

Oak Park

City Council Agenda

January 16, 2018





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

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

5. **CONSENT AGENDA**

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

- A. Regular Council Meeting Minutes of January 3, 2018
- B. Request to cancel the regularly scheduled Zoning Board of Appeals meeting of January 23, 2018
- C. Public Safety Activity Summary Report for November 2017
- D. Licenses - New and Renewals as submitted for January 16, 2018

6. **RECOGNITION OF VISITING ELECTED OFFICIALS**

7. **SPECIAL RECOGNITION/PRESENTATIONS:** None

8. **PUBLIC HEARINGS:** None

9. **COMMUNICATIONS:** None

10. **SPECIAL LICENSES:** None

11. **ACCOUNTING REPORTS:** None

12. **BIDS:** None

13. **ORDINANCES:** None

14. **CITY ATTORNEY:**

15. **CITY MANAGER:**

Finance

- A. Resolution adopting a Deficit Elimination Plan for the 45th District Court Fund
- B. Resolution adopting a Deficit Elimination Plan for the Mental Health Court Grant Fund
- C. Resolution adopting a Deficit Elimination Plan for the Retiree Health Care Court Fund

Community and Economic Development

- D. Resolution approving a permanent Sidewalk easement for parcel 52-25-28-354-047

Department of Public Works

- E. Proposals from OHM Advisors for a contract amendment for the Nine Mile Road TAP Grant Project in the amount of \$25,745.00 and Preliminary Engineering for the Sherman and Seneca Street Pocket Parks for the hourly, not to exceed amount of \$64,000.00

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. Accommodations to participate at a Council Meeting will be made with 7-day prior notice.



**CITY OF OAK PARK, MICHIGAN
REGULAR COUNCIL MEETING OF THE
37th OAK PARK CITY COUNCIL
January 3, 2018
7:00 PM**

MINUTES

The meeting was called to order at 7:02 PM by Mayor McClellan in the Council Chambers of City Hall located at 14000 Oak Park Boulevard, Oak Park, MI 48237. (248) 691-7544.

PRESENT: Mayor McClellan, Council Member Burns, Council Member Rich,
Council Member Weiss

ABSENT: Mayor Pro Tem Radner

OTHERS

PRESENT: City Manager Tungate, Deputy City Clerk Vecchio, City Attorney Duff

APPROVAL OF AGENDA:

**CM-01-001-18 (AGENDA ITEM #4) ADOPTION OF THE AGENDA AS
PRESENTED – APPROVED**

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

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

MOTION DECLARED ADOPTED

CONSENT AGENDA:

CM-01-002-18 (AGENDA ITEM #5A-F) CONSENT AGENDA - APPROVED

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

- A. Regular Council Meeting Minutes of December 18, 2017 **CM-01-003-18**
- B. Beautification Advisory Commission Meeting Minutes of September 19, 2017
CM-01-004-18
- C. Corridor Improvement Authority Board Meeting Minutes of October 19, 2017
CM-01-005-18
- D. **Removed from the Consent Agenda**
- E. Request to cancel the regularly scheduled Planning Commission meeting of January 8, 2018 **CM-01-006-18**
- F. Licenses - New and Renewals as submitted for January 3, 2018 **CM-01-007-18**

MERCHANT'S LICENSES – January 3, 2018
(Subject to All Departmental Approvals)

NEW MERCHANT	ADDRESS	FEE	BUSINESS TYPE
Coop Exchange LLC	25900 Greenfield 326	\$300	Office
RENEWALS	ADDRESS	FEE	BUSINESS TYPE
Saunders Land Company LLC	8564 Capital	\$150	Funeral Transportation
Impressive Style	8575 Capital	\$150	Home Improvement
Huntington Cleaners	8775 Capital	\$150	Laundry
Tiger Collision	10010 Capital	\$150	Automotive
Formtech Plastics	10030 Capital	\$150	Manufacturing
Acme Ladder & Supply Co Inc	10101 Capital	\$150	Construction Supply
Eaton Steel	10221 Capital	\$150	Steel Distributor
Kings Welding Works	10311 Capital	\$150	Automotive
Laduke Corporation	10311 Capital	\$150	Home Improvement
Socks Galore Wholesale	10355 Capital	\$150	Retail
EZ Groom	10411 Capital	\$150	Pet Groomer
Stone For You	10700 Capital	\$150	Home Improvement
Ryan Polishing Corporation	10707 Capital	\$150	Machining Services
Design Metal Inc	10841 Capital	\$150	Metal Stamping
Excell Snow & Turf Maint	11000 Capital	\$150	Landscape Contractor
Midwest Recycling Services	11000 Capital	\$150	Hauling
Brown-Darnell Co	12701 Capital	\$150	Industrial Supplier
Midland Equipment Co of Mich	12771 Capital	\$150	Tool Supply
LG Motors	13350 Capital	\$150	Automotive
United Refrigeration Inc	12811 Capital	\$150	HVAC
Security Central Protection	12821 Capital	\$150	Security
REB Research Consulting Co	12851 Capital	\$150	Research & Consulting
Universal Piping Industries	12900 Capital	\$150	Engineering Project Mgmt
Universal Piping Industries	12930 Capital	\$150	Engineering Project Mgmt
J & D Auto Service Inc	13051 Capital	\$150	Automotive
Huntington Cleaners	13103 Capital	\$150	Laundry
Image One Corporation	13201 Capital	\$150	Printer
Live Smart	13305 Capital 600	\$150	Gourmet Food Store
BMI Road Service	13380 Capital	\$150	Towing Service
Partlan-Labadie Sheet Metal	12901 Cloverdale	\$150	Sheet Metal
D/A Central Inc	13155 Cloverdale	\$150	Security and IT Systems
Deezer LLC	13201 Cloverdale	\$150	Hookah Lounge
Walker Printiery Inc	13351 Cloverdale	\$150	Printer
Bombay Wedding Events Inc	21300 Coolidge	\$150	Event Planner
RCH Cable/Superity Corp	21340 Coolidge	\$150	
New Northend Market	21601 Coolidge	\$150	Grocery
Physical Medicine Rehab	21675 Coolidge 1A	\$150	Medical
Trinity Physical Therapy	21675 Coolidge 1B	\$150	Physical Therapy
Hands of Hope International	21790 Coolidge	\$150	Non-Profit
Olympic Cycle & Fitness	22031 Coolidge	\$150	Fitness
Dollar General Store #19162	22100 Coolidge	\$150	Retail
Hair n'Things Inc	22105 Coolidge	\$150	Salon
9Oaks Grill	22110 Coolidge	\$150	Restaurant
Sunugal Hair Braiding	22131 Coolidge	\$150	Hair Salon

Mr. Biggs	22151 Coolidge	\$150	Retail
Studio Nova	22153 Coolidge	\$150	Retail
CVS Pharmacy #8106	23001 Coolidge	\$150	Retail
SVS Vision	23055 Coolidge	\$150	Medical
Danny's Fine Wine	23063 Coolidge	\$150	Retail
Dollar Tree #3039	23090 Coolidge	\$150	Retail
FKO for Kids Only - Leytons	23101 Coolidge	\$150	Retail
Save-A-Lot #987-4669	23105 Coolidge	\$150	Grocery/Retail
O'Reilly Auto Pars #3345	23125 Coolidge	\$150	Automotive
Elie R. Khoury MD	24611 Coolidge	\$150	Medical
Dr. Salwan Francis DDS	24621 Coolidge	\$150	Dentist
Oak Park Urgent Care	24661 Coolidge	\$150	Medical
Marcus Wear and Tailor LLC	24709 Coolidge	\$150	Retail
Dreams of Gold Jewelry Corp	24760 Coolidge	\$150	Jeweler
Speedway LLC	24771 Coolidge	\$150	Automotive
Stanley Upholstering Inc	25651 Coolidge	\$150	Furniture Upholstering
Congregation Aish Hatorah	25725 Coolidge	\$150	Religious
Lincoln Drugs Inc/Pharmacy	25901 Coolidge A	\$150	Retail
Shell Cleaners & Tailor	25905 Coolidge	\$150	Laundry
Deborah Hecht LLC	25907 Coolidge	\$150	Art Studio
Coolidge Cycle	25909 Coolidge	\$150	Bicycle Sales and Repair
Steppin Out on Faith Learning	25941 Coolidge	\$150	Education
Zalman's Treasures	26001 Coolidge	\$150	Jeweler
Oak Park Barbers	26003 Coolidge	\$150	Barber
Star Bakery	26031 Coolidge	\$150	Bakery
Valhalla Krav Maga	26039 Coolidge	\$150	Fitness Center
Metro Frame Inc	26045 Coolidge	\$150	Frame Shop
Harmony Montessori Center	26341 Coolidge	\$150	Education
Mark A Wolfson DDS	26601 Coolidge	\$150	Dentist
7-11 Food Stores #13458	26641 Coolidge	\$150	Grocery/Retail
Party Time Rental LLC	12980 Eight Mile	\$150	Party Rentals
Fars Fill Up Inc	13500 Eight Mile	\$150	Retail
Pennzoil 10 Minute Oil Change	13601 Eleven Mile	\$150	Automotive
F.I.R.M.	13691 Eleven Mile 103	\$150	Financial Services
Fortson Dental Oak Park	13741 Eleven Mile	\$150	Dental
H/D Holdings	14241 Eleven Mile	\$150	Investors
ARKK Engineering	14251 Eleven Mile	\$150	Engineering
Quality Car Wash II Inc	14421 Eleven Mile	\$150	Car wash
Seerco Inc	14441 Eleven Mile	\$150	General Contractor
Curt's Service	14611 Eleven Mile	\$150	Automotive
Plaskey Painters Inc	14669 Eleven Mile	\$150	Painter
Intra State Mort Services	14691 Eleven Mile	\$150	Mortgage Services
Addixion LLC	14701 Eleven Mile	\$150	Vehicle Sales
Regal Wines	14721 Eleven Mile	\$150	Retail
Marblecast Inc	14831 Eleven Mile	\$150	Home Remodel
Royal Crest Inc	14851 Eleven Mile	\$150	Window Coverings
Dependable Gage & Tool Co	15321 Eleven Mile	\$150	Tool Manufacturing
1 800 PayBeny Inc	21380 Greenfield	\$150	Pawn Shop
RAM Jewelry	21600 Greenfield 105A	\$150	Jeweler
GEM Corporation Inc	21600 Greenfield 106	\$150	Jeweler
Magic Discount Jewelry	21600 Greenfield 108	\$150	Jeweler
Greenfield Plaza Assoc Inc	21700 Greenfield 202	\$150	Retail
Krome Jewelers	21700 Greenfield 302	\$150	Jeweler

