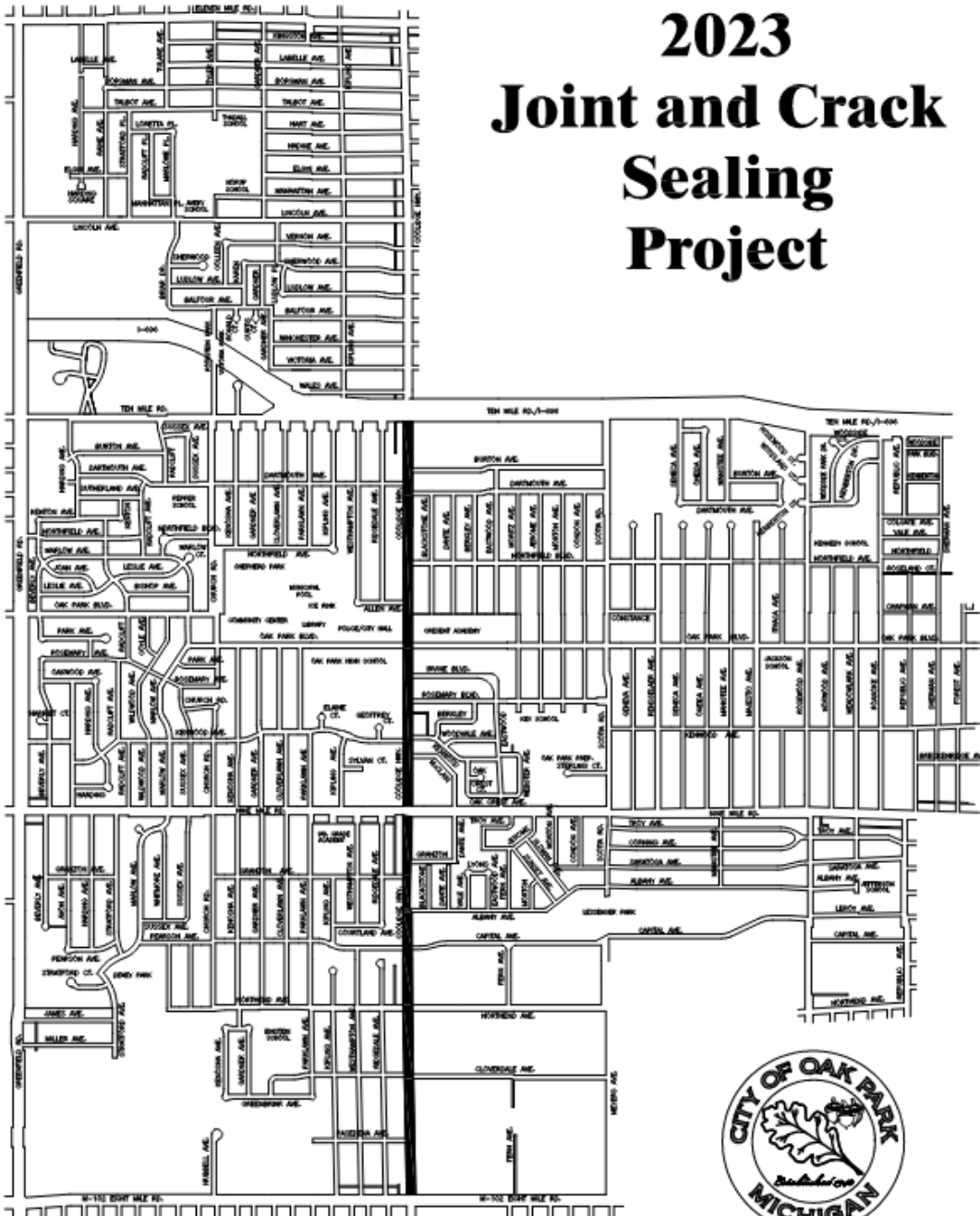
EXHIBITS: Bid Tab, map of project area

BID TABULATION

2023 JOINT AND CRACK SEALING PROJECT, M-751 BID OPENING DATE MONDAY FEBRUARY 20, 2023 2:00 PM				MICHIGAN JOINT SEALING, INC. 28830 WEST EIGHT MILE RD. FARMINGTON HILLS, MI 48336 248-476-4120		SCODELLER CONSTRUCTION 51722 GRAND RIVER AVE. WIXOM, MI 48393 248-374-1102	
ITEM	DESCRIPTION	QUANT.	U/M	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	ROUT AND SEAL JOINTS AND CRACKS MODIFIED SP	110,000	LFT	\$ 0.76	\$ 83,600.00	\$ 0.84	\$ 92,400.00
2	JOINT SEALING COMPOUND MODIFIED SP	31,500.00	LBS	\$ 0.41	\$ 12,915.00	\$ 0.60	\$ 18,900.00
3	MINOR TRAFFIC DEVICES MODIFIED SP	1	LSUM	\$ 1.00	\$ 1.00	\$ 2,000.00	\$ 2,000.00
				\$	96,516.00	\$	113,300.00

City of Oak Park

2023 Joint and Crack Sealing Project





AGENDA OF: March 8, 2023

AGENDA #

SUBJECT: Second reading of proposed text amendments to the City of Oak Park Zoning Ordinance in the following sections: Article 2, Division 2; Article 2, Division 3; Article 2, Division 4; Article 3, Division 1; Article 4, Division 1, Article 4, Division 3; Article 4, Division 4; Article 5, Division 1, Article 5, Division 3, Article 5, Division 4, Article 6, Division 1.

DEPARTMENT: Economic Development and Planning

SUMMARY: At the February 13, 2023 meeting, the Planning Commission conducted a Public Hearing regarding proposed changes to the City of Oak Park Zoning Ordinance. The proposed zoning amendments deal with a variety of improvements to specific sections of the Zoning Ordinance.

The proposed text amendments incorporate clarifications, additions, and/or deletions to specific sections of the Zoning Ordinance to support sustainable growth of the community as well as to be consistent with the State & Federal laws and regulations. In addition to correct simple grammatical errors, incorrect references, document format changes, or minor typos found in these sections.

At the Planning Commission meeting on February 13, 2023 the Planning Commission voted to approve and recommend to the City Council adoption of the proposed zoning text amendments.

FINANCIAL STATEMENT: N/A

RECOMMENDED ACTION: The City Council approve the second reading of the proposed text amendments to the City of Oak Park Zoning Ordinance.

APPROVALS:

City Manager: _____ET_____

Department Director: _____KM_____

Director of Finance: _____SC_____

Budgeted: ☐

Legal: _____

EXHIBITS: Memo, Resolution

CITY OF OAK PARK, MICHIGAN

ORDINANCE NO.

AN ORDINANCE TO AMEND ARTICLE 2, DIVISION 2: RESIDENTIAL DISTRICTS; ARTICLE 2, DIVISION 3: COMMERCIAL/ MIXED-USE/ OFFICE DISTRICTS; ARTICLE 2, DIVISION 4: INDUSTRIAL DISTRICTS; ARTICLE 3, DIVISION 1: GENERAL PROVISION; ARTICLE 4, DIVISION 1: OFF-STREET PARKING; ARTICLE 4, DIVISION 3: LANDSCAPE STANDARDS AND TREE REPLACEMENT; ARTICLE 4, DIVISION 4: SIGNS; ARTICLE 5, DIVISION 1: SITE PLAN REVIEW; ARTICLE 5, DIVISION 3: CONDITIONAL LAND USE; ARTICLE 5, DIVISION 4: SPECIAL LAND USE; ARTICLE 6, DIVISION 1: NON-CONFORMING USES, STRUCTURES, AND LOTS OF 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 2, Division 2: Residential Districts of Appendix A - Zoning of the Code of Ordinances of the City of Oak Park, Michigan is hereby amended as followed:

SEC. 211 Residential Uses

Amend the land uses in the Educational and Public, Semi-Public, Assembly Uses in Table 211.1 Residential Districts Uses, to read as follows:

Table 211.1 Residential Districts Uses					
Use	R-1	R-2	RM-1	RM-2	Add'l Req'ts
Educational					
Private Educational Institutions, including Parochial Elementary, Middle, and High Schools	SLU				Sec. 557h
Private Student dormitories	SLU				Sec. 557q
Public, Semi-Public, Assembly Uses					
Cemeteries			SLU		557d
Community centers	CLU	CLU			Sec.544g
Places of worship	CLU	CLU			Sec. 544g
Public recreation and parks	P	P	P	P	

SEC. 215 Required Conditions

Amend provision (b) under All Residential Districts to read as follows:

b. Prohibited use for open areas: No machinery, equipment, commercial vehicles, or other materials, shall be stored or parked, or permitted to stand in any open area that is clearly visible from the street, public place or adjoining residential property.

SECTION 2. Article 2, Division 3: Commercial / Mixed-Use/ Office Districts of Appendix A - Zoning of the Code of Ordinances of the City of Oak Park, Michigan is hereby amended as followed:

SEC. 221 Commercial Mixed-use Use Table

Amend the land uses in the Educational and Public and Semi-Public sections in Table 221.1 Commercial and Mixed-use Districts Uses, to read as follows:

Table 221.1 Commercial and Mixed-Use Districts Uses								
Use	B-1	B-2	O	PTR ED	PCD	MX-1	MX- 2	Add'l Req'ts
Educational								
Colleges, universities, and other institutions of higher learning including trade, technical, and vocational schools		P	P	P	P			
Private Educational Institutions, including Parochial Elementary, Middle, and High Schools	SLU	SLU	SLU	SLU				Sec. 557h
Private educational tutoring businesses such as computer training establishments, after school tutoring, and similar businesses	P	P	P		P	P	P	
Performing and fine arts schools or studios	P	P	P		P	P	P	544s
Private technical schools and training institution		P	P	P	P			
Private student dormitories				SLU				544p
Public and Semi-Public								
Library and museum	P	P						
Places of worship	P	P						
Theaters, cinemas, and similar uses		P						

Delete only the following land uses in the Industrial, Construction, and Storage and Public and Semi-Public sections in Table 221.1 Commercial and Mixed-use Districts Uses:

[illegible]

Wireless Communication Facilities		SLU	SLU	SLU	SLU			Sec. 557t
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SEC. 224 Building Design Standards

Amend drive-through building type in the table to read as follows:

Commercial/ Mixed-Use Building Types	B-1	B-2	O	PTRED	PC D	MX-1	MX-2	See Section
Drive-through		X					X	356 357.D

SEC. 225 Schedule of Regulations

Amend the height and setback regulations for the office (O) and mixed-use (MX-1 & MX-2) districts in the table and footnotes to read as follows:

	Height				Setback (feet)				
	Min.		Max.		Front		Sides (min.)		Rear
	Stories	Ft.	Stories	Ft.	Min.	Max.	Least 1	Total 2	Min.
O			15	150	Equals to height of building				
MX-1		25		45 ³	0 ³	10	0	0	0
MX-2		25		45 ³	10	70 ²	0	0	0

1. MX-2 is limited to one double-loaded bay of parking in front yard.
2. The front yard area between the minimum and maximum setback in the B-1 and MX-1 districts is defined as a dooryard. The dooryard is intended as a transitional area between the public realm and private property for pedestrian-oriented amenities. It shall accommodate entrances, outdoor seating, and projections such as awnings and balconies.
3. In the MX-1 and MX-2, the Planning Commission may allow a greater height of no more than 75 feet, if it is used to support residential or mixed-use development and finds that:
 - a. The proposed height will not adversely impact adjacent properties or nearby residential neighborhoods.
 - b. The added height is necessary to support redevelopment.
 - c. The proposed development is designed to facilitate the objectives and strategies of the Master Plan.
 - d. The Planning Commission may impose any additional setbacks or site conditions or limitations as in its judgement, may be necessary to protect the character of any adjacent and nearby residential neighborhoods and/or non-residential land uses against any potential negative impact of the project.

SECTION 3. Article 2, Division 4: Industrial Districts of Appendix A - Zoning of the Code of Ordinances of the City of Oak Park, Michigan is hereby amended as followed:

SEC. 231 Industrial Use Table

Amend the land uses in the Educational and Accessory sections, to read as follows:

Use	LI	IF	Add'l Req'ts
Educational			
Colleges, universities, and other institutions of higher learning including trade, technical, and vocational schools	P	P	
Private Educational Institutions, including Parochial Elementary, Middle, and High Schools	SLU		Sec. 557h
Educational tutoring businesses such as computer training establishments, after school tutoring, and similar businesses		P	
Performing and fine arts schools or studios	CLU	P	544t
Private technical schools and training institution	P	P	
Accessory			
Outdoor dining, accessory to restaurant, brewery, winery or distillery	P	P	Sec. 319
Outdoor retail display and sales (commercial)	CLU		544 r
Outdoor storage	CLU		Sec. 557l

Delete only the following land use in the Industrial, Construction, and Storage section:

Use	LI	IF	Add'l Req'ts
Industrial, Construction, and Storage			
Wireless Communication Facilities	SLU	SLU	Sec. 557t

SEC. 234 Schedule of Regulations

Amend the height regulations for the LI and IF districts in the table and footnotes to read as follows:

	Height				Setback (feet)						
	Min.		Max.		Front		Sides (min.) ¹		Rear		
	Stories	Ft.	Stories	Ft.	Min.	Max.	Least 1	Total 2	Min.		
LI	-	-	-	45	25	-	15	40	25		
IF	-	-	-	45 ³	10	35	10	20	25		

1. Side yard setbacks may be reduced along one interior side lot line which abuts another property or properties zoned industrial, where proper access is provided to the rear of the building for parking, loading/unloading, and emergency services, and provided the building wall complies with all requirements of the building code for proper construction and fire rating. This section permits zero lot line construction where the above conditions are demonstrated to be met through site plan review.

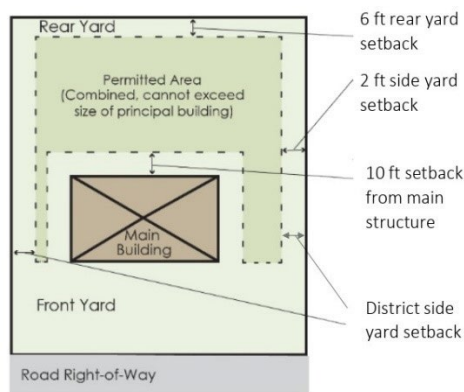
2. The front yard setback may be reduced to 10 feet provided significant landscaping is provided in a greenbelt per Sec. 445.

3. In the IF District, the Planning Commission may allow a greater height of no more than 75 feet, if it is used to support residential or mixed-use development and finds that:
- The proposed height will not adversely impact adjacent properties or nearby residential neighborhoods.
 - The added height is necessary to support redevelopment.
 - The proposed development is designed to facilitate the objectives and strategies of the Master Plan.
 - The Planning Commission may impose any additional setbacks or site conditions or limitations as in its judgement, may be necessary to protect the character of any adjacent and nearby residential neighborhoods and/or non-residential land uses against any potential negative impact of the project.

SECTION 4. Article 3, Division 1: General Provision of Appendix A - Zoning of the Code of Ordinances of the City of Oak Park, Michigan is hereby amended and re-order the remaining provisions, as followed:

SEC. 300 Accessory Buildings, Structures, and Uses (See Figure 3.1 Accessory Buildings and Structures Location standards)

Revise the graphic to correct the rear setbacks as amended in Ordinance #O-22-719, as follows:



SEC. 302 Antennas and Towers

Delete Section 302 to be consistent with state and federal laws and regulations and reorder the remaining sections:

Radio or television antennas or towers, or similar devices, including satellite dish antennas and transmission or reception antennas (hereinafter referred to as “regulated reception antenna”), may be erected or installed in any zoning district as an accessory structure to a permitted use, and shall comply with the following requirements. Wireless communication facilities, such as cellular antenna, wireless internet antenna, and commercial broadcasting antenna, shall be subject to the requirements of Article 5, Division 4 Special Land Uses, Wireless Communication Facilities.

- Ground-Mounted Antennae. Regulated reception antenna exceeding one (1) meter (3.28 feet) in diameter in Residential Districts and three (3) meters

(9.84 feet) in Non-Residential Districts, are permitted in all zoning districts subject to the following conditions:

1. Regulated reception antenna shall be located only in a rear yard and shall not be within the required side yard setback. A satellite dish antenna shall be located only in a rear yard.
 2. No portion of an antenna, including a satellite dish antenna, shall be located closer than six (6) feet, measured on a horizontal plane, from any side or rear lot line, or placed on any easement.
 3. The site must be approved by the Planning Commission, which shall require a sketch plan in accordance with Article 5, Division 1: Site Plan Review, indicating the location of the satellite dish and buildings, paved areas and other appropriate site features within one hundred (100) feet of the proposed location.
 3. The height of regulated reception antenna, with the exception of a satellite dish antenna, shall not exceed fifty (50) feet above mean grade or ten (10) feet above the peak of the roofline, in any Residential District, and shall not exceed one hundred (100) feet above mean grade in any other zoning district.
 4. The height of a satellite dish antenna, including any platform or structure upon which the antenna is mounted, shall not exceed fifteen (15) feet in height at its maximum point above mean grade.
 5. The diameter of a regulated reception antenna shall not exceed twelve (12) feet.
- b. Building-Mounted Antennae. Regulated reception antenna having a diameter of one (1) meter (3.28 feet) or less in Residential Districts and two (2) meters (6.56 feet) in Non-Residential Districts may be attached to the roof of a building, provided that no portion of the satellite dish antenna extends more than thirty-six (36) inches above the highest point of the roof.
- c. Roof-mounted regulated reception antenna over two (2) meters (6.56 feet) in diameter are permitted in Non-Residential Districts only, provided that the antenna complies with the height requirements of the district in which they are located. Roof-mounted regulated reception antenna shall not be placed on the front of any primary structure.
- d. General
1. No advertising or identification display shall be placed on any portion of an antenna or tower, including a satellite dish antenna, except for the name of the manufacturer and serial number.
 2. No more than two (2) antennas, including a maximum of one (1) satellite dish antenna, shall be located on the same lot as a principal building, unless it is a multi family dwelling. Antennae are permitted only in connection with, incidental to, and on the same lot as a principal building, structure, or use.
 3. The color of the antennae shall be of tones similar to the surroundings.
 4. All electrical and antenna wiring shall be placed underground where applicable.
 5. Antennas shall be securely mounted and anchored in accordance with manufacturer's specifications and building code requirements.

6. The antenna shall be located and designed to meet the manufacturer's specifications to withstand a wind force of one hundred (100) miles per hour.
7. The installation of an antenna, including a satellite dish antenna, shall require issuance of a building permit by the Building Official prior to erection.
8. If a usable signal cannot be obtained by locating the ground-mounted antenna in the rear yard, the antenna may be located in the side yard of the property subject to the submission of a written affidavit and approval of the Zoning Administrator provided the placing of an antenna in a side yard shall remain subject to all other conditions set forth in this section.

SECTION 5. Article 4, Division 1: Off-Street Parking and Loading Standards of Appendix A – Zoning of the Code of Ordinances of the City of Oak Park, Michigan is hereby amended as followed:

SEC. 401 General Requirements

Add provision (m) to read as follows:

- m. Parking Reduction. The planning commission or city planner may reduce the total number of spaces by up to twenty percent (20%) than the number required to meet the standards of Section 403 Parking Space Numerical Requirements. If a greater parking reduction is requested, the planning commission may approve fewer parking spaces based on a professionally prepared parking study. However, in no case shall the total parking spaces be reduced by more than 50%.

SEC. 402 Parking Units of Measurements

Amend provisions (a.2) (c) & (d) to read as follows:

- a. Floor Area
 2. For the purposes of determining the off-street parking requirements, gross floor area (GFA) shall apply to all internal building areas excluding the floor area used for incidental service, storage, mechanical equipment rooms, heating/cooling systems and similar uses, and other areas not intended for use by the general public. Where these areas are not yet defined, floor area shall be considered to be eighty-five percent (85%) of the gross floor area (GFA).
- c. Employees. Where the number of spaces required is based on the number of employees, calculations shall be based upon the maximum number of employees likely to be on the premises during the peak shift.
- d. Fractional Spaces. When units of measurements determining the number of required parking or loading spaces result in a fractional space, any

fraction -equal to or greater than one-half- shall be counted as one (1) additional space.

SEC. 403 Parking Space Numerical Requirements

Amend the table to add parking requirements to upper floor units under residential section to read as follows:

Parking Space Numerical Requirements	
Residential	
Upper floor residential units in non-residential districts	1.0 space per dwelling unit

SEC. 408 Bicycle Parking

Amend provision (a) to read as follows:

a. For all new development the amount of bicycle parking shall be determined in accordance with the following table. Unless otherwise noted in the following table, bicycle parking shall be provided at a rate of 1 bicycle for each 10 vehicle parking spaces provided.

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 up to 20,000 square feet; 1 space per 5,000 square feet of gross floor area thereafter; a minimum of 4 spaces
Office uses	One space for each 4,000 square feet of gross floor area; a minimum of 4 spaces.
Industrial uses	One space for each 20,000 square feet of gross floor area; a maximum of 12 spaces.

SECTION 6. Article 4, Division 3: Landscape Standards and Tree Replacement of Appendix A – Zoning of the Code of Ordinances of the City of Oak Park, Michigan is hereby amended as followed:

SEC. 441 Purpose

Amend provision (j) to read as follows:

j. Encourage drought-resistant species and/or species native to southeast Michigan.

SEC. 448 Standards for Compliance for Existing Sites

Amend the section to read as follows:

In any case where the building and/or parking area is being increased by at least forty percent (40%) over the originally approved site plan or is being changed to a

more intense use as determined by the planning commission and/or city planner, the site shall be brought into full compliance with the landscape standards herein, unless the site conditions prevent full compliance. In cases where the increase is less than forty percent (40%) the site shall be brought into greater conformity with the landscape standards.

The planning commission and/or city planner shall determine the extent of new landscaping by evaluating the following:

1. Size of the land
2. Configuration and size of the existing buildings
3. Relationship to the proposed buildings and uses of land
4. Relationship to adjacent land uses
5. Relationship to existing and proposed thoroughfares.
6. The new landscaping shall protect the character of any adjacent and nearby residential neighborhoods and/or non-residential land uses against any potential negative impact of the project.

SECTION 7. Article 4, Division 4: Signs of Appendix A – Zoning of the Code of Ordinances of the City of Oak Park, Michigan is hereby amended as followed:

SEC. 465 Findings and Purpose

Amend provisions (i) & (i.4) & (i.8) to read as follows:

- i. These objectives are accomplished by establishing the minimum number of regulations necessary concerning the size, placement, construction, illumination, and other aspects of signs in the city to:
 4. Assist the public to locate goods, services and facilities without excessive difficulty and confusion by restricting the size and placement of signs.
 8. Prohibit all portable signs on public property, including, but not limited to, City-owned property, in recognition of their significant negative impact on traffic safety and aesthetics.

