



**CITY OF OAK PARK, MICHIGAN
REGULAR COUNCIL MEETING OF THE
39th OAK PARK CITY COUNCIL
February 21, 2022
7:00 PM**

MINUTES

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

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

ABSENT: None

OTHERS

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

APPROVAL OF AGENDA:

**CM-02-049-22 (AGENDA ITEM #4) ADOPTION OF THE AGENDA AS
PRESENTED – APPROVED**

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

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

MOTION DECLARED ADOPTED

CONSENT AGENDA:

CM-02-050-22 (AGENDA ITEM #5A-G) CONSENT AGENDA - APPROVED

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

- A. Regular City Council Meeting Minutes of February 7, 2022 **CM-02-051-22**
- B. Special City Council Meeting Minutes of February 7, 2022 **CM-02-052-22**
- C. Request to approve an agreement with Berkley School District to collect their 2022 Summer Tax Levy **CM-02-053-22**
- D. Planning Commission Meeting Minutes of January 10, 2022 **CM-02-054-22**
- E. Request to approve proposed change order No. 1 in the amount of (\$3,844.00) and payment application No. 1 (final) in the amount of \$26,207.00 to Transformer Inspection Retrofill for the Transformer Replacement Project, M-723 **CM-02-055-22**
- F. Library Board Meeting Minutes of January 12, 2022 **CM-02-056-22**
- G. Licenses New and Renewals submitted for February 21, 2022 **CM-02-057-22**

MERCHANT'S LICENSES – February 21, 2022
(Subject to All Departmental Approvals)

<u>NEW MERCHANT</u>	<u>ADDRESS</u>	<u>FEE</u>	<u>BUSINESS TYPE</u>
None			
<u>RENEWALS (2022)</u>	<u>ADDRESS</u>	<u>FEE</u>	<u>BUSINESS TYPE</u>
FISHER AUTO PARTS	13380 CAPITAL	\$150.00	AUTO PARTS/ACCESSORIES
ERNIE'S MARKERT	8500 CAPITAL AVE	\$150.00	RESTAURANT
DISTINCTIVE CUSTOM FURNITURE	8575 CAPITAL AVE	\$150.00	MANUFACTURE
PERSONAL UNIFORM SERVICE	10100 CAPITAL AVE	\$150.00	UNIFORM SERVICE
GREAT LAKES LANDSCAPE	10631 CAPITAL AVE	\$150.00	LANDSCAPING
MICHIGAN DESSERT CORP	10750 CAPITAL AVE	\$150.00	
MIDLAND EQUIPMENT CO. OF MICHIGAN	12900 CAPITAL AVE	\$150.00	CONSTRUCTION EQUIPMENT
BIBA INTERNATIONAL	13220 CLOVERDALE A	\$150.00	WHOLESALE
DOLLAR GENERAL	22100 COOLIDGE	\$150.00	RETAIL
CITI TRENDS #580	22106 COOLIDGE	\$150.00	RETAIL FAMILY CLOTHING
VALUE WORLD	22130 COOLIDGE	\$150.00	THRIFT STORE
KAMILLION BEAUTY	25595 COOLIDGE	\$150.00	HAIR SALON BOUTIQUE
HAGOPIAN CLEANING	14000 EIGHT MILE	\$150.00	RUG CLEANING
BERKLEY COFFEE	14661 ELEVEN MILE 500	\$150.00	COFFEE
BOLLINGER MOTORS	14925 ELEVEN MILE	\$150.00	OFFICE
GEM CORPORATION	21600 GREENFIELD # 106	\$150.00	FINE JEWELRY
CONSULTANTS IN OPHTHALMOLOGY	25900 GREENFIELD # 239	\$150.00	MEDICAL OFFICE
CHIC SWEETS BOUTIQUE	25900 GREENFIELD # 241	\$150.00	OFFICE
AYZERTECH INC	25900 GREENFIELD # 276	\$150.00	
SUNOCO	25000 GREENFIELD RD	\$150.00	GAS STATION
WHITE CASTLE	26500 GREENFIELD RD	\$150.00	RESTAURANT
PAPER GOODS PLUS	15310 LINCOLN	\$187.50	RETAIL
WOODSHED STUDIOS	8130 NINE MILE	\$187.50	
SALIENT SIGN STUDIO	8720 NINE MILE	\$150.00	SIGNS AND GRAPHICS
JAMES TAILORING	8236 W NINE MILE RD	\$150.00	TAILORING AND ALTERATIONS
KNIGHT LIGHT CANDLE	10332 W NINE MILE RD	\$150.00	RETAIL CANDLE STORE
COMMUNITY FAMILY DENTISTRY	10470 W NINE MILE RD	\$150.00	DENTIST
CSL PLASMA	13770 W NINE MILE RD	\$150.00	BLOOD PLASMA
STATE FARM INSURANCE	10841 TEN MILE	\$150.00	INSURANCE