G & J Wholesale	21700 Greenfield 310	\$150	Jeweler
Gold & Silver Corp	21700 Greenfield 320	\$150	Jeweler
Anton's Jewelry Inc	21700 Greenfield 343	\$150	Jeweler
Diamonds Forever Inc	21700 Greenfield 350	\$150	Jeweler
Maro Jewelers	21700 Greenfield 365	\$150	Jeweler
Prince Jewelers	21700 Greenfield 447	\$150	Jeweler
Building Technology Assoc	21850 Greenfield	\$150	Roof Management
Mr. M's Vacuum Repair	23300 Greenfield 108	\$150	Vacuum Repair
Borensteins	25242 Greenfield	\$150	Bookstore
Pita Café	25282 Greenfield	\$150	Restaurant
Janko The Diamond Broker	25900 Greenfield 112	\$150	Jeweler
Team Rehabilitation – Functional Recovery Program	25900 Greenfield 502	\$150	Rehabilitation
Dale Prentice Company	26511 Harding	\$150	Safety Management
20700 Hubbell, LLC	20700 Hubbell	\$150	Storage
Lincoln Convenient Shop	15075 Lincoln 104	\$150	Grocery
Marina's Alterations	15075 Lincoln 117	\$150	Tailor
Haynes Enterprise	21171 Meyers	\$150	Automotive
Prairie Farms Dairy Inc	21631 Meyers	\$150	Dairy Farm
Oak-Fern Galleria LLC	8520 Nine Mile	\$150	Classic Car Storage
Scheer's Ace Hardware	8601 Nine Mile	\$150	Retail
Soltman Heating & Cooling	8650 Nine Mile	\$150	HVAC Service & Installation
E Z Petroleum 4 Inc	13551 Nine Mile	\$150	Gas Station
Lighthouse Liquor	13651 Nine Mile	\$150	Retail
Alaska Fresh Fish & Chicken	13701 Nine Mile	\$150	Restaurant
Hanna Fruit Market	13745 Nine Mile	\$150	Grocery
Gobind L Garg MD	13801 Nine Mile	\$150	Medical
K & F Meat Market	13911 Nine Mile	\$150	Grocery
Mighty Mo Mufflers	13941 Nine Mile	\$150	Automotive
Yousif Goriel MD	15351 Nine Mile A	\$150	Medical
Dr. Ester Sleutelberg	15421 Nine Mile	\$150	Dentist
Behy Motors	13000 Northend 26	\$150	Car Sales
American Data Security	13070 Northend	\$150	Paper Shredding Services
Sherwin Williams Co	13101 Northend	\$150	Paint Supplies
BAPI	13301 Northend	\$150	Construction Products
PCI Industries Inc	21717 Republic	\$150	Commercial Construction
State Farm Insurance	10841 Ten Mile	\$150	Insurance
Scotia Stop/G & M Investment	12701 Ten Mile	\$150	Retail
Parkwood Open Imaging	13161 Ten Mile	\$150	Medical
Planet Fitness – PF Oak Park	13151 Ten Mile	\$150	Fitness
Dollar Village Discount Inc	13201 Ten Mile	\$150	Retail
H & R Block	13241 Ten Mile	\$150	Financial
Sahni's Inc	13251 Ten Mile	\$150	Retail
Fancy Ladies Apparel	13261 Ten Mile	\$150	Retail
Jade Palace Restaurant	13351 Ten Mile	\$150	Restaurant
Family Dollar Stores of MI	13471 Ten Mile	\$150	Retail
Oak Park Dialysis	13481 Ten Mile	\$150	Medical
U Wash Development	15450 Ten Mile	\$150	Car Wash

RENEWALS

Pay Benny, Inc.

*Surety Bond Approval

ADDRESS

21380 Greenfield

FEE

\$400

Roll Call Vote:

Yes:

McClellan, Burns, Rich, Weiss

No:

None

Absent:

Radner

MOTION DECLARED ADOPTED

Consent Agenda Item #5D removed by Council Member Weiss.

CM-01-008-18

(AGENDA ITEM #5D) PAYMENT OF INVOICES FROM ORCHARD, HILTZ & MCCLIMENT (OHM) FOR TRAFFIC SIGNAL OPTIMIZATION, THE WATER SYSTEM ASSET MANAGEMENT PLAN, SAW GRANT SUPPORT AND THE NINE MILE TAP GRANT DESIGN IN THE TOTAL AMOUNT OF \$69,206.62 - APPROVED

Motion by Weiss, seconded by Rich, CARRIED UNANIMOUSLY, to approve payment of invoices from Orchard, Hiltz & McCliment (OHM) for Traffic Signal Optimization, the Water System Asset Management Plan, SAW Grant Support and the Nine Mile TAP Grant Design in the total amount of \$69,206.62.

Roll Call Vote:

Yes:

McClellan, Burns, Rich, Weiss

No:

None

Absent:

Radner

MOTION DECLARED ADOPTED

Council Member Weiss inquired as to how many more payments were remaining for the Nine Mile Tap Grant Design. Assistant City Manager Yee explained that OHM has requested additional compensation for services and with there being some final decisions to make on the Nine Mile pocket parks, Council should expect to see some of the final payments at the next meeting.

RECOGNITION OF VISITING ELECTED OFFICIALS: None

SPECIAL RECOGNITION/PRESENTATIONS:

(AGENDA ITEM #7A) Audit Presentation

Mark Kettner from Rehmann Robson presented the Fiscal Year Ended June 30, 2017 Comprehensive Annual Financial Report and the Independent Auditor's Communication. Complete reports are on file with the City Clerk.

PUBLIC HEARINGS: None

COMMUNICATIONS: None

SPECIAL LICENSES: None

ACCOUNTING REPORTS:

CM-01-009-18 (AGENDA ITEM #11A) APPROVAL FOR PAYMENT OF INVOICES SUBMITTED BY GARAN, LUCOW, MILLER, P.C. FOR LEGAL SERVICES IN THE TOTAL AMOUNT OF \$15,532.29 - APPROVED

Motion by Rich, seconded by Burns, CARRIED UNANIMOUSLY, to approve payment of invoices #487822, #487823, #487824 and #487826 submitted by Garan, Lucow, Miller P.C., for legal services rendered through November 30, 2017 in the total amount of \$15,532.29.

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

MOTION DECLARED ADOPTED

BIDS:

CM-01-010-18 (AGENDA ITEM #12A) BID AWARD FOR THE 2017-2018 SEWER LINING PROJECT, M-677 TO INSITUFORM TECHNOLOGIES USA, LLC OF CHESTERFIELD, MO, FOR THE TOTAL AMOUNT OF \$189,754.60 - APPROVED

Motion by Rich, seconded by Weiss, CARRIED UNANIMOUSLY, to award the bid for the 2017-2018 Sewer Lining Project, M-677 to Insituform Technologies USA, LLC of Chesterfield, MO, for the total amount of \$189,754.60.

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

MOTION DECLARED ADOPTED

Assistant City Manager Yee explained that the 2017-18 Sewer Lining Project will perform sewer lining for various sections of sewer found to need repairs from our television inspection program. Five bids were received and opened for the project. The low bidder, Insituform Technologies USA, LLC, of Chesterfield, MO, submitted a bid of \$189,754.60. References were checked and all had positive responses.

ORDINANCES:

CM-01-011-18 (AGENDA ITEM #13A) SECOND READING AND ADOPTION OF AN ORDINANCE TO AMEND SECTION 901 - PERMITTED USES, OF ARTICLE IX, LI LIGHT INDUSTRIAL DISTRICTS, APPENDIX A, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK, MICHIGAN - APPROVED

Motion by Burns, seconded by Weiss, CARRIED UNANIMOUSLY, to approve the second reading and adopt the following ordinance to amend Section 901 - Permitted Uses, of Article IX, LI Light Industrial Districts, Appendix A, Zoning, of the Code of Ordinances of the City of Oak Park, Michigan:

CITY OF OAK PARK, MICHIGAN

AN ORDINANCE TO AMEND SECTION 901 - PERMITTED USES, OF ARTICLE IX, LI LIGHT INDUSTRIAL DISTRICTS, 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 IX, LI Light Industrial Districts, Section 901, Appendix "A", Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to read as follows:

19. Art facilities (art gallery and/or studios, music recording and/or dance studios) and indoor recreation uses (gymnastic centers, rock climbing gyms, exercise and fitness centers) of 4,000 square feet or more.
20. Accessory uses and buildings, including accessory outdoor storage which conforms with the provisions of Section 1925 (special approval not required).

SECTION 2. 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 3. 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 4. Effective Date

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

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

MOTION DECLARED ADOPTED

CM-01-012-18

**(AGENDA ITEM #13B) SECOND READING AND ADOPTION OF
AN ORDINANCE TO AMEND CITY OF OAK PARK CODE OF
ORDINANCES BY ADDING A NEW CHAPTER 3 - MUNICIPAL
CIVIL INFRACTIONS, THEREBY PRESCRIBING CIVIL
SANCTIONS FOR CERTAIN VIOLATIONS OF THE CITY OF
OAK PARK CODE OF ORDINANCES - APPROVED**

Motion by Burns, seconded by Weiss, CARRIED UNANIMOUSLY, to approve the second reading and adopt the following ordinance to amend City of Oak Park Code of Ordinances by adding a new Chapter 3 - Municipal Civil Infractions, thereby prescribing civil sanctions for certain violations of the City of Oak Park Code of Ordinances:

**CITY OF OAK PARK, MICHIGAN
PROPOSED ORDINANCE NO.**

MUNICIPAL CIVIL INFRACTIONS – SECOND READING

PROPOSED ORDINANCE TO AMEND CITY OF OAK PARK CODE OF ORDINANCES BY ADDING A NEW CHAPTER 3 - MUNICIPAL CIVIL INFRACTIONS, THEREBY PRESCRIBING CIVIL SANCTIONS FOR CERTAIN VIOLATIONS OF THE CITY OF OAK PARK CODE OF ORDINANCES.