SEC. 466 Sign Definitions

Amend the section to add awning sign and valance definitions to read as follows:

Awning sign: That angled portion of an awning other than 90 degrees.

Awning valance: That portion of an awning consisting of short strips or bands of material hung at the lower edge of the awning.

SEC. 472 Specific Sign Standards

Amend the table under provision (a) and footnote (1) to read as follows:

	Wall, canopy, or awning		Freestanding sign			Temporary signs (c)	
District	Number	Maximum size per sign	number	Maximum size per sign	Maximum height	Maximum size per sign	Maximum height
B-1, B-2, LI, O, PTRED, PCD, PUD, MX-1, MX-2, IF	1 per business (1) (6)	15% of front façade, a maximum of 120 square feet (3)	1 sign (3)	30 square feet for businesses fronting roadway of 35 m.p.h. or less (2) , (4), (5)	6 feet (5)	30 square feet.	Freestanding sign maximum height is 6 feet

Footnotes:

- (1) Businesses located on a corner lot or in an MX-1 District shall be allowed up to one additional wall sign on the second front façade with an area not to exceed 30 square feet. As a substitution for a freestanding sign, one additional wall sign with an area not to exceed 30 square feet, may be displayed on one side of the building. When a business occupies two or more buildings on the same parcel or adjacent parcels, one additional wall sign per building is permitted. The additional wall sign shall not exceed 30 square feet and may be displayed on one side of the building.

Add footnote (6) to read as follows:

- (6) Office District – In office districts one sign per building is allowed. However, businesses located on the ground floor with a dedicated exterior entrance may be allowed one additional awning sign. The awning shall be constructed of durable material, maintained to continue its original appearance and provide proper safety to the persons and property it may affect. Awnings shall be coordinated to be compatible with the overall architectural integrity of the building to which it is attached. Awning signs are not permitted above the first floor. Awnings may not extend from the wall at a height of less than ten (10) feet above a public right-of-way. The awning signage shall be only permitted on the awning directly located above the storefront entrance and shall not exceed twenty percent (20%) of the awning face or valance area. Texts or graphics on a valance shall not be more than 8 inches in height; providing at least one (1) inch gap between the text and the top and bottom of a valance.

Amend provision (b.1.g) to read as follows:

- g) Notwithstanding any other provision of this article, each parcel of property shall be allowed, without a permit, temporary non-commercial signage, not to exceed four signs at any one time, no larger than 6 square feet and no taller than four feet in height per sign for a period not to exceed 90 days per calendar year.

SECTION 8. Article 5, Division 1: Site Plan Review of Appendix A – Zoning of the Code of Ordinances of the City of Oak Park, Michigan is hereby amended as followed:

SEC. 501 Uses Requiring Site Plan Review

Amend the following use or activity types in the table to read as follows:

Uses Requiring Site Plan Review				
	Use or Activity	Requires Site Plan Review	Sketch Plan Review (Administrative Approval)	Exempt
e.	Erection of a tower, antenna, or other communication facility; essential public service buildings and storage yards.			•
f	Co-location of a communication antenna upon an existing tower.			•
j	An increase in floor area of uses subject to site plan review up to 2,000 square feet or 25% of existing floor area, whichever is less.		•	

SECTION 9. Article 5, Division 3: Conditional Land Use of Appendix A – Zoning of the Code of Ordinances of the City of Oak Park, Michigan is hereby amended as followed:

SEC. 544 Conditional Land Specific Requirements

Amend sub-section (d) provisions (1.a.9) & (1.a.10) to read as follows:

d. Automobile or Vehicle Dealership

9.A six-foot-high masonry wall of face brick, six-foot-high simulated brick pattern poured concrete wall. The plan shall detail the location, height and type of wall proposed, shall be located on all property lines which abut any residential district.

10.Where the storage yard abuts residentially zoned property there shall be a ten-foot-wide landscaped greenbelt, between the property line and the wall. Said greenbelt shall be planted in accordance with *Article 4, Division 3* Landscaping, Section 445.

Amend sub-section (e) as the following and reorder the remaining provisions:

e. Commercial Indoor Recreation

Delete provision e. (1) and reorder the remaining provisions:

1.In the B-2 and MX-1 Districts, the use may not exceed 2,500 square feet.

Amend provision (4) to read as follows:

3. The planning commission may regulate the hours of operation, as necessary, when the project is abutting less-intensive or residential uses, as a part of the conditional land use permit.

Amend the title of sub-section (g) and its provisions to read as follows:

g. Community Center/Places of Worship

1. In residential zoning districts, community centers or cultural facilities, churches, synagogues and other places of worship shall conform to the following requirements and restrictions.
 - a. They shall be located on a Principal Arterial, Major Arterial, Minor Arterial, or Major Collector Street.
 - b. Parking shall not be provided in the front building setback area.
 - c. All parking areas shall be screened from adjoining properties by a minimum four-foot, six-inch high masonry wall or similar material suitable to the planning commission. The planning commission may permit the substitution of a landscaped greenbelt or earth berm after submission and review of a landscape plan.
 - d. The principal building shall comply with all setback requirements of the district in which it is located provided, however, that in no case shall the principal building be located closer than 50 feet from an abutting residential district or residential use.
 - e. The site plan shall include a floor plan of the proposed structure(s) for use in determining required parking etc., based on proposed uses within the structure.
 - f. The site plan shall detail any proposed outdoor use areas (playgrounds, shrines, etc.), including means of pedestrian and vehicular access, if applicable.

Amend sub-section (h) provisions (1) (3) & (7) to read as follows:

h. Contractor Storage Yard

1. All such storage shall be located within a rear yard and screened in accordance with *Section 557.m Outdoor Storage*.

3. All storage areas shall conform to all district setback requirements for principal uses. Where the storage yard abuts residentially zoned property, there shall be a ten-foot-wide landscaped greenbelt between the property line and the wall. Said greenbelt shall be planted in accordance with *Article 3, Division 3 Landscaping, Section 447*.

7. Outdoor storage and display areas shall comply with the requirements of *Section 557.m Outdoor Storage*.

Amend sub-section (k) provision (5) to read as follows:

k. Garden Centers/Greenhouse/Nursery

5. All materials stored outdoors shall not be piled or stacked higher than the height of any garden center wall.

Add a new sub-section and re-order the remaining sub-sections, as follows:

s. Outdoor Storage

See Section 557.m

Delete sub-section (t) and re-order the remaining sub-sections:

t. Places of Worship, Assembly, or Gathering

Churches, synagogues and other places of worship, assembly, or gathering, may be permitted in certain districts specified in this ordinance, subject to the following:

1. The site shall have direct access to a major or secondary thoroughfare as designated on the city's adopted master plan.
2. All parking areas shall be screened from adjoining properties by a minimum four-foot, six-inch high masonry wall or similar material suitable to the planning commission. The planning commission may permit the substitution of a landscaped greenbelt or earth berm after submission and review of a landscape plan.
3. The principal building shall comply with all setback requirements of the district in which it is located provided, however, that in no case shall the principal building be located closer than twice its height to any property line.
4. The site plan shall include a floor plan of the proposed structure(s) for use in determining required parking etc., based on proposed uses within the structure.
5. The site plan shall detail any proposed outdoor use areas (playgrounds, shrines, etc.), including means of pedestrian and vehicular access, if applicable.

Amend sub-section (cc) provisions (4) & (5) to read as follows:

cc. Self-storage Facilities

4. If the site of a self-storage facility directly abuts or lies across the street from a residential district, a masonry screen wall and/or a landscaped greenbelt shall be provided, at the discretion of the Planning Commission. In deciding what type of screening to require, the Planning Commission shall evaluate which would be most appropriate to the neighborhood area in question.

5. Any proposed outdoor storage yard proposed in conjunction with a self-storage facility shall be screened on all sides by a six-foot high masonry wall of face brick, six-foot high simulated brick pattern poured concrete wall. The plan shall detail the location, height and type of wall proposed.

SECTION 10. Article 5, Division 4: Special Land Use of Appendix A – Zoning of the Code of Ordinances of the City of Oak Park, Michigan is hereby amended as the following:

SEC. 552 Application Procedure

Amend provision (b) to read as follows:

b. The following materials shall be submitted to the City at least thirty (30) days prior to the meeting at which the Planning Commission first considers the special land use application:

1. Payment of the required fee.
2. Copies of completed application forms.
3. Copies of a site plan meeting the requirements of *Article 5, Division 1: Site Plan Review*.
4. Impact assessment if required by the City Planner; the analysis shall be carried out by qualified individuals and shall include but need not be limited to the impact on: natural features, stormwater management, surrounding land uses, public facilities/services, public utilities, and traffic.

SEC. 553 Designated Review Authority and Approval Procedure

Amend provision (b) to read as follows:

b. Following the submission of the required application materials the Planning Commission shall hold a public hearing in accordance with the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended and with *Article 6, Division 2, Section 623, Public Hearings*.

SEC. 557 Special Land Use Specific Requirements

Amend sub-section (d) provision (3) to read as follows:

d. Cemeteries

3. No service building shall be located closer than 100 feet to any property line and all service and storage yards shall be screened from view by an obscuring wall at least six feet high.

Amend the title of sub-section (h) to read as follows:

h. Private Educational Institutions, including Parochial Elementary, Middle, and High Schools

Delete sub-section (i) and re-order the remaining sub-sections:

i. Garden Centers/Nurseries

1. The outdoor storage or material display areas shall not be permitted in any front yard as determined by the Planning Commission. Such areas shall meet all other yard setback requirements applicable to any building in the district.
2. All loading activities and parking areas shall be provided off-street and on the same premises.
3. The storage of any soil, sand, mulch, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties. The outdoor storage of fertilizers, pesticides, and other hazardous materials shall be prohibited.
4. Decorative fences, knee walls, and other architectural features may be required by the Planning Commission for outdoor sales, display, and storage areas to assure compatibility with the existing or intended character of the general vicinity.
5. All materials stored outdoors shall not be piled or stacked higher than the height of any garden center fencing or wall.

Amend the title of sub-section (l) to read as follows:

k. Mobile Home Parks

Amend sub-section (m) provision (1) (8) & (11) to read as follows:

l. Outdoor Storage

1. In B-2 Districts a special land use approval may be granted for outdoor display, sales, or storage.

8. The storage yard shall be screened on all sides by a six-foot-high masonry wall of face brick; or six-foot-high simulated brick pattern poured concrete wall.

- a. In LI District, the storage yard can be screened on the sides that are visible from the public right-of-way, public view, or any residential district by a screen wall by the provision of the business owners and property owners of abutting properties affirmatively waiving, in writing, the need to provide such screening along their property lines. In such cases, other types of fences in accordance with Section 308 may be allowed to screen the rest of the outdoor yard sides of the property.
- b. In LI District, the screen wall or fence shall be permitted up to eight (8) feet as permitted in Sec 308 of this ordinance.

11. Where the storage yard abuts residentially zoned property, there shall be a ten-foot wide landscaped greenbelt between the property line and the wall. Said greenbelt shall be planted in accordance with *Article 3, Division 3 Landscaping, Section 447*

Amend sub-section (o) provision (3) to read as follows:

n. Research or Testing Laboratories

3. Where the outdoor placement of an above ground storage tank is necessary, the storage tank must be completely screened from public view. The screening shall consist of a masonry wall of brick, stone or poured concrete with a decorative pattern. The design and material of the screening to be approved by the planning commission.

Amend sub-section (p) provision (1) (3) (4) & (6) to read as follows:

o. Salvage Yard

1. The salvage yard shall be enclosed on all sides by a masonry wall of face brick or six-foot-high simulated brick pattern poured concrete wall at least six (6) feet in height. The wall shall be maintained in good repair and shall be free of handbills or other advertising except for approved signs. Non-transparent gates not exceeding forty-eight (48) feet in width shall be permitted in the enclosure.

3. Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the wall enclosing the salvage yard. No vehicle, vehicle bodies, or other materials shall be stored in a manner as to be

4. Visible from any residence, business, or street from a height at or below the top of the wall enclosing the yard.

6. The property shall include at least six (6) acres. The front screen wall shall be set back the distance as a principal building in the Industrial District, and all such walls shall be set back a minimum of five hundred (500) feet from any Residential District or use. In order to protect surrounding areas, the crushing of vehicles or any part thereof shall be limited to daylight hours, provided that such activities shall not be conducted on Sundays or federally recognized holidays.

Amend sub-section (q) Provisions (1) (2) & (3) to read as follows:

p. Private Student Dormitories

Private student dormitory rooms, when constructed as a part of a private educational institution or campus, may be permitted in certain districts, as specified in this ordinance, subject to the following:

1. The site plan shall conform with *Article 5, Division I, Site Plan Review and Approval*.
2. The minimum site size for a private educational campus which includes a dormitory shall be three acres.
3. A private educational campus which includes a dormitory shall be located on a major or secondary thoroughfare as designated in the city's adopted master plan.

Delete sub-section (s) to be consistent with state and federal laws and regulations:

s. Utility Structures and transmission system

1. Local utility buildings or structures. Utility structures, such as but not limited to, electric transformer stations and substations, gas regulator stations,

sewer lift stations, and the like, may be permitted in all districts subject to site plan approval and the following standards:

- a. Operating requirements necessitate the proposed location in order to serve the residents of the city.
- b. All such uses shall be completely enclosed and without storage yards.
- c. No structure shall exceed the height limit of the district in which it is to be located.
- d. All buildings shall be designed to be compatible in style and materials with other uses permitted in the district.
- e. No building shall be located closer than 50 feet to any property line abutting land zoned for residential use.
- f. A minimum 15-foot landscaped greenbelt shall be provided around the entire perimeter of the utility building site.
- g. Adequate off-street parking shall be provided for any service personnel and all drives and parking areas shall be paved with asphalt or concrete.

2. *Utility transmission systems.* Utility transmission systems, such as but not limited to, high voltage electric transmission lines, high pressure gas pipelines, and oil pipelines shall require special land use approval by the planning commission, subject to the following requirements and standards:

- a. All such utility lines shall follow existing utility corridors where possible, and reasonable, as determined by the planning commission.
- b. Selective clearing techniques shall be used throughout a utility corridor or property for installation of towers, lines, pipelines, service roads, drainage facilities, and similar facilities. Existing vegetation shall be maintained, whenever possible, throughout the remainder of the corridor not affected by the actual installation of approved facilities.
- c. Any area destroyed by necessity in the construction of such approved facilities, may be subject to conditions imposed by the planning commission for its immediate restoration by replanting or similar techniques.
- d. During construction or repair of any facilities approved hereunder, the following shall be required:
 1. All internal roads shall be kept dust-free.
 2. Any damage to public or private roads, fences, structures, or facilities shall be repaired immediately.
 3. No wastes or spoils of any kind, such as tree stumps, construction wastes, trash and the like, shall be left after construction or repair operations are complete.
 4. All construction operations shall be confined to daylight hours, Monday through Saturday, unless permitted in writing by the planning commission.
- e. The existence of one line or facility approved hereunder does not imply permission to erect any other lines or facilities other than those originally permitted.

3. *Utility transmission buildings or structures.* Utility transmission structures, such as but not limited to, high voltage electric stations, gas compressor stations, and similar facilities; excluding oil storage facility, and wireless communications,

receiving or transmitting towers, shall require special land use approval by the planning commission be permitted subject to the following requirements and standards:

a) The following types of utility transmission structures shall be permitted after special land use approval, only in the listed districts:

Use	District
Electric stations	All districts
Telephone exchange buildings	All districts
Gas compressor stations	LI
Oil storage facility	LI
Wireless communications tower	O, LI, B-2, PTRED, PCD

b. In order to provide a pleasing community appearance and to prevent noise levels, odors, dust, and similar external physical effects from adversely affecting adjoining properties, all equipment shall be completely enclosed within a building, unless the setback and screening guidelines specified in subsection 3 below are followed, as approved by the planning commission.

c. If the equipment proposed will not be enclosed within a building, a setback of 300 feet from all property lines shall be required. In addition, an obscuring, landscaped buffer shall be provided, based on the following guidelines, as determined by the planning commission after considering the type, size, height, and anticipated noise levels of all equipment being proposed:

1. A landscaped earthen berm at least six feet high with a 3:1 side slope, along all sides of the equipment.

2. An obscuring fence or a masonry wall at least six feet high, completely surrounding the equipment.

3. Any combination of the above requirements approved by the planning commission.

d. All buildings permitted under this section shall be setback at least 100 feet from all adjoining property lines. Expansions of transmission facilities, which facilities existed prior to the effective date of this amendment, may be placed within 100 feet of an adjoining property line only after approval of the planning commission and only when fully enclosed within a building.

e. Where there will be employees stationed at the utility building on a permanent or intermittent basis, adequate off-street parking shall be constructed with an asphalt or concrete surface.

f. There shall be no outdoor storage of equipment and/or materials which are not necessary for daily operations of any utility building site, except those which are necessary for safety or emergency repairs at that particular utility transmission structure site.

Delete sub-section (t) to be consistent with state and federal laws and Regulations:

t. Wireless Communication Facilities

1. The applicant shall demonstrate the need for the proposed facility to be located as proposed based upon the presence of one or more of the following factors:
 - a. Proximity to major thoroughfares;
 - b. Population concentrations;
 - c. Business centers;
 - d. Signal interference;
 - e. Topography;
 - f. Other specifically identified reason(s) creating facility need.
2. The proposal shall be reviewed in conformity with the colocation requirements of this section below.
3. Facilities shall not be demonstrably injurious or otherwise detrimental to the public safety and welfare.
4. Facilities shall be located and designed to be harmonious with the surrounding areas. The use of monopole towers shall be required unless the applicant demonstrates that monopole towers are not feasible for the proposed use.
5. Wireless communication facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.
6. Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower height.
7. The following additional standards shall be met:
 - a. The maximum height of the support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant (and by other entities to co-locate on the structure). No wireless transmission tower in excess of 100 feet in height shall be located closer than 2,000 feet to any other such tower. Accessory buildings shall be limited to the maximum height for accessory structures within the respective district.
 - b. The setback of the support structure from any property line and existing or proposed road right-of-way line shall be at least the height of the highest point of the support structure. Multiple towers on the same parcel or adjoining parcels shall each meet the above criteria and be separated from any other tower for a distance at least equal to the height of the tallest tower.
 - c. There shall be unobstructed access to the facility for operation, maintenance, repair and inspection (may be provided by an easement).
 - d. The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met.
 - e. Rooftop wireless communication facilities shall be architecturally compatible with the principal building.
 - f. The Planning Commission may regulate the color of the support structure and all accessory buildings to minimize distraction, maximize aesthetic appearance, and ensure compatibility with surroundings, subject to regulations of the Federal Aviation Administration. In addition, the Planning

Commission may require additional landscaping and/or screening where the Planning Commission determines such screening and or landscaping is necessary to mitigate the negative visual and aesthetic impacts of the facility on the surrounding land uses.

g. Support structures shall be constructed in accordance with applicable building codes. A soils report from a geotechnical engineer, licensed in the State of Michigan shall be submitted. This report shall include soil borings and confirmation of the suitability of soils for the proposed use. Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission requirements shall be noted.

h. A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility.

i. There shall be no outdoor storage of equipment and/or materials, except those which are necessary for emergency repairs at that particular site (which may be temporarily stored during the emergency).

j. The application shall include a certification by a State of Michigan licensed Professional Engineer regarding the manner in which the proposed structure will fall.

k. The application shall include a description of security to be posted at the time of receiving a building permit to ensure removal of the facility when it has been abandoned or is no longer needed. The security shall be in the form of cash, surety bond, letter of credit, or an agreement in a form approved by the city attorney and recordable at the register of deeds, establishing a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this section of the ordinance. The applicant and owner shall be responsible for the payment of any costs and attorneys' fees incurred by the city in securing removal.

l. The application shall include a map showing existing and known proposed wireless communication facilities within the city and areas within three miles surrounding the city. If the information is on file with the city, the applicant shall update as needed. Any such information which is trade secret and/or other confidential commercial information may be submitted with a request for confidentiality in connection with the development of governmental policy. This ordinance shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be made in writing.

m. The applicant shall provide the name, address and phone number of the person to contact for all engineering, maintenance and other notice purposes. This information shall be continuously updated while the facility is on the premises.

8. *Special requirements for wireless communication facilities proposed outside districts where they are permitted after special land use approval.* Applications for facilities which are proposed to be located outside of a district where they are permitted as a special land use, shall conform with the following standards, along with those in subsection A. above:

a. The applicant shall demonstrate that a location within a district where the facility is permitted as a special land use cannot reasonably meet the coverage and/or capacity needs of the applicant.

b. Wireless communication facilities shall be of a design such as (without limitation) a steeple, bell tower, or other form which is compatible with the existing character of the proposed site, neighborhood and general area, as approved by the city.

c. The applicant shall seek to locate the facility at one of the following sites (not in any priority), subject to application of all other standards contained in this section:

1. Municipally owned site.
2. Other governmentally owned site.
3. Religious or other institutional site.
4. Public park and other permanent open space areas.
5. Other locations if none of the above is available.

9. *Requirements for colocation.*

a. A special land use permit for the construction and use of a new wireless communication facility shall not be granted unless and until the applicant demonstrates that colocation is not feasible.

b. All new and modified wireless communication facilities shall be designed and constructed so as to accommodate colocation.

c. The policy of the city is "pro colocation." Thus, if a party who owns or otherwise controls a wireless communication facility shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible colocation, such facility shall be deemed to be a nonconforming structure and use.

d. If a party who owns or otherwise controls a wireless communication facility shall fail or refuse to permit a feasible colocation, and this requires the construction and/or use of a new wireless communication facility, the party failing or refusing to permit a feasible colocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the city and consequently such party shall take responsibility for the violation, and shall be prohibited from receiving approval for a new wireless communication support structure within the city for a period of five years from the date of the failure or refusal to permit the colocation. Applicants to the zoning board of appeals regarding this provision must demonstrate that enforcement of the five-year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or would have the effect of prohibiting the provision of personal wireless communication services.

10. *Incentive.*

a. Review of an application for colocation shall be expedited by the city through administrative review and approval of proposed colocation of wireless communication facilities where the application involves the colocation of a new wireless communication facility antenna on an existing wireless communication facility support structure which is in conformance with the provisions of this section.

b. Where the application involves the colocation of a new wireless communication facility antenna on a building, water tower, church steeple, stadium light pole, or similar structure, as determined by the Planning Commission, the required 300-foot setback shall not apply.

c. Review of an application for colocation shall be expedited by the city.

11. *Removal.*

- a. A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:
- b. When the facility has not been used for 180 days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse.
- c. Six months after new technology is available at reasonable cost, as determined by the Planning Commission, which permits the operation of the communication system without the requirement of the support structure.
- d. The situations in which removal of a facility is required, as set forth in paragraph 1. above, may be applied and limited to portions of a facility.
- e. Upon the occurrence of one or more of the events requiring removal, the property owner or persons who had used the facility shall immediately apply for any required demolition or removal permits, proceed with, and complete the demolition/removal.
- f. If the required removal of a facility or a portion thereof has not been lawfully completed within 60 days of the applicable deadline, and after at least 30 days written notice, the city may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn, collected and/or enforced from or under the security posted at the time of application.

