

REGULAR COUNCIL MEETING

February 20, 2012

- 1. Meeting Called to Order by Mayor Marian McClellan at 7:00 p.m.**
- 2. Roll Call of Council.**
- 3. Approval Of Council Meeting Minutes Of February 6, 2012, Special Council Meeting January 23, 2012 And Special Council Meeting January 30, 2012.**
- 4. Special Recognition/Presentation:**
 - A. Ernie Hassan – Ernie’s Market.**
- 5. Public Hearing: None**
- 6. Communications:**
 - A. Public Correspondence:**
 1. Douglas Johnson, 24320 West Hampton, Re: Request To Appointment To Recreation Advisory Board, Arts And Cultural Commission, Ethnic Advisory Commission.
 2. Andrea Stawis, 26190 Harding, Re: Request To Appointment To Recreation Advisory Board, Library Authority, Beautification Advisory Commission.
 3. Juanita Bell, 15311 Park, Re: Request To Appointment To Recreation Advisory Board, Independence Day Commission, Ethnic Advisory Commission.
 4. Wadi Qonja, On Behalf Of A Plus Check Cashing, 22118 Coolidge, Re: Temporary Sign Request.
 - B. Resolutions: None**
 - C. City Marquee Request:**
 1. Ferndale Musical Boosters, Ferndale High School, Dates Requested March 17 - March 25, 2012.
- 7. Merchants’ Licenses/Special Events: (See Attached)**

8. Accounting Reports:

- A. City Attorney Compensation, February 2012.

9. Report On Bids:

- A. Report On Bids For The Demolition Of Three City-Owned Neighborhood Stabilization Program (NSP) Homes And One Condemned Home Using NSP Three Funds.

10. Ordinances:

- A. An Ordinance To Amend Article II, Voting Precincts, Of Chapter 30, Elections, Of The Code Of Ordinances. (Second Reading)
- B. An Ordinance To Amend Chapter 22, Businesses, Of The Code Of Ordinances, By The Addition Of A New Article XIII, Pawnbrokers. (Second Reading)

11. Minutes:

- A. Board Of Review, December 13, 2011.
- B. Planning Commission, February 13, 2012.

12. Excerpt:

- A. Recommendation Of Planning Commission For A Special Land Use And Site Plan For The Regulated Use Of A SDD & SDM License For CVS Pharmacy 23001 Coolidge Highway.

13. Monthly Report:

- A. Public Safety, January 2012.

14. City Attorney's Report:

- A. Boards And Commissions/Terms.
- B. An Ordinance To Amend Beautification Advisory Commission/Duties.
- C. An Ordinance To Amend Cable Television Advisory Commission/Changing The Title And Duties.

15. City Manager's Reports:

- A.** Request Authorization To Bid Tree Trimming, Landscape Maintenance, And Other Related Items Of Work.
- B.** Payment Application No. 2 For The 2011 Sewer Cleaning And Television Inspection Project, M-560.

16. Call to Audience

(Each speaker's remarks are a matter of public record; and 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 correct. Three-minute time limit per speaker, the call to audience will be a maximum of sixty minutes.)

17. Call To The Council:

Adjourn: The City of Oak Park will comply with the spirit and intent of the Americans 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 Council Meeting will be made with 7-day prior notice. "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, for vulgarity, or personal attacks of persons or institutions."

**CITY OF OAKPARK
REGULAR COUNCIL MEETING
FEBRUARY 6, 2012**

The meeting was called to order at 7:02PM by Mayor McClellan.

PRESENT: Mayor McClellan, Mayor Pro Tem Jackson, Council Member Duplessis, Council Member Levine, Council Member Seligson

ABSENT: None.

OTHERS PRESENT: City Manager Fox, City Clerk Bartholomew, City Attorney Carlson

**CM-02-024-12 MINUTES OF THE REGULAR COUNCIL MEETING OF
JANUARY 16, 2012 AND SPECIAL MEETING OF JANUARY 19,
2012 – APPROVED**

Motion by Seligson, seconded by Levine, **CARRIED UNANIMOUSLY:** To approve the Minutes of the Regular Council Meeting of January 16, 2012, as amended as noted below, and Special Meeting of January 19, 2012, as presented.

Regular Meeting Minutes of January 16, 2012, correction to Page 10, CM-01-018-12 by striking **UNANIMOUSLY** as follows: “Motion by Seligson, seconded by Duplessis, **CARRIED UNANIMOUSLY:** To...”

MOTION DECLARED ADOPTED.

SPECIAL RECOGNITION/PRESENTATION:

Relay for Life – Ms. Theresa Hurley, Great Lakes Regional Director, reviewed the upcoming Oak Park/Berkley American Cancer Society Relay for Life event, scheduled for Saturday, May 5, 2012 at the Oak Park High School. Ms. Hurley noted there will be a kick-off event this weekend at 6:00 PM at the Community Center. She noted that it is an open reception with light refreshments and that the event is open to everyone interested in learning about the program. She also noted that there are no commitments associated with attendance at the event.

PUBLIC HEARINGS: None.