THE CITY OF OAK PARK ORDAINS:

SECTION 1. ORDINANCE - The Code of Ordinances of the City of Oak Park is hereby amended by the addition of a new Chapter 3 - Municipal Civil Infractions, which shall read as follows:

CHAPTER 3. - MUNICIPAL CIVIL INFRACTIONS

Sec. 3-1. - Definitions.

For purposes of this chapter, the following definitions shall apply:

Act shall mean Public Act No. 236 of 1961 (see MCL 600.101 et seq.).

Authorized city official shall mean a public safety officer, the building official, the electrical inspector or other personnel authorized by this Code or any ordinance to issue municipal civil infraction citations.

Municipal civil infraction shall mean an act or omission that is prohibited by this Code or any ordinance of the city, but which is not a crime under the Code or other ordinance, and for which civil sanctions, including, without limitation, fines, damages, expenses and costs, may be ordered, as authorized by chapter 87 of Public Act No. 236 of 1961 (see MCL 600.8701 et seq.). A municipal civil infraction is not a lesser included offense of a violation of this Code that is a criminal offense.

Municipal civil infraction action shall mean a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.

Municipal civil infraction citation shall mean a written complaint or notice prepared by an authorized city official directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by that person.

Municipal civil infraction determination shall mean a determination that a defendant is responsible for a municipal civil infraction by one (1) of the following:

- (a) An admission of responsibility for the municipal civil infraction.
- (b) An admission of responsibility for the municipal civil infraction, "with explanation."

- (c) A preponderance of the evidence at an informal hearing or formal hearing.
- (d) A default judgment for failing to appear at a scheduled appearance.

Repeat offense shall mean a determination of responsibility for a second, or any subsequent, municipal civil infraction with regard to the same code provision, committed by the same person within any three-year period, unless some other period is specifically provided with regard to a specific Code provision.

Responsible or responsibility shall mean a determination entered by a court or magistrate that a person is in violation of a provision of this Code prescribed to be a municipal civil infraction.

Sec. 3-2. - Commencement of municipal civil infraction action.

- (1) A municipal civil infraction action shall be commenced upon the issuance by an authorized city official of a municipal civil infraction citation directing the person alleged to be responsible to appear in court.
- (2) The form of citations or notices used to charge municipal civil infraction violations shall be in accordance with state law (see MCL 600.8709).
- (3) The basis for issuance of a municipal civil infraction citation shall be as set forth below:
 - (a) An authorized official who witnesses a person violate an ordinance, the violation of which is a municipal civil infraction.
 - (b) An authorized official may issue a citation to a person if, based upon investigation, the official has reasonable cause to believe that a person is responsible for a municipal civil infraction.
 - (c) An authorized official may issue a citation to a person if, based upon investigation of a complaint by someone who allegedly witnessed the person violate an ordinance, a violation of which is a municipal civil infraction, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction and if the attorney for the city approves in writing the issuance of the citation.
- (4) Municipal civil infraction citations shall be served in the following manner:
 - (a) Except as otherwise provided below, the authorized official shall personally serve a copy of the citation upon the alleged violator.
 - (b) In a municipal civil infraction action involving the use or occupancy of land or a building or other structure, a copy of the citation need not be personally served upon the alleged violator but may be served upon an owner or occupant of the land, building, or structure by posting the copy on the land or attaching the copy to the building or structure. In addition, a copy of the citation shall be sent by first class mail to the owner of the land, building, or structure at the owner's last known address.
 - (c) A citation served, as provided in paragraph (b) above, for a violation involving the use or occupancy of land or a building or other structure, shall be processed in the same manner as a citation served personally upon a defendant.
 - (d) Municipal civil infraction citations shall be distributed as follows as provided by section 8705 of the Act (see MCL 600.8705).
 - 1. The original citation shall be filed with the district court.
 - 2. The first copy shall be an abstract of court records.
 - 3. The second copy shall be retained by the authorized official.
 - 4. The third copy shall be delivered to the alleged violator.

Sec. 3-3. – Authorized city official.

- (1) The building official, electrical inspector, plumbing and mechanical inspectors, code enforcement officer and public safety officers are hereby designated as the authorized city officials to issue municipal civil infraction citations directing alleged violators to appeal in court as provided by this Code.
- (2) An Authorized city official is authorized to enforce all provisions of this Code whether or not any particular provision specifies or designates a different enforcing official, unless otherwise prescribed by state or federal law. Where a particular officer is designated in any Code provision, that officer's authority shall continue in full force and effect, and shall not be diminished or impaired by the terms of this section; and the authority of the Authorized city official shall be in addition and supplementary to the authority granted to such other specific officer.
- (3) The Authorized city official's duties shall include the following: investigation of code violations; issuance and service of municipal civil infraction citations; and appearance in court or other judicial or quasi-judicial proceedings in the administration of this Code.

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

- (a) The following civil fines shall apply in the event of a determination of responsibility for a municipal civil infraction, unless a different fine is specified in connection with a particular Code provision:
 - (1) The first offense, \$150.00.
 - (2) The first repeat offense, \$250.00.
 - (3) A person who is determined to be responsible for a second or any subsequent repeat offense, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or community service for not more than 200 hours, or any combination of these penalties and the cost of prosecution, plus any cost to abate, if applicable.
- (b) The following shall be exceptions to the civil fine schedule:
 - (1) A violation of any provision of Chapter 18 – Building and Building Regulations:
 - i. The first offense, \$150.00.
 - ii. The first repeat offense, \$300.00.
 - iii. A person who is determined to be responsible for a second or any subsequent repeat offense, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or community service for not more than 200 hours, or any combination of these penalties and the cost of prosecution, plus any cost to abate, if applicable.
 - (2) A violation of any provision of Chapter 22 – Business:
 - i. The first offense, \$50.00.
 - ii. The first repeat offense, \$100.00.
 - iii. A person who is determined to be responsible for a second or any subsequent repeat offense, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or community service for not more than 200 hours, or any combination of these penalties and the cost of prosecution, plus any cost to abate, if applicable.
 - (3) A violation of Division 3. Blight Sec 38-96. Cause of blight or blighting factors of Chapter 38 – Environment:
 - i. The first offense, \$50.00 plus any cost to abate.
 - ii. The first repeat offense, \$100 plus any cost to abate.

- iii. A person who is determined to be responsible for a second or any subsequent repeat offense, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or community service for not more than 200 hours, or any combination of these penalties and the cost of prosecution, plus any cost to abate, if applicable.
- (4) A violation of any provision of Chapter 62 – Solid Waste:
 - i. The first offense, \$50.00.
 - ii. The first repeat offense, \$100.00.
 - iii. A person who is determined to be responsible for a second or any subsequent repeat offense, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or community service for not more than 200 hours, or any combination of these penalties and the cost of prosecution, plus any cost to abate, if applicable.
- (5) A violation of any provision of Chapter 71 – Telecommunications Services:
 - i. The first offense, \$500.00.
 - ii. The first repeat offense, \$1,000.00.
 - iii. A person who is determined to be responsible for a second or any subsequent repeat offense, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$2,000.00, or community service for not more than 200 hours, or any combination of these penalties and the cost of prosecution, plus any cost to abate, if applicable.
- (6) A violation of any provision of Chapter 78 – Trees.
 - i. The first offense, \$50.00 plus any cost to abate.
 - ii. The first repeat offense, \$100 plus any cost to abate.
 - iii. A person who is determined to be responsible for a second or any subsequent repeat offense, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or community service for not more than 200 hours, or any combination of these penalties and the cost of prosecution, plus any cost to abate, if applicable.
- (c) A copy of the civil infraction fee schedule, as amended from time to time, shall be posted at the 45th District Court.
- (d) In addition to ordering the defendant determined to be responsible for a municipal civil infraction to pay a civil fine, costs, damages, and expenses, the judge or magistrate shall be authorized to issue any judgment, writ, or order necessary to enforce or enjoin violation of this Code.
- (e) Continuing offense. Each act of violation, and on each day upon which any such violation shall occur, shall constitute a separate offense.
- (f) Remedies not exclusive. In addition to any remedies provided for in this Code, any equitable or other remedies available may be sought.
- (g) The judge or magistrate shall also be authorized to impose costs, damages, and expenses as provided by law.

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

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

Chapter 6 – Alcoholic Liquors;
Chapter 10 – Amusements and Entertainments;
Chapter 14 - Animals;
Chapter 18 – Buildings and Building Regulations;
Chapter 22 – Businesses;
Chapter 38 – Environment;
Chapter 42 – Fire Prevention and Protection;
Chapter 50 – Offenses and Miscellaneous Provisions;
Chapter 53 – Parking Lots;
Chapter 54 – Parks and Recreation;
Chapter 62 – Solid Waste;
Chapter 66 – Streets, Sidewalks and Other Public Places;
Chapter 71 – Telecommunications;
Chapter 74 – Traffic and Vehicles;
Chapter 78 – Trees
Appendix A - Zoning; and

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

SECTION 2. SEVERABILITY – No other portion, paragraph or phrase of the Code of Ordinances of the City of Oak Park shall be affected by this Ordinance, except as to the above sections, and in the event that any portion, section or subsection of this Ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this Ordinance or the Code of Ordinances, City of Oak Park.

SECTION 3. SAVINGS – All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

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

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

MOTION DECLARED ADOPTED

CM-01-013-18

**(AGENDA ITEM #13C) SECOND READING AND ADOPTION OF
AN ORDINANCE TO AMEND ARTICLE VI, PROPERTY
MAINTENANCE CODE, OF CHAPTER 18, BUILDINGS AND
BUILDING REGULATIONS, OF THE CODE OF ORDINANCES
OF THE CITY OF OAK PARK BY AMENDING SECTION 18-231
THEREOF - APPROVED**

Motion by Weiss, seconded by Burns, CARRIED UNANIMOUSLY, to approve the second reading and adopt the following ordinance to amend Article VI, Property Maintenance Code, of Chapter 18, Buildings and Building Regulations, of the Code of Ordinances of the City of Oak Park by Amending Section 18-231 thereof:

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

AN ORDINANCE TO AMEND ARTICLE VI, PROPERTY MAINTENANCE CODE, OF CHAPTER 18, BUILDINGS AND BUILDING REGULATIONS, OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK BY AMENDING SECTION 18-231 THEREOF.