SECTION 11. Article 6, Division 1: Non-Conforming Uses, Structures, and Lots of Appendix A – Zoning of the Code of Ordinances of the City of Oak Park, Michigan is hereby amended as followed:

SEC. 600 Non-Conforming Uses, Structures, and Lots, in General

Amend provision (b) to read as follows:

- b. It is the intent of this Division to permit these non-conformities to continue until they are removed, but not encourage their continuation. Such non-conforming uses and structures are declared by this Division to be incompatible with permitted uses in the districts involved. It is further the intent of this Division that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

SEC. 604 Non-conforming Structures

Amend provisions (c) & (d) and add provision (e) to read as the follows and re-order the remaining provisions:

- c. Any addition greater than 40% of the gross floor area of the principal building shall require the entire addition to fully meet the setback and build to standards.

d. Any addition less than 40% of the gross floor area of the principal building is required to meet the architectural and site standards but may be granted flexibility by the Planning Commission with bringing the building into greater conformity with the setback and build to standards.

e. For standards c & d above, where any existing side or rear part of the structure is non-conforming with the setback standards, the addition may be built to the same structure line. In no way shall the addition extend closer to the lot line than any existing, non-conforming part of the structure.

SECTION 12. 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 13. 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 14. 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 _____, 2023.

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 _____, 2023.

T. Edwin Norris
City Clerk

First Reading:
Second Reading:
Adopted:



CITY OF OAK PARK

DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING

MEMORANDUM

TO:	Planning Commission Members	DATE:	February 9, 2023
FROM:	Kimberly Marrone, AICP, Economic Development and Planning Director Salam Habhab, Economic Development and Planning Specialist	FILE:	G/.../aplncom/ORD 2023-02 Zoning Amendments – PC Memo

SUBJECT: Proposed Text Amendments to Appendix A - Zoning Ordinance of the Code of Ordinances of the City of Oak Park, MI

Mayor McClellan, Mayor Pro Tem, City Council members, Planning Commission members, and City Manager Tungate:

In an effort to enhance the City's ability to move forward toward achieving its goals, the Economic Development and Planning Department proposes text amendments to specific sections of the Zoning Ordinance. The proposed text amendments deal with a variety of improvements that incorporates clarifications, additions, and/or deletions to specific sections of the Zoning Ordinance to support sustainable growth of the community as well as to be consistent with the State & Federal laws and regulations. In addition to correct simple grammatical errors, incorrect references, document format changes, or minor typos found in these sections, as described below.

Article 2, Division 2: Residential Districts

SEC. 211 Residential Uses

Amend the land uses in the Educational and Public, Semi-Public, Assembly Uses in Table 211.1 Residential Districts Uses, to read as follows:

Table 211.1 Residential Districts Uses					
Use	R-1	R-2	RM-1	RM-2	Add'l Req'ts
Educational					
Private Educational Institutions, including Public, Private, and Parochial Elementary, Middle, and High Schools	SLU				Sec. 557h
Private Student dormitories	SLU				Sec. 557q
Public, Semi-Public, Assembly Uses					
Community centers	CLU	CLU	CLU	CLU	Sec. 544h g
Library and museum					
Places of worship, assembly, or gathering	CLU	CLU			Sec. 544t g
Theaters, cinemas, and similar assembly buildings					
Utility Structures and transmission systems	SLU	SLU	SLU	SLU	Sec. 557s

SEC. 215 Required Conditions

Amend condition “b” under All Residential Districts to read as follows:

b. Prohibited use for open areas: No machinery, equipment, **commercial** vehicles, or other materials, shall be stored or parked, or permitted to stand in any open area that is clearly visible from the street, public place or adjoining residential property.

Article 2, Division 3: Commercial / Mixed-Use/ Office Districts

SEC. 221 Commercial Mixed-use Use Table

Amend the land uses in the Industrial, Construction, and Storage and Educational sections in Table 221.1 Commercial and Mixed-use Districts Uses, to read as follows:

Table 221.1 Commercial and Mixed-Use Districts Uses								
Use	B-1	B-2	O	PTR ED	PCD	MX-1	MX-2	Add'l Req'ts
Industrial, Construction, and Storage								
Contractor storage yard								Sec. 544h
Dry cleaning plant								Sec. 557g
Wireless Communication Facilities		SLU	SLU	SLU	SLU			Sec. 557t
Educational								
Private Educational Institutions, including Private, and Parochial Elementary, Middle, and High Schools	SLU	SLU	SLU	SLU				Sec. 557h

Table 221.1 Commercial and Mixed-Use Districts Uses								
Use	B-1	B-2	O	PTR ED	PCD	MX-1	MX- 2	Add'l Req'ts
Public and Semi-Public								
Places of worship, assembly, or gathering	CLU P	P						Sec. 544t
Theaters, cinemas, and similar assembly buildings uses		P						
Utility Structures and transmission systems	SLU	SLU		SLU	SLU			Sec. 557s

SEC. 224 Building Design Standards

Amend drive-through building type in the table to read as follows:

Commercial/ Mixed-Use Building Types	B-1	B-2	O	PTRED	PC D	MX-1	MX-2	See Section
Drive-through		X					X	356 357.D

SEC. 225 Schedule of Regulations

Amend the height and setback regulations for the office and mixed-use districts in the table and footnotes to read as follows:

	Height				Setback (feet)				
	Min.		Max.		Front		Sides (min.)		Rear
	Stories	Ft.	Stories	Ft.	Min.	Max.	Least 1	Total 2	Min.
O	-	-	2 15	30 150	15	25	0	0	20
	Equals to height of building								
MX-1	±	25	3	45 ³	0 ³	10	0	0	0
MX-2	±	25	3	45 ³	10	70 ²	0	0	0

1. MX-2 is limited to one double-loaded bay of parking in front yard.
2. The front yard area between the minimum and maximum setback in the B-1 and MX-1 districts is defined as a dooryard. The dooryard is intended as a transitional area between the public realm and private property for pedestrian-oriented amenities. It shall accommodate entrances, outdoor seating, and projections such as awnings and balconies.
3. In the MX-1 and MX-2, the Planning Commission may allow a greater height of no more than 75 feet, if it is used to support residential or mixed-use development and finds that:
 - a. The proposed height will not adversely impact adjacent properties or nearby residential neighborhoods.
 - b. The added height is necessary to support redevelopment.

- c. The proposed development is designed to facilitate the objectives and strategies of the Master Plan.
- d. The Planning Commission may impose any additional setbacks or site conditions or limitations as in its judgement, may be necessary to protect the character of any adjacent and nearby residential neighborhoods and/or non-residential land uses against any potential negative impact of the project.

Article 2, Division 4: Industrial Districts

SEC. 231 Industrial Use Table

Amend the land uses in the Industrial, Construction, and Storage and Educational sections to read as follows:

Use	LI	IF	Add'l Req'ts
Industrial, Construction, and Storage			
Wireless Communication Facilities	SLU	SLU	Sec. 557t
Educational			
Private Educational Institutions, including Private , and Parochial Elementary, Middle, and High Schools	SLU		Sec. 557h
Accessory			
Outdoor storage	SLU CLU		Sec. 557m

SEC. 234 Schedule of Regulations

Amend the height regulations for the LI & IF districts in the table and footnotes to read as follows:

	Height				Setback (feet)						
	Min.		Max.		Front		Sides (min.) ¹		Rear		
	Stories	Ft.	Stories	Ft.	Min.	Max.	Least 1	Total 2	Min.		
LI	-	-	-	45	25	-	15	40	25		
IF	-	-	-	45 ³	10	35	10	20	25		

1. Side yard setbacks may be reduced along one interior side lot line which abuts another property or properties zoned industrial, where proper access is provided to the rear of the building for parking, loading/unloading, and emergency services, and provided the building wall complies with all requirements of the building code for proper construction and fire rating. This section permits zero lot line construction where the above conditions are demonstrated to be met through site plan review.

2. The front yard setback may be reduced to 10 feet provided significant landscaping is provided in a greenbelt per Sec. ~~447~~ 445.

3. In the IF District, the Planning Commission may allow a greater height of no more than 75 feet, if it is used to support residential or mixed-use development and finds that:

- a. The proposed height will not adversely impact adjacent properties or nearby residential neighborhoods.
- b. The added height is necessary to support redevelopment.

- c. The proposed development is designed to facilitate the objectives and strategies of the Master Plan.
- d. The Planning Commission may impose any additional setbacks or site conditions or limitations as in its judgement, may be necessary to protect the character of any adjacent and nearby residential neighborhoods and/or non-residential land uses against any potential negative impact of the project.

Article 3, Division 1: General Provisions

SEC. 300 Accessory Buildings, Structures, and Uses (See Figure 3.1 Accessory Buildings and Structures Location standards)

Amend the section to revise the graphic to reflect the rear setbacks as amended in ordinance #O-22-719, as follows:

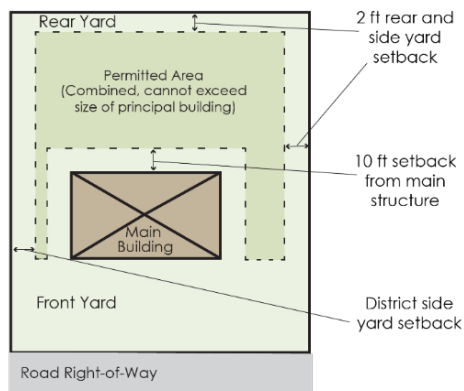


Figure 1. Original

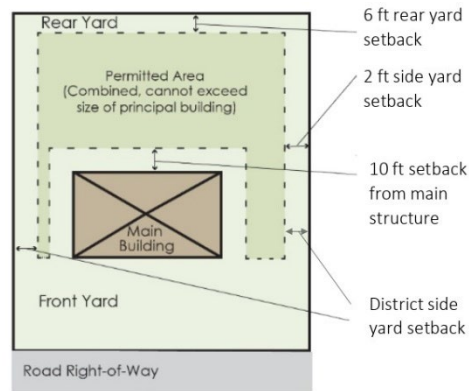


Figure 2. Revised

SEC. 302 Antennas and Towers

Delete the entire section to be consistent with state and federal laws and regulations and reorder the remaining sections, as applicable:

~~Radio or television antennas or towers, or similar devices, including satellite dish antennas and transmission or reception antennas (hereinafter referred to as “regulated reception antenna”), may be erected or installed in any zoning district as an accessory structure to a permitted use, and shall comply with the following requirements. Wireless communication facilities, such as cellular antenna, wireless internet antenna, and commercial broadcasting antenna, shall be subject to the requirements of Article 5, Division 4 Special Land Uses, Wireless Communication Facilities.~~

- ~~a. Ground Mounted Antennae. Regulated reception antenna exceeding one (1) meter (3.28 feet) in diameter in Residential Districts and three (3) meters (9.84 feet) in Non-Residential Districts, are permitted in all zoning districts subject to the following conditions:~~

- ~~1. Regulated reception antenna shall be located only in a rear yard and shall not be within the required side yard setback. A satellite dish antenna shall be located only in a rear yard.~~
 - ~~2. No portion of an antenna, including a satellite dish antenna, shall be located closer than six (6) feet, measured on a horizontal plane, from any side or rear lot line, or placed on any easement.~~
 - ~~3. The site must be approved by the Planning Commission, which shall require a sketch plan in accordance with Article 5, Division 1: Site Plan Review, indicating the location of the satellite dish and buildings, paved areas and other appropriate site features within one hundred (100) feet of the proposed location.~~
 - ~~3. The height of regulated reception antenna, with the exception of a satellite dish antenna, shall not exceed fifty (50) feet above mean grade or ten (10) feet above the peak of the roofline, in any Residential District, and shall not exceed one hundred (100) feet above mean grade in any other zoning district.~~
 - ~~4. The height of a satellite dish antenna, including any platform or structure upon which the antenna is mounted, shall not exceed fifteen (15) feet in height at its maximum point above mean grade.~~
 - ~~5. The diameter of a regulated reception antenna shall not exceed twelve (12) feet.~~
- ~~b. Building Mounted Antennae. Regulated reception antenna having a diameter of one (1) meter (3.28 feet) or less in Residential Districts and two (2) meters (6.56 feet) in Non-Residential Districts may be attached to the roof of a building, provided that no portion of the satellite dish antenna extends more than thirty-six (36) inches above the highest point of the roof.~~
- ~~c. Roof mounted regulated reception antenna over two (2) meters (6.56 feet) in diameter are permitted in Non-Residential Districts only, provided that the antenna complies with the height requirements of the district in which they are located. Roof-mounted regulated reception antenna shall not be placed on the front of any primary structure.~~
- ~~d. General~~
- ~~1. No advertising or identification display shall be placed on any portion of an antenna or tower, including a satellite dish antenna, except for the name of the manufacturer and serial number.~~
 - ~~2. No more than two (2) antennas, including a maximum of one (1) satellite dish antenna, shall be located on the same lot as a principal building, unless it is a multi-family dwelling. Antennae are permitted only in connection with, incidental to, and on the same lot as a principal building, structure, or use.~~
 - ~~3. The color of the antennae shall be of tones similar to the surroundings.~~
 - ~~4. All electrical and antenna wiring shall be placed underground where applicable.~~
 - ~~5. Antennas shall be securely mounted and anchored in accordance with manufacturer's specifications and building code requirements.~~
 - ~~6. The antenna shall be located and designed to meet the manufacturer's specifications to withstand a wind force of one hundred (100) miles per hour.~~
 - ~~7. The installation of an antenna, including a satellite dish antenna, shall require issuance of a building permit by the Building Official prior to erection.~~

8. ~~If a usable signal cannot be obtained by locating the ground-mounted antenna in the rear yard, the antenna may be located in the side yard of the property subject to the submission of a written affidavit and approval of the Zoning Administrator provided the placing of an antenna in a side yard shall remain subject to all other conditions set forth in this section.~~

Article 4, Division 1: Off-Street Parking and Loading Standards

SEC. 401 General Requirements

Amend the section to add provision “m” to read as follows:

m. **Parking Reduction.** The planning commission or city planner may reduce the total number of spaces by up to twenty percent (20%) than the number required to meet the standards of Section 403 Parking Space Numerical Requirements. If a greater parking reduction is requested, the planning commission may approve fewer parking spaces based on a professionally prepared parking study. However, in no case shall the total parking spaces be reduced by more than 50%.

SEC. 402 Parking Units of Measurements

Amend provisions (a.2) (c) & (d) to read as follows:

a. Floor Area

2. ~~Where the floor area measurement is specified as~~ **For the purposes of determining the off-street parking requirements,** gross ~~leasable~~ floor area (GLFA); ~~parking requirements shall apply to all internal building areas excluding the floor area used for incidental service, storage, mechanical equipment rooms, heating/cooling systems and similar uses, and other areas not intended for use by the general public. Where these areas are not yet defined, leasable floor area shall be considered to be eighty-five percent (85%) of the gross floor area (GFA).~~

c. Employees. Where the number of spaces required is based on the number of employees, calculations shall be based upon the maximum number of employees likely to be on the premises ~~at any one time and may include overlap of employees during shift changes~~ **the peak shift.**

d. Fractional Spaces. When units of measurements determining the number of required parking or loading spaces result in a fractional space, any fraction ~~-equal to or greater than one-half-~~ shall be counted as one (1) additional space.

SEC. 403 Parking Space Numerical Requirements

Amend the table to add parking requirements to upper floor units under residential section to read as follows:

Parking Space Numerical Requirements	
Residential	
Upper floor residential units in non-residential districts	1.0 space per dwelling unit

SEC. 408 Bicycle Parking

Amend provision “a” to read as follows:

- a. For all new development the amount of ~~provided~~ bicycle parking shall be determined in accordance with the following table: ~~Unless otherwise noted in the following table, bicycle parking shall be provided at a rate of 1 bicycle for each 10 vehicle parking spaces provided.~~

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 up to 20,000 square feet; 1 space per 5,000 square feet of gross floor area thereafter; a minimum of 4 spaces
Office uses	One space for each 4,000 square feet of gross floor area; a minimum of 4 spaces.
Industrial uses	One space for each 10,000- 20,000 square feet of gross floor area; a maximum of 12 spaces.

Article 4, Division 3: Landscape Standards and Tree Replacement

SEC. 441 Purpose

Amend provision (j) to read as follows:

- j. Encourage drought-resistant species ~~and/ or species native to southeast Michigan.~~

SEC. 448 Standards for Compliance for Existing Sites

Amend the section to read as follows:

In any case where the building and/or parking area is being increased by at least ~~twenty-five~~ **forty** percent (~~25~~ **40**%) over the originally approved site plan or is being changed to a more intense use as determined by the planning commission ~~and/or city planner~~, the site shall be brought into full compliance with the landscape standards herein, ~~unless the site conditions prevent full compliance.~~ In ~~instances~~ **cases** where the increase ~~in building and/or parking area is less than twenty-five~~ **forty** percent (~~25~~ **40**%) ~~over the original site plan, the extent of new landscaping shall be equal to four percent (4%) of compliance for every one percent (1%) of increase in building or~~

~~parking footprint. For example, a building or parking area increase of ten percent (10%) requires forty percent (40%) compliance with the landscape standards. In cases where no increase in building and/or parking area is proposed, the City Planner may require new or revised landscaping to bring the site into greater conformity with the landscape standards.~~ the site shall be brought into greater conformity with the landscape standards.

The planning commission and/or city planner shall determine the extent of new landscaping by evaluating the following:

1. Size of the land
2. Configuration and size of the existing buildings
3. Relationship to the proposed buildings and uses of land
4. Relationship to adjacent land uses
5. Relationship to existing and proposed thoroughfares.
6. The new landscaping shall protect the character of any adjacent and nearby residential neighborhoods and/or non-residential land uses against any potential negative impact of the project.

Article 4, Division 4: Signs

SEC. 465 Findings and Purpose

Amend provisions (i, i.4, & i.8) to read as follows:

- i. These objectives are accomplished by establishing the minimum ~~number~~ amount of regulations necessary concerning the size, placement, construction, illumination, and other aspects of signs in the city to:
 4. Assist the public to locate goods, services and facilities without excessive difficulty and confusion by restricting the ~~size~~ number and placement of signs.
 8. Prohibit **all** portable signs **on public property, including, but not limited to, City-owned property**, in recognition of their significant negative impact on traffic safety and aesthetics.

SEC. 466 Sign Definitions

Amend the section to add awning sign and valance definitions to read as follows:

Awning sign: That angled portion of an awning other than 90 degrees.

Awning valance: That portion of an awning consisting of short strips or bands of material hung at the lower edge of the awning.

SEC. 472 Specific Sign Standards

Amend the table under provision (a) and the footnotes to read as follows:

	Wall, canopy, or awning		Freestanding sign			Temporary signs (c)	
District	Number	Maximum size per sign	number	Maximum size per sign	Maximum height	Maximum size per sign	Maximum height
B-1, B-2, LI, O, PTRED, PCD, PUD, MX-1, MX-2, IF	1 per business (1) (6)	15% of front façade, a maximum of 120 square feet (3)	1 sign (3)	30 square feet for businesses fronting roadway of 35 m.p.h. or less (2), (4), (5)	6 feet (5)	30 square feet.	Freestanding sign maximum height is 6 feet

Footnotes:

- (1) Businesses located on a corner lot or in an MX-1 District shall be allowed up to one additional wall sign on the second front façade with an area not to exceed 30 square feet. As a substitution for a freestanding sign, one additional wall sign with an area not to exceed 30 square feet, may be displayed on one side of the building. ~~In office districts one sign per building is allowed.~~ **When a business occupies two or more buildings on the same parcel or adjacent parcels, one additional wall sign per building is permitted. The additional wall sign shall not exceed 30 square feet and may be displayed on one side of the building.**
- (6) Office District – In office districts one sign per building is allowed. However, businesses located on the ground floor with a dedicated exterior entrance may be allowed one additional awning sign. The awning shall be constructed of durable material, maintained to continue its original appearance and provide proper safety to the persons and property it may affect. Awnings shall be coordinated to be compatible with the overall architectural integrity of the building to which it is attached. Awning signs are not permitted above the first floor. Awnings may not extend from the wall at a height of less than ten (10) feet above a public right-of-way. The awning signage shall be only permitted on the awning directly located above the storefront entrance and shall not exceed twenty percent (20%) of the awning face or valance area. Texts or graphics on a valance shall not be more than 8 inches in height; providing at least one (1) inch gap between the text and the top and bottom of a valance.

Amend provision (b.1.g) to read as follows:

g) Notwithstanding any other provision of this article, each parcel of property shall be allowed, without a permit, temporary non-commercial signage, not to exceed four signs at any one time, no larger than 6 square feet **and no taller than four feet in height per sign** for a period not to exceed 90 days per calendar year.

Article 5, Division 1: Site Plan review

SEC. 501 Uses Requiring Site Plan Review

Amend the use or activity type in the table to read as follows:

Uses Requiring Site Plan Review				
	Use or Activity	Requires Site Plan Review	Sketch Plan Review (Administrative Approval)	Exempt
e.	Erection of a tower, antenna, or other communication facility; essential public service buildings and storage yards.		•	•
f	Co-location of a communication antenna upon an existing tower.		•	•
j	An increase in floor area of uses subject to site plan review up to 2,000 square feet or 25% 10% of existing floor area, whichever is less.		•	

Article 5, Division 3: Conditional Land Uses

SEC. 544 Conditional Land Specific Requirements

Amend various sub-sections as listed below:

Amend subsection (d) provisions (1.a.9 & 1.a.10) to read as follows:

d. Automobile or Vehicle Dealership

9.A six-foot-high masonry wall of face brick, six-foot-high simulated brick pattern poured concrete wall. The plan shall detail the location, height and type of wall/fence proposed, shall be located on all property lines which abut any residential district.

10.Where the storage yard abuts residentially zoned property there shall be a ten-foot-wide landscaped greenbelt, between the property line and the fence/wall. Said greenbelt shall be planted in accordance with *Article 4, Division 3 Landscaping*, Section 445.

Amend subsection (e) provisions (1 & 4) to read as follows and reorder the remaining provisions:

e. Commercial Indoor Recreation

~~1.In the B-2 and MX-1 Districts, the use may not exceed 2,500 square feet.~~

~~3 4.~~ The planning commission may regulate the hours of operation, as necessary, when the project is abutting less-intensive or residential uses, as a part of the ~~special~~ **conditional** land use permit.

Amend sub-section (g) to read as follows:

g. Community Center/Places of Worship****

1. In residential zoning districts, community centers or cultural facilities, **churches, synagogues and other places of worship** shall conform to the following requirements and restrictions.