COMMUNICATIONS:

**CM-01-025-12 REQUEST FOR APPOINTMENT TO ARTS AND CULTURAL
COMMISSION, CABLE TELEVISION ADVISORY**

**COMMISSION, INDEPENDENCE DAY COMMISSION –
STEPHEN R. FISHER AND REQUEST FOR APPOINTMENT TO
PLANNING COMMISSION, ELECTION COMMISSION AND
BOARD OF CANVASSERS – MICHAEL LEIBSON – RECEIVED
AND REQUEST FOR APPOINTMENT TO ARTS AND
CULTURAL COMMISSION AND BEAUTIFICATION ADVISORY
COMMISSION – SCHAROLETTE CHAPPEL – REFERRED TO
NEXT MEETING FOR CLARIFICATION OF RESIDENCY**

Motion by Duplessis, seconded by Seligson, CARRIED UNANIMOUSLY: To receive the Boards and Commissions application for the consideration of appointment to the Arts and Cultural Commission, Cable Television Advisory Commission, and Independence Day Commission, from Stephen R. Fisher, 10760 Oak Park Boulevard; and the Boards and Commissions application for the consideration of appointment to the Planning Commission, Election Commission, and Board of Canvassers, from Michael Leibson with the application to be retained in the City Clerk's office, pending City Council review; and to defer action on the Boards and Commissions application for the consideration of appointment to the Arts and Cultural Commission and Beautification Advisory Commission from Scharolette Chappel, 14701 W 11 Mile Road, for clarification of residency from the City Attorney.

MOTION DECLARED ADOPTED.

**CM-01-026-12 REQUEST FOR EXTENSION OF A TEMPORARY SIGN FROM
DEBORAH MENDOZA, ON BEHALF OF HUBBARD MENDOZA,
8440 NINE MILE, SUITE C - APPROVED**

Motion by Duplessis, seconded by Jackson, CARRIED UNANIMOUSLY: To approve the request for an extension of a temporary sign from Deborah Mendoza, on behalf of Hubbard Mendoza, 8440 Nine Mile, Suite C, to display one 24" x 46" square foot temporary sign reading "Income tax drop off/pick-up. We can come to you." beginning March 9, 2012 for thirty days subject to the following conditions:

1. Phone numbers are prohibited on signs.
2. The temporary sign is for a thirty (30) day period.
3. Not more than one thirty (30) day extension allowed.
4. The temporary sign shall not be placed in or project over the right-of-way.
5. The temporary sign shall not create an obstruction or traffic hazard.
6. A \$50.00 bond shall be posted.
7. Not more than two (2) permits for temporary signs shall be issued to a single applicant in any calendar year.
8. Application to be completed and proper fee paid.

MOTION DECLARED ADOPTED.

CM-02-027-12 MERCHANT'S LICENSES - APPROVED

Motion by Levine, seconded by Jackson, CARRIED UNANIMOUSLY: To approve the following Merchant's Licenses subject to all departmental approvals:

<u>MERCHANT</u>	<u>ADDRESS</u>	<u>FEE</u>
<u>RENEWALS – 2011</u>		
<u>INITIALS – 2012</u>		
All Dressed Up	8138 Nine Mile	\$100.00
Apollo Heat Treating	10400 Nine Mile	\$100.00
Center Auto Sales	14370 Eight Mile	\$100.00
Don V Nailz Boutique	12714 Nine Mile	\$100.00
Gen X Wireless	13825 Nine Mile	\$100.00
New Style African Hair Braiding	21700 Greenfield, # 106 A	\$100.00
PGF Bakery, LLC	21700 Greenfield, # LL15	\$100.00
Salon Truly Blessed	21700 Greenfield, #425	\$100.00
Steve's Medical	25909 Coolidge	\$100.00
<u>RENEWALS – 2012</u>		
9 Mile & Coolidge (Food Mart)	13551 Nine Mile	\$125.00
9 Mile & Coolidge (Gas Station)	13551 Nine Mile	\$293.75
Al's Jewelry	21700 Greenfield #306	\$100.00
Advantage Cash Advance	8530 Nine Mile A	\$100.00
Akropolis Cafe	21700 Greenfield #120	\$125.00
Athen's Gift Shop	21700 Greenfield #132	\$125.00
Auto Pro Technical Recruiting	25900 Greenfield #232	\$125.00
BJM Management Inc. DBA Onyx	10850 Nine Mile	\$125.00
Blueribbon Landscaping	13200 Cloverdale	\$125.00
Bread Basket Deli Inc.	26052 Greenfield	\$100.00
Cherry Son Beauty Supply	13421 Ten Mile	\$125.00
C W Price	26100 Greenfield	\$125.00
Diamond Island of Greenfield	21700 Greenfield #390	\$100.00
Diamond Star Fine Jewelry Inc.	21700 Greenfield #322	\$125.00
Double Up Dbl Up Ent LLC	8120 Nine Mile	\$100.00
Express Care Medical Supply, Inc.	25900 Greenfield #121	\$100.00
Fresh Fish Shack	13701 Nine Mile	\$100.00
Fung Xeng Express	8505 Nine Mile	\$125.00
Gabriel Management Group LLC	22150 Greenfield #300A	\$125.00
Gentle Touch Phlebotomy Ed	23300 Greenfield #212	\$100.00
Gobind L Gard M.D.	13801 Nine Mile	\$125.00