THE CITY OF OAK PARK ORDAINS:

SECTION 1. Section 18-231, Adoption of property maintenance code by reference; amendments, of Article VI, Property Maintenance Code, of Chapter 18, Buildings and Building Regulations, of the Code of Ordinances of the City of Oak Park is hereby amended to read as follows:

Sec. 18-231. Adoption of property maintenance code by reference; amendments.

- (a) There is hereby adopted that certain code known as the *International Property Maintenance Code*, 2015 Edition, as published by the International Code Council, as the property maintenance code of the city for the purpose of regulating and governing the conditions and maintenance of all property, buildings and structures by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said property maintenance code on file in the office of the city clerk are hereby referred to, adopted, and made a part hereof, as if fully set out in this article, with the additions, insertions, deletions and changes, if any, set forth in this section.
- (b) The *International Property Maintenance Code*, adopted by the provisions of this article as the property maintenance code of the city, is hereby amended, changed and altered in the following respects:

Section 101.1. Title: These regulations shall be known as the Property Maintenance Code of the City of Oak Park, Michigan, hereafter referred to as "this code."

Section 102.3. Application of Other Codes: Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the following codes as currently adopted by the Michigan Department of Licensing and Regulatory Affairs: Michigan Building Code, International Fire Code, Michigan Plumbing Code, Michigan

Mechanical Code, National Electric Code (with Part 8 State of Michigan Amendments), The International Fuel Gas Code, NFPA 25 (Standard), and ASTM F1346-91 (Standard).

Section 103.1. *Code official*: References to the "code official" shall be deemed to refer to the City of Oak Park Director of Technical and Planning Services, or his designee.

Section 103.2. Deleted.

Section 103.5. *Fees*: The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be determined by resolution of the City Council from time to time adopted.

Section 106.4. *Violation Penalties*: Any person, firm or corporation, who shall violate any provision of this code shall, upon conviction thereof, be deemed Responsible for a Municipal Civil Infraction.

Section 110. Deleted. The provisions contained in Section 110, Demolition, of the Property Maintenance Code, shall be and hereby are deleted.

Section 111.2. *Board of Appeals*: The City of Oak Park Building Board of Appeals shall serve as the board of appeals required by this Property Maintenance Code. All references herein to the "Board of Appeals" or the "Board", shall be deemed to refer to the Oak Park Building Board of Appeals.

Section 111.2.1. Deleted.

Section 112.4. *Failure to Comply*: Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$50.00 dollars or more than \$500.00 dollars.

Section 302.4. *Weeds*: All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight inches (254mm). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Section 304.14. *Insect screens*: During the period from April 1 to December 1, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.

Exception. Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

Section 308.2.1. *Rubbish Storage Facilities*: The owner of every multi-family premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

Section 308.2.2. Deleted.

Section 308.3.1. *Garbage Facilities*: The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; or an approved leak-proof, covered, outside garbage container.

Section 602.3. *Heat Supply*: Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guest room on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1 to May 15 to maintain a temperature of not less than 68° Fahrenheit (20° Celsius) in all habitable rooms, bathrooms, and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the Michigan Plumbing Code.
2. In the areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

Section 602.4. *Occupiable Work Spaces*: Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to May 15 to maintain a temperature of not less than 65° Fahrenheit (18° Celsius) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

Section 605.2. *Receptacles*: Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle with ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location.

Section 606. Deleted.

Section 704.2. *Smoke Alarms*: Single or multiple-station smoke alarms shall be installed and maintained in groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:

1. In each sleeping room or ceiling or wall directly outside each sleeping room.
2. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwelling or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level, provided that the lower level is less than one full story below the upper level.

Single or multiple-station smoke alarms shall be installed in all groups in accordance with the Michigan Building Code.

SECTION 2. Savings Clause.

Nothing in this ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby amended, or under the former Property Maintenance Code of the City of Oak Park, which is being replaced by the 2015 *International Property Maintenance Code*, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 3. Severability.

No other portion, paragraph or phrase of the Code of Ordinances of the City of Oak Park shall be affected by this ordinance, except as to the above 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 4. Effective Date.

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

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

MOTION DECLARED ADOPTED

CM-01-014-18 (AGENDA ITEM #13D) SECOND READING AND ADOPTION OF AN ORDINANCE TO AMEND SECTION 42-37 OF CHAPTER 42, FIRE PREVENTION AND PROTECTION, OF THE CODE OF ORDINANCES, CITY OF OAK PARK - APPROVED

Motion by Burns, seconded by Weiss, CARRIED UNANIMOUSLY, to approve the second reading and adopt the following ordinance to amend Section 42-37 of Chapter 42, Fire Prevention and Protection, of the Code of Ordinances, City of Oak Park:

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

AN ORDINANCE TO AMEND SECTION 42-37 OF CHAPTER 42, FIRE PREVENTION AND PROTECTION, OF THE CODE OF ORDINANCES, CITY OF OAK PARK.

THE CITY OF OAK PARK ORDAINS:

SECTION 1. Section 42-37, Amendments; Deletions, of Article II, Fire Prevention Code, of Chapter 42, Fire Prevention, of the Code of Ordinances, City of Oak Park, is hereby amended to read as follows:

Section 42-37. Amendments; Deletions

(a) Amendments; Deletions. The Fire Prevention Code adopted by the provisions of this Article is hereby amended, changed and altered in the following respects:

Section 101.1.Title. is amended to read as follows:

These regulations shall be known as the Fire Code of the City of Oak Park, Michigan, hereinafter referred to as ☐this Code☐.

Section 108.1.Board of appeals established. is amended to read as follows:

The City of Oak Park Building Board of Appeals, created by Section 18-126 of the Code of Ordinances of the City of Oak Park, is hereby designated to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this Code. The Board may, as required, adopt rules or procedures for conducting its business and shall render all decisions and findings in writing to the appellant with a copy to the fire code official.

Section 109.4.Violation Penalties. is amended to read as follows:

Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be deemed Responsible for a Municipal Civil Infraction. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 111.4. Failure to Comply. is amended to read as follows:

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be responsible for a violation of this Code and liable to pay a fine as provided by ordinance. Every day that work shall continue shall constitute a separate and additional offense.

(b) Limits Established. The geographic limits referred to in certain sections of the 2015 *International Fire Code* are hereby established as follows:

Section 5806.2 - (geographic limits in which the storage of flammable cryogenic fluids in stationery containers is prohibited): Prohibited in all areas of the City with the exception of areas zoned as light industrial that are more than 500 feet from any areas zoned residential, and more than 500 feet from the city limits.

Section 5704.2.9.6.1 - (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited): Prohibited in all areas of the City with the exception of areas zoned as light industrial that are more than 500 feet from any areas zoned residential, and more than 500 feet from the city limits.

Section 5706.2.4.4 - (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks is prohibited): Prohibited in all areas of the City with the exception of areas zoned as light industrial that are more than 500 feet from any areas zoned residential, and more than 500 feet from the city limits.

Section 6104.2 - (geographic limits in which the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas): Prohibited in all areas of the City with the exception of areas zoned as light industrial that are more than 500 feet from any areas zoned residential, and more than 500 feet from the city limits.

SECTION 2. Savings Clause.

That nothing in this ordinance or in the Fire Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance amended or repealed by this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 3. Severability.

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

SECTION 4. Effective Date.

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

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

MOTION DECLARED ADOPTED

CM-01-115-18 (AGENDA ITEM #13E) SECOND READING AND ADOPTION OF AN ORDINANCE TO AMEND SECTION 38-99 OF CHAPTER 38, ENVIRONMENT, OF THE CODE OF ORDINANCES, CITY OF OAK PARK - APPROVED

Motion by Burns, seconded by Weiss, CARRIED UNANIMOUSLY, to approve the second reading and adopt the following ordinance to amend Section 38-99 of Chapter 38, Environment, of the Code of Ordinances, City of Oak Park:

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

AN ORDINANCE TO AMEND SECTION 38-99 OF CHAPTER 38, ENVIRONMENT, OF THE CODE OF ORDINANCES, CITY OF OAK PARK.

THE CITY OF OAK PARK ORDAINS:

SECTION 1. Section 38-99, Failure to comply with removal notice deemed misdemeanor, of Article III, Nuisances, of Chapter 38, Environment, of the Code of Ordinances, City of Oak Park, is hereby amended to read as follows:

Section 38-99. Failure to Comply with Removal Notice Deemed Municipal Civil Infraction

Failure to comply with a notice to comply with the provisions of this division by the person upon whom such notice is served within the time allowed by the owner and/or occupant shall constitute a violation of this division.

SECTION 2. Savings Clause.

That nothing in this ordinance or in the Fire Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance amended or repealed by this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 3. Severability.

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

SECTION 4. Effective Date.

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

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

MOTION DECLARED ADOPTED

CITY ATTORNEY: None

CITY MANAGER:

Administration

(AGENDA ITEM #15A) Life-Saving Extraction Equipment – Firehouse Subs

City Manager Tungate explained that Special Projects Director McLain and Intern Colton Dale applied for, and the City was awarded, a grant offered by Firehouse Subs for Jaws of Life equipment. This equipment is used by the Public Safety Department in the event that an individual needs to be pulled from a car crushed in an accident.

Public Safety Director Cooper demonstrated new equipment that was purchased using a grant provided by Firehouse Subs. He thanked the efforts of the City Management staff in finding and applying for this grant, so Oak Park could have the best equipment needed to save lives.

CALL TO THE AUDIENCE: None

CALL TO THE COUNCIL:

Mayor McClellan reminded everyone that the next City Council meeting will be on Tuesday, January 16; City offices will be closed for Martin Luther King Jr. Day on Monday, January 15. She also wished everyone a great night and reminded them to keep safe and be prepared for the severely cold weather ahead.

Council Member Burns wished everyone a good evening and to keep warm in the cold.

Council Member Weiss reminded everyone to complete the Recreation Master Plan Survey that can be found on-line by Friday, January 5. A Harriet Tubman one-woman show is taking place on January 28 at 3pm in the Oak Park High School Auditorium, it is free and open to the public. The Arts and Cultural Diversity Commission is attending the Southfield MLK Day Peace Walk on Monday, January 15 at 9:30am, starting at Hope United Methodist Church and ending at the Southfield Pavilion, where there will also be a program at 11am. She thanked Director DeSantis and the Communications department for a job well done on the 2018 calendar.

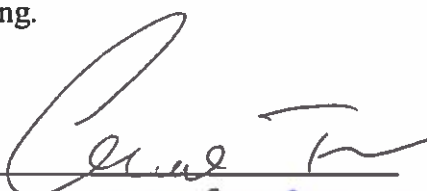
Council Member Rich wished everyone a good night.