~~a. Residentially-zoned properties not meeting these requirements shall be required to obtain a Special Use Permit.~~

~~a b.~~ They shall be located on a Principal Arterial, Major Arterial, Minor Arterial, **or** Major Collector Street ~~on a site of not less than 1 acres with 250 feet of road frontage.~~

~~e.~~ The buildings shall be located not less than 50 feet from any street and not less than 30 feet from any side or rear property line.

~~b d.~~ Parking shall not be provided in the front building setback area.

~~e .A minimum 50-foot in depth buffer shall be provided adjacent to residentially-zoned properties.~~

c. All parking areas shall be screened from adjoining properties by a minimum four-foot, six-inch high masonry wall or similar material suitable to the planning commission. The planning commission may permit the substitution of a landscaped greenbelt or earth berm after submission and review of a landscape plan.

d. The principal building shall comply with all setback requirements of the district in which it is located provided, however, that in no case shall the principal building be located closer than 50 feet from an abutting residential district or residential use.

e. The site plan shall include a floor plan of the proposed structure(s) for use in determining required parking etc., based on proposed uses within the structure.

f. The site plan shall detail any proposed outdoor use areas (playgrounds, shrines, etc.), including means of pedestrian and vehicular access, if applicable.

Amend sub-section (h) provisions (1, 3, & 7) to read as follows:

h. Contractor Storage Yard

1. All such storage shall be located within a rear yard and screened ~~with fencing~~ in accordance with ~~Section 309~~ **Section 557.m Outdoor Storage**.

3. All storage areas shall conform to all district setback requirements for principal uses, ~~but in no case shall outside storage be located closer than 50 feet to residentially zoned property.~~
Where the storage yard abuts residentially zoned property, there shall be a ten-foot-wide landscaped greenbelt between the property line and the wall. Said greenbelt shall be planted in accordance with Article 3, Division 3 Landscaping, Section 447.

7. Outdoor storage and display areas shall comply ~~with all minimum setback requirements for the zoning district or building type~~ **with the requirements of Section 557.m Outdoor Storage**.

Amend sub-section (k) provision (5) to read as follows:

k. Garden Centers/Greenhouse/Nursery

5. All materials stored outdoors shall not be piled or stacked higher than the height of any garden center ~~fencing~~ or wall.

Add a new sub-section and re-order the remaining sub-sections, as applicable:

s. Outdoor Storage

See Section 557.m

Delete sub-section (t) and re-order the remaining sub-sections, as applicable:

~~t. Places of Worship, Assembly, or Gathering~~

~~Churches, synagogues and other places of worship, assembly, or gathering, may be permitted in certain districts specified in this ordinance, subject to the following:~~

- ~~1. The site shall have direct access to a major or secondary thoroughfare as designated on the city's adopted master plan.~~
- ~~2. All parking areas shall be screened from adjoining properties by a minimum four foot, six inch high masonry wall or similar material suitable to the planning commission. The planning commission may permit the substitution of a landscaped greenbelt or earth berm after submission and review of a landscape plan.~~
- ~~3. The principal building shall comply with all setback requirements of the district in which it is located provided, however, that in no case shall the principal building be located closer than twice its height to any property line.~~
- ~~4. The site plan shall include a floor plan of the proposed structure(s) for use in determining required parking etc., based on proposed uses within the structure.~~
- ~~5. The site plan shall detail any proposed outdoor use areas (playgrounds, shrines, etc.), including means of pedestrian and vehicular access, if applicable.~~

Amend sub-section (cc) provisions (4 & 5) to read as follows:

cc. Self-storage Facilities

4. If the site of a self-storage facility directly abuts or lies across the street from a residential district, a masonry screen wall, ~~obscuring fence~~ and/or a landscaped greenbelt shall be provided, at the discretion of the Planning Commission. In deciding what type of screening to require, the Planning Commission shall evaluate which would be most appropriate to the neighborhood area in question.

5. Any proposed outdoor storage yard proposed in conjunction with a self-storage facility shall be screened on all sides by a six-foot high masonry wall of face brick, six-foot high simulated brick pattern poured concrete wall, ~~or a six-foot high treated wood or vinyl obscuring fence~~. The plan shall detail the location, height and type of wall/~~fence~~ proposed.

Article 5, Division 4: Special land Use

SEC. 552 Application Procedure

Amend provision (b) to read as follows:

b. The following materials shall be submitted to the City at least ~~sixty (60)~~ **thirty (30)** days prior to the meeting at which the Planning Commission first considers the special land use application:

1. Payment of the required fee.
2. Copies of completed application forms.
3. Copies of a site plan meeting the requirements of *Article 5, Division 1: Site Plan Review*.
4. Impact assessment if required by the City Planner; the analysis shall be carried out by qualified individuals and shall include but need not be limited to the impact on: natural features, stormwater management, surrounding land uses, public facilities/services, public utilities, and traffic.

SEC. 553 Designated Review Authority and Approval Procedure

Amend provision (b) to read as follows:

b. Following the submission of the required application materials the Planning Commission shall hold a public hearing in accordance with the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended and with *Article 6, Division 2, Section 613* **623**, *Public Hearings*.

SEC. 557 Special Land Use Specific Requirements

Amend various sub-sections as listed below:

Amend subsection (d) provision (3) to read as follows:

d. Cemeteries

3. No service building shall be located closer than 100 feet to any property line and all service and storage yards shall be screened from view by an obscuring wall ~~or pressure-treated wood fence~~ at least six feet high.

Amend the title of sub-section (h) to read as follows:

h. ~~Private~~ Educational Institutions, including ~~Public, Private, and~~ Parochial Elementary, Middle, and High Schools

Delete sub-section (i) and re-order the remaining sub-sections, as applicable:

~~i. Garden Centers/Nurseries~~

- ~~1. The outdoor storage or material display areas shall not be permitted in any front yard as determined by the Planning Commission. Such areas shall meet all other yard setback requirements applicable to any building in the district.~~
- ~~2. All loading activities and parking areas shall be provided off street and on the same premises.~~
- ~~3. The storage of any soil, sand, mulch, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties. The outdoor storage of fertilizers, pesticides, and other hazardous materials shall be prohibited.~~
- ~~4. Decorative fences, knee walls, and other architectural features may be required by the Planning Commission for outdoor sales, display, and storage areas to assure compatibility with the existing or intended character of the general vicinity.~~
- ~~5. All materials stored outdoors shall not be piled or stacked higher than the height of any garden center fencing or wall.~~

Amend sub-section (l) to read as follows:

~~l~~ k. Mobile Homes ~~Parks~~

Amend sub-section (m) provision (1, 8, & 11) to read as follows:

~~m~~ l. Outdoor Storage

1. ~~In B-2 Districts~~ **a** A special land use approval may be granted for outdoor display, sales, or storage.
8. The storage yard shall be screened on all sides by a six-foot-high masonry wall of face brick; or six-foot-high simulated brick pattern poured concrete wall.; ~~or a six-foot-high treated wood or vinyl obscuring fence. In industrial districts, a fence shall be permitted up to eight (8) feet as permitted in Sec. 308 of this ordinance.~~
 - a.** ~~In LI District, the storage yard can be screened on the sides that are visible from the public right-of-way, public view, or any residential district by a screen wall by~~

the provision of the business owners and property owners of abutting properties affirmatively waiving, in writing, the need to provide such screening along their property lines. In such cases, other types of fences in accordance with Section 308 may be allowed to screen the rest of the outdoor yard sides of the property.

- b. In LI District, the screen wall or fence shall be permitted up to eight (8 feet as permitted in Sec 308 of this ordinance.

11. Where the storage yard abuts residentially zoned property, there shall be a ten-foot wide landscaped greenbelt between the property line and the ~~fence~~/wall. Said greenbelt shall be planted in accordance with *Article 3, Division 3 Landscaping, Section 447*

Amend sub-section (o) provision (3) to read as follows:

~~o~~ n. Research or Testing Laboratories

3. Where the outdoor placement of an above ground storage tank is necessary, the storage tank must be completely screened from public view. The screening shall consist of a masonry wall of brick, stone or poured concrete with a decorative pattern ~~or a treated wood obscured fence~~. The design and material of the screening to be approved by the planning commission ~~and city council~~.

Amend sub-section (p) provision (1, 3, 4, & 6) to read as follows:

~~p~~ o. Salvage Yard

1. The salvage yard shall be enclosed on all sides by ~~a solid wall or fence~~ **a masonry wall of face brick or six-foot-high simulated brick pattern poured concrete wall** at least six (6) feet in height. The wall ~~or fence~~ shall be maintained in good repair and shall be free of handbills or other advertising except for approved signs. Non-transparent gates not exceeding forty-eight (48) feet in width shall be permitted in the enclosure.

3. Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the ~~wall fence~~ enclosing the salvage yard. No vehicle, vehicle bodies, or other materials shall be stored in a manner as to be

4. ~~✱~~**V**isible from any residence, business, or street from a height at or below the top of the ~~wall fence~~ enclosing the yard.

6. The property shall include at least six (6) acres. The front ~~obscuring fence~~ **screen wall** shall be set back the distance as a principal building in the Industrial District, and all such ~~walls fences~~ shall be set back a minimum of five hundred (500) feet from any Residential District or use. In order to protect surrounding areas, the crushing of vehicles or any part thereof shall be limited to daylight hours, provided that such activities shall not be conducted on Sundays or federally recognized holidays.

Amend sub-section (q) provisions (1, 2, & 3) to read as follows:

q p. Private Student Dormitories

Private Student dormitory rooms, when constructed as a part of an **private** educational institution or campus, may be permitted in certain districts, as specified in this ordinance, subject to the following:

1. The site plan shall conform with *Article 5, Division 1, Site Plan Review and Approval*.
2. The minimum site size for an **private** educational campus which includes a dormitory shall be three acres.
3. An **private** educational campus which includes a dormitory shall be located on a major or secondary thoroughfare as designated in the city's adopted master plan.

Delete sub-section (s) to be consistent with state and federal laws and regulations:

~~s. Utility Structures and transmission system~~

~~1. Local utility buildings or structures. Utility structures, such as but not limited to, electric transformer stations and substations, gas regulator stations, sewer lift stations, and the like, may be permitted in all districts subject to site plan approval and the following standards:—~~

- ~~a. — Operating requirements necessitate the proposed location in order to serve the residents of the city.—~~
- ~~b. — All such uses shall be completely enclosed and without storage yards.—~~
- ~~c. — No structure shall exceed the height limit of the district in which it is to be located.—~~
- ~~d. — All buildings shall be designed to be compatible in style and materials with other uses permitted in the district.—~~
- ~~e. — No building shall be located closer than 50 feet to any property line abutting land zoned for residential use.—~~
- ~~f. — A minimum 15-foot landscaped greenbelt shall be provided around the entire perimeter of the utility building site.—~~
- ~~g. — Adequate off street parking shall be provided for any service personnel and all drives and parking areas shall be paved with asphalt or concrete.—~~

~~2. Utility transmission systems. Utility transmission systems, such as but not limited to, high voltage electric transmission lines, high pressure gas pipelines, and oil pipelines shall require special land use approval by the planning commission, subject to the following requirements and standards:—~~

- ~~a. All such utility lines shall follow existing utility corridors where possible, and reasonable, as determined by the planning commission.—~~
- ~~b. Selective clearing techniques shall be used throughout a utility corridor or property for installation of towers, lines, pipelines, service roads, drainage facilities, and similar facilities. Existing vegetation shall be maintained, whenever possible, throughout the remainder of the corridor not affected by the actual installation of approved facilities.—~~
- ~~c. Any area destroyed by necessity in the construction of such approved facilities, may be subject to conditions imposed by the planning commission for its immediate restoration by replanting or similar techniques.—~~

d. ~~During construction or repair of any facilities approved hereunder, the following shall be required:-~~

1. ~~All internal roads shall be kept dust free.-~~
2. ~~Any damage to public or private roads, fences, structures, or facilities shall be repaired immediately.-~~
3. ~~No wastes or spoils of any kind, such as tree stumps, construction wastes, trash and the like, shall be left after construction or repair operations are complete.-~~
4. ~~All construction operations shall be confined to daylight hours, Monday through Saturday, unless permitted in writing by the planning commission.-~~

c. ~~The existence of one line or facility approved hereunder does not imply permission to erect any other lines or facilities other than those originally permitted.-~~

3. ~~Utility transmission buildings or structures.~~ Utility transmission structures, such as but not limited to, high voltage electric stations, gas compressor stations, and similar facilities; ~~excluding oil storage facility, and wireless communications, receiving or transmitting towers, shall require special land use approval by the planning commission be permitted subject to the following requirements and standards:-~~

a) ~~The following types of utility transmission structures shall be permitted after special land use approval, only in the listed districts:~~

Use	District
Electric stations-	All districts-
Telephone exchange buildings-	All districts-
Gas compressor stations-	LI-
Oil storage facility-	LI-
Wireless communications tower-	O, LI, B 2, PTRED, PCD-

b. ~~In order to provide a pleasing community appearance and to prevent noise levels, odors, dust, and similar external physical effects from adversely affecting adjoining properties, all equipment shall be completely enclosed within a building, unless the setback and screening guidelines specified in subsection 3 below are followed, as approved by the planning commission.-~~

c. ~~If the equipment proposed will not be enclosed within a building, a setback of 300 feet from all property lines shall be required. In addition, an obscuring, landscaped buffer shall be provided, based on the following guidelines, as determined by the planning commission after considering the type, size, height, and anticipated noise levels of all equipment being proposed:-~~

1. ~~A landscaped earthen berm at least six feet high with a 3:1 side slope, along all sides of the equipment.-~~
2. ~~An obscuring fence or a masonry wall at least six feet high, completely surrounding the equipment.-~~
3. ~~Any combination of the above requirements approved by the planning commission.-~~

d. ~~All buildings permitted under this section shall be setback at least 100 feet from all adjoining property lines. Expansions of transmission facilities, which~~

~~facilities existed prior to the effective date of this amendment, may be placed within 100 feet of an adjoining property line only after approval of the planning commission and only when fully enclosed within a building.—~~

~~e. — Where there will be employees stationed at the utility building on a permanent or intermittent basis, adequate off-street parking shall be constructed with an asphalt or concrete surface.—~~

~~f. — There shall be no outdoor storage of equipment and/or materials which are not necessary for daily operations of any utility building site, except those which are necessary for safety or emergency repairs at that particular utility transmission structure site.—~~

Delete sub-section (t) to be consistent with state and federal laws and regulations:

~~t. Wireless Communication Facilities—~~

~~1. — The applicant shall demonstrate the need for the proposed facility to be located as proposed based upon the presence of one or more of the following factors:—~~

~~a. Proximity to major thoroughfares;—~~

~~b. Population concentrations;—~~

~~c. Business centers;—~~

~~d. Signal interference;—~~

~~e. Topography;—~~

~~f. Other specifically identified reason(s) creating facility need.—~~

~~2. — The proposal shall be reviewed in conformity with the colocation requirements of this section below.—~~

~~3. — Facilities shall not be demonstrably injurious or otherwise detrimental to the public safety and welfare.—~~

~~4. — Facilities shall be located and designed to be harmonious with the surrounding areas. The use of monopole towers shall be required unless the applicant demonstrates that monopole towers are not feasible for the proposed use.—~~

~~5. — Wireless communication facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.—~~

~~6. — Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower height.—~~

~~7. — The following additional standards shall be met:—~~

~~a. The maximum height of the support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant (and by other entities to co-locate on the structure). No wireless transmission tower in excess of 100 feet in height shall be located closer than 2,000 feet to any other such tower. Accessory buildings shall be limited to the maximum height for accessory structures within the respective district.—~~

~~b. — The setback of the support structure from any property line and existing or proposed road right-of-way line shall be at least the height of the highest point of the support structure. Multiple towers on the same parcel or adjoining parcels shall each meet the above criteria and be separated from any other tower for a distance at least equal to the height of the tallest tower.—~~

- ~~e. There shall be unobstructed access to the facility for operation, maintenance, repair and inspection (may be provided by an easement).~~
- ~~d. — The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met.~~
- ~~e. Rooftop wireless communication facilities shall be architecturally compatible with the principal building.~~
- ~~f. The Planning Commission may regulate the color of the support structure and all accessory buildings to minimize distraction, maximize aesthetic appearance, and ensure compatibility with surroundings, subject to regulations of the Federal Aviation Administration. In addition, the Planning Commission may require additional landscaping and/or screening where the Planning Commission determines such screening and or landscaping is necessary to mitigate the negative visual and aesthetic impacts of the facility on the surrounding land uses.~~
- ~~g. — Support structures shall be constructed in accordance with applicable building codes. A soils report from a geotechnical engineer, licensed in the State of Michigan shall be submitted. This report shall include soil borings and confirmation of the suitability of soils for the proposed use. Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission requirements shall be noted.~~
- ~~h. — A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility.~~
- ~~i. There shall be no outdoor storage of equipment and/or materials, except those which are necessary for emergency repairs at that particular site (which may be temporarily stored during the emergency).~~
- ~~j. The application shall include a certification by a State of Michigan licensed Professional Engineer regarding the manner in which the proposed structure will fall.~~
- ~~k. — The application shall include a description of security to be posted at the time of receiving a building permit to ensure removal of the facility when it has been abandoned or is no longer needed. The security shall be in the form of cash, surety bond, letter of credit, or an agreement in a form approved by the city attorney and recordable at the register of deeds, establishing a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this section of the ordinance. The applicant and owner shall be responsible for the payment of any costs and attorneys' fees incurred by the city in securing removal.~~
- ~~l. The application shall include a map showing existing and known proposed wireless communication facilities within the city and areas within three miles surrounding the city. If the information is on file with the city, the applicant shall update as needed. Any such information which is trade secret and/or other confidential commercial information may be submitted with a request for confidentiality in connection with the development of governmental policy. This ordinance shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be made in writing.~~

- m. ~~—The applicant shall provide the name, address and phone number of the person to contact for all engineering, maintenance and other notice purposes. This information shall be continuously updated while the facility is on the premises.~~
8. ~~—Special requirements for wireless communication facilities proposed outside districts where they are permitted after special land use approval. Applications for facilities which are proposed to be located outside of a district where they are permitted as a special land use, shall conform with the following standards, along with those in subsection A. above:~~
- a. ~~The applicant shall demonstrate that a location within a district where the facility is permitted as a special land use cannot reasonably meet the coverage and/or capacity needs of the applicant.~~
 - b. ~~—Wireless communication facilities shall be of a design such as (without limitation) a steeple, bell tower, or other form which is compatible with the existing character of the proposed site, neighborhood and general area, as approved by the city.~~
 - c. ~~The applicant shall seek to locate the facility at one of the following sites (not in any priority), subject to application of all other standards contained in this section:~~
 - 1. ~~Municipally owned site.~~
 - 2. ~~Other governmentally owned site.~~
 - 3. ~~Religious or other institutional site.~~
 - 4. ~~Public park and other permanent open space areas.~~
 - 5. ~~Other locations if none of the above is available.~~
9. ~~—Requirements for colocation.~~
- a. ~~A special land use permit for the construction and use of a new wireless communication facility shall not be granted unless and until the applicant demonstrates that colocation is not feasible.~~
 - b. ~~—All new and modified wireless communication facilities shall be designed and constructed so as to accommodate colocation.~~
 - c. ~~The policy of the city is "pro colocation." Thus, if a party who owns or otherwise controls a wireless communication facility shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible colocation, such facility shall be deemed to be a nonconforming structure and use.~~
 - d. ~~—If a party who owns or otherwise controls a wireless communication facility shall fail or refuse to permit a feasible colocation, and this requires the construction and/or use of a new wireless communication facility, the party failing or refusing to permit a feasible colocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the city and consequently such party shall take responsibility for the violation, and shall be prohibited from receiving approval for a new wireless communication support structure within the city for a period of five years from the date of the failure or refusal to permit the colocation. Applicants to the zoning board of appeals regarding this provision must demonstrate that enforcement of the five year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or would have the effect of prohibiting the provision of personal wireless communication services.~~
10. ~~—Incentive.~~

~~a. Review of an application for colocation shall be expedited by the city through administrative review and approval of proposed colocation of wireless communication facilities where the application involves the colocation of a new wireless communication facility antenna on an existing wireless communication facility support structure which is in conformance with the provisions of this section.~~

~~b. ——— Where the application involves the colocation of a new wireless communication facility antenna on a building, water tower, church steeple, stadium light pole, or similar structure, as determined by the Planning Commission, the required 300-foot setback shall not apply.~~

~~c. Review of an application for colocation shall be expedited by the city.~~

~~11. — Removal.~~

~~a. A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:~~

~~b. ——— When the facility has not been used for 180 days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse.~~

~~c. Six months after new technology is available at reasonable cost, as determined by the Planning Commission, which permits the operation of the communication system without the requirement of the support structure.~~

~~d. ——— The situations in which removal of a facility is required, as set forth in paragraph 1. above, may be applied and limited to portions of a facility.~~

~~e. Upon the occurrence of one or more of the events requiring removal, the property owner or persons who had used the facility shall immediately apply for any required demolition or removal permits, proceed with, and complete the demolition/removal.~~

~~f. If the required removal of a facility or a portion thereof has not been lawfully completed within 60 days of the applicable deadline, and after at least 30 days written notice, the city may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn, collected and/or enforced from or under the security posted at the time of application.~~

Article 6, Division 1: Non-Conforming Uses, Structures, and Lots

SEC. 600 Non-Conforming Uses, Structures, and Lots, in General

Amend provision (b) to read as follows:

b. It is the intent of this Division to permit these non-conformities to continue until they are removed, but not to encourage their continuation. Such non-conforming uses and structures are declared by this Division to be incompatible with permitted uses in the districts involved. It is further the intent of this Division that non-conformities shall not

be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

SEC. 604 Non-conforming Structures

Amend provisions (c & d) and add provision (e) to read as the follows and re-order the remaining provisions, as applicable:

- c. Any addition greater than ~~25%~~ **40%** of the gross floor area of the principal building shall require the entire addition to fully meet the setback and build to standards.
- d. Any addition less than ~~25%~~ **40%** of the gross floor area of the principal building is required to meet the architectural and site standards but may be granted flexibility by the Planning Commission with bringing the building into greater conformity with the setback and build to standards.
- e. For standards c & d above, where any existing side or rear part of the structure is non-conforming with the setback standards, the addition may be built to the same structure line. In no way shall the addition extend closer to the lot line than any existing, non-conforming part of the structure.

**BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN****AGENDA OF: March 8, 2023****SUBJECT: Brownfield Grant Application – 15101 11 Mile Road****DEPARTMENT: Economic Development and Planning**

SUMMARY: The department has been working with Corsaut Building Ventures to assist with their development of the property at 15101 11 Mile Road to build a new industrial incubator space. They received site plan approval for the site in July of 2021. The plan was approved for an extension till January 2024.

The delay in construction was due to the discovery of contaminants on the property and a gap in financing due to additional costs of cleanup activities. Working with their consultant and EGLE we are applying for a Brownfield Grant on their behalf in the amount of \$750,000 to assist in the cost of cleanup activities.