Hagopian & Sons	14000 Eight Mile	\$125.00
Hank's Barber Shop	8960 Nine Mile	\$100.00
Hemorrhoid Clinics of America	22000 Greenfield	\$100.00
Highway Star Inc.	12950 Cloverdale	\$125.00
Home Grown Hydro	8106 Nine Mile	\$100.00
Hubbard-Mendoza Income Tax	8440 Nine Mile C	\$125.00
Image One Corporation	13201 Capital	\$125.00
Inflight	8126 Nine Mile	\$100.00
International Cybergraphix	25900 Greenfield #258	\$125.00
Kmart #3730 Restaurant	26200 Greenfield	\$100.00
Kmart #3730 Store	26200 Greenfield	\$100.00
LaShellesSchool of Dance	24705 Coolidge	\$125.00
Lincoln Drugs/ Pharmacy	25901 Coolidge A	\$125.00
Leo Weiss Plumbing	8500 Nine Mile	\$125.00
Lynn Equities LLC	22150 Greenfield #300	\$125.00
Marblecast of Michigan	14831 Eleven Mile	\$125.00
Michigan Construction Protection	14211 Eleven Mile	\$125.00
New Millenium Environmental	12700 Capital	\$125.00
Plaskey Painters Inc.	14669 Eleven Mile	\$125.00
Rehabilitation Institute of MI	25900 Greenfield #110	\$125.00
Star Bakery	26031 Coolidge	\$125.00
Street Corner Music LTD	26020 Greenfield	\$100.00
Taco Bell #16415	21350 Greenfield	\$125.00
The Barclay Corporation	22150 Greenfield #300 B	\$125.00
The Original \$2 Car Wash	15450 Ten Mile	\$125.00
Universal Stained Glass Design	8550 Nine Mile	\$125.00

MOTION DECLARED ADOPTED.

ACCOUNTING REPORTS: None.

REPORT ON BIDS:None.

ORDINANCES:None.

CM-02-028-12 MINUTES - RECEIVED

Motion by Seligson, seconded by Jackson, CARRIED UNANIMOUSLY: To receive the following Minutes:

- A. Library Board of Directors, December 20, 2011.
- B. Recreation Advisory Board, January 18, 2012.
- C. Library Board of Directors, January 17, 2012.
- D. Arts and Cultural Commission, January 25, 2012.

MOTION DECLARED ADOPTED.

EXCERPT:None.

CM-02-029-12 MONTHLY REPORTS- RECEIVED

Motion by Jackson, seconded by Levine, CARRIED UNANIMOUSLY: To receive the following Monthly Reports:

- A. Public Safety, December 2011.
- B. Library Board, December 2011.
- C. Recreation, November 2011.
- D. Public Safety, January 2012.

MOTION DECLARED ADOPTED.

CITY ATTORNEY REPORT:

RESOLUTION ESTABLISHING ANNUAL PAWNBROKER LICENSE FEE

Motion by Jackson, seconded by Seligson, CARRIED UNANIMOUSLY: To adopt the following resolution to establish Annual Pawnbroker License Fees

**CITY OF OAKPARK
OAKLAND COUNTY, MICHIGAN**

At a Regular Meeting of the City Council of the City of Oak Park, Oakland County, Michigan, held in the Council Chambers located at 13600 Oak Park Boulevard, Oak Park, Michigan 48237 at 7:00 PM Eastern Standard Time, on the 6th day of February, 2012

The meeting was called to order by: Mayor McClellan

Present: Mayor McClellan, Mayor Pro Tem Jackson, Council Member Duplessis, Council Member Levine, Council Member Seligson, City Manager Fox, City Clerk Bartholomew, City Attorney Carlson.

Absent: None.

The following resolution offered by Jackson, and seconded by Seligson:

WHEREAS, Pursuant to Act 273 of the Public Acts of Michigan, 1917 (the "Act"), the City is authorized to issue a license to a person, firm or corporation to conduct business as a pawnbroker within the City, and no person, firm or corporation may conduct business as a pawnbroker within the City without having first obtained such a license; and

WHEREAS, The Act requires payment of an annual license fee prior to issuance of a pawnbroker's license, in an amount to be established by the City at any amount not less than %50.00 or more than \$500.00; and

WHEREAS, It is necessary to establish the annual license fee in accordance with the Act.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Oak Park, Oakland County, Michigan, that:

1. The annual license fee for a Pawnbroker's License is hereby established at \$100.00 per year.
2. All resolutions inconsistent with this resolution be and hereby are rescinded to the extent of such inconsistency.

CM-02-030-12 AMENDMENT TO RESOLUTION ESTABLISHING ANNUAL PAWNBROKER LICENSE FEE - APPROVED

Motion by Duplessis, seconded by Jackson, CARRIED UNANIMOUSLY: To Amend the license fee from \$100.00 to \$400.00 under "NOW, THEREFORE, BE IT RESOLVED..." as follows:

2. The annual license fee for a Pawnbroker's License is hereby established at ~~\$100.00~~ \$400.00 per year.

MOTION DECLARED ADOPTED.

CM-02-031-12 RESOLUTION ESTABLISHING ANNUAL PAWNBROKER LICENSE FEE, AS AMENDED - ADOPTED

Motion by Jackson, seconded by Seligson, CARRIED UNANIMOUSLY: To adopt the following resolution to establish Annual Pawnbroker License Fees

CITY OF OAKPARK

OAKLAND COUNTY, MICHIGAN

At a Regular Meeting of the City Council of the City of Oak Park, Oakland County, Michigan, held in the Council Chambers located at 13600 Oak Park Boulevard, Oak Park, Michigan 48237 at 7:00 PM Eastern Standard Time, on the 6th day of February, 2012

The meeting was called to order by: Mayor McClellan

Present: Mayor McClellan, Mayor Pro Tem Jackson, Council Member Duplessis, Council Member Levine, Council Member Seligson, City Manager Fox, City Clerk Bartholomew, City Attorney Carlson.