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

MOTION DECLARED ADOPTED

RECOGNITION OF VISITING ELECTED OFFICIALS:

11th District Congresswoman Haley Stevens addressed the audience.

SPECIAL RECOGNITION/PRESENTATIONS:

(Agenda Item #7A) 2021 Employee of the Year - Kevin Yee

City Manager Tungate recognized Kevin Yee as the 2021 Employee of the Year.

(Agenda Item #7B) Dog Park Presentation

Recreation Director Laurie Stasiak and Dog Park Committee Chairperson Andrew Cissell discussed plans for a “Dog Park” that will be constructed on the site of Lessenger Park.

PUBLIC HEARINGS: None

COMMUNICATIONS: None

SPECIAL LICENSES: None

ACCOUNTING REPORTS:

**CM-02-58-22 (AGENDA ITEM #11A) APPROVAL FOR PAYMENT OF INVOICES
SUBMITTED BY GARAN, LUCOW, MILLER, P.C. FOR LEGAL
SERVICES IN THE TOTAL AMOUNT OF \$12,103.84
- APPROVED**

Motion by Burns, seconded by Radner, CARRIED UNANIMOUSLY, to approve payment of invoice #581695 by Garan, Lucow, Miller P.C., for legal services rendered through January 31, 2022 in the total amount of \$12,103.84.

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

MOTION DECLARED ADOPTED

BIDS: None

ORDINANCES:

**CM-02-059-22 (AGENDA ITEM #13A) SECOND READING AND ADOPTION OF
AN ORDINANCE TO AMEND CHAPTER 14, ANIMALS, ARTICLE
I, OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK,
MICHIGAN, BY AMENDING SECTION 14-7 THEREOF. (The
amendment removes reference to the one-year pilot program and allows
the keeping of domestic chickens) - APPROVED**

Motion by Radner seconded by Whitehead, CARRIED, to approve the second reading and adopt the ordinance to amend Chapter 14, Animals, Article I, of the Code of Ordinances of the City of Oak Park, Michigan, by eliminating Sec. 14-7 (h) thereof.

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

MOTION DECLARED ADOPTED

CM-02-060-22

(AGENDA ITEM #13B) SECOND READING AND ADOPTION OF AN ORDINANCE TO AMEND CHAPTER 38, ENVIRONMENT, ARTICLE III, DIVISION 2, OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK, MICHIGAN, BY AMENDING SECTION 38-72 THEREOF. (The amendment allows for the use of the Ringelmann Smoke Chart as published by the United States Geological Survey for smoke measurement to ensure consistency with provisions of the zoning ordinance) - APPROVED

Motion by Edgar seconded by Radner, CARRIED UNANIMOUSLY, to approve the second reading and adopt the following ordinance to amend Chapter 38, Environment, Article III, Division 2, of the Code of Ordinances of the City of Oak Park, Michigan, by amending Section 38-72 thereof:

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

AN ORDINANCE TO AMEND CHAPTER 38, ENVIRONMENT, ARTICLE III, DIVISION 2, OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK, MICHIGAN, BY AMENDING SECTION 38-72 THEREOF

THE CITY OF OAK PARK ORDAINS:

SECTION 1. Chapter 38, Environment, Article III, Division 2, Section 38-72, smoke measurement, of the Code of Ordinances of the City of Oak Park is hereby amended to read as follows:

Sec. 38-72- Smoke measurement.

For the purpose of testing and grading the density of smoke, the Ringelmann Smoke Chart as published and used by the United States Geological Survey shall be the standard of observation and comparison, and smoke shall be considered and hereby is deemed to be "dense" when it is of a degree of density of No. 3 of said chart or greater, for more than six minutes in any one hour, from any smoke stack, chimney or other structure for the purpose of emitting smoke, whether such period of time is consecutive or not. A copy of such chart shall be kept at all times in the office of the City Clerk and shall be open to public inspection at reasonable hours.