The project will rehab the existing 7,260 s.f. building and construct two new buildings with a combined total of 13,500 square foot office/warehouse building. The project is a \$3.5 million investment and will produce approximately 15 -20 high tech jobs.

The Brownfield Authority was presented the project in November 2022 and supported the application for the Brownfield Grant.

FINANCIAL STATEMENT: N/A**RECOMMENDED ACTION: Approve the City Manager to sign the application and letter of support.****APPROVALS:**

City Manager: _____ET_____

Department Director: _____KM_____

Director of Finance: _____

Budgeted: ☐

Legal: _____

EXHIBITS: grant application, project rendering, letter of support

BROWNFIELD GRANT AND LOAN APPLICATION

I. PROJECT NAME AND LOCATION

Project Name: Corsaut Building Ventures	
Project Address: 15101 W 11 Miles Road	
Project City: Oak Park	
Project County: Oakland County	Project Zip Code: 48237
State Senate District: 11 th District	State House District: 27 th District

II. APPLICANT INFORMATION

Applicant Name: City of Oak Park	
Applicant Address: 14300 Oak Park Blvd	
Applicant City: Oak Park	Applicant Zip Code: 48227
Applicant Federal ID Number: 38-6004641	

APPLICANT CONTACT INFORMATION

	Contract Signing Authority Contact	Project Contact
Name:	Kimberly Marrone	Anne Jamieson-Urena
Title:	Executive Director of the Brownfield Redevelopment Authority and Economic Development Director, City of Oak Park	Principal, Jamieson Development Consulting
Phone:	(248) 691-7404	248-762-8701
Email:	kmarrone@oakparkmi.gov	anne@jamiesondevelop.com

APPLICANT GRANT EXPERIENCE AND ENVIRONMENTAL COMPLIANCE

How much experience do key staff who will be working on the brownfield grant/loan project have in their current positions?

☐ less than 1 year
 ☐ 1 to 3 years
 ☒ 3 or more years

How many similar type brownfield grant projects has the applicant (LUG) previously completed?

☒ 0 to 2 projects

☐ 3 to 4 projects

☐ 5 or more projects

II. APPLICANT INFORMATION

Have you ever had a permit or other violation with EGLE?

☐ Yes

☒ No

If yes, explain:

III. LOCAL COMMITMENT

Project Promotion

Upon official announcement of being awarded the funds the City will:

- Release a press release to local media and local/state elected officials
- Make an announcement of being awarded the grant on our social media channels (Facebook/Instagram) and our website
- Make an announcement of being awarded the grant in the Mayor's Message
- Create a short video for social media distribution with the City Manager discussing the grant/impact on the City
- The grant will also be mentioned in a future City Magazine (cannot commit to which edition though)

Quote for press release:"

.

IV. APPROVED PROJECT PROPOSAL

Vetted Proposal dated **2/16/2023** remains true and accurate? ☒ Yes

☐ No

If no, have you included an updated proposal with this submittal?

☒ Yes

☐ No

Have you received an invitation to apply?

☒ Yes

☐ No

V. REQUIRED ATTACHMENTS

Please complete the following checklist and attach the supporting documentation.

#	DESCRIPTION	ATTACHED?
1.	Updated Proposal If an updated proposal is needed, have you included the proposal with this submittal? If an updated budget is needed, have you included the budget with this submittal?	☒ Yes ☐ N/A ☒ Yes ☐ N/A
2.	Development/Reimbursement Agreement A development, reimbursement, and/or other agreement between the applicant and developer describing the terms and conditions of the project. Items that are typically part of these type of agreement(s) include some or all of the following: • Specifics about the development including timing, performance expectations and responsibilities of the parties involved. • Commitment to comply with all grant and loan requirements, including EGLE approval prior to conducting any funded activities. • Process, timing, reporting requirements, and documentation necessary for reimbursement of grant and loan funded activities. • Financial assurances and an agreement between the applicant and the developer regarding repayment of the EGLE loan, if applicable. • What happens if the development does not occur or performance expectations are not met. NOTE: Not applicable if the project has no committed developer.	☐ Yes ☒ N/A
3.	Access Agreement A final or draft written access agreement between the property owner, EGLE, and the applicant is required. The agreement must include a commitment from the property owner that allows EGLE staff and applicant staff access to the property to complete the proposed eligible activities. (NOTE: An example is attached for your use.)	☒ Yes ☐ N/A
4.	Letter of Support A letter from the chief executive officer or highest-ranking appointed official is required. Letter of support must include the following: - Statement that the local unit of government supports the brownfield project, and - Statement that the development project or proposed new use complies with all local zoning and planning ordinances.	☒ Yes ☒ Yes ☒ Yes
5.	Loan Resolution and Financial Assurance a. A resolution adopted by the applicant's governing body that verifies the applicant is willing to accept a loan, indicates an amount up to which the applicant is willing to borrow, and commits the governing body to repayment of the loan. NOTE: If the applicant is a Brownfield Redevelopment Authority (BRA) or other sub-unit of local government, the resolution must be from the county or city under which the BRA or sub-unit was formed.	☒ N/A ☐ Yes ☐ Yes ☐ N/A

V. REQUIRED ATTACHMENTS		
Please complete the following checklist and attach the supporting documentation.		
#	DESCRIPTION	ATTACHED?
	b. The applicant understands that regardless of any financial assurances agreement between the applicant and the developer, the final line of security on all loans is state revenue sharing.	☐ Yes

VI. CERTIFICATION

The undersigned, as the representative of the applicant, certifies that the applicant will comply with all applicable state and federal statutes and regulations, including those associated with the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, its administrative rules, and those statutes related to civil rights, equal opportunity, labor standards, environmental protection, and historic preservation.

The undersigned, as the representative of the applicant, certifies that the property(ies) at which grant or loan funds will be used are within the jurisdiction of the applicant.

The undersigned, as the representative of the applicant, certifies that the no government employee, or member of the legislative, judicial, or executive branches, or member of the Grantee's Board of Directors, its employees, partner agencies, or their families shall benefit financially from the grant or loan.

The undersigned, as the representative of the applicant, certifies that within the last 24 months, the applicant has not had a grant from the Department of Environment, Great Lakes, and Energy (EGLE) revoked or terminated, and has not been determined by EGLE to be unable to manage a grant.

The undersigned, as the representative of the applicant, certifies that a source of funding for ongoing maintenance and operation of the proposed project, if required, has been identified.

The undersigned, as the representative of the applicant, verifies that the applicant passed its most recent audit and acknowledges that EGLE may review the auditor's conclusions posted on the Michigan Department of Treasury web site.

The undersigned, as the representative of the applicant, certifies that the information provided in this application and its attachments is true and complete to the best knowledge and belief of the applicant and the undersigned.

Erik Tungate

Typed name of Applicant's Representative

/s/ (For electronic signature: click box below and type name here after /s/)

Signature

City Manager

Title

February 28, 2023

Date

☐ I agree to the use of electronic signatures with EGLE

Please submit the application electronically to

egle-brownfields@michigan.gov

Please call 517-242-9276 with questions.

#mibrownfields

www.michigan.gov/eglebrownfields

CONSENT FOR ACCESS TO PROPERTY

This is an example consent agreement. Grant/loan applicants are welcome, but not required, to use this form to secure property access for grant and loan projects. Text can be changed as needed for your project. (Remove this paragraph before submitting)

PROJECT NAME:

PROPERTY ADDRESS:

TRACKING CODE:

LOCATION CODE:

NAME OF PROPERTY OWNER:

I hereby grant the right to enter the property named above to employees, officers, guests, and authorized representatives of the **Grantee / Borrower Name** and Michigan Department of Environment, Great Lakes, and Energy (EGLE) and its contractors, subcontractors and consultants. Access by, through, on, and use of the property is granted only for the duration of the Brownfield Redevelopment Grant/Loan contract and amendments, if any, to:

1. Perform response activities, demolition, and other work described in Appendix A of the Brownfield Redevelopment Grant/Loan contract. I understand that the scope of work described in Appendix A may include digging, excavating, vehicle access, sampling, demolition, and other activities that would materially change the condition of my property and confirm the presence or extent of environmental contamination there.
2. Undertake other actions necessary to administer and perform the scope of work under the Brownfield Redevelopment Grant and/or Loan.
3. Photograph and create images of or on the property with an aerial drone and/or video. Images may be used by EGLE or the **Grantee / Borrower** to describe the project, promote its brownfield program, post on social media or a website,

I am the property owner or an individual with authority or the property owner's authorization to sign this access agreement. I give this written permission voluntarily with the full knowledge of my right to refuse and without threats or promises of any kind.

Please indicate that you are granting access by signing this document.

Name (Printed)

Name (Signature)

Date

Address

City

State

Zip

Telephone Number(s): Work

Alternate

Email



CITY OF OAK PARK

OFFICE OF THE CITY MANGER

Mayor
Marian McClellan
Mayor Pro Tem
Julie Edgar
Council Members
Solomon Radnor
Carolyn Burns
Shaun Whitehead
City Manager
Erik Tungate

February 28, 2023

Dear MDEQ Grant Administrator:

Please accept this letter of support for a Michigan Brownfield Redevelopment Grant application for Corsaut Building Ventures. This property was formally owned and operated by a well drilling company and has been blighted and an eyesore to our community. The new owner of the property has worked to clean up the site and bring it back to a functional use in the community. However, with rising costs of construction and the discovery of contaminants on-site the project is in need of financial assistance to cover the additional costs of cleanup and make the project a reality.

The proposed use of an Industrial Incubator space will provide space to budding entrepreneurs. In addition, the project will improve the environment with contamination cleanup and create approximately 12-15 high tech jobs, not including the construction or spinoff of other businesses locating close by. It will also help spur additional economic development along the Eleven Mile Road Corridor.

We appreciate the EGLE's support for the revitalization and redevelopment efforts in our community, and encourage EGLE in its efforts to bring these much needed funds to assist with the redevelopment of brownfield sites.

The project has already received site plan approval and meets all current zoning and planning ordinances. We strongly support this project and hope you will too by awarding the grant funds to assist them.

Respectfully,

Erik Tungate
City Manager





CITY OF OAK PARK

Saundra Crawford, Director
Department of Finance

Mayor
 Marian McClellan
Mayor Pro Tem
 Julie Edgar
Council Members
 Carolyn Burns
 Solomon Radner
 Shaun Whitehead
City Manager
 Erik Tungate

MEMORANDUM

Date: March 2, 2023

To: Erik Tungate, City Manager

From: Saundra Crawford, Finance Director
 Carl Johnson, Financial Assistant

Re: Second Quarter FY 2022-23 Investment Report

The State of Michigan Public Act 213 of 2007 requires the City's investment officer to provide a written report quarterly to the governing body concerning the investment of all funds of the City that fall under Public Act 20. Public Act 20 governs how non-pension and non-OPEB funds can be invested. The attached report details the cash and investments (citywide for all funds) held by the City on December 31, 2022. The report includes a description of each investment by type, market and book values, current and yield to maturity interest rates and the number of days to maturity.

The second quarter investment report shows total citywide cash and investments of \$40,946,618 (market value) including cash in the operating account of \$3,071,581 (excluding outstanding checks and other adjustments), short-term investments in Investment Pools of \$3,520,194, money market of \$12,053,132, commercial paper of \$14,938,144 and long-term investments total \$7,363,567. The City has maximized investment return on short-term cash by utilizing Investment Pools and took advantage of a special money market rate. During this quarter the majority of the funds have been invested in a special money market, a new investment pool and commercial paper as they provides the greatest yield and security while interest rates continue to rise due to inflation concerns. Longer-term investments purchased in previous quarters saw a nice decrease in the unrealized losses as fixed income securities saw a decrease in values as equities rebounded. Investment income for the months of October through December 2022 included interest income of \$161,873 and unrealized gains on investments of \$201,223.

During the second quarter actual investment returns significantly increased with the rise in interest rates (approximately 3.4%) which includes the reversal of prior quarters unrealized

losses of existing longer-term investments. The increase in actual returns is expected to continue as the Feds have warned of additional interest rate increases in the coming quarter along with the reversal of unrealized losses on longer-term investment as they get closer to maturity.

City of Oak Park
Summary of Cash and Investments Held
December 31, 2022

	<u>Maturity Date</u>	<u>Market Value</u>	<u>Book Value</u>	<u>% of Portfolio</u>	<u>Current Interest Rate</u>	<u>YTM @ Cost</u>	<u>Days to Maturity</u>	<u>Investment Broker</u>
Cash								
Huntington Bank - Collection		\$ 3,071,581	\$ 3,071,581	7.43%	0.0300%	0.0300%	1	Huntington
Huntington Bank - Accounts Payable		-	-	0.00%	0.0300%	0.0300%	1	Huntington
Huntington Bank - Payroll		-	-	0.00%	0.0300%	0.0300%	1	Huntington
Money Market								
Fifth Third - Money Market		-	-	0.00%	3.5000%	3.5000%	1	Fifth Third
Comerica Securities - Money Market		-	-	0.00%	1.0000%	1.0000%	1	Comerica
Huntington Bank - Money Market		12,053,132	12,053,132	29.14%	4.5000%	4.5000%	1	Huntington
Government Securities								
Federal Home Loan BA SER RA-9025	4/21/2025	661,225	677,960	2%	1.7500%	1.7500%	841	Fifth Third
Federal Home Loan BA SER BJ-9025	11/17/2025	522,251	570,000	1.38%	0.7500%	0.7500%	1051	Fifth Third
Federal Home Loan BA SER L5-2025	12/26/2025	449,730	495,000	1.20%	0.9000%	0.9000%	1090	Fifth Third
Federal Home Loan BA SER E6-9026	2/18/2026	921,750	992,000	2.40%	1.7500%	1.7500%	1144	Fifth Third
Federal Home Loan BA SER F1-9026	2/24/2026	1,346,876	1,443,475	3.49%	1.1250%	1.1250%	1150	Fifth Third
Municipal Bonds								
Kalkaska Mich Sch Bldg	5/1/2023	145,158	146,933	0.36%	6.1000%	6.1000%	212	Fifth Third
Michigan Fin Auth Rev Taxable Tobacco	6/1/2024	946,140	965,000	2.33%	1.3760%	1.3760%	517	Fifth Third
South Lyon Mich Comm Schools	5/1/2023	49,735	50,072	0.12%	2.8900%	2.8900%	120	Comerica
Michigan Fin Auth Rev Taxable Hosp Ref	12/1/2030	393,212	491,634	1.19%	2.9540%	2.9540%	2525	Comerica
Certificate of Deposits								
Capital One Natl Assn	8/18/2025	968,380	1,000,000	2.42%	3.3000%	3.3000%	595	Fifth Third
Capital One Natl Assn	8/17/2026	959,110	1,000,000	2.42%	3.3500%	3.3500%	960	Fifth Third
Commercial Paper								
Banco De Credito	4/6/2023	1,973,880	1,966,567	4.75%	3.2156%	3.2156%	96	Fifth Third
VW Credit Inc	1/11/2023	998,460	992,750	2.40%	4.6500%	4.6500%	11	Fifth Third
Amcor Fin USA Inc	2/2/2023	995,854	994,011	2.40%	4.8200%	4.8200%	33	Huntington
Amcor Flexibles North Amer Inc	1/17/2023	997,805	995,710	2.41%	4.7000%	4.7000%	17	Huntington
Amcor Flexibles North Amer Inc	1/6/2023	999,146	996,264	2.41%	4.5000%	4.5000%	6	Huntington
Autoliv Inc	2/1/2023	1,493,964	1,489,499	3.60%	4.7000%	4.7000%	32	Huntington
Consolidated Edison Co NY Inc	2/2/2023	995,854	995,223	2.41%	4.6700%	4.6700%	33	Huntington
Oglethorpe Pwr Corp	1/30/2023	996,220	995,536	2.41%	4.7800%	4.7800%	30	Huntington
So Calif Edison	1/3/2023	499,756	497,923	1.20%	4.5500%	4.5500%	3	Huntington
Spire Inc	1/9/2023	1,997,561	1,984,532	4.80%	4.6000%	4.6000%	9	Huntington
Suncor Energy Inc	1/10/2023	1,497,988	1,493,132	3.61%	4.6000%	4.6000%	10	Huntington
Suncor Energy Inc	2/13/2023	1,491,656	1,487,723	3.60%	4.8700%	4.8700%	44	Huntington
Investment Pool								
Local Government Investment Pool		3,519,981	3,519,981	<u>8.51%</u>	0.1740%	0.1740%	1	Oakland County
Oakland County Investment Pool		213	213	<u>0.00%</u>	0.1740%	0.1740%	1	Oakland County
Total		<u>\$ 40,946,618</u>	<u>\$ 41,365,851</u>	<u>100.00%</u>				



CITY OF OAK PARK

Saundra Crawford, Director
Department of Finance

Mayor
 Marian McClellan
Mayor Pro Tem
 Julie Edgar
Council Members
 Carolyn Burns
 Solomon Radner
 Shaun Whitehead
City Manager
 Erik Tungate

MEMORANDUM

Date: March 2, 2023

To: Erik Tungate, City Manager

From: Saundra Crawford

Re: 2nd Quarter Budget to Actual Report, General Fund

The purpose of this memorandum is to highlight fiscal year-to-date revenue and expenditure activity through the second quarter ending December 31, 2022 (see attached report for budget-to-actual by department activity for the General Fund only). Through the second quarter, generally, revenues and expenditures should represent 50% of the annual budget.

GENERAL FUND

REVENUES

Total revenues for the second quarter total approximately \$18.3 million, representing approximately 74% of the annual budget. Overall revenues are on track with budget with the following items of note:

- **Property Tax Revenue** – City property tax levies are billed July 1 and payable in full without penalty by August 31, 2022. As of the end of the second quarter approximately 96% of the taxes billed had been paid. Any unpaid real property taxes will be purchased from the City by Oakland County in May 2023. Property tax revenue is the primary reason the overall revenues are at 74% to date.
- **Intergovernmental Revenue (State Revenue Sharing)** – The City receives six bi-monthly payments annually for state-shared revenue. The second quarter report reflects two fiscal 2023 payments as the August 31, 2022, payment by statute is included as part of the June 30, 2022 revenues. The City will receive payments on February 28, April 30, June 30 and August 31 (2023) related to the current fiscal year. The estimated annual revenue included in the budget totals \$4,141,498.

- Fines and forfeiture revenue received from the 45th District Court is budgeted for a total of \$1,300,000 of which \$468,863 or 36% was received in this second quarter. Overall court revenue continues to be less than prior year and less than budget due the reduced number of tickets written by all communities. The court has done a good job reducing their costs to offset some of the lost revenue, but the City's net contribution continues to increase. The revenue received is used to offset a portion of the court's operating costs. Finance will continue to monitor both the court revenue and expenditure budgets and amended as necessary.
- Federal grants revenue is budgeted at \$1.51 million and includes \$560,000 for police body cams and \$950,000 from the second and final ARPA grant payment. No revenue had been recognized during the second quarter.
- Cable franchise fee revenue is budgeted at \$480,000 and includes only the first quarter payments of \$114,980. Cable revenue is received approximately 30 days after the end of each quarter with the second quarter payment being received in January 2023.

EXPENDITURES

Total expenditures for the second quarter total approximately \$14.6 million, representing approximately 43% of the annual budget. Overall departmental expenditure budgets are on track with the following items of note (departments over 50%):

- Defined benefit pension contributions for the Employees Retirement System are at 68% through the second quarter and impacted any department who has employees eligible for that system. The contribution rate will be decreased for future quarters to get the expenditure back to the budgeted amounts along with adjustments recommended in the second quarter budget amendment.
- The Elections and City Clerk's Departments are at 69% and 55%, respectively due to the two budgeted elections took place during the first two quarters of the year. New unfunded election mandates have increased department costs and amendments are recommended for the second quarter.
- The Finance & Admin. Services Department is at 70% of their budget due to the significant number of employees included in the defined benefit pension plan (see bullet number 1 above). The overall budget is in line with the current annual projections.
- The recreation departments including Outdoor Activities (55%) and Swimming Pool (71%) are currently over the 50% guideline primarily due to their costs being seasonal in nature as a significant part of their budget includes summer programming. The overall budget is in line with the current annual projections.

The current amended budget includes roll over budget amendment from fiscal year 2021/22 of \$450,000, an increase for prosecuting attorney fees of \$15,000 and the purchase of pistols for public safety of \$54,578 for a total use of fund balance of \$519,578. Overall, the General Fund operations are in line with the annual budget. The projected fund balance remains at the targeted level of 17% of annual expenditures.