Absent: None.

The following resolution offered by Jackson, and seconded by Seligson:

WHEREAS, Pursuant to Act 273 of the Public Acts of Michigan, 1917 (the "Act"), the City is authorized to issue a license to a person, firm or corporation to conduct business as a pawnbroker within the City, and no person, firm or corporation may conduct business as a pawnbroker within the City without having first obtained such a license; and

WHEREAS, The Act requires payment of an annual license fee prior to issuance of a pawnbroker's license, in an amount to be established by the City at any amount not less than \$50.00 or more than \$500.00; and

WHEREAS, It is necessary to establish the annual license fee in accordance with the Act.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Oak Park, Oakland County, Michigan, that:

3. The annual license fee for a Pawnbroker's License is hereby established at \$400.00 per year.
4. All resolutions inconsistent with this resolution be and hereby are rescinded to the extent of such inconsistency.

MOTION DECLARED ADOPTED.

Tonni L. Bartholomew, City Clerk

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Council of the City of Oak Park, County of Oakland, State of Michigan, at a Regular meeting held on February 6, 2012, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act

267, Public Acts of 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Tonni L. Bartholomew, City Clerk

CM-02-032-12 ORDINANCE TO AMEND CHAPTER 22, BUSINESSES, OF THE CODE OF ORDINANCE, BY ADDITION OF A NEW ARTICLE XIII, PAWNBROKERS –RECEIVE AND PLACE ON SECOND READING

Motion by Jackson, seconded by Seligson, CARRIED UNANIMOUSLY: To receive and place the Ordinance to amend Chapter 22, Businesses, of the Code of Ordinance, by addition of a new Article XIII, Pawnbrokers, on First Reading, and place the Ordinance on the February 20, 2012 Agenda for Second Reading and adoption.

Roll Call Vote: Yes, Jackson, Duplessis, Levine, Seligson, McClellan
 No, None
 Absent, None

MOTION DECLARED ADOPTED.

CM-02-033-12 ORDINANCE TO AMEND CHAPTER 30, ELECTIONS, OF THE CODE OF ORDINANCE, BY AMENDING SECTIONS 30-29, 30-30, 30-31, 30-34, 30-35, AND 30-36 THEREOF –RECEIVE AND PLACE ON SECOND READING

Motion by Levine, seconded by Jackson, CARRIED UNANIMOUSLY: To receive and place the Ordinance to amend Chapter 30, Elections, of the Code of Ordinance, by amending Sections 30-29, 30-30, 30-31, 30-34, 30-35, and 30-36 thereof, on First Reading, and place the Ordinance on the February 20, 2012 Agenda for Second Reading and adoption.

Roll Call Vote: Yes, Duplessis, Levine, Seligson, McClellan, Jackson
 No, None
 Absent, None

MOTION DECLARED ADOPTED.

CM-02-034-12 RITE AID #4352 v CITY OF OAK PARK – MTT DOCKET #391109, SETTLEMENT – APPROVED

Motion by Jackson, seconded by Levine, CARRIED UNANIMOUSLY: To approve the settlement of the Michigan Tax Tribunal Case -Rite Aid #4352 v. City of Oak Park (Docket # 391109), as presented by the City Attorney.

Roll Call Vote: Yes, Levine, Seligson, McClellan, Jackson, Duplessis
 No, None
 Absent, None

MOTION DECLARED ADOPTED

CITY MANAGER’S REPORT:

CM-02-035-12 AGREEMENT TO EXECUTE CONTRACT WITH BERKLEY SCHOOLS TO COLLECT PROPERTY TAXES – APPROVED

Motion by Levine, seconded by Duplessis, CARRIED UNANIMOUSLY: To approve the Finance Director to enter into the contract with the Berkley School District to Collect Property Taxes as follows:

1. The City agrees to collect the 2012 Summer Property Taxes for the Berkley School District; with a 1% Administrative Fee collected for this service.
2. The City agrees to remit collected funds in excess of \$100,000 on a daily basis and to remit funds collected less than \$100,000 on a weekly basis.

Roll Call Vote: Yes, Seligson, McClellan, Jackson, Duplessis, Levine
 No, None
 Absent, None

MOTION DECLARED ADOPTED.

CM-02-036-12 PAYMENT FOR FY 2010-2011 AUDIT TO POST, SMYTHE, LUTZ, AND ZIEL, LLP – APPROVED

Motion by Duplessis, seconded by Jackson, CARRIED UNANIMOUSLY: To approve the payment for the 2010-2011 Audit to Post, Smythe, Lutz, and Ziel, LLP; in the amount of \$44,500 from the following Accounts:

101-15-201-818	General Fund – Finance – Contractual Services	\$12,905
450-80-900-818	Road Construction Fund – Contractual Services	1,485
592-18-537-818	Water & Sewer Fund – Contractual Services	18,927
226-18-528-818	Solid Waste Fund – Contractual Services	11,183
		\$44,500

Roll Call Vote: Yes, McClellan, Jackson, Duplessis, Levine, Seligson
 No, None
 Absent, None

MOTION DECLARED ADOPTED.

**CM-02-037-12 PAYMENT REQUEST FROM HARLEY, ELLIS, DEVEREAUX
 (HED) FOR ARCHITECTURAL SERVICES – APPROVED**

Motion by Jackson, seconded by Levine, CARRIED UNANIMOUSLY: To postpone the Payment Application of invoices from HED for the Municipal Building Project until after a meeting has been held with HED to discuss the project.