SECTION 2. Severability.

No other portion, paragraph or phrase of the Code of Ordinances of the City of Oak Park shall be affected by this ordinance, except as to the above section 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.

SECTION 3. Effective Date.

This Ordinance shall take effect ten (10) days from the date of its passage and shall be published as required by the Charter of the City of Oak Park.

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

MOTION DECLARED ADOPTED

CM-02-061-22 (AGENDA ITEM #13C) FIRST READING OF PROPOSED TEXT AMENDMENTS TO THE CITY OF OAK PARK ZONING ORDINANCE IN THE FOLLOWING SECTIONS: ARTICLE 1, DIVISION 2; ARTICLE 2, DIVISION 2; ARTICLE 2, DIVISION 3; ARTICLE 3, DIVISION 1; ARTICLE 3, DIVISION 2; ARTICLE 4, DIVISION 1; AND ARTICLE 4, DIVISION 3; ARTICLE 4, DIVISION 4; ARTICLE 5, DIVISION 3; ARTICLE 5, DIVISION 4; ARTICLE 6, DIVISION 1; ARTICLE 6, DIVISION 2. (The proposed zoning amendments pertain to a variety of improvements that incorporate clarifications, additions, and/or deletions to specific sections of the ordinance) - APPROVED

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

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

MOTION DECLARED ADOPTED

CITY ATTORNEY: No Report

CITY MANAGER:

Administration

(AGENDA ITEM #15A) COVID-19 Update.

CM-02-062-22 (AGENDA ITEM #15A) MOTION TO ADOPT THE STATE OF MICHIGAN'S NEW COVID-19 POLICY REGARDING MASK WEARING EFFECTIVE IMMEDIATELY - APPROVED

Motion by Burns, seconded by Radner, CARRIED UNANIMOUSLY, to adopt the State of Michigan's new COVID-19 policy regarding mask wearing effective immediately.

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

MOTION DECLARED ADOPTED

CM-02-063-22 (AGENDA ITEM #15B) MOTION TO APPROVE THE FISCAL YEAR 2022-23 BUDGET CALENDAR - APPROVED

Motion by Edgar, seconded by Burns, CARRIED UNANIMOUSLY, to approve the following Fiscal Year 2022-23 Budget Calendar:

City of Oak Park
Budget Calendar
Fiscal Year 2022-23

<u>Internal</u>	<u>Date</u>
Finance compiles departmental salary and fringe benefits summaries	2/14 - 3/11/22
Finance enters initial three year budget estimates in BSA	2/14 - 3/11/22
Department summary capital needs due to Finance	3/11/2022
Departmental three year budget projects available in BSA for review	3/18/2022
Department meetings with Finance and City Manager	3/22 - 3/31/22
Presentation of capital plan to Planning commission	4/11/2022
Draft City Manager budget complete	4/14/2022

<u>Public</u>	
City Manager gives Council budget update	4/18 - 4/21/22
City Council budget review session	4/18 - 4/21/22
City Council budget review session	4/26 - 4/29/22
City Council budget review session	4/26 - 4/29/22
City Council budget review session (if needed) / public hearing request	5/2/2022
Budget public hearing noticed published	5/4/2022
Budget public hearing	5/16/2022
Final budget, fee schedule and millage rate adoption	5/16/2022
First reading of Utilities and Solid Waste ordinance amendments	6/7/2022
Second reading and adoption of Utilities and Solid Waste ordinance amendments	6/21/2022

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

MOTION DECLARED ADOPTED

(AGENDA ITEM #15C) End of Year Strategic Plan Report.

Deputy City Manager VanVleck presented the 2021 End of Year Strategic Plan Report. A copy is on file with the City Clerk.

CM-02-064-22 (AGENDA ITEM #15D) REQUEST TO APPROVE A SHARED MICROMOBILITY (E-SCOOTER) PILOT PROGRAM REQUEST FOR PROPOSALS - APPROVED

Motion by Whitehead, seconded by Radner, CARRIED, to approve a Shared Micromobility (E-Scooter) Pilot Program Request for Proposals.