ADJOURNMENT:

There being no further business to come before the City Council, Mayor McClellan adjourned the meeting at 8:14 P.M.

Lisa Vecchio, Deputy City Clerk

Marian McClellan, Mayor

**BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN****AGENDA OF:** January 16, 2018**AGENDA #****SUBJECT:** Request to cancel the January 23, 2018 Zoning Board of Appeals meeting.**DEPARTMENT:** Community & Economic Development, Planning Division**SUMMARY:** The Chairperson of the Zoning Board of Appeals is requesting the January 23, 2018 Zoning Board of Appeals meeting be cancelled. There is no business scheduled before the Zoning Board of Appeals.**FINANCIAL STATEMENT:****RECOMMENDED ACTION:** The City Council consider accepting the request of the Chairperson of the Zoning Board of Appeals and cancel the January 23, 2018, regularly scheduled meeting.**APPROVALS:**City Manager: Department Director: Director of Finance: Budgeted: ☐ N/A**EXHIBITS:**



OAK PARK PUBLIC SAFETY November 2017 ACTIVITY SUMMARY



OPERATIONS:

Calls for Service

- 2016 Total: 14,907
- November 2016: 1,113
- 2016 YTD: 13,648
- November 2017: 1,177
- 2017 YTD: 13,335
- Arrests: 117
- Vacation/Property Checks: 4
- Non-Criminal Fingerprints: 4
- PBT's: 57
- Vehicles Impounded: 49
- Traffic Stops: 916

INVESTIGATIONS:

- Cases Assigned: 57
- Warrants Obtained: 09

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

Records Bureau:

- Animal Licenses: 54
- Alarm Permits: 7
- Handgun Registrations: 51
- FOIA / RFI / Discovery Requests: 142
- Calls Received at Dispatch: 4,037

**REPORTED FIRES: 7 (7 structural,
0 vehicle, 0 other)**

NON-FIRE INCIDENTS:

(18 includes false fire alarms)

FIRE SAFETY INSPECTIONS: 28



COMMUNITY POLICING

Holiday Food Drive w/
Ringside Creative.
Four Block Club Meetings.

CITATIONS ISSUED: 800

HAZARDOUS	312	39%
NON - HAZARDOUS	289	36%
PARKING	58	7%
ORDINANCE VIOLATION	141	18%

NOTES: Training: CREST training Dept wide, OWI investigation training, Drug identification training, OC/ Less Lethal training.

MERCHANT'S LICENSES – JANUARY 16, 2018

(Subject to All Departmental Approvals)

<u>NEW MERCHANT</u>	<u>ADDRESS</u>	<u>FEE</u>	<u>BUSINESS TYPE</u>
<u>RENEWALS</u>	<u>ADDRESS</u>	<u>FEE</u>	<u>BUSINESS TYPE</u>
Vizcom Media	10325 Capital	\$150	Printing
Great Lakes Landscape Design	10631 Capital	\$187.50	Landscape
Bruttel Roofing Inc	10821 Capital	\$187.50	Home Improvement
Riley Pearson Financial Serv	10831 Capital 200	\$150	Financial
Auto Metal Craft Inc	12721 Capital	\$150	Sheet Metal Fabricator
Auto Metal Craft Inc	12741 Capital	\$150	Sheet Metal Fabricator
Lecom Inc	13270 Capital	\$150	
Igor's Auto Repair LLC	13350 Capital	\$150	Automotive
Tobacco Import USA	21060 Coolidge	\$150	Retail
Honore Holdings LLC	21400 Coolidge	\$150	Real Estate Management
Grace Centers of Hope	23119 Coolidge	\$150	Thrift Store
Freedom Cleaners	24681 Coolidge	\$150	Cleaners
Hungry Howie's Pizza	24691 Coolidge	\$150	Restaurant
Weave World Wholesalers	24725 Coolidge	\$187.50	Retail
Innovative Hearing Services	25211 Coolidge	\$150	Medical
B's Vanity Hair Salon	25595 Coolidge	\$187.50	Salon
The Blind Factory	25603 Coolidge	\$150	Window Treatments
Artistry of Hair	25561 Coolidge	\$187.50	Salon
Oak Liquor & Wine	13700 Eight Mile	\$150	Retail
Oak Park Orthopedic Pain	14500 Eight Mile	\$150	Medical
8 Mile Smoke	15180 Eight Mile	\$150	Smoke Shop
El Mar's Suburban Shop	13661 Eleven Mile	\$150	Restaurant
Wilson Wellness LLC	13691 Eleven Mile 108	\$150	Medical
Kor Therapy LLC	13691 Eleven Mile 109	\$150	Medical
AAA Ferguson Insurance	13691 Eleven Mile 200	\$150	Insurance
Fine Furniture Restoration	13751 Eleven Mile	\$150	Furniture
Henry's Auto Care Center	14041 Eleven Mile	\$150	Automotive
Diamond Nails	21700 Greenfield 118	\$150	Salon
Kabob Coney Island	21700 Greenfield 120	\$150	Restaurant
To Go Café	21700 Greenfield 132	\$150	Restaurant
Gold Fashion Jewelry Inc	21700 Greenfield 333	\$150	Jeweler
Diamond Fashion Jewelers	21700 Greenfield 337	\$150	Jeweler
Diamond Island of Greenfield	21700 Greenfield 390	\$150	Jeweler
Maple Home Health Care Inc	23300 Greenfield 219	\$150	Medical
Sunoco	25000 Greenfield	\$150	Automotive
Premier Tuxedo	25234 Greenfield	\$150	Retail

<u>RENEWALS</u>	<u>ADDRESS</u>	<u>FEE</u>	<u>BUSINESS TYPE</u>
Avis Management LLC	26640 Harding	\$150	Property Management
K & M Leasing LLC	20900 Hubbell	\$150	Automotive
Royal Container	21100 Hubbell	\$150	Packaging
JT's Design Jewelry	15075 Lincoln 119	\$150	Jeweler
Life Skills Residential LLC	25623 Lincoln Terrace	\$150	Office
Bricco Excavating Company	21201 Meyers	\$150	Excavator
Speedy Greasy	10200 Nine Mile	\$150	Automotive
Onyx Market	10850 Nine Mile	\$150	Retail
Little Bear's Learning Center	13391 Nine Mile	\$150	Educational
Next Level Barbershop	13641 Nine Mile	\$187.50	Barber
China City	13715 Nine Mile	\$187.50	Restaurant
Domino's Pizza	13735 Nine Mile	\$150	Restaurant
Good Health Pharmacy	13821 Nine Mile	\$150	Pharmacy
Dallas Designs Salon	13831 Nine Mile	\$150	Salon
James Tailoring and Alteration	8236 Nine Mile	\$150	Tailor
Little Caesars	8801 Nine Mile	\$150	Restaurant
Atlas Cut Stone Inc	12920 Northend	\$150	Stone Products
EJ USA Inc	13001 Northend	\$150	
Crescent Pattern Company	8720 Northend	\$150	Pattern Casting
Chase Cleaners	10831 Ten Mile	\$150	Cleaners
Access & Vascular Care PLLC	10861 Ten Mile	\$150	Medical
Subway	13311 Ten Mile	\$150	Restaurant
LA Insurance Agency	13381 Ten Mile	\$150	Insurance
Jewish Senior Life Services	15000 Ten Mile	\$150	Senior Living
Lawford Fabricating Co	21650 Wyoming Ct	\$150	Sheet Metal Fabricator

MASSAGE FACILITY – RENEWAL 2018

<u>NAME</u>	<u>ADDRESS</u>	<u>FEE</u>
Great Hands Massage	8230 W. Nine Mile Rd.	\$125

CITY OF OAK PARK, MICHIGAN

RESOLUTION ADOPTING A DEFICIT ELIMINATION PLAN FOR THE
45TH DISTRICT COURT FUND

WHEREAS, the City of Oak Park's 45th District Court fund has a \$51,753 deficit fund balance on June 30, 2017; and

WHEREAS, 1971 PA 140 requires that a Deficit Elimination Plan be formulated by the local unit of government and filed with the Michigan Department of Treasury;

NOW, THEREFORE, IT IS RESOLVED that the City of Oak Park's legislative body adopts the following as the City of Oak Park 45th District Court Fund Deficit Elimination Plan:

	2017-18
Unrestricted Net Position (Deficit) Jul. 1	(\$51,753)
Revenue	
Intergovernmental	\$91,448
Charges for Services	<u>\$175,000</u>
Total Revenue	\$266,448
Expenditures	
Salaries & Wages	\$1,144,122
Fringes	\$478,233
Supplies, Maintenance & Repairs	\$29,447
Operations	\$211,332
Staff Development	\$8,020
Printing & Publications	\$44,000
Insurance & Bonds	<u>\$9,200</u>
Total Expenditures	\$1,924,354
Revenues over (under) expenditures	(\$1,657,906)
Other Financing sources (uses)	
Transfer In - General Fund	\$1,792,906
Transfer In - General Fund	\$51,753
Transfer Out - Retirees Health Care Court	<u>(\$135,000)</u>
Total Other Financing sources (uses)	\$1,709,659
Unrestricted Net Position (Deficit) Jun. 30	\$0

Explanation: Additional Transfer In from General Fund to cover deficit in Fiscal year 2017-18.

BE IT FURTHER RESOLVED that the City of Oak Park's Finance Director submits the Deficit Elimination Plan to the Michigan Department of Treasury for certification.

CITY OF OAK PARK, MICHIGAN

RESOLUTION ADOPTING A DEFICIT ELIMINATION PLAN FOR THE
MENTAL HEALTH COURT GRANT FUND

WHEREAS, the City of Oak Park's Mental Health Court Grant fund has a \$2,054 deficit fund balance on June 30, 2017; and

WHEREAS, 1971 PA 140 requires that a Deficit Elimination Plan be formulated by the local unit of government and filed with the Michigan Department of Treasury;

NOW, THEREFORE, IT IS RESOLVED that the City of Oak Park's legislative body adopts the following as the City of Oak Park Mental Health Court Grant Fund Deficit Elimination Plan:

	2017-18
Unrestricted Net Position (Deficit) Jul. 1	(\$2,054)
Revenue	
Intergovernmental	<u>\$100,000</u>
Total Revenue	\$100,000
Expenditures	
Salaries & Wages	\$20,000
Fringes	\$10,000
Supplies, Maintenance & Repairs	\$5,000
Operations	\$62,500
Staff Development	<u>\$2,500</u>
Total Expenditures	\$100,000
Revenues over (under) expenditures	\$0
Other Financing sources (uses)	
Transfer In - General Fund	<u>\$2,054</u>
Total Other Financing sources (uses)	\$2,054
Unrestricted Net Position (Deficit) Jun. 30	\$0

Explanation: Transfer In from General Fund to cover deficit in Fiscal year 2017-18.