MOTION DECLARED ADOPTED.

Council also requested that any payments to Frank Rewold & Sons, Inc. be held in abeyance with the same stipulations and that the Manager send a letter indicating Council's desires be mailed to both HED and Frank Rewold & Sons, Inc.

**CM-02-038-12 PROPOSED CHANGE ORDER NO. 1 AND PAYMENT
 APPLICATION NO 2 (FINAL) REQUEST FROM BDS
 ENVIRONMENTAL, INC. 2011 LIBRARY ASBESTOS
 ABATEMENT AND UNIVERSAL WASTE, M-542 – APPROVED**

Motion by Jackson, seconded by Levine, CARRIED UNANIMOUSLY: To approve the Change Order No. 1 to BDS Environmental, Inc. for Library Asbestos Abatement and Universal Waste, M-542, in the amount of (\$930.00) and to approve Payment Application Number 2 (final) in the total amount of \$9,048.00; with funding available in the Library and Community Center Building Bond Account # 453-59-451-801.

FINANCIAL STATEMENT:

Original Contract Amount:	\$	40,460.00
Proposed Change Order No.1	\$	(930.00)
New Contract Amount:	\$	<u>39,530.00</u>
Total Completed to Date:	\$	39,530.00
Less Retainage:	\$	0.00
Net Earned:	\$	39,530.00
Deductions:	\$	0.00
Balance:	\$	39,530.00
Payments to Date:	\$	<u>30,482.00</u>

Amount Due BDS Environmental, Inc. \$ 9,048.00

Roll Call Vote: Yes, Jackson, Duplessis, Levine, Seligson, McClellan
 No, None
 Absent, None

MOTION DECLARED ADOPTED.

CALL TO AUDIENCE:

Mayor McClellan announced that now was the time for the Call to Audience. Each speaker's remarks are a matter of public record; and the speaker, alone, is responsible for his or her comments. The City of Oak Park does not, by permitting such remarks, support, endorse, or accept the content, thereof, as being true or correct. There is a three-minute time limit per speaker.

State Representative Rudy Hobbs presented an update from Lansing. He noted that he timed his appearance between the Governor's State of the State Address and the upcoming State Budget adoption process. Representative Hobbs noted that there are a few hot topics in Lansing: Transportation, Personal Property Tax, Education. Representative Hobbs expressed his support of Transportation and stressed a need for a Regional Transportation Authority.

Council conveyed concern with the taking of local funds with no guarantee of return regardless of participation in the Governor's programs. There is concern that communities are losing their ability to provide services.

Ms. Maxine Gutfreund voiced concern with the overspending of bond funds on the Library project. She recommended the formation of a resident's bond oversight committee with 12 to 14 community members.

CALL TO COUNCIL

Mayor ProTem Jackson voiced appreciation for the nice weather and encouraged everyone to get out and enjoy the sunshine.

Council Member Duplessis indicated that he appreciated Representative Hobbs attending tonight's Council Meeting. He always appreciates updates from the County and State. He wished to remind Representative Hobbs that the City needs its money back from the State.

Council Member Levine voiced agreement with Council Member Duplessis and thanked the City Clerk's office and Oak Park School District for working together in providing the voters with the best voting locations.

Council Member Seligson also echoed the comments of Council Member Duplessis.

Mayor McClellan noted that her outfit was purchased in City of Oak Park and encouraged everyone to “Shop Oak Park”.

Recreation Director Vultaggio provided an update of Community Center Events. He encouraged everyone to look at their winter brochure to see the upcoming events and noted that the Spring/Summer brochure will be coming out soon. Recreation Director Vultaggio stated that the *Learn to Swim* program is going to be starting up soon. He encouraged parents to enroll their children in swimming classes for the child’s safety. Recreation Director Vultaggio also noted that there are a series of energy workshops, sponsored in cooperation with the City and Oakland County, being offered at the Community Center.

Public Works Director Yee provided an update of the Library reconstruction project. He noted that Phase I is complete and Phase II will soon be completed. He noted that the furniture will be installed starting on February 29th.

Council Member Levine questioned the furniture purchase and voiced concern with a deviation in the plans.

Public Works Director Yee noted that the furniture money was always in the budget and that the Council awarded the restoration contract. He stated that he will be providing a line item update to the Council in the near future.

Mayor McClellan thanked everyone for attending the meeting and wished them a good night.

There being no further business to come before the City Council, Mayor McClellan adjourned the meeting.

Meeting adjourned at 8:10 PM.

Tonni L. Bartholomew, City Clerk

Marian McClellan, Mayor

**CITY OF OAK PARK
MICHIGAN
SPECIAL CITY COUNCIL MEETING
JANUARY 23, 2012**

This Special Meeting of the City Council of the City of Oak Park was called for the purpose of reviewing the City Municipal Building Project and to review the SEMCOG Effectiveness and Collaboration Presentation.

Notice of this Special Meeting was given in compliance with the provisions of Act 267 of the Public Acts of Michigan, 1976, as amended.

The meeting was called to order at 5:30 PM by Mayor McClellan.

PRESENT: Mayor McClellan, Mayor Pro Tem Jackson, Council Member Duplessis, Council Member Levine, Council Member Seligson.

ABSENT: None.

ALSO PRESENT: City Manager Fox, City Clerk Bartholomew, City Attorney Carlson, Assistant City Manager Lemanski, Director of Public Works Yee, and Assistant City Clerk Dilworth.