03/02/2023

REVENUE AND EXPENDITURE REPORT FOR CITY OF OAK PARK
 PERIOD ENDING 12/31/2022
 % Fiscal Year Completed: 50.41

GL NUMBER	DESCRIPTION	END BALANCE	2022-23		YTD BALANCE	AVAILABLE	% BDGT
		06/30/2022	ORIGINAL	2022-23	12/31/2022	BALANCE	
		NORM (ABNORM)	BUDGET	AMENDED BUDGET	NORM (ABNORM)	NORM (ABNORM)	USED
Fund 101 - GENERAL FUND							
00.000 - NONE		19,440,081.28	19,234,926.00	19,394,891.00	12,996,428.47	6,398,462.53	67.01
17.345 - PUBLIC SAFETY		4,883,771.09	5,203,500.00	5,203,500.00	5,077,531.54	125,968.46	97.58
19.752 - RECREATION ADMINISTRATION		254,767.92	264,670.00	264,670.00	255,126.28	9,543.72	96.39
TOTAL REVENUES		24,578,620.29	24,703,096.00	24,863,061.00	18,329,086.29	6,533,974.71	73.72
10.101 - CITY COUNCIL AND MAYOR		62,632.74	96,681.00	96,681.00	17,273.91	79,407.09	17.87
11.172 - CITY MANAGER		474,168.99	513,631.00	513,631.00	263,061.99	250,569.01	51.22
11.270 - HUMAN RESOURCES		260,342.33	291,152.00	291,152.00	133,718.13	157,433.87	45.93
11.611 - ECONOMIC DEVELOPMENT		256,120.92	281,039.00	282,859.00	132,357.87	150,501.13	46.79
12.258 - MAGEMENT INFORMTN SERVICE		249,720.33	306,281.00	306,281.00	94,805.05	211,475.95	30.95
13.210 - CITY ATTORNEY		245,394.07	274,600.00	274,600.00	125,264.97	149,335.03	45.62
13.229 - PROSECUTING ATTORNEY		71,660.04	80,000.00	95,000.00	40,554.59	54,445.41	42.69
14.191 - ELECTIONS		226,463.46	290,585.00	290,585.00	200,784.49	89,800.51	69.10
14.215 - CITY CLERK		123,320.35	123,730.00	123,730.00	68,281.46	55,448.54	55.19
15.201 - FINANCE & ADMIN SERVICES		569,563.05	456,598.00	456,598.00	320,646.94	135,951.06	70.23
16.371 - INSPECTIONS		766,950.73	743,748.00	751,128.00	350,417.89	400,710.11	46.65
16.401 - TECH & PLANNING ADMIN.		241,489.19	246,597.00	249,217.00	87,058.37	162,158.63	34.93
16.447 - ENGINEERING		28,435.63	58,208.00	58,208.00	16,878.69	41,329.31	29.00
16.448 - STREET LIGHTING		471,433.63	541,000.00	541,000.00	165,713.35	375,286.65	30.63
17.345 - PUBLIC SAFETY		12,957,626.94	12,633,090.00	12,697,668.00	5,252,846.14	7,444,821.86	41.37
17.346 - PUBLIC SAFETY K-9		224,095.51	206,966.00	206,966.00	106,910.33	100,055.67	51.66
18.265 - BUILDING MAINTENANCE		757,339.33	836,461.00	836,461.00	408,787.84	427,673.16	48.87
18.441 - DPW ADMINISTRATION		57,100.47	20,982.00	20,982.00	8,298.88	12,683.12	39.55
18.443 - SHEPHERD PARK		78,321.10	147,891.00	147,891.00	62,516.77	85,374.23	42.27
18.444 - OTHER PARKS FORESTRY		607,589.72	148,741.00	572,006.00	49,492.62	522,513.38	8.65
19.752 - RECREATION ADMINISTRATION		386,992.62	431,749.00	543,629.00	262,955.96	280,673.04	48.37
19.753 - ATHLETICS		9,671.00	30,859.00	10,959.00	2,864.90	8,094.10	26.14
19.754 - OUTDOOR ACTIVITIES		80,636.61	85,351.00	101,151.00	56,015.28	45,135.72	55.38
19.755 - INSTRUCTIONAL ACTIVITIES		16,440.20	25,000.00	16,000.00	5,742.10	10,257.90	35.89
19.756 - SPECIAL RECREATION EVENTS		81,326.11	75,800.00	83,000.00	35,421.78	47,578.22	42.68
19.757 - SWIMMING POOL FACILITY		88,840.85	139,603.00	192,603.00	136,352.91	56,250.09	70.79
19.776 - SENIOR SERVICES		54,512.57	58,060.00	63,960.00	33,911.80	30,048.20	53.02
21.890 - NON DEPARTMENTAL		5,254,659.11	5,189,985.00	5,189,985.00	2,217,228.12	2,972,756.88	42.72
22.806 - COMMUNICATIONS & PUBLIC INFORMATION		271,461.02	368,708.00	368,708.00	138,088.82	230,619.18	37.45
TOTAL EXPENDITURES		24,974,308.62	24,703,096.00	25,382,639.00	10,794,251.95	14,588,387.05	42.53
TOTAL REVENUES		24,578,620.29	24,703,096.00	24,863,061.00	18,329,086.29	6,533,974.71	73.72
TOTAL EXPENDITURES		24,974,308.62	24,703,096.00	25,382,639.00	10,794,251.95	14,588,387.05	42.53
NET OF REVENUES & EXPENDITURES		(395,688.33)	0.00	(519,578.00)	7,534,834.34	(8,054,412.34)	1,450.18



BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN

AGENDA OF: March 8, 2023

AGENDA #

SUBJECT: Approval of resolution to authorize Budget Amendment #2023-2

DEPARTMENT: Finance

SUMMARY: The City's annual budget was adopted on May 16, 2022 and is effective July 1st. The budget is adopted at the departmental level. In accordance with the State Budget Act, budget amendments are to be completed throughout the fiscal year in order to reflect the most current information available related to revenue and expenditure budgets. Budget amendments that have a positive or negative impact on fund balance or change the department total require Council approval

The second quarter (12/31/22) budget amendment for the General Fund is attached and is also summarized below.

GENERAL FUND	
Beginning Fund Balance July 1, 2022	\$ 4,909,642
Amended Budget as of December 31, 2022	\$ (519,578)
Net Change in Fund Balance (Amendment #2023-2)	<u>\$ 0</u>
Estimated Ending Fund Balance June 30, 2023	<u><u>\$ 4,390,064</u></u>

The proposed amendment has no net impact on fund balance and includes the following notable items:

- Increases in self-funded healthcare costs greater than anticipated
- Reduction in maintenance costs due to 5-year agreement will be expensed over a 5-year period
- Increase in property tax revenue to agree to actual billings to date
- Increase in state shared sales tax revenue due to revised State estimates
- Reduces court revenue due less ticket revenue for the first six months of the year
- Increase in salaries and fringes for one-time payouts of compensated absences at separation or retirement
- Increase in utility budget for storm water charges on city owned property

SPECIAL REVENUE FUNDS

- Increase in Act 51 revenue based on MDOT projections to date
- Adjustment of special assessment billings based on activity to date
- Recognize grant for tree planting
- Adjust capital outlay and fringe benefit budgets to projections

ENTERPRISE FUND

- Increase in miscellaneous revenue for return of uncashed lawsuit refund checks
- Remove debt service payment for GWKD that was completed at 6/30/22
- Adjust pension contributions to actuary requirements
- Increase interest income for better than expected returns for the first six months of the fiscal year

INTERNAL SERVICE FUNDS

- The Risk Management Fund expenditures are being reduced due to a reduction in the annual workers compensation premiums. The reduction is due to less workers compensation related injuries and payouts over the last few years.

Note: The State of Michigan does not require budgets for any funds except the General and Special Revenue Funds. The City has chosen to be fiscally responsible and adopt budgets for all funds to assist in monitoring the overall financial activity of the City.

FINANCIAL STATEMENT: The proposed budget amendment has an impact on the fund balance of General Fund while keeping the estimated fund balance at approximately 17% of annual expenditures. The amendments to all other funds keep the fund balance at targeted ranges and are done in compliance with State of Michigan requirements and guidelines.

RECOMMENDED ACTION: Approval of resolution to authorize Budget Amendment #2023-2

APPROVALS:

City Manager: _____

Finance Director: _____

Resolution

NOW, THEREFORE BE IT RESOLVED that the following
Budget Amendment #2023-2 is authorized:

	INCREASE (DECREASE)
GENERAL FUND	
REVENUES	
PROPERTY TAXES	\$ 199,613
INTERGOVERNMENTAL	178,516
FINES	(93,000)
TOTAL REVENUES	<u>285,129</u>
EXPENDITURES	
CITY MANAGER	13,000
CITY CLERK - ELECTIONS	25,000
CITY CLERK	6,000
FINANCE	101,508
TECHNICAL AND PLANNING	(15,380)
PUBLIC SAFETY	7,001
PUBLIC WORKS	148,000
TOTAL EXPENDITURES	<u>285,129</u>
Net Increase (Decrease) to Fund Balance	<u>\$ -</u>
MAJOR STREETS FUND	
REVENUES	
INTERGOVERNMENTAL	\$ 33,435
INTEREST INCOME	6,148
OTHER REVENUE	(19,583)
TOTAL REVENUES	<u>20,000</u>
EXPENDITURES	
FRINGES	20,000
TOTAL EXPENDITURES	<u>20,000</u>
Net Increase (Decrease) to Fund Balance	<u>\$ -</u>
LOCAL STREETS FUND	
REVENUES	
INTERGOVERNMENTAL	13,154
CHARGES FOR SERVICES	(25,000)
INTEREST INCOME	\$ 846
OTHER REVENUE	11,000
TOTAL REVENUES	<u>-</u>
Net Increase (Decrease) to Fund Balance	<u>\$ -</u>
Net Decrease to Fund Balance	<u>\$ -</u>

INCREASE
(DECREASE)

SIDEWALK SPECIAL ASSESSMENT FUND

REVENUES

CHARGES FOR SERVICES	\$ 80,900
INTEREST INCOME	(969)
TOTAL REVENUES	<u>79,931</u>

EXPENDITURES

CAPITAL OUTLAY	(21,069)
TOTAL EXPENDITURES	<u>(21,069)</u>

Net Increase (Decrease) to Fund Balance	<u>\$ 101,000</u>
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WATER AND SEWER FUND

REVENUES

INTEREST INCOME	\$ 59,744
OTHER REVENUE	110,000
TOTAL REVENUES	<u>169,744</u>

EXPENDITURES

FRINGES	160,000
DEBT SERVICE	(325,256)
TOTAL EXPENDITURES	<u>(165,256)</u>

Net Increase (Decrease) to Fund Balance	<u>\$ 335,000</u>
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INCREASE
(DECREASE)

RISK MANAGEMENT INTERNAL SERVICE FUND

REVENUES

INTEREST EARNINGS	\$ (3,000)
CHARGES FOR SERVICES	(38,000)
TOTAL REVENUES	<u>(41,000)</u>

EXPENDITURES

INSURANCE - WORKERS COMPENSATION	(41,000)
TOTAL EXPENDITURES	<u>(41,000)</u>

Net Increase (Decrease) to Fund Balance	<u>\$ -</u>
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I certify that the forgoing is a true and complete copy of a Resolution adopted by the City Council of the City of Oak Park at a regular Meeting held on this 8th day of March, 2023.

T. Edwin Norris, City Clerk

**BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN****AGENDA OF:** March 8, 2023**AGENDA #****SUBJECT:** Proposed payment request and change order for Engineering Consulting Services.**DEPARTMENT:** DPW/Municipal Services – Engineering *KMG*

SUMMARY: Attached is a request for payment for invoices from OHM Advisors for the projects as listed below. OHM requested a change order of \$25,000.00 to cover some of the additional work needed for design engineering. The extra work included design of the replacement of two pedestrian islands due to shifting the travel lanes for the cycle track, modifying signals to align with the travel lanes for the cycle track, design of bike traffic signals for the cycle track, revised typical pavement sections due to the cycle track, and additional work due to MDOT requirements.

Project	This Period	Prior Billings	To Date	Current Contract	Account Number
Nine Mile Rd Design Engineering	\$23,755.25	\$161,448.00	\$185,203.25	\$186,500.00	202-18-479-970
Totals	\$23,755.25	\$161,448.00	\$185,203.25	\$186,500.00	

RECOMMENDED ACTION: It is recommended that the invoices from OHM Advisors for the above listed projects be approved for the total amount of \$23,755.25. Funding is available in the above listed account.

APPROVALS:City Manager: _____ET_____ Department Director: _____*KMG*_____

Finance Director: _____SC_____ City Attorney: _____N/A_____

Budgeted ☐**EXHIBITS:** Invoice and Change Order letter of explanation

REMIT TO:
OHM Advisors
34000 Plymouth Road
Livonia, MI 48150
T 734.522.6711
F 734.522.6427
OHM-Advisors.com



INVOICE

CITY OF OAK PARK
Attn: Kara Grisamer, City Engineer
10600 Capital Ave.
Oak Park, MI 48237

Invoice Date: 02/21/2023
Invoice #: 60009
Project: 0037220021

Project Name: 9 Mile Road - Cloverlawn to Republic

For Professional Services Rendered Through: February 11, 2023

Professional Services

Description	Fee	Prior Billed	Total Available	Current Billing
9 Mile Road - Cloverlawn to Republic	\$186,500.00	\$161,448.00	\$25,052.00	\$23,755.25

Invoice Total

\$23,755.25

REMIT TO:
OHM Advisors
34000 Plymouth Road
Livonia, MI 48150
T 734.522.6711
F 734.522.6427
OHM-Advisors.com



INVOICE

CITY OF OAK PARK
Attn: Kara Grisamer, City Engineer
10600 Capital Ave.
Oak Park, MI 48237

Invoice Date: 02/21/2023
Invoice #: 60009
Project: 0037220021

Project Name: 9 Mile Road - Cloverlawn to Republic

Professional Services

	Hours	Rate	Amount
Associate	.50	187.00	\$93.50
Graduate Engineer I	3.50	125.00	\$437.50
Graduate Engineer II	4.00	135.00	\$540.00
Professional Engineer/Architect II	101.75	155.00	\$15,771.25
Professional Engineer/Architect III	1.00	170.00	\$170.00
Sr. Associate	16.00	198.00	\$3,168.00
Technician IV	25.00	143.00	\$3,575.00
Professional Services Subtotal	151.75		\$23,755.25

Total Backup:

151.75

\$23,755.25



December 14, 2022

Ms. Kara Grisamer, PE
City Engineer
City of Oak Park
13600 Oak Park Boulevard
Oak Park, MI 48237

RE: Nine Mile Road PE Services – OHM Contract Overage - Summary

Dear Ms. Kara Grisamer, PE:

This letter is to summarize extra work that OHM incorporated into the final design plans required for submitting to MDOT. During design, just before submitting G1 plans to MDOT, the city asked OHM to investigate changing the lane striping from the current bike lane configuration to a cycle track configuration (both bike lanes on the same side of the road). After evaluating the feasibility, OHM determined that the revision would be possible, but would impact other aspects of the project. This change had a ripple effect through the project. The following items required design/redesign:

- Design the replacement of the two pedestrian islands due to the shifting of the travel lanes due to the cycle track
- Design the modification of some of the traffic signal head locations due to the shifting of the travel lanes to the north due to the addition of the cycle track
- Design ground mounted traffic signals at three locations for cyclists utilizing the new cycle track to ensure adequate view of the traffic signal
- Revise the typical sections to incorporate the cycle track after previously developed to show bike lanes.
- Revise the plans and re-quantify the pavement marking and signing pay items after completing the bike lane concept for the G1 submittal. This work included pavement marking, signing, bumper block, delineator items.
- Lastly, the cross slope of the road was determined to be excessive for 3R standards requiring a design variance. Due to this variance the Crash Analysis had to be modified after initially submitting to include a 4th year of data and analysis, and resubmitted.

At the time of the change, OHM still had remaining design budget, but the changes proved to be too extensive to absorb. The result of the above additional work required an increase in effort of \$25,000. Due to this extra work, the maximum contract amount is requested to be raised from \$161,500 to \$186,500. It should be noted that even with this request, and assuming our engineers' estimate is correct, we are at a respectable 6.4% of construction cost with our design fee.



Please contact me should you have any further questions concerning this matter. Thank you for considering this request.

Sincerely,
OHM Advisors

A handwritten signature in black ink, appearing to read "Mark Loch". The signature is fluid and cursive, with the first name "Mark" and last name "Loch" clearly distinguishable.

Mark Loch, PE, OHM Advisors, Project Manager

cc: Robert Barrett, City of Oak Park, Project Manager

**BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN****AGENDA OF:** March 8, 2023**AGENDA #**

SUBJECT: Temporary Advance Construct Contract with MDOT for the Nine Mile Resurfacing Project, M-740 (Cloverlawn to Republic).

DEPARTMENT: Engineering - KMG

SUMMARY: Attached is the contract with MDOT for the deposit on the advance construct of the Nine Mile Road Resurfacing Project between Cloverlawn and Republic, M-740. This contract is temporary until the project is awarded to a contractor. We have since been awarded additional funds such that we don't have to complete this project as Advance Construct and will instead use funds available during this fiscal year. When the project is awarded, there will be a revised agreement sent with the updated percentages and no Advance Construct funding. The total cost of this temporary agreement is \$453,468.00, but we have confirmed with MDOT that we will not need to pay it. We have already requested the conversion of funds from Advance Construct to the full amount and that is currently being processed in the MDOT Finance Department.

RECOMMENDED ACTION: It is recommended that the temporary contract be signed by the City Manager and approved by City Council. An updated contract will be sent by MDOT upon award of the project contract.

APPROVALS:

City Manager: _____ Finance Director: _____

Department Director: _____ KMG _____

Legal: _____

Budgeted: ☐

EXHIBITS: MDOT Advance Construct Contract

(ADVANCE CONSTRUCTION CONTRACT)
STP

	DA
Control Section	STU 63000
Job Number	212901CON
Project	23A0213
CFDA No.	20.205 (Highway Research Planning & Construction)
Contract No.	23-5044

PART I

THIS CONTRACT, consisting of PART I and PART II (Standard Agreement Provisions), is made by and between the MICHIGAN DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the "DEPARTMENT"; and the CITY OF OAK PARK, a Michigan municipal corporation, hereinafter referred to as the "REQUESTING PARTY"; for the purpose of fixing the rights and obligations of the parties in agreeing to the following improvements, in Oak Park, Michigan, hereinafter referred to as the "PROJECT" and estimated in detail on EXHIBIT "I", dated January 26, 2023, attached hereto and made a part hereof:

PART A – FEDERAL PARTICIPATION

Hot mix asphalt cold milling and resurfacing along W 9 Mile Road from Cloverlawn Street to Republic Avenue, including concrete cold milling, pavement repairs, curb and gutter, sidewalk and curb ramps, drainage, traffic signals, countdown pedestrian signals, video detection system, permanent signing and pavement markings; and all together with necessary related work.

PART B – NO FEDERAL PARTICIPATION

Streetscaping along the limits as described in PART A; and all together with necessary related work.

WITNESSETH:

WHEREAS, pursuant to Federal law, monies have been provided for the performance of certain improvements on public roads; and

WHEREAS, the PROJECT will be performed as an advance construction project; and

WHEREAS, the reference "FHWA" in PART I and PART II refers to the United States Department of Transportation, Federal Highway Administration; and

WHEREAS, the PROJECT, or portions of the PROJECT at the request of the REQUESTING PARTY, are being programmed with the FHWA, for implementation with the use of Federal Funds under the following Federal program(s) or funding:

SURFACE TRANSPORTATION PROGRAM

WHEREAS, the parties hereto have reached an understanding with each other regarding the performance of the PROJECT work and desire to set forth this understanding in the form of a written contract.

NOW, THEREFORE, in consideration of the premises and of the mutual undertakings of the parties and in conformity with applicable law, it is agreed:

1. The parties hereto shall undertake and complete the PROJECT in accordance with the terms of this contract.

The PROJECT work shall be performed as an advance construction PROJECT and shall meet applicable Federal requirements set forth on 23 CFR Subpart G; 23 U.S.C. 115.

It is understood that authorization to undertake the performance of the work under this contract as an advance construction PROJECT does not constitute any commitment of DEPARTMENT or Federal Funds for this PROJECT.

Expenditures incurred on this PROJECT as advance construction will not be subject to reimbursement with Federal Funds until the PROJECT is converted to a regular Federal-aid project as provided under 23 CFR 630.705(2); CFR 630.709.

Request for PROJECT conversion to a regular Federal-Aid project shall be submitted to the DEPARTMENT by the REQUESTING PARTY as early as possible in the fiscal year that the advance construction PROJECT is anticipated to be reimbursed.

2. The term "PROJECT COST", as herein used, is hereby defined as the cost of the physical construction necessary for the completion of the PROJECT, including any other costs incurred by the DEPARTMENT as a result of this contract, except for construction engineering and inspection.

No charges will be made by the DEPARTMENT to the PROJECT for any inspection work or construction engineering.

The costs incurred by the REQUESTING PARTY for preliminary engineering, construction engineering, construction materials testing, inspection, and right-of-way are excluded from the PROJECT COST as defined by this contract.

The Michigan Department of Environment, Great Lakes, and Energy has informed the DEPARTMENT that it adopted new administrative rules (R 325.10101, et. seq.) which prohibit any governmental agency from connecting and/or reconnecting lead and/or galvanized service lines to existing and/or new water main. Questions regarding these administrative rules should be directed to the Michigan Department of Environment, Great Lakes, and Energy. The cost associated with replacement of any lead and/or galvanized service lines, including but not limited to contractor claims, will be the sole responsibility of the REQUESTING PARTY.

3. The DEPARTMENT is authorized by the REQUESTING PARTY to administer on behalf of the REQUESTING PARTY all phases of the PROJECT including advertising and awarding the construction contract for the PROJECT or portions of the PROJECT. Such administration shall be in accordance with PART II, Section II of this contract.

Any items of the PROJECT COST incurred by the DEPARTMENT may be charged to the PROJECT.

4. The REQUESTING PARTY, at no cost to the PROJECT or to the DEPARTMENT, shall:

- A. Design or cause to be designed the plans for the PROJECT.
- B. Appoint a project engineer who shall be in responsible charge of the PROJECT and ensure that the plans and specifications are followed.
- C. Perform or cause to be performed the construction engineering, construction materials testing, and inspection services necessary for the completion of the PROJECT.

The REQUESTING PARTY will furnish the DEPARTMENT proposed timing sequences for trunkline signals that, if any, are being made part of the improvement. No timing adjustments shall be made by the REQUESTING PARTY at any trunkline intersection, without prior issuances by the DEPARTMENT of Standard Traffic Signal Timing Permits.

5. The PROJECT COST shall be met in accordance with the following:

PART A

The PART A portion of the PROJECT COST shall be met 100 percent by the REQUESTING PARTY.

Contingent upon availability of Federal Funds and Federal approval, Federal Surface Transportation Funds, for future fiscal years, may be applied to that portion of the PART A cost incurred as advance construction in an amount such that the Federal Funds equal a participation ratio of 31.81 percent.

PART B

The PART B portion of the PROJECT COST is not eligible for Federal

participation and shall be charged to and paid 100 percent by the REQUESTING PARTY in the manner and at the times hereinafter set forth.

Any items of PROJECT COST or any advance construction expenditure not reimbursed by Federal Funds will be the sole responsibility of the REQUESTING PARTY.

6. A working capital deposit by the REQUESTING PARTY will be required for this PROJECT and is estimated to be:

\$453,468

The total deposit will be billed to the REQUESTING PARTY by the DEPARTMENT and shall be paid by the REQUESTING PARTY within thirty (30) days after receipt of bill.

In order to fulfill the obligations assumed by the REQUESTING PARTY under the provisions of this contract, the REQUESTING PARTY shall make prompt payments of its share of the PROJECT COST upon receipt of progress billings from the DEPARTMENT as herein provided. All payments will be made within 30 days of receipt of billings from the DEPARTMENT. Billings to the REQUESTING PARTY will be based upon the REQUESTING PARTY'S share of the actual costs incurred less available Federal Funds as the PROJECT progresses.

Failure to make such payments within 30 days of receipt of billings from the DEPARTMENT, the DEPARTMENT is hereby authorized to withhold without further notice an equal amount from the REQUESTING PARTY'S share of any future Act 51 monthly allocations.

7. At such time as traffic volumes and safety requirements warrant, the REQUESTING PARTY will cause to be enacted and enforced such ordinances as may be necessary to prohibit parking in the traveled roadway throughout the limits of the PROJECT.

8. The performance of the entire PROJECT under this contract, whether Federally funded or not, will be subject to the provisions and requirements of PART II that are applicable to a Federally funded project.

In the event of any discrepancies between PART I and PART II of this contract, the provisions of PART I shall prevail.

Buy America Requirements (23 CFR 635.410) shall apply to the PROJECT and will be adhere to, as applicable, by the parties hereto.