BE IT FURTHER RESOLVED that the City of Oak Park's Finance Director submits the Deficit Elimination Plan to the Michigan Department of Treasury for certification.

CITY OF OAK PARK, MICHIGAN

RESOLUTION ADOPTING A DEFICIT ELIMINATION PLAN FOR THE
RETIREE HEALTH CARE COURT FUND

WHEREAS, the City of Oak Park's Retiree Health Care Court fund has a \$43,110 deficit fund balance on June 30, 2017; and

WHEREAS, 1971 PA 140 requires that a Deficit Elimination Plan be formulated by the local unit of government and filed with the Michigan Department of Treasury;

NOW, THEREFORE, IT IS RESOLVED that the City of Oak Park's legislative body adopts the following as the City of Oak Park Retiree Health Care Court Fund Deficit Elimination Plan:

	2017-18
Unrestricted Net Position (Deficit) Jul. 1	(\$43,110)
Revenue	
Fines & Forfeitures	<u>\$207,345</u>
Total Revenue	\$207,345
Expenditures	
Operations - Insurance	<u>\$362,000</u>
Total Expenditures	\$362,000
Revenues over (under) expenditures	(\$154,655)
Other Financing sources (uses)	
Transfer In - 45th District Court	\$135,000
Transfer In - General Fund	\$43,110
Transfer In - General Fund	<u>\$19,655</u>
Total Other Financing sources (uses)	\$197,765
Unrestricted Net Position (Deficit) Jun. 30	\$0

Explanation: Add Transfer In from General Fund to cover deficit in Fiscal year 2017-18.

BE IT FURTHER RESOLVED that the City of Oak Park's Finance Director submits the Deficit Elimination Plan to the Michigan Department of Treasury for certification.



15D

BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN

AGENDA OF: January 16, 2018

AGENDA #

SUBJECT: Resolution Approving A Permanent Sidewalk Easement

DEPARTMENT: Economic Development & Communications

SUMMARY: The City of Oak Park has received a grant from MDOT and SEMCOG to complete the Nine Mile Redesign Project. As part of the project 18 Permanent Easement Agreements are needed to complete the project. One such easement is required on property currently owned by the City of Oak Park, parcel 52-25-28-354-047. Per our City Attorney it is required that we seek approval from City Council to grant the easement on this parcel. Attached is a Resolution and description of the parcel and work to be performed.

FINANCIAL STATEMENT:

RECOMMENDED ACTION: Approve the Resolution for the Permanent Sidewalk Easement

APPROVALS:

City Manager: _____

Director: _____

Finance Director: _____

EXHIBITS: resolution and attachment

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

RESOLUTION APPROVING PERMANENT SIDEWALK EASEMENT

At a Regular Meeting of the City Council of the City of Oak Park, Oakland County, Michigan, held at Oak Park City Hall located at 14000 Oak Park Boulevard on the 16th day of January, 2018

Present: _____

Absent: _____

The following preamble and resolution was offered by _____ and seconded by _____

WHEREAS, Section 13 of the Oak Park City Charter, authorizes the City of Oak Park ("City") to sell properties owned by the City provided that "The city may not purchase, sell or lease any real estate or any interest therein except by the affirmative vote of four or more members of the council"; and

WHEREAS, the City of Oak Park received a grant from MDOT and SEMCOG to complete the Nine Mile Redesign Project which requires a permanent easement be granted for parcel 52-25-28-354-047, as legally described and set forth in the Permanent Sidewalk Easement Description attached to this Resolution as Exhibit "A", which would allow the City to install, repair, replace and maintain a sidewalk; and

WHEREAS, the Oak Park City Council finds that it is necessary and in the best interest of the public to grant a permanent sidewalk easement on the referenced property to the City of Oak Park to reconstruct the sidewalk.

NOW, THEREFORE, the City Council of the City of Oak Park, Oakland County, Michigan resolves as follows:

1. The City Manager is hereby authorized to execute documents granting the permanent sidewalk easement on parcel 52-25-28-354-047 (Attachment 1), and to direct the filing of the easement with the County Registrar.

2. Any and all Resolutions that are in conflict with this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

YEAS: _____

NAYS: _____

RESOLUTION DECLARED ADOPTED

T. Edwin Norris
City Clerk

Dated:

VALUATION STATEMENT

Updated 11-17-2017

Property Owner(s): City of Oak Park
14000 Oak Park Blvd
City of Oak Park, MI 48237

Address: PT. Lot 199
Tax ID: 52-25-28-354-047

Area to be acquired:	<u>501 (Perm. Easement) sq.ft. feet</u>		
Price per square foot	x	\$ <u>6.32</u>	
Total		\$ <u> </u>	Fee (Permanent)
	x 50%	\$ <u>1583.16</u>	Easement (Permanent)
	x 10%	\$ <u> </u>	Grading Permit (Temporary)
Just Compensation		\$ <u>1583.16</u>	

ADDITIONAL INFORMATION:

Sidewalk reconstruction and grading required for the project is of mutual benefit to property owner and municipality. Donation of permanent easement is requested.

PROJECT 0037-17-0010	PARCEL 24-27-276-012	NAME City of Oak Park
-------------------------	-------------------------	--------------------------

PERMANENT SIDEWALK EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that, CITY OF OAK PARK whose address is 14000 Oak Park Blvd., MI 48237 (hereinafter referred to as "Grantor"), being title holder to the following described parcel of land, to wit:

Description of Parcel:

See Exhibit "A"

Tax Identification Number: 52-25-28-354-047

for and in consideration of One (\$1.00) Dollar, receipt of which is hereby acknowledged, does hereby grant and convey to the City of Oak Park, a Michigan Municipal Corporation, whose address is 14000 Oak Park Blvd., Oak Park, Michigan 48237, (hereinafter referred to as "Grantee"), a permanent easement for sidewalk, over, upon, across, in, through, and under the following described real property to wit:

See Exhibit "A"

and to enter upon sufficient land adjacent to said permanent sidewalk easement for the purpose of exercising the rights and privileges granted herein.

Grantee may install, repair, replace and maintain lines and all necessary appurtenances thereto, within the easement herein granted.

Grantor agrees not to build or to convey to others permission to build any permanent structures on the above described easement.

The premises so disturbed by reason of the exercise of any of the foregoing powers, rights and privileges, shall be reasonably restored to its prior condition by Grantee.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns.

IN WITNESS WHEREOF, the undersigned Grantors have affixed their
signatures this _____ day of _____ A.D., 20 _____.

WITNESSES:

CITY OF OAK PARK

Witness Signature

By: _____

Signature

Printed Name

Its: _____

Printed Name & Title

Witness Signature

By: _____

Signature

Printed Name

Its: _____

Printed Name & Title

STATE OF MICHIGAN)
)SS
COUNTY OF)

On this _____ day of _____, A.D., 20 _____, before me, a Notary Public in and for said County, appeared _____ and _____, and to me known personally known, who, being by me duly sworn, did each for himself say that they are respectively the _____ and the _____ of _____, the corporation named in and which executed the within instrument and, that the seal affixed to said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and acknowledged said instrument the free act and deed of said corporation.

Notary Public, _____ County, MI

My commission expires _____

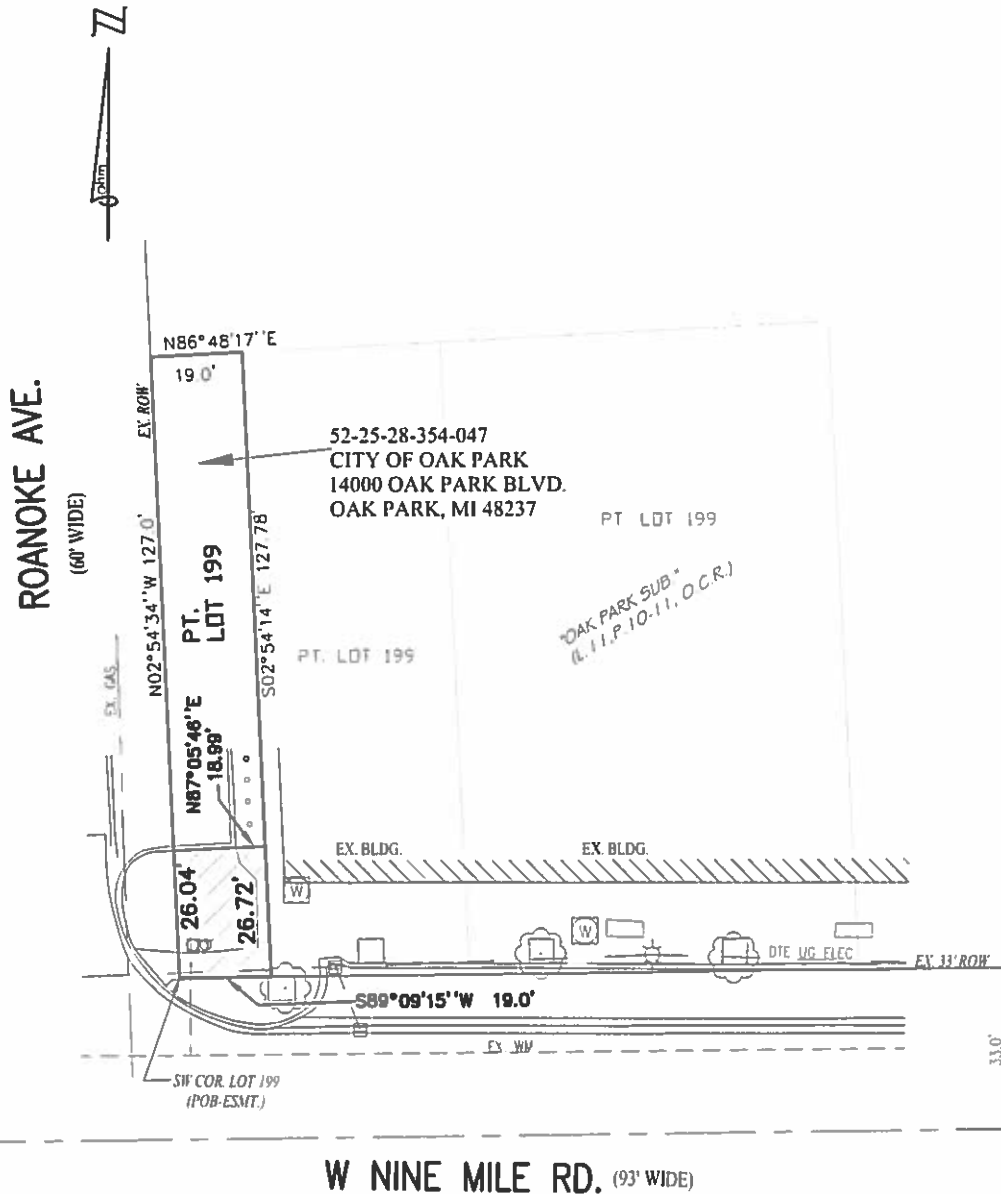
This instrument drafted by:
Sameer Hamad
OHM Advisors
34000 Plymouth Road
Livonia, Michigan 48150