SEMCOG PRESENTATION:

Mayor McClellan introduced Mr. David H. Boerger, SEMCOG Consultant, Local Government Effectiveness and Collaboration.

Mr. Boerger presented a PowerPoint presentation titled Fiscal Analysis Presentation to Oak Park City Council, dated January 23, 2012.

Council Member Levine questioned when the 2011 information will be included.

Mr. Boerger noted that the information will be included once the audits are forwarded to the State; which will occur in May or June.

MUNICIPAL BUILDING PROJECT:

Ms. Barbara McGee, the project architect from Harley Ellis Devereaux (HED), introduced the project representatives: Mr. Gene Ferrara, the Project Construction Manager from Rewold; Mr. Dennis King, Corporate Operations Officer from Harley Ellis Devereaux (HED).

Ms. McGee reviewed the Library construction project and indicated that she wished to start the presentation by discussing events from the summer when they had the DD package. She reviewed the activities and milestones that occurred from that time and brought us up to where we are today. Then we will talk about the strategies going forward. Ms. McGee indicated that she will present a summary and give it to City Council.

Ms. McGee noted that at the end of June 2011, HED presented Mayor Naftaly and the Council a DD package for the project; which was at that time, primarily City Hall and Public Safety Building. The Library and Community Center were already under construction. She stated that they presented a number of plans and finishes. Ms. McGee noted that the Final design was presented after receiving several modifications. She stated that Council, basically, gave their approval and indicated that they liked what they saw. However, the budget needed to be confirmed. Ms. McGee noted that they gave those documents to Rewald in order for them to price and estimate, to make sure that they were within budget. Ms. McGee stated that in the first part of August, 2011, Rewald present a budget in the amount of approximately \$9.2 million dollars. Ms. McGee stated that would infer that this document is what they submitted to Council and received basic approval at that time. She noted that Council authorized and directed them to go forward to finish the construction documents to allow the project to be put out for bids.

Ms. McGee discussed the HED process and design activities for the IT, audio and security elements of the project which were handled by independent contractors. She noted HED was held up waiting for the independent contractors to provide information to finalize the design. Ms. McGee stated they received the last piece of information in mid-November that allowed HED to proceed and finish the documents. She indicated that it took HED approximately 4 weeks to finish the project. The final documents were sent to

Rewald on December 16th to be put out for bids. Rewald chose to provide another estimate as opposed to putting it out for bids. Ms. McGee indicated that Rewald did their estimates. She reviewed the past process of sitting down with Rewald and reviewing their estimates to confirm them against the design prior to presenting the numbers to the City. Unfortunately, however something caused them to give the numbers directly to the City prior to HED having an opportunity to review the numbers. That estimate is the estimate that the Council received which identifies that the project is \$2 million dollars over budget.

Ms. McGee noted some things occurred in the design that added a little scope creep. She stated that Director of Public Works Yee attempted to keep a handle on those items. One of the items was the fire protection system in the evidence storage room. She reviewed the modification rational and proposed change. She noted that the change included a Vortex system which had an approximate \$135,000 cost. HED went ahead with the proposed change and got an estimate to allow the City to decide if they wished to move forward with the Vortex system or stay with the basic system since it was not a part of the original \$9.2 million dollar design. Ms. McGee noted there were a few other minor items that came about that would also cause a small amount of scope creep.

Ms. McGee noted that with those details, it was HED's understanding that after the DD approval from the Council, was to go ahead and do the project within the \$9.2 million dollar budget and get the project out for bids in order to get the project under construction. The thought is that if all had occurred in a timely fashion, the project would have begun construction around mid-December.

Ms. McGee stated that HED contacted Rewald after they received the estimates which came in with an excess of \$2 million dollars and indicated that HED needs to go over the numbers with Rewald to understand where the \$2 million dollars was coming from and to understand the items that was causing the overage.

Ms. McGee stated, it was her understanding, that Rewald identified problems with the pre-cast in October because Rewald's pre-cast contractor did not give them a price that matched the number given in the design. She went on to explain Rewald's pre-cast process.

Ms. McGee noted that HED met with Rewald a few days earlier and asked to meet with 2

of Rewald's sub-contractors that had the highest amounts of overage; pre-cast and electrical. Unfortunately, the pre-cast sub-contractor was unable to meet. HED did meet with the electrical sub-contractor and discussed their pricing. It turned out there were a number of assumptions even though they were given complete documents. Additionally, there were elements that should not have been included. It is HED's thought that a good portion of the estimate can be removed from the overage. However, there were also elements that were included in the estimate that Rewald did not include that HED believes should be part of the numbers. Overall, HED believes there will be some cost savings in that estimate. Ms. McGee noted that is the only portion of the Rewald estimate that HED reviewed with a lot of detail and they feel there are probably some savings in other areas.

Ms. McGee indicated that with all of the details present, HED is not confident that there is a \$2 million dollar overage. She also stated that when a project goes out for bid, as opposed to being estimated, competitive bidding usually brings in lower prices. She estimated a 5 to 7% difference in the numbers. She noted that, currently, we just do not know what the true numbers are. She asked for the opportunity to see where the numbers really are and allow HED to come to Council with suggestions on how to bring the project back to within the budget.

Council Member Jackson voiced appreciation for the summary and knowing that HED is going to look at the issues. She noted that bad information got out there because someone dropped the ball and it needs to be fixed.

Ms. McGee stated that is HED's goal. She stated that they want to give the highest quality for the dollar. Ms. McGee restated HED's process.