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

MOTION DECLARED ADOPTED

Deputy City Manager VanVleck indicated that one of City Council's objectives in the Strategic Plan is to "Offer affordable mobility options," and staff has been exploring ways to expand mobility options within the community. Shared e-scooters are a popular form of "micromobility" in other communities, and may be an option for expanding affordable mobility options in ours. After researching how other communities have approached shared e-scooter programs, and considering what has worked and what has not, we believe a shared e-scooter pilot program is the best way to determine whether they are a good fit for Oak Park. We are recommending a pilot program of 12-18 months so that we may evaluate the impact of e-scooters in the community throughout the year. Further, we are recommending a request for proposals inviting e-scooter companies to submit proposals to participate in the City's pilot program. Throughout this process we will consistently engage residents. Public outreach will begin with a survey that will be available to the community when we release the RFP, and we will host an informational Open House in early April, so that we may gather public concerns and feedback to guide the terms of the pilot program agreement. During the pilot program the City will continue to engage the public to evaluate the impact of e-scooters on the community. City attorneys have reviewed and approved the Request for Proposals. They will also be bringing forth ordinance changes to reflect the use of e-scooters in the community (these will apply to the use of both private and shared scooters).

Recreation

CM-02-065-22 (AGENDA ITEM #15D) REQUEST TO APPROVE A CONTRACT WITH SKERBECK FAMILY CARNIVAL INC. FOR RIDING DEVICES, MIDWAY SHOWS, AND FOOD AND GAME CONCESSIONS AT THE SUMMERBLAST EVENT ON JUNE 17 THRU JUNE 19, 2022 - APPROVED

Motion by Whitehead, seconded by Radner, CARRIED UNANIMOUSLY, to approve the following contract with Skerbeck Family Carnival Inc. for riding devices, midway shows, and food and game concessions at the SummerBlast Event on June 17 thru June 19, 2022:

AGREEMENT

This agreement is made this January 24, 2022 by and between SKERBECK FAMILY CARNIVAL, INC. of Escanaba, Michigan hereinafter called the AMUSEMENT COMPANY and the City of Oak Park hereinafter called the COMMITTEE.

PURPOSE OF AGREEMENT

The AMUSEMENT COMPANY desires to operate its carnival show in Oak Park, Michigan at the June Carnival for the dates herein stated and the COMMITTEE desires to sponsor the carnival show.

COVENANTS & AGREEMENTS

It is agreed by and between the parties as follows:

1. The COMMITTEE agrees to sponsor no other carnival show and grants the AMUSEMENT COMPANY the exclusive rights to operate all riding devices, midway shows and food and at the June Carnival. The AMUSEMENT COMPANY agrees to operate its carnival show at the aforesaid event on the dates of June 17th, 18th, & 19th 2022.
2. The COMMITTEE will furnish the AMUSEMENT COMPANY with a suitable location, police protection, city license, water and sanitation facilities and garbage pickup.
3. The AMUSEMENT COMPANY will pay the COMMITTEE as follows:

- A. 20% of the first \$50,000.00 of the ride gross and 25% thereafter
 - B. \$500.00 for concession space.
- 4. The AMUSEMENT COMPANY shall carry proper liability insurance in the amount of \$1,000,000.00 fully protecting and indemnifying against any and every possible claim for accidents or other liabilities to employees and all other persons which might arise in connection with the preparation, operation and removal of the carnival show, and shall name the City of Oak Park as an additional insured on the liability insurance policy.
 - 5. The COMMITTEE shall lend its cooperation and support to and work with the AMUSEMENT COMPANY for making the carnival show successful.
 - 6. Should performance by the AMUSEMENT COMPANY be impossible because of the occurrence of unforeseen circumstances such as fire, flood, wind storms, police action or any other condition beyond the control of the AMUSEMENT COMPANY, this agreement shall be unenforceable during the period in which such condition exists.
 - 7. In the event of a Covid-19 related cancellation, no financial payments or penalties will be paid and the contract will remain for 2023.

The parties hereto have set their hands on the day and year first written above.

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

MOTION DECLARED ADOPTED

Recreation Director Stasiak indicated the Recreation Department is seeking approval of a contract with Skerbeck Family Carnival Inc. to operate riding devices, midway shows, and food and game concessions at our SummerBlast event on June 17 thru 19, 2022.

CALL TO THE AUDIENCE:

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

ADJOURNMENT:

There being no further business to come before the City Council, Mayor McClellan adjourned the meeting at 8:50 P.M.

T. Edwin Norris, City Clerk

Marian McClellan, Mayor