Tax Identification Number: 52-25-28-354-047

WHEN SIGNED RETURN TO:
Lisa Vecchio, Clerk
City of Oak Park
14000 Oak Park Blvd.
Oak Park, Michigan, 48237

PERMANENT SIDEWALK EASEMENT SKETCH

Exhibit "A"



LEGEND

- ROW RIGHT-OF-WAY
- PUBLIC LAND CORNER
- POB POINT OF BEGINNING
- PERMANENT SIDEWALK EASEMENT

PERMANENT SIDEWALK EASEMENT

PART OF THE SW 1/4 OF SECTION 28
T.1N., R.11E., CITY OF OAK PARK, OAKLAND COUNTY, MICH.
TAX ID NO.: 52-25-28-354-047

CLIENT: CITY OF OAK PARK



34000 Plymouth Road | Livonia, MI 48150
p (734) 522-6711 | f (734) 522-6427

Advancing Communities

DATE: 11-13-17
DRAWN BY: 54
DWG: 354-047

SHEET
3 OF 4

JOB NO.
0037-17-0010

PERMANENT SIDEWALK EASEMENT DESCRIPTION

Exhibit "A"

PARCEL DESCRIPTION (52-25-28-354-047)

A parcel of land situated in the SW 1/4 of Section 28, Town 1 North, Range 11 East, City of Oak Park, Oakland County, Michigan, described as follows:

The West 19 feet of Lot 199, except the North 23.90 feet, "Oak Park Subdivision", as recorded in Liber 11 of Plats, Page 10-11, Oakland County Records, Oakland County, Michigan. Subject to all easements and restrictions of record, if any.

PERMANENT SIDEWALK EASEMENT

A variable width easement for sidewalk being part of land situated in the SW 1/4 of Section 28, Town 1 North, Range 11 East, City of Oak Park, Oakland County, Michigan, described as follows:

Part of Lot 199, "Oak Park Subdivision", as recorded in Liber 11 of Plats, Page 10-11, Oakland County Records, more particularly described as:

Beginning at the SW corner of said Lot 199; thence N 02°54'34" W 26.04 feet along the West line of said Lot 199 and the East right of way line of Roanoke Avenue; thence N 87°05'46" E 18.99 feet; thence S 02°54'14" E 26.72 feet; thence S 89°09'15" W 19.0 feet long the South line of said Lot 199 and the North right of way line of Nine Mile Road to the Point of Beginning.

Contains 501 square feet or 0.012 acres of land, more or less. Subject to all easements and restrictions of record, if any.

PERMANENT SIDEWALK EASEMENT

PART OF THE SW 1/4 OF SECTION 28
T.1N., R.11E., CITY OF OAK PARK, OAKLAND COUNTY, MICH.
TAX ID NO.: 52-25-28-354-047

CLIENT: CITY OF OAK PARK



34000 Plymouth Road | Livonia, MI 48150
p (734) 522-6711 | f (734) 522-6427

Advancing Communities

DATE: 11-13-17
DRAWN BY: SH
DWG: 354-047

SHEET
4 OF 4

JOB NO.
0037-17-0010

**BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN****AGENDA OF:** January 16, 2018**AGENDA #**

SUBJECT: Proposals from OHM Advisors for a contract amendment for Nine Mile Road TAP Grant Project and Preliminary Engineering for the Sherman and Seneca Streets Pocket Parks.

DEPARTMENT: DPW/Technical & Planning – Engineering KJY

SUMMARY: Attached are proposals from OHM Advisors for a contract amendment for Nine Mile Road TAP Grant Project and Preliminary Engineering for the Sherman and Seneca Streets Pocket Parks. The amendment is an increase of \$25,745 for additional work, including the design of additional median islands, decorative cross walks, signal modifications at McClain to add a pedestrian signal, irrigation, electrical, and street closures for the Nine Mile Road TAP grant project. The itemized breakdown is attached for the additional work performed.

Also attached is a proposal for the Preliminary Engineering for the pocket parks at Seneca and Sherman Streets. The total amount for the Design Development, Construction Documents and Bidding is an hourly, not to exceed amount of \$64,000.

FINANCIAL STATEMENT: Funding is available in the Major Street Fund for this expenditure.

RECOMMENDED ACTION: It is recommended that the amendment request from OHM Advisors for the Nine Mile Road TAP Grant Project be approved for the amount of \$25,745. It is further recommended that the proposal for the Preliminary Engineering for the pocket parks at Seneca and Sherman also be approved for the hourly, not to exceed amount of \$64,000. Funding is available in the Major Street Fund.

APPROVALS:

City Manager: _____

Department Director: _____

Finance Director: _____

EXHIBITS: Proposals



ARCHITECTS. ENGINEERS. PLANNERS.

December 8, 2017

Kevin J. Yee, P.E., Assistant City Manager
City of Oak Park
14000 Oak Park Blvd.
Oak Park, MI 48237

**RE: Nine Mile Road Diet & Non-Motorized Facilities
Amendment Request**

Dear Mr. Yee,

OHM Advisors is pleased to submit this request for amendment to the professional services to prepare the final engineering plans for the Nine Mile Transportation Alternatives Program (TAP) Grant.

AMENDMENT UNDERSTANDING

At the project kick-off meeting held on August 21, 2017, the scope of the project was discussed and it was determined that a few items would be added to the project scope to provide some additional amenities desired for the non-motorized facilities and the accommodation for two planned pocket parks along Nine Mile Road.

The additional scope of work to be added to the current Nine Mile Road TAP Grant project includes the design of six additional median islands from the two included in the original proposal, decorative crosswalks, the design of signal modifications at McClain Drive/Dante Street to add pedestrian crossings, irrigation and water main design to be added to the trailhead structure, and designs to close off and detail grade the approaches of Seneca Street and Sherman Street to Nine Mile Road to prepare for the planned pocket parks to be located at these intersections.

It was decided that a separate proposal would be submitted for the design of the two pocket park areas as the construction of the pocket parks would be completed through a local contract without the use of Federal Funding, so that the work could be separate from the Federally-funded TAP Grant project to avoid the federal requirements for the planned pocket parks. The design of the pocket parks will be coordinated with the detail grading of the Seneca and Sherman intersections being completed under the TAP Grant design, so the interface is seamless. The proposal for the pocket park work will be submitted under separate cover.

SCOPE OF ADDITIONAL SERVICES

Below is a detailed explanation of the scope of services to be completed for each of the added design elements discussed at the kick-off meeting.

Median Island Design – The original proposal for the approved TAP grant scope included design of two median islands near Oneida Street and Catalpa Court. We are requesting additional costs to prepare the design of the added islands which will include survey, removal details, construction details, detailed grading, and quantity calculations for the additional six islands.

Decorative Crosswalks – Options for decorative crosswalks will be prepared based on a recent demonstration project in the City. These crosswalk elements will be implemented at the mid-block crossings and signalized crossings within Oak Park's portion of the project. We are requesting additional costs to prepare the decorative crosswalk applications to the plans including research of options, construction details, specifications and quantity calculations for the decorative crosswalk locations.



SCOPE OF SERVICES

Task 1 – Design Development

Based on the pocket park concepts developed in 2016, and Client discussions during the TAP Grant project, OHM will prepare design development plans for Sherman and Seneca park improvements. OHM will develop a detailed cost estimate reflecting the proposed work to confirm the project scope aligns with the available funding for the project.

OHM will facilitate a meeting with the City of Oak Park to review the pocket park plans. This meeting will provide the opportunity for the City of Oak Park to validate the park programming and goals, while also approving the park layouts, materials, and site amenities.

The following efforts and deliverables are anticipated as part of this task:

- Collect additional survey information needed for the proposed design.
- Prepare design development documents based on the pocket park concepts and comments received to date.
- Updated cost estimates reflecting the changes to the pocket parks from the conceptual plans.
- Meeting with the City of Oak Park – Meeting Minutes (1 Meeting)
- Prepare draft easement documents for right-of-way needed to facilitate the pocket park construction.

Task 2 – Construction Documents

Based on the comments and discussion from the review of the Design Development plans, OHM will prepare the Construction Documents, which will consist of plans, specifications and bidding documents to construct the pocket parks. The following efforts and deliverables are anticipated as part of this task:

- OHM will prepare construction documents including engineering, electrical, landscape architecture plans, elevations, sections, details and specifications to be used for bidding, with the following submittals:
 - 40% Construction Documents for review and approval (1 Meeting)
 - 80% Construction Documents for review and approval (electronic submission)
 - 100% Construction Documents and final cost estimate. (1 Meeting)
- Attend review meetings and prepare minutes for the 40% and 100% documents to review the plans and specifications.
- Securing the necessary permits for the project. We anticipate that a Soil Erosion permit will be needed for this work.
- OHM will provide bid document hardcopies for prospective bidders.
- OHM shall prepare the bid book including front ends (provided by the City) and specifications. The City will advertise the project publically, while OHM will reach out to contractors and notify them of the bid opportunity.

Task 3 – Bidding

To facilitate the process for the bidding for the project, OHM will perform the following tasks:

- Respond to Contractor questions during bidding
- Attend a pre-bid meeting
- Prepare any necessary addenda
- Tabulate and review the bids, once received and recommend a responsible bidder for the work.