Council Member Levine noted that HED relied on Rewald's estimates to produce the design documents. Once you produced the design documents, Rewald was supposed to bid it out but instead came up with another estimate. Why did that happen?

Mr. Ferrera indicated that in October, Rewald felt that the estimate was creeping up. In November the documents were almost done and were issued on December 16th. At that point, Rewald felt that the project was close to a million dollars over budget. Rewald thought that they should get another estimate before they put the project out for bids. It is Rewald's opinion, that if the project is put out for bids while knowing that it is over

budget, and then they try to bring it back in to budget for a second attempt to solicit bids, they will lose all of the bidders because it appears there is not a true interest in the project.

Mr. Ferrera stated that Rewald knows there is a true interest to get the project started. They are proposing to put the elements project out for bids tomorrow morning. He indicated that the items that they will solicit bids for are, steel, pre-cast, and foundations with a bid due date of February 8th. When those bids come in, we will know if we are on target or if the costs are over budget. There is no anticipated delay from this point on. He explained the lead time of award and arrival of pre-cast.

Council Member Duplessis noted that Council cannot make a decision based on bids on those three items. Those items could come in well within the predicted costs and then bid the rest of the project out and those items come in sky high. He suggested that the entire project be put out for bid.

Mr. Ferrera explained the process of bidding and noted that he was able to complete the front end of the process over the weekend for those three items and would expect the mechanical and electrical to take several more days to prepare bid documentation. While the first three bids are being advertised, at the same time he will be preparing the rest of the front end documentation and get them out to bid the beginning of next week.

Mayor McClellan asked if the bids come in 7% less than estimated, will the project be within budget.

Mr. Ferrera indicated it would not.

Council Member Levine noted that Rewald recommended pre-cast because it is the more economical method of construction and asked how the pre-cast is so much higher than the estimated.

Mr. Ferrera stated that normally that is the case, however it is not working out that way on this project. He explained that it is felt the first sub-contractor's initial estimate is not a good number. It is felt that the project cannot be constructed under that estimate and the contractor cannot complete the work.

Ms. McGee indicated that they believe that the contractor was not going to build the project as it was designed. He was planning on another way to build the project which would have caused a number of other problems. Kirkstra is a premium pre-cast sub-contractor that was contacted for the second set of numbers. She noted that Kirkstra is very busy and they found out that they are a sub-contractor on another HED project, however they sub-contracted out that project and therefore HED does not know if the estimate is high. Therefore, they may not be interested in the job, maybe they are too busy to do the job or maybe they put a high price on the job because they are going to sub-contract out this job. Unfortunately, he did not attend the meeting to discuss the numbers and find out why the estimate is so high.

Mr. King noted that HED has provided Rewald with the names of several other pre-cast contractors that HED is knowledgeable of and have worked with in the past to provide competitive pricing on that portion of the project

Mr. Ferrera noted that the bids are being advertised in outside the Detroit area, such as Grand Rapids, due to the pre-cast industry having several closures in the Detroit area this past year. That may be affecting the pre-cast estimate.

Mayor McClellan asked if the project has to be redesigned to fit within the budget.

Mr. King replied that they really do not know what the real extent of the overage might be. Based on what Rewald has told them and based on where some dollars may be saved, the sense is that there are going to be areas that will need to be changed in the project, but those can vary widely depending on how much money is being talked about. A small amount of money could result in minor changes such as changes in windows or finishes or smaller items like that. A large amount of money could result in shrinking the size of the building down or something like that. In order to suggest changes, a better number on how much money is being discussed as a team.

Council Member Levine requested that before Council talks about change or value engineering, can Council get a copy of the design documents to know what is in the documents and where the scope creep is.

Ms. McGee indicated that Public Works Director Yee has several sets of the documents and they can be reprinted if you require additional sets.

Council Member Jackson inquired if they are the documents that are included in the request for bid documentation.

Mr. Ferrara indicated that they are the documents and they are dated December 16, 2011.

Council Member Duplessis confirmed the bid date at February 8th.

Mr. Ferrara noted that would be for the first three elements and the next bid will go out about 2 weeks later.

Ms. McGee noted that if the numbers come in good and if the pre-cast comes in where originally thought it should be, then the rest of the project will be much easier to make modifications.

CALL TO AUDIENCE:

Mayor McClellan noted that there was no one wishing to address Council during the Call to the Audience.

CALL TO COUNCIL:

There was no further discussion.

Mayor McClellan thanked everyone for attending.

ADJOURNMENT:

Mayor McClellan adjourned the meeting at 6:38 PM

Tonni L. Bartholomew, City Clerk

Marian McClellan, Mayor

**CITY OF OAK PARK
MICHIGAN
SPECIAL CITY COUNCIL MEETING
JANUARY 30, 2012**

This Special Meeting of the City Council of the City of Oak Park was called for the purpose of reviewing City Budget.

Notice of this Special Meeting was given in compliance with the provisions of Act 267 of the Public Acts of Michigan, 1976, as amended.

The meeting was called to order at 5:30 PM by Mayor McClellan.

PRESENT: Mayor McClellan, Mayor Pro Tem Jackson, Council Member Duplessis, Council Member Levine-arrived at 5:32 PM, Council Member Seligson.

ABSENT: None.