9. The REQUESTING PARTY certifies that it is not aware if and has no reason to believe that the property on which the work is to be performed under this agreement is a facility, as defined by the Michigan Natural Resources and Environmental Protection Act [(NREPA), PA 451, 1994, as amended 2012]; MCL 324.20101(1)(s). The REQUESTING PARTY also certifies that it is not a liable party pursuant to either Part 201 or Part 213 of NREPA, MCL 324.20126 et seq. and MCL 324.21323a et seq. The REQUESTING PARTY is a local unit of

government that has acquired or will acquire property for the use of either a transportation corridor or public right-of-way and was not responsible for any activities causing a release or threat of release of any hazardous materials at or on the property. The REQUESTING PARTY is not a person who is liable for response activity costs, pursuant to MCL 324.20101 (vv) and (ww).

10. Both the REQUESTING PARTY and the DEPARTMENT certify that the DEPARTMENT is not a person liable under Parts 201 and 213 of the NREPA; that the DEPARTMENT is not an owner or operator of any property within the PROJECT limits; that the DEPARTMENT has not arranged for the disposal of hazardous substances within the PROJECT limits, nor has the DEPARTMENT transported any hazardous substances to the PROJECT limits; that the DEPARTMENT has not conducted any activities which have resulted in a release or threat of release of hazardous substances at the facility or within the PROJECT limits and that the DEPARTMENT is otherwise not liable for any response activities or response activity costs at the facility.

11. If subsequent to execution of this contract, previously unknown hazardous substances are discovered within the PROJECT limits, which require the incurrence of response costs for response activity pursuant to state or federal law, the REQUESTING PARTY, in addition to reporting that fact to the Michigan Department of Environment, Great Lakes, and Energy, shall notify the DEPARTMENT, both orally and in writing within 24 hours of such discovery. The DEPARTMENT shall consult with the REQUESTING PARTY to determine whether the area within the PROJECT limits constitutes a facility and whether the REQUESTING PARTY is required to incur response costs to address the contamination under state or federal law. If the REQUESTING PARTY is liable for response activities or response costs under state or federal laws, the DEPARTMENT will consult with the FHWA to determine the eligibility of such response costs for reimbursement. In the event that the response costs and other incidental costs including, but not limited to delay costs, are deemed not to be eligible for reimbursement by the FHWA, the REQUESTING PARTY shall be charged for and shall pay to the DEPARTMENT all response costs and delay costs of the contractor for the PROJECT. If the REQUESTING PARTY refuses to participate in such costs, the DEPARTMENT shall terminate the PROJECT. The parties agree that any costs or damages that the DEPARTMENT incurs as a result of such termination shall be considered a PROJECT COST.

12. If federal and/or state funds administered by the DEPARTMENT are used to pay the cost of remediating any hazardous substances discovered after the execution of this contract and if there is a reasonable likelihood of recovery, the REQUESTING PARTY, in cooperation with the Michigan Department of Environment, Great Lakes, and Energy and the DEPARTMENT, shall make a diligent effort to recover such costs from all other possible entities. If recovery is made, the DEPARTMENT shall be reimbursed from such recovery for the proportionate share of the amount paid by the FHWA and/or the DEPARTMENT and the DEPARTMENT shall credit such sums to the appropriate funding source.

13. The DEPARTMENT'S sole reason for entering into this contract is to enable the REQUESTING PARTY to obtain and use funds provided by the Federal Highway Administration pursuant to Title 23 of the United States Code.

Any and all approvals of, reviews of, and recommendations regarding contracts, agreements, permits, plans, specifications, or documents, of any nature, or any inspections of work by the DEPARTMENT and its agents pursuant to the terms of this contract are done to assist the REQUESTING PARTY in meeting program guidelines in order to qualify for available funds. Such approvals, reviews, inspections and recommendations by the DEPARTMENT and its agents shall not relieve the REQUESTING PARTY and the local agencies, as applicable, of their ultimate control and shall not be construed as a warranty of their propriety or that the DEPARTMENT and its agents is assuming any liability, control or jurisdiction.

The providing of recommendations or advice by the DEPARTMENT and its agents does not relieve the REQUESTING PARTY and the local agencies, as applicable of their exclusive jurisdiction of the highway and responsibility under MCL 691.1402 et seq., as amended.

When providing approvals, reviews and recommendations under this contract, the DEPARTMENT and its agents is performing a governmental function, as that term is defined in MCL 691.1401 et seq., as amended, which is incidental to the completion of the PROJECT.

Upon completion of the PROJECT, the REQUESTING PARTY shall accept the facilities constructed as built to specifications within the contract documents. It is understood that the REQUESTING PARTY shall own the facilities and shall operate and maintain the facilities in accordance with all applicable Federal and State laws and regulations, including, but not limited to, Title II of the Americans with Disabilities Act (ADA), 42 USC 12131 et seq., and its associated regulations and standards, and DEPARTMENT Road and Bridge Standard Plans and the Standard Specifications for Construction

14. The DEPARTMENT, by executing this contract, and rendering services pursuant to this contract, has not and does not assume jurisdiction of the highway, described as the PROJECT for purposes of MCL 691.1402 et seq., as amended. Exclusive jurisdiction of such highway for the purposes of MCL 691.1402 et seq., as amended, rests with the REQUESTING PARTY and other local agencies having respective jurisdiction.

15. The REQUESTING PARTY shall approve all of the plans and specifications to be used on the PROJECT and shall be deemed to have approved all changes to the plans and specifications when put into effect. It is agreed that ultimate responsibility and control over the PROJECT rests with the REQUESTING PARTY and local agencies, as applicable.

16. Each party to this contract will remain responsible for any and all claims arising out of its own acts and/or omissions during the performance of the contract, as provided by this contract or by law. In addition, this is not intended to increase or decrease either party's liability for or immunity from tort claims. This contract is also not intended to nor will it be interpreted as giving either party a right of indemnification, either by contract or by law, for claims arising out of the performance of this contract.

17. The REQUESTING PARTY agrees that the costs reported to the DEPARTMENT for this contract will represent only those items that are properly chargeable in accordance with

this contract. The REQUESTING PARTY also certifies that it has read the contract terms and has made itself aware of the applicable laws, regulations, and terms of this contract that apply to the reporting of costs incurred under the terms of this contract.

18. The parties shall promptly provide comprehensive assistance and cooperation in defending and resolving any claims brought against the DEPARTMENT by the contractor, vendors or suppliers as a result of the DEPARTMENT'S award of the construction contract for the PROJECT. Costs incurred by the DEPARTMENT in defending or resolving such claims shall be considered PROJECT COSTS.

19. The DEPARTMENT shall require the contractor who is awarded the contract for the construction of the PROJECT to provide insurance in the amounts specified and in accordance with the DEPARTMENT'S current standard specifications for construction, and to:

- A. Maintain bodily injury and property damage insurance for the duration of the PROJECT.
- B. Provide owner's protective liability insurance naming as insureds the State of Michigan, the Michigan State Transportation Commission, the DEPARTMENT and its officials, agents and employees, the REQUESTING PARTY and any other county, county road commission, or municipality in whose jurisdiction the PROJECT is located, and their employees, for the duration of the PROJECT and to provide, upon request, copies of certificates of insurance to the insureds. It is understood that the DEPARTMENT does not assume jurisdiction of the highway described as the PROJECT as a result of being named as an insured on the owner's protective liability insurance policy.
- C. Comply with the requirements of notice of cancellation and reduction of insurance set forth in the current standard specifications for construction and to provide, upon request, copies of notices and reports prepared to those insured.

20. This contract shall become binding on the parties hereto and of full force and effect upon the signing thereof by the duly authorized officials for the parties hereto and upon the adoption of the necessary resolution approving said contract and authorizing the signatures thereto of the respective officials of the REQUESTING PARTY, a certified copy of which resolution shall be attached to this contract.

IN WITNESS WHEREOF, the parties hereto have caused this contract to be executed as written below.

CITY OF OAK PARK

MICHIGAN DEPARTMENT
OF TRANSPORTATION

By _____
Title:

By _____
Department Director MDOT

By _____
Title:

REVIEWED

EXHIBIT I

CONTROL SECTION	STU 63000
JOB NUMBER	212901CON
PROJECT	23A0213

ESTIMATED COST

CONTRACTED WORK

	<u>PART A</u>	<u>PART B</u>	<u>TOTAL</u>
Estimated Cost	\$2,851,100	\$ 46,000	\$2,897,100

COST PARTICIPATION

GRAND TOTAL ESTIMATED COST	\$2,851,100	\$ 46,000	\$2,897,100
Less Federal Funds (Advance Construction)			
Future Fiscal Year*	\$ 906,935	\$ 0	\$ 906,935
REQUESTING PARTY'S SHARE (Future Fiscal Year)	\$1,944,165	\$ 46,000	\$1,990,165

*Contingent upon availability of Federal Funds and Federal approval, Federal Surface Transportation Funds, for future fiscal years, may be applied to that portion of the PART A cost incurred as advance construction in an amount such that the Federal Funds equal a participation ratio of 31.81 percent.

DEPOSIT (50% of Advance Construction Portion PART A - \$906,935)	\$453,468
(NONE REQUIRED - PART B)	\$ 0
	\$453,468

PART II

STANDARD AGREEMENT PROVISIONS

SECTION I COMPLIANCE WITH REGULATIONS AND DIRECTIVES

SECTION II PROJECT ADMINISTRATION AND SUPERVISION

SECTION III ACCOUNTING AND BILLING

SECTION IV MAINTENANCE AND OPERATION

SECTION V SPECIAL PROGRAM AND PROJECT CONDITIONS

SECTION I

COMPLIANCE WITH REGULATIONS AND DIRECTIVES

- A. To qualify for eligible cost, all work shall be documented in accordance with the requirements and procedures of the DEPARTMENT.
- B. All work on projects for which reimbursement with Federal funds is requested shall be performed in accordance with the requirements and guidelines set forth in the following Directives of the Federal-Aid Policy Guide (FAPG) of the FHWA, as applicable, and as referenced in pertinent sections of Title 23 and Title 49 of the Code of Federal Regulations (CFR), and all supplements and amendments thereto.
 - 1. Engineering
 - a. FAPG (6012.1): Preliminary Engineering
 - b. FAPG (23 CFR 172): Administration of Engineering and Design Related Service Contracts
 - c. FAPG (23 CFR 635A): Contract Procedures
 - d. FAPG (49 CFR 18.22): Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments—Allowable Costs
 - 2. Construction
 - a. FAPG (23 CFR 140E): Administrative Settlement Costs-Contract Claims
 - b. FAPG (23 CFR 140B): Construction Engineering Costs
 - c. FAPG (23 CFR 17): Recordkeeping and Retention Requirements for Federal-Aid Highway Records of State Highway Agencies
 - d. FAPG (23 CFR 635A): Contract Procedures
 - e. FAPG (23 CFR 635B): Force Account Construction
 - f. FAPG (23 CFR 645A): Utility Relocations, Adjustments and Reimbursement

- g. FAPG (23 CFR 645B): Accommodation of Utilities (PPM 30-4.1)
 - h. FAPG (23 CFR 655F): Traffic Control Devices on Federal-Aid and other Streets and Highways
 - i. FAPG (49 CFR 18.22): Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments-Allowable Costs
3. Modification Or Construction Of Railroad Facilities
- a. FAPG (23 CFR 140I): Reimbursement for Railroad Work
 - b. FAPG (23 CFR 646B): Railroad Highway Projects
- C. In conformance with FAPG (23 CFR 630C) Project Agreements, the political subdivisions party to this contract, on those Federally funded projects which exceed a total cost of \$100,000.00 stipulate the following with respect to their specific jurisdictions:
- 1. That any facility to be utilized in performance under or to benefit from this contract is not listed on the Environmental Protection Agency (EPA) List of Violating Facilities issued pursuant to the requirements of the Federal Clean Air Act, as amended, and the Federal Water Pollution Control Act, as amended.
 - 2. That they each agree to comply with all of the requirements of Section 114 of the Federal Clean Air Act and Section 308 of the Federal Water Pollution Control Act, and all regulations and guidelines issued thereunder.
 - 3. That as a condition of Federal aid pursuant to this contract they shall notify the DEPARTMENT of the receipt of any advice indicating that a facility to be utilized in performance under or to benefit from this contract is under consideration to be listed on the EPA List of Violating Facilities.
- D. Ensure that the PROJECT is constructed in accordance with and incorporates all committed environmental impact mitigation measures listed in approved environmental documents unless modified or deleted by approval of the FHWA.
- E. All the requirements, guidelines, conditions and restrictions noted in all other pertinent Directives and Instructional Memoranda of the FHWA will apply to this contract and will be adhered to, as applicable, by the parties hereto.

SECTION II

PROJECT ADMINISTRATION AND SUPERVISION

- A. The DEPARTMENT shall provide such administrative guidance as it determines is required by the PROJECT in order to facilitate the obtaining of available federal and/or state funds.
- B. The DEPARTMENT will advertise and award all contracted portions of the PROJECT work. Prior to advertising of the PROJECT for receipt of bids, the REQUESTING PARTY may delete any portion or all of the PROJECT work. After receipt of bids for the PROJECT, the REQUESTING PARTY shall have the right to reject the amount bid for the PROJECT prior to the award of the contract for the PROJECT only if such amount exceeds by ten percent (10%) the final engineer's estimate therefor. If such rejection of the bids is not received in writing within two (2) weeks after letting, the DEPARTMENT will assume concurrence. The DEPARTMENT may, upon request, readvertise the PROJECT. Should the REQUESTING PARTY so request in writing within the aforesaid two (2) week period after letting, the PROJECT will be cancelled and the DEPARTMENT will refund the unused balance of the deposit less all costs incurred by the DEPARTMENT.
- C. The DEPARTMENT will perform such inspection services on PROJECT work performed by the REQUESTING PARTY with its own forces as is required to ensure compliance with the approved plans & specifications.
- D. On those projects funded with Federal monies, the DEPARTMENT shall as may be required secure from the FHWA approval of plans and specifications, and such cost estimates for FHWA participation in the PROJECT COST.
- E. All work in connection with the PROJECT shall be performed in conformance with the Michigan Department of Transportation Standard Specifications for Construction, and the supplemental specifications, Special Provisions and plans pertaining to the PROJECT and all materials furnished and used in the construction of the PROJECT shall conform to the aforesaid specifications. No extra work shall be performed nor changes in plans and specifications made until said work or changes are approved by the project engineer and authorized by the DEPARTMENT.

- F. Should it be necessary or desirable that portions of the work covered by this contract be accomplished by a consulting firm, a railway company, or governmental agency, firm, person, or corporation, under a subcontract with the REQUESTING PARTY at PROJECT expense, such subcontracted arrangements will be covered by formal written agreement between the REQUESTING PARTY and that party.

This formal written agreement shall: include a reference to the specific prime contract to which it pertains; include provisions which clearly set forth the maximum reimbursable and the basis of payment; provide for the maintenance of accounting records in accordance with generally accepted accounting principles, which clearly document the actual cost of the services provided; provide that costs eligible for reimbursement shall be in accordance with clearly defined cost criteria such as 49 CFR Part 18, 48 CFR Part 31, 23 CFR Part 140, OMB Circular A-87, etc. as applicable; provide for access to the department or its representatives to inspect and audit all data and records related to the agreement for a minimum of three years after the department's final payment to the local unit.

All such agreements will be submitted for approval by the DEPARTMENT and, if applicable, by the FHWA prior to execution thereof, except for agreements for amounts less than \$100,000 for preliminary engineering and testing services executed under and in accordance with the provisions of the "Small Purchase Procedures" FAPG (23 CFR 172), which do not require prior approval of the DEPARTMENT or the FHWA.

Any such approval by the DEPARTMENT shall in no way be construed as a warranty of the subcontractor's qualifications, financial integrity, or ability to perform the work being subcontracted.

- G. The REQUESTING PARTY, at no cost to the PROJECT or the DEPARTMENT, shall make such arrangements with railway companies, utilities, etc., as may be necessary for the performance of work required for the PROJECT but for which Federal or other reimbursement will not be requested.
- H. The REQUESTING PARTY, at no cost to the PROJECT, or the DEPARTMENT, shall secure, as necessary, all agreements and approvals of the PROJECT with railway companies, the Railroad Safety & Tariffs Division of the DEPARTMENT and other concerned governmental agencies other than the FHWA, and will forward same to the DEPARTMENT for such reviews and approvals as may be required.
- I. No PROJECT work for which reimbursement will be requested by the REQUESTING PARTY is to be subcontracted or performed until the DEPARTMENT gives written notification that such work may commence.

- J. The REQUESTING PARTY shall be responsible for the payment of all costs and expenses incurred in the performance of the work it agrees to undertake and perform.
- K. The REQUESTING PARTY shall pay directly to the party performing the work all billings for the services performed on the PROJECT which are authorized by or through the REQUESTING PARTY.
- L. The REQUESTING PARTY shall submit to the DEPARTMENT all paid billings for which reimbursement is desired in accordance with DEPARTMENT procedures.
- M. All work by a consulting firm will be performed in compliance with the applicable provisions of 1980 PA 299, Subsection 2001, MCL 339.2001; MSA 18.425(2001), as well as in accordance with the provisions of all previously cited Directives of the FHWA.
- N. The project engineer shall be subject to such administrative guidance as may be deemed necessary to ensure compliance with program requirement and, in those instances where a consultant firm is retained to provide engineering and inspection services, the personnel performing those services shall be subject to the same conditions.
- O. The DEPARTMENT, in administering the PROJECT in accordance with applicable Federal and State requirements and regulations, neither assumes nor becomes liable for any obligations undertaken or arising between the REQUESTING PARTY and any other party with respect to the PROJECT.
- P. In the event it is determined by the DEPARTMENT that there will be either insufficient Federal funds or insufficient time to properly administer such funds for the entire PROJECT or portions thereof, the DEPARTMENT, prior to advertising or issuing authorization for work performance, may cancel the PROJECT, or any portion thereof, and upon written notice to the parties this contract shall be void and of no effect with respect to that cancelled portion of the PROJECT. Any PROJECT deposits previously made by the parties on the cancelled portions of the PROJECT will be promptly refunded.
- Q. Those projects funded with Federal monies will be subject to inspection at all times by the DEPARTMENT and the FHWA.

SECTION III

ACCOUNTING AND BILLING

A. Procedures for billing for work undertaken by the REQUESTING PARTY:

1. The REQUESTING PARTY shall establish and maintain accurate records, in accordance with generally accepted accounting principles, of all expenses incurred for which payment is sought or made under this contract, said records to be hereinafter referred to as the "RECORDS". Separate accounts shall be established and maintained for all costs incurred under this contract.

The REQUESTING PARTY shall maintain the RECORDS for at least three (3) years from the date of final payment of Federal Aid made by the DEPARTMENT under this contract. In the event of a dispute with regard to the allowable expenses or any other issue under this contract, the REQUESTING PARTY shall thereafter continue to maintain the RECORDS at least until that dispute has been finally decided and the time for all available challenges or appeals of that decision has expired.

The DEPARTMENT, or its representative, may inspect, copy, or audit the RECORDS at any reasonable time after giving reasonable notice.

If any part of the work is subcontracted, the REQUESTING PARTY shall assure compliance with the above for all subcontracted work.

In the event that an audit performed by or on behalf of the DEPARTMENT indicates an adjustment to the costs reported under this contract, or questions the allowability of an item of expense, the DEPARTMENT shall promptly submit to the REQUESTING PARTY, a Notice of Audit Results and a copy of the audit report which may supplement or modify any tentative findings verbally communicated to the REQUESTING PARTY at the completion of an audit.

Within sixty (60) days after the date of the Notice of Audit Results, the REQUESTING PARTY shall: (a) respond in writing to the responsible Bureau or the DEPARTMENT indicating whether or not it concurs with the audit report, (b) clearly explain the nature and basis for any disagreement as to a disallowed item of expense and, (c) submit to the DEPARTMENT a written explanation as to any questioned or no opinion expressed item of expense, hereinafter referred to as the "RESPONSE". The RESPONSE shall be clearly stated and provide any supporting documentation necessary to resolve any disagreement or questioned or no opinion expressed item of expense. Where the documentation is voluminous, the REQUESTING PARTY may supply appropriate excerpts and make alternate

arrangements to conveniently and reasonably make that documentation available for review by the DEPARTMENT. The RESPONSE shall refer to and apply the language of the contract. The REQUESTING PARTY agrees that failure to submit a RESPONSE within the sixty (60) day period constitutes agreement with any disallowance of an item of expense and authorizes the DEPARTMENT to finally disallow any items of questioned or no opinion expressed cost.

The DEPARTMENT shall make its decision with regard to any Notice of Audit Results and RESPONSE within one hundred twenty (120) days after the date of the Notice of Audit Results. If the DEPARTMENT determines that an overpayment has been made to the REQUESTING PARTY, the REQUESTING PARTY shall repay that amount to the DEPARTMENT or reach agreement with the DEPARTMENT on a repayment schedule within thirty (30) days after the date of an invoice from the DEPARTMENT. If the REQUESTING PARTY fails to repay the overpayment or reach agreement with the DEPARTMENT on a repayment schedule within the thirty (30) day period, the REQUESTING PARTY agrees that the DEPARTMENT shall deduct all or a portion of the overpayment from any funds then or thereafter payable by the DEPARTMENT to the REQUESTING PARTY under this contract or any other agreement, or payable to the REQUESTING PARTY under the terms of 1951 PA 51, as applicable. Interest will be assessed on any partial payments or repayment schedules based on the unpaid balance at the end of each month until the balance is paid in full. The assessment of interest will begin thirty (30) days from the date of the invoice. The rate of interest will be based on the Michigan Department of Treasury common cash funds interest earnings. The rate of interest will be reviewed annually by the DEPARTMENT and adjusted as necessary based on the Michigan Department of Treasury common cash funds interest earnings. The REQUESTING PARTY expressly consents to this withholding or offsetting of funds under those circumstances, reserving the right to file a lawsuit in the Court of Claims to contest the DEPARTMENT'S decision only as to any item of expense the disallowance of which was disputed by the REQUESTING PARTY in a timely filed RESPONSE.

The REQUESTING PARTY shall comply with the Single Audit Act of 1984, as amended, including, but not limited to, the Single Audit Amendments of 1996 (31 USC 7501-7507).

The REQUESTING PARTY shall adhere to the following requirements associated with audits of accounts and records:

- a. Agencies expending a total of \$500,000 or more in federal funds, from one or more funding sources in its fiscal year, shall comply with the requirements of the federal Office of Management and Budget (OMB) Circular A-133, as revised or amended.

The agency shall submit two copies of:

- The Reporting Package
- The Data Collection Form
- The management letter to the agency, if one issued by the audit firm

The OMB Circular A-133 audit must be submitted to the address below in accordance with the time frame established in the circular, as revised or amended.

b. Agencies expending less than \$500,000 in federal funds must submit a letter to the Department advising that a circular audit was not required. The letter shall indicate the applicable fiscal year, the amount of federal funds spent, the name(s) of the Department federal programs, and the CFDA grant number(s). This information must also be submitted to the address below.

c. Address: Michigan Department of Education
Accounting Service Center
Hannah Building
608 Allegan Street
Lansing, MI 48909

d. Agencies must also comply with applicable State laws and regulations relative to audit requirements.

e. Agencies shall not charge audit costs to Department's federal programs which are not in accordance with the OMB Circular A-133 requirements.

f. All agencies are subject to the federally required monitoring activities, which may include limited scope reviews and other on-site monitoring.