Signal Modifications – It was determined that a Nine Mile crossing at McClain Ave/Dante Street was important for the project success. The intersection is currently signalized, but does not have pedestrian signals or sidewalk ramps for the crossing. We are requesting additional funds to prepare the design of the signal modifications to provide pedestrian crossing signals and design of ADA-compliant sidewalk ramps. This will include coordination with RCOC as the maintaining agency, construction plans, detail grading, specifications and quantity calculations for the related items.

Irrigation – It was decided that irrigation should be added to the proposed landscaping around the trailhead shelter to improve the health and growth of the plants. We are requesting additional fees to design the irrigation system, provide construction plans, irrigation details, specifications and quantity calculations for an irrigation system.

Electrical – After discussion of the amenities to be included at the trailhead shelter, the City desires to also have lighting for the shelter and accent lighting for the trailhead sign. In addition, the irrigation will need electrical design for the system. Our original proposal included effort for the electrical design for the site lighting and drinking fountain only. We are requesting additional funding for the effort to develop these additional plans, details, specifications and quantity calculations.

Street Closures – To facilitate the planned pocket parks at Seneca and Sherman Streets, it was agreed that the work needed in the Nine Mile Road Right-of-Way to close the street off and construct portions of the plaza areas. We are requesting additional funds to accomplish this design work. This work will include survey, removal plans, construction plans, detailed grading plans, pedestrian detours and quantity calculations for the two planned locations.

SCHEDULE

We are prepared to accommodate this additional design within the original project schedule. No additional time is requested to complete the additional tasks outlined above.

COMPENSATION

The professional services outlined above will be performed on an hourly basis for \$25,745. This amount is based on the scope and assumptions described above and is broken down below.

Median Islands	\$5,655
Decorative Crosswalks	\$2,057
Signal Modifications	\$4,055
Irrigation	\$1,825
Electrical	\$2,860
Street Closures	<u>\$9,293</u>
	\$25,745

The original cost of services was \$126,000. The total cost with these additional services totals \$152,000.

Please feel free to call with any questions or concerns.

Sincerely,
OHM Advisors

Scott J. Emmons, PE
Senior Project Manager

cc: James C. Stevens, P.E., OHM



ARCHITECTS. ENGINEERS. PLANNERS.

January 9, 2018

Kevin J. Yee, P.E., Assistant City Manager
City of Oak Park
14000 Oak Park Blvd.
Oak Park, MI 48237

RE: Nine Mile Pocket Park Design

Dear Mr. Yee,

OHM Advisors is pleased to submit this proposal for professional services to prepare the final plans for the Nine Mile Pocket Parks to be located from building face to building face in the Sherman and Seneca Road Right-of-Ways adjacent to Nine Mile Road. Included in our proposal below is our project understanding, scope of services, and estimated fee.

PROJECT UNDERSTANDING

In 2016 OHM presented the Nine Mile Pocket Park Concepts to the City. In addition to enhancements to the existing trail along Nine Mile Road, the concepts included pocket parks at Geneva Street, Seneca Street, and Sherman Street along with two "connection" pocket parks on the south side of Nine Mile between Scotia Road and Rosewood Street, to provide community connections between the Nine Mile Trail and the residential area along Troy Street. After discussions with the City staff, it was determined that the pocket parks at Seneca Street and Sherman Street would be feasible to proceed into design and construction, with the remaining concepts to be considered for future implementation.

OHM will complete final urban design, landscape architecture and engineering plans based upon the concepts submitted for the Sherman Pocket Park (see Exhibit 1). The scope of work at the Seneca Pocket Park will be reduced from the original concept (see Exhibit 2) to eliminate the proposed fountain and reduced decorative features to lower the construction budget to approximately \$200,000. Additional items such as string lighting, are also being considered in the final plans for the pocket parks. The scope of services below outlines OHM's process for the completion of the construction documents.

We understand the project will be funded by City of Oak Park and supplemented with grant monies received for the project. These grant monies are assumed to be eligible for all the proposed elements in the pocket parks.

PROJECT ASSUMPTIONS

- One set of contract documents (plans and specifications) shall be prepared by OHM, which will include the Seneca and Sherman park improvements.
- Conceptual plans require R.O.W. agreements with property owners adjacent to project areas. Agreements shall be in progress with property owners prior to the consultant starting Task 1.
- OHM shall select all types of light fixtures and locate these on the bid plans. It shall be the responsibility of the contractor to coordinate lighting connections and permits through the required agency.
- OHM assumes no utility relocation, extension or abandonment for the project improvement areas. OHM assumes surface improvements only, and no stormwater management or green infrastructure will be included in the bid set.
- Irrigation will not be included in the construction plans.



SCHEDULE

OHM is prepared to begin work upon authorization. The following is a detailed schedule of the project milestones with anticipated dates for completion of those elements. The schedule is intended to coordinate with the Nine Mile Road Diet & Non-Motorized Trail project, so both projects can be constructed in 2018.

January 16, 2018	Authorization
March 1, 2018	Design Development Review Meeting
March 29, 2018	Submit 40% Construction Documents for review
April 6, 2018	40% Review Meeting
May 4, 2018	Submit 80% documents for review
June 2, 2018	Submit 100% documents for review
June 9, 2018	100% Review Meeting
June 25, 2018	Submit Bidding Documents
July 20, 2018	Open Bids
August 13, 2018	Construction Begins

COMPENSATION

The professional services outlined above will be performed on an hourly basis for a not-to-exceed fee of \$64,000. This amount is based on the scope and assumptions described above. The costs are broken down for each location as outlined below:

Seneca Pocket Park Design -	\$31,000
Sherman Pocket Park Design -	<u>\$33,000</u>
	\$64,000

Additional Services:

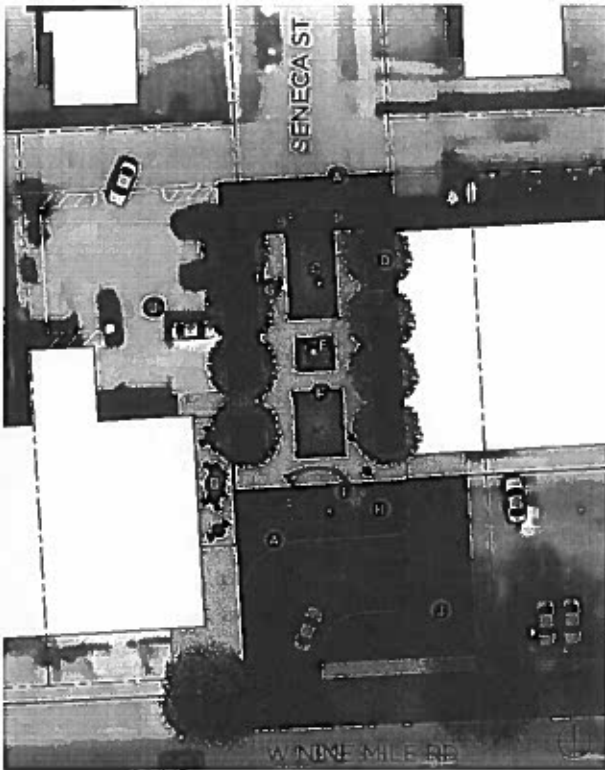
If services beyond this scope are required, we can perform these on an hourly basis in addition to the fee or at a negotiated sum at your request. OHM can provide a proposal for Construction Engineering services once design is completed and the full scope and duration of the construction work is better understood.

Please feel free to call with any questions or concerns.

Sincerely,
OHM Advisors

Scott J. Emmons, PE
Senior Project Manager

cc: James C. Stevens, P.E., OHM



Legend

- A Bollards
- B Private Outdoor Seating
- C Lawn Panel
- D Buffer Plantings
- E Water Feature
- F Seatwall
- G Bench
- H Decorative Hardscape
- I Entry Pedestrian Archway
- J Re-Aligned Parking



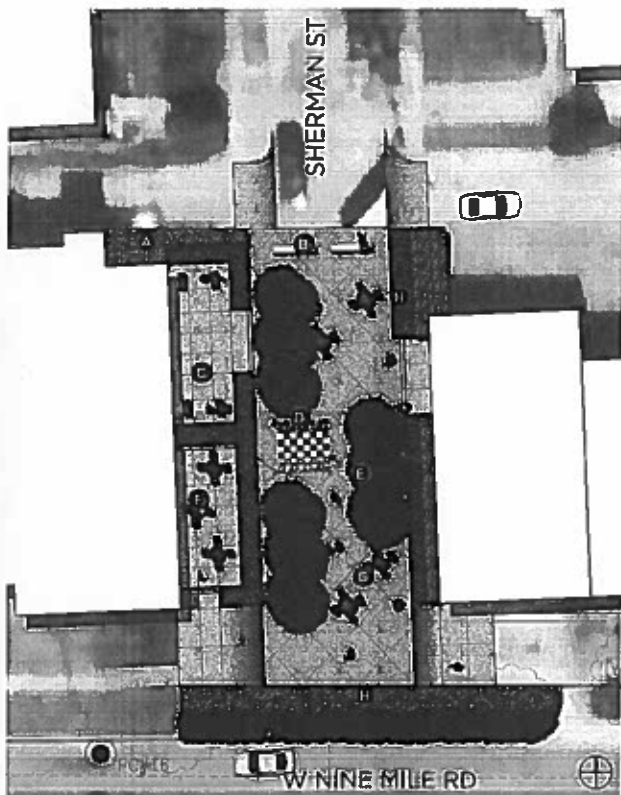
SENECA ST POCKET PARK CONCEPT

NINE MILE ROAD | OAK PARK, MI



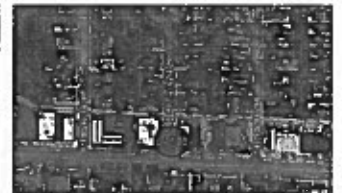
7/26/2016

PG. 2



Legend

- A Landscape Buffer
- B Entry Seat Walls
- C Cornhole Gaming Area
- D Outdoor Chess Set
- E Ornamental Trees
- F Private Outdoor Dining
- G Movable Table & Chairs
- H Low Colorful Plantings



POCKET PARK CONCEPT

NINE MILE ROAD | OAK PARK, MI

10/12/2016

OHM
Advancing Communities

PG. 2