2. Agreed Unit Prices Work - All billings for work undertaken by the REQUESTING PARTY on an agreed unit price basis will be submitted in accordance with the Michigan Department of Transportation Standard Specifications for Construction and pertinent FAPG Directives and Guidelines of the FHWA.
3. Force Account Work and Subcontracted Work - All billings submitted to the DEPARTMENT for Federal reimbursement for items of work performed on a force account basis or by any subcontract with a consulting firm, railway company, governmental agency or other party, under the terms of this contract, shall be prepared in accordance with the provisions of the pertinent FHPM Directives and the procedures of the DEPARTMENT. Progress billings may be submitted monthly during the time work is being performed provided, however, that no bill of a lesser amount than \$1,000.00 shall be submitted unless it is a final

or end of fiscal year billing. All billings shall be labeled either "Progress Bill Number _____", or "Final Billing".

4. Final billing under this contract shall be submitted in a timely manner but not later than six months after completion of the work. Billings for work submitted later than six months after completion of the work will not be paid.
5. Upon receipt of billings for reimbursement for work undertaken by the REQUESTING PARTY on projects funded with Federal monies, the DEPARTMENT will act as billing agent for the REQUESTING PARTY, consolidating said billings with those for its own force account work and presenting these consolidated billings to the FHWA for payment. Upon receipt of reimbursement from the FHWA, the DEPARTMENT will promptly forward to the REQUESTING PARTY its share of said reimbursement.
6. Upon receipt of billings for reimbursement for work undertaken by the REQUESTING PARTY on projects funded with non-Federal monies, the DEPARTMENT will promptly forward to the REQUESTING PARTY reimbursement of eligible costs.

B. Payment of Contracted and DEPARTMENT Costs:

1. As work on the PROJECT commences, the initial payments for contracted work and/or costs incurred by the DEPARTMENT will be made from the working capital deposit. Receipt of progress payments of Federal funds, and where applicable, State Critical Bridge funds, will be used to replenish the working capital deposit. The REQUESTING PARTY shall make prompt payments of its share of the contracted and/or DEPARTMENT incurred portion of the PROJECT COST upon receipt of progress billings from the DEPARTMENT. Progress billings will be based upon the REQUESTING PARTY'S share of the actual costs incurred as work on the PROJECT progresses and will be submitted, as required, until it is determined by the DEPARTMENT that there is sufficient available working capital to meet the remaining anticipated PROJECT COSTS. All progress payments will be made within thirty (30) days of receipt of billings. No monthly billing of a lesser amount than \$1,000.00 will be made unless it is a final or end of fiscal year billing. Should the DEPARTMENT determine that the available working capital exceeds the remaining anticipated PROJECT COSTS, the DEPARTMENT may reimburse the REQUESTING PARTY such excess. Upon completion of the PROJECT, payment of all PROJECT COSTS, receipt of all applicable monies from the FHWA, and completion of necessary audits, the REQUESTING PARTY will be reimbursed the balance of its deposit.

2. In the event that the bid, plus contingencies, for the contracted, and/or the DEPARTMENT incurred portion of the PROJECT work exceeds the estimated cost therefor as established by this contract, the REQUESTING PARTY may be advised and billed for the additional amount of its share.

C. General Conditions:

1. The DEPARTMENT, in accordance with its procedures in existence and covering the time period involved, shall make payment for interest earned on the balance of working capital deposits for all projects on account with the DEPARTMENT. The REQUESTING PARTY in accordance with DEPARTMENT procedures in existence and covering the time period involved, shall make payment for interest owed on any deficit balance of working capital deposits for all projects on account with the DEPARTMENT. This payment or billing is processed on an annual basis corresponding to the State of Michigan fiscal year. Upon receipt of billing for interest incurred, the REQUESTING PARTY promises and shall promptly pay the DEPARTMENT said amount.
2. Pursuant to the authority granted by law, the REQUESTING PARTY hereby irrevocably pledges a sufficient amount of funds received by it from the Michigan Transportation Fund to meet its obligations as specified in PART I and PART II. If the REQUESTING PARTY shall fail to make any of its required payments when due, as specified herein, the DEPARTMENT shall immediately notify the REQUESTING PARTY and the State Treasurer of the State of Michigan or such other state officer or agency having charge and control over disbursement of the Michigan Transportation Fund, pursuant to law, of the fact of such default and the amount thereof, and, if such default is not cured by payment within ten (10) days, said State Treasurer or other state officer or agency is then authorized and directed to withhold from the first of such monies thereafter allocated by law to the REQUESTING PARTY from the Michigan Transportation Fund sufficient monies to remove the default, and to credit the REQUESTING PARTY with payment thereof, and to notify the REQUESTING PARTY in writing of such fact.
3. Upon completion of all work under this contract and final audit by the DEPARTMENT or the FHWA, the REQUESTING PARTY promises to promptly repay the DEPARTMENT for any disallowed items of costs previously disbursed by the DEPARTMENT. The REQUESTING PARTY pledges its future receipts from the Michigan Transportation Fund for repayment of all disallowed items and, upon failure to make repayment for any disallowed items within ninety (90) days of demand made by the DEPARTMENT, the DEPARTMENT is hereby authorized to withhold an equal amount from the REQUESTING PARTY'S share of any future distribution of Michigan Transportation Funds in settlement of said claim.

4. The DEPARTMENT shall maintain and keep accurate records and accounts relative to the cost of the PROJECT and upon completion of the PROJECT, payment of all items of PROJECT COST, receipt of all Federal Aid, if any, and completion of final audit by the DEPARTMENT and if applicable, by the FHWA, shall make final accounting to the REQUESTING PARTY. The final PROJECT accounting will not include interest earned or charged on working capital deposited for the PROJECT which will be accounted for separately at the close of the State of Michigan fiscal year and as set forth in Section C(1).
5. The costs of engineering and other services performed on those projects involving specific program funds and one hundred percent (100%) local funds will be apportioned to the respective portions of that project in the same ratio as the actual direct construction costs unless otherwise specified in PART I.

SECTION IV

MAINTENANCE AND OPERATION

- A. Upon completion of construction of each part of the PROJECT, at no cost to the DEPARTMENT or the PROJECT, each of the parties hereto, within their respective jurisdictions, will make the following provisions for the maintenance and operation of the completed PROJECT:

1. All Projects:

Properly maintain and operate each part of the project, making ample provisions each year for the performance of such maintenance work as may be required, except as qualified in paragraph 2b of this section.

2. Projects Financed in Part with Federal Monies:

- a. Sign and mark each part of the PROJECT, in accordance with the current Michigan Manual of Uniform Traffic control Devices, and will not install, or permit to be installed, any signs, signals or markings not in conformance with the standards approved by the FHWA, pursuant to 23 USC 109(d).

- b. Remove, prior to completion of the PROJECT, all encroachments from the roadway right-of-way within the limits of each part of the PROJECT.

With respect to new or existing utility installations within the right-of-way of Federal Aid projects and pursuant to FAPG (23 CFR 645B): Occupancy of non-limited access right-of-way may be allowed based on consideration for traffic safety and necessary preservation of roadside space and aesthetic quality. Longitudinal occupancy of non-limited access right-of-way by private lines will require a finding of significant economic hardship, the unavailability of practicable alternatives or other extenuating circumstances.

- c. Cause to be enacted, maintained and enforced, ordinances and regulations for proper traffic operations in accordance with the plans of the PROJECT.

- d. Make no changes to ordinances or regulations enacted, or traffic controls installed in conjunction with the PROJECT work without prior review by the DEPARTMENT and approval of the FHWA, if required.

- B. On projects for the removal of roadside obstacles, the parties, upon completion of construction of each part of the PROJECT, at no cost to the PROJECT or the DEPARTMENT, will, within their respective jurisdictions, take such action as is necessary to assure that the roadway right-of-way, cleared as the PROJECT, will be maintained free of such obstacles.
- C. On projects for the construction of bikeways, the parties will enact no ordinances or regulations prohibiting the use of bicycles on the facility hereinbefore described as the PROJECT, and will amend any existing restrictive ordinances in this regard so as to allow use of this facility by bicycles. No motorized vehicles shall be permitted on such bikeways or walkways constructed as the PROJECT except those for maintenance purposes.
- D. Failure of the parties hereto to fulfill their respective responsibilities as outlined herein may disqualify that party from future Federal-aid participation in projects on roads or streets for which it has maintenance responsibility. Federal Aid may be withheld until such time as deficiencies in regulations have been corrected, and the improvements constructed as the PROJECT are brought to a satisfactory condition of maintenance.

SECTION V

SPECIAL PROGRAM AND PROJECT CONDITIONS

- A. Those projects for which the REQUESTING PARTY has been reimbursed with Federal monies for the acquisition of right-of-way must be under construction by the close of the twentieth (20th) fiscal year following the fiscal year in which the FHWA and the DEPARTMENT projects agreement covering that work is executed, or the REQUESTING PARTY may be required to repay to the DEPARTMENT, for forwarding to the FHWA, all monies distributed as the FHWA'S contribution to that right-of-way.
- B. Those projects for which the REQUESTING PARTY has been reimbursed with Federal monies for the performance of preliminary engineering must be under construction by the close of the tenth (10th) fiscal year following the fiscal year in which the FHWA and the DEPARTMENT projects agreement covering that work is executed, or the REQUESTING PARTY may be required to repay to the DEPARTMENT, for forwarding to the FHWA, all monies distributed as the FHWA'S contribution to that preliminary engineering.
- C. On those projects funded with Federal monies, the REQUESTING PARTY, at no cost to the PROJECT or the DEPARTMENT, will provide such accident information as is available and such other information as may be required under the program in order to make the proper assessment of the safety benefits derived from the work performed as the PROJECT. The REQUESTING PARTY will cooperate with the DEPARTMENT in the development of reports and such analysis as may be required and will, when requested by the DEPARTMENT, forward to the DEPARTMENT, in such form as is necessary, the required information.
- D. In connection with the performance of PROJECT work under this contract the parties hereto (hereinafter in Appendix "A" referred to as the "contractor") agree to comply with the State of Michigan provisions for "Prohibition of Discrimination in State Contracts", as set forth in Appendix A, attached hereto and made a part hereof. The parties further covenant that they will comply with the Civil Rights Acts of 1964, being P.L. 88-352, 78 Stat. 241, as amended, being Title 42 U.S.C. Sections 1971, 1975a-1975d, and 2000a-2000h-6 and the Regulations of the United States Department of Transportation (49 C.F.R. Part 21) issued pursuant to said Act, including Appendix "B", attached hereto and made a part hereof, and will require similar covenants on the part of any contractor or subcontractor employed in the performance of this contract.
- E. The parties will carry out the applicable requirements of the DEPARTMENT'S Disadvantaged Business Enterprise (DBE) program and 49 CFR, Part 26, including, but not limited to, those requirements set forth in Appendix C.

APPENDIX A
PROHIBITION OF DISCRIMINATION IN STATE CONTRACTS

In connection with the performance of work under this contract; the contractor agrees as follows:

1. In accordance with Public Act 453 of 1976 (Elliott-Larsen Civil Rights Act), the contractor shall not discriminate against an employee or applicant for employment with respect to hire, tenure, treatment, terms, conditions, or privileges of employment or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, height, weight, or marital status. A breach of this covenant will be regarded as a material breach of this contract. Further, in accordance with Public Act 220 of 1976 (Persons with Disabilities Civil Rights Act), as amended by Public Act 478 of 1980, the contractor shall not discriminate against any employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment or a matter directly or indirectly related to employment because of a disability that is unrelated to the individual's ability to perform the duties of a particular job or position. A breach of the above covenants will be regarded as a material breach of this contract.
2. The contractor hereby agrees that any and all subcontracts to this contract, whereby a portion of the work set forth in this contract is to be performed, shall contain a covenant the same as hereinabove set forth in Section 1 of this Appendix.
3. The contractor will take affirmative action to ensure that applicants for employment and employees are treated without regard to their race, color, religion, national origin, age, sex, height, weight, marital status, or any disability that is unrelated to the individual's ability to perform the duties of a particular job or position. Such action shall include, but not be limited to, the following: employment; treatment; upgrading; demotion or transfer; recruitment; advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.
4. The contractor shall, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, national origin, age, sex, height, weight, marital status, or disability that is unrelated to the individual's ability to perform the duties of a particular job or position.
5. The contractor or its collective bargaining representative shall send to each labor union or representative of workers with which the contractor has a collective bargaining agreement or other contract or understanding a notice advising such labor union or workers' representative of the contractor's commitments under this Appendix.
6. The contractor shall comply with all relevant published rules, regulations, directives, and orders of the Michigan Civil Rights Commission that may be in effect prior to the taking of bids for any individual state project.

7. The contractor shall furnish and file compliance reports within such time and upon such forms as provided by the Michigan Civil Rights Commission; said forms may also elicit information as to the practices, policies, program, and employment statistics of each subcontractor, as well as the contractor itself, and said contractor shall permit access to the contractor's books, records, and accounts by the Michigan Civil Rights Commission and/or its agent for the purposes of investigation to ascertain compliance under this contract and relevant rules, regulations, and orders of the Michigan Civil Rights Commission.
8. In the event that the Michigan Civil Rights Commission finds, after a hearing held pursuant to its rules, that a contractor has not complied with the contractual obligations under this contract, the Michigan Civil Rights Commission may, as a part of its order based upon such findings, certify said findings to the State Administrative Board of the State of Michigan, which State Administrative Board may order the cancellation of the contract found to have been violated and/or declare the contractor ineligible for future contracts with the state and its political and civil subdivisions, departments, and officers, including the governing boards of institutions of higher education, until the contractor complies with said order of the Michigan Civil Rights Commission. Notice of said declaration of future ineligibility may be given to any or all of the persons with whom the contractor is declared ineligible to contract as a contracting party in future contracts. In any case before the Michigan Civil Rights Commission in which cancellation of an existing contract is a possibility, the contracting agency shall be notified of such possible remedy and shall be given the option by the Michigan Civil Rights Commission to participate in such proceedings.
9. The contractor shall include or incorporate by reference, the provisions of the foregoing paragraphs (1) through (8) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Michigan Civil Rights Commission; all subcontracts and purchase orders will also state that said provisions will be binding upon each subcontractor or supplier.

Revised June 2011

APPENDIX B
TITLE VI ASSURANCE

During the performance of this contract, the contractor, for itself, its assignees, and its successors in interest (hereinafter referred to as the "contractor"), agrees as follows:

1. **Compliance with Regulations:** For all federally assisted programs, the contractor shall comply with the nondiscrimination regulations set forth in 49 CFR Part 21, as may be amended from time to time (hereinafter referred to as the Regulations). Such Regulations are incorporated herein by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed under the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection, retention, and treatment of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices, when the contractor covers a program set forth in Appendix B of the Regulations.
3. **Solicitation for Subcontracts, Including Procurements of Materials and Equipment:** All solicitations made by the contractor, either by competitive bidding or by negotiation for subcontract work, including procurement of materials or leases of equipment, must include a notification to each potential subcontractor or supplier of the contractor's obligations under the contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto and shall permit access to its books, records, accounts, other sources of information, and facilities as may be determined to be pertinent by the Department or the United States Department of Transportation (USDOT) in order to ascertain compliance with such Regulations or directives. If required information concerning the contractor is in the exclusive possession of another who fails or refuses to furnish the required information, the contractor shall certify to the Department or the USDOT, as appropriate, and shall set forth the efforts that it made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Department shall impose such contract sanctions as it or the USDOT may determine to be appropriate, including, but not limited to, the following:
 - a. Withholding payments to the contractor until the contractor complies; and/or
 - b. Canceling, terminating, or suspending the contract, in whole or in part.

6. **Incorporation of Provisions:** The contractor shall include the provisions of Sections (1) through (6) in every subcontract, including procurement of material and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the Department or the USDOT may direct as a means of enforcing such provisions, including sanctions for non-compliance, provided, however, that in the event a contractor becomes involved in or is threatened with litigation from a subcontractor or supplier as a result of such direction, the contractor may request the Department to enter into such litigation to protect the interests of the state. In addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

Revised June 2011

APPENDIX C

TO BE INCLUDED IN ALL FINANCIAL ASSISTANCE AGREEMENTS WITH LOCAL AGENCIES

Assurance that Recipients and Contractors Must Make (Excerpts from US DOT Regulation 49 CFR 26.13)

- A. Each financial assistance agreement signed with a DOT operating administration (or a primary recipient) must include the following assurance:**

The recipient shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any US DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of US DOT-assisted contracts. The recipient's DBE program, as required by 49 CFR Part 26 and as approved by US DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

- B. Each contract MDOT signs with a contractor (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance:**

The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of US DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

**BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN****AGENDA OF:** March 8, 2023**AGENDA #**

SUBJECT: Resolution in support of the Residential Green Stormwater Infrastructure Pilot Program.

DEPARTMENT: Engineering – KMG

SUMMARY: The County Water Resources Commissioner (WRC) on behalf of the George W. Kuhn (GWK) District is creating a Residential Green Stormwater Infrastructure (GSI) pilot program. It is designed to assist homeowners with by offering rebates to install approved green infrastructure best management practices such as rain barrels and rain gardens. This pilot program is available to residents of Oak Park at no cost to us with funding available from WRC. There will be community events, free or low cost rain barrels, support from local nurseries, and educational programs for planting rain gardens or using rain barrels.

FINANCIAL STATEMENT: This program is a pilot program by WRC at no cost to local communities.

RECOMMENDED ACTION: It is recommended that the City Council approve the attached resolution of support of the WRC Residential Green Stormwater Infrastructure Pilot Program.

APPROVALS:

City Manager: _____ET_____

Finance Director: _____SC_____

Department Director: _____KMG_____

EXHIBITS: City Resolution

**THE CITY OF OAK PARK RESOLUTION TO PARTICIPATE
IN THE RESIDENTIAL GREEN STORMWATER INFRASTRUCTURE
PILOT PROGRAM AT NO COST TO THE CITY**

At a regular meeting of the City Council for the City of Oak Park, Oakland
County, Michigan held on the 8th day of March, 2023.

PRESENT:

ABSENT:

The following resolution was Moved by: _____

Seconded by _____

WHEREAS the City of Oak Park is a member community of the George W. Kuhn (GWK) Drain Drainage District; and

WHEREAS the GWK Drain is a combined sewer that collects wastewater and stormwater runoff in one pipe; and

WHEREAS the GWK District is seeking opportunities to collect and treat stormwater runoff at its source to reduce stormwater impacts and improve water quality before entering the combined sewer; and

WHEREAS the Oakland County Water Resources Commissioner (WRC) on behalf of the GWK District is creating a Residential Green Stormwater Infrastructure (GSI) pilot program designed to assist homeowners with this issue by offering rebates to install approved green infrastructure best management practices; and

WHEREAS the GWK District has made an initial \$150,000 investment for the first year of the program; and

WHEREAS the City of Oak Park, along with the cities of Birmingham, Royal Oak, and Southfield have volunteered to participate in the GSI scoping committee at no cost to them; and

WHEREAS the role of city representatives includes attendance at monthly meetings to develop and establish goals, identify focus areas in the community, while assisting with outreach and community involvement; and

WHEREAS other committee members include the WRC, the Southeast Michigan Council of Governments, the Clinton River Watershed Council, and a professional consultant; and

WHEREAS the proposed GSI program promotes neighborhood implementation to create a viable neighbor support system; and

WHEREAS this support system uses a block-by-block growth approach to eventually expand to include the entire GWK drainage district; and

WHEREAS the proposed GSI neighborhood rebate concept has been successfully incorporated in other collaborative programs; and

WHEREAS funding for the program will be provided by allocations from the George W. Kuhn (GWK) Drain Drainage District and distributed on a “first-come, first-served” basis until all program funds are allocated; and

WHEREAS eligible participants in this important program include all homeowners in the GWK District.

NOW THEREFORE BE IT RESOLVED that Mayor Marian McClellan and Members of the Oak Park City Council support the Oakland County Water Resources Commissioner’s Residential Green Stormwater Infrastructure (GSI) pilot program.

BE IT FURTHER RESOLVED that the Mayor ensures that a representative of the City of Oak Park participates in this important program as a member of the GSI scoping committee.

Roll Call Vote:

Yeas:

Nays:

Absent:

Abstentions:

RESOLUTION ADOPTED: _____

**BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN****AGENDA OF:** March 8, 2023**AGENDA #**

SUBJECT: Request from Xpert Lawn and Snow, LLC for a contract extension of the 2021 and 2022 Lawn Maintenance Contracts.

DEPARTMENT: Public Works / Facilities – *DED*

SUMMARY: Attached is a request from Xpert Lawn and Snow, LLC for a contract extension of the 2021 and 2022 Lawn Maintenance Contracts. Xpert Lawn and Snow, LLC has indicated that they would like to execute a one (1) year extension of their unit prices from these projects to perform the 2023 Landscape Maintenance Contract, M-756. The original 2021 contract documents allow for up to two (2) one-year extensions. This will be the final extension. This project will mow and litter pick the lawns in the City's parks, grounds, and rights of way.

FINANCIAL STATEMENT: There is a total of \$138,000 available in the Major and Local Street Funds, Water and Sewer Fund, and Public Works budget for these expenditures.

RECOMMENDED ACTION: It is recommended City Council approve the offer for the contract extension from Xpert Lawn and Snow, LLC for the 2023 Lawn Maintenance Contract, M-756 for a total amount of \$112,488.00. Funding is available in the Major and Local Street Funds, Water and Sewer Fund, and Public Works budget.

APPROVALS:

City Manager: _____ ET

Department Director: _____ *DED*

Finance Director: _____ SC

Legal: _____ CK

Budgeted

EXHIBITS: Extension letter from Xpert Lawn and Snow



21083 MOUND RD.

WARREN, MI 48091

248.721.0794

XPRTLAWNANDSNOW.COM WEBSITE

XPRTLANDSCAPING@YAHOO.COM EMAIL

March 1, 2023

Xpert Lawn and Snow, INC.
21083 Mound Road
Warren, MI 48091

RE: CONTINUANCE OF THE 2021 LAWN MAINTENANCE CONTRACT, M-721

DAVE DECOSTER:

This letter is being submitted to tell you that we intend to continue this contract. The current agreement lapses on December 1, 2022. The city of Oak Park would like to exercise a renewal option for the period of April 1, 2023 through November 30, 2023. We accept the renewal of this contract. I have attached our updated insurance certificate.

Sincerely,

A handwritten signature in black ink, appearing to read "Corey Bambrough".

Corey Bambrough,
President