ALSO PRESENT: City Manager Fox, City Clerk Bartholomew, City Attorney Carlson, Assistant City Manager Lemanski, Finance Director Ghedotte, and Deputy Public Safety Director Cooper

CLOSED SESSION – ATTORNEY CLIENT COMMUNICATIONS AND COLLECTIVE BARGAINING

SCM-01-023-12 CLOSED SESSION

Motion by Seligson, seconded by Duplessis, **CARRIED UNANIMOUSLY:** To go into Closed Session, for the purpose of considering Attorney/Client Privilege Communications and Collective Bargaining, pursuant to Section 8 of the Open Meetings Act.

Roll Call Vote: Yes, Jackson, Duplessis, Levine, Seligson, McClellan
No, None
Absent, None

The meeting recessed at 5:32 PM to meet in Closed Session.

The Special Council meeting reconvened in Open Session at 6:37 PM.

BUDGET:

City Manager Fox indicated that placed on the table tonight is a five year projection of General Fund which goes out to FY 2016-17.

Finance Director Ghedotte stated that the additional information provided on the table is a listing of employees that are not AFSCME, POAM or Command Union Personnel, and the General Fund – Analysis of Transfers which shows the money transferred from the General Fund to other funds. The largest of which is the Court. He explained the process used to create the documents.

Finance Director Ghedotte noted that he took this year's numbers and changed two variables. In FY12-13 the variable he changed was the reduction in the property tax. For the other two years, he noted that he put a 5% reduction as indicated by the gentleman from SEMCOG. Finance Director Ghedotte continued his review of the documents. He also referenced a potential change by the Legislature that will force the use of foreclosed properties in calculation of assessments in the future. That variable is not considered in the numbers. Finance Director Ghedotte noted that there are several variables; however it becomes very difficult to incorporate all of those in the forecast. He referenced an increase to potential increases with Blue Cross Blue Shield and the contributions to retirement.

Finance Director Ghedotte stated that if the City does nothing, the General Fund will be out of cash. He stated that the General Fund is the only fund that will be out of money and he noted that with the increases to the Water and Sewer Fund over the past several years, that fund is in good shape. The Major and Local Street Funds are in good shape. Finance Director Ghedotte stated that the City will have to look at reducing some of the services in the Solid Waste Fund or raise revenue. He referenced a fee placed on Water Bills for refuse and noted that Council will have to look at the policy issue, do they wish to reduce some of the services or do they wish to increase fees. Finance Director

Ghedotte noted that the fee includes pick-up and removal of garbage, but also included is the pick-up and removal of leaves. The elimination of the leaf program would not be a dollar for dollar cut, because the elimination of the service does not eliminate the removal of the leaves which would be bagged and placed by the curb. He noted that the fund could be closed down and the service could be privatized similarly to other communities. He indicated that he did not think that the City needed to go that drastic, but areas will have to be looked at for reductions.

Finance Director Ghedotte noted the Council has to determine how they want to come up with the savings and referenced a 10% cut across the board. He noted that he and the City Manager are looking at alternatives and noted that an option might be to raise the revenue. The City Attorney has requested to look at special assessing street lighting, which would be a tax increase. There is a little room under the Headlee limit that the City could ask the residents for an increase.

City Attorney Carlson noted that that there about a half mill for the General Fund, a half mill for the Library and about a half mill for solid waste. If you did all of them, you could get about 2 mills.

Council Member Duplessis asked what the savings would be for the elimination of the leaf pick-up program.

Mayor ProTem Jackson indicated that would amount to about \$100,000.

City Manager Fox agreed with the amount and noted that the City would still have to pay for the pick-up of the bagged leaves.

Finance Director Ghedotte noted that for the last two years the City has not taken any money out of the General Fund to fund the Motor Pool, but we have continued to take money out of the fund and purchase vehicles. That is another concern that will need to be addressed. The Motor Pool was run this year at approximately a \$200,000 deficit. The Motor Pool will need to be funded from the General Fund again. Finance Director Ghedotte explained the Motor Pool and noted that it is for Police cars and all other City vehicle purchase and repairs. He explained how the account is cost back to the fund that uses the vehicle.

Mayor ProTem Jackson noted that she is aware of the situation and asked if there is a strategy. She asked if Council is going to be provided with options to choose from or are you looking for Council to come up with solutions?

City Manager Fox noted that they have a strategy, but it does not appear to be something that Council wishes to do. He referenced reorganization of Public Safety and noted there should be some savings available. He stated that they have looked at trying to consolidate the operations totally into the Community Center. City Manager Fox stated that given the cuts the City has, he does not know how the City will heat and light, nor have that many bodies on the administrative side to have another building. He noted that it was proposed and was not received well. City Manager Fox noted that this is a serious problem and that is his recommendation.

City Manager Fox stated that in the end, there are not going to be many people left in City Hall and we need to be in the same building. He stated that if he has to wait on the counter, then he will wait on the counter. The functions are not going to be the same. If everyone is in the same building and people are crossed trained, they will have to collect water bills, collect tax bills, wait on Parks and Recreation and perform multi functions. He stated that he wishes the City could continue down the other path, but things have changed and have gotten bad. He believes that Council has to look at the direction we are going.

Council Member Levine asked if there are re-organization plans from other departments. We have Public Safety and we should have information from other departments before taking any action.

City Manager Fox noted that the situation has to be reviewed in pieces. You have looked at the biggest piece of the pie with Public Safety. If you are willing to look at what he just proposed with the Community Center, then he can put a plan together.

Council Member Duplessis stated that the two are different; you are looking at apples and oranges. We have the funding already approved for the building. We are talking about budgetary items right now, personnel, which is the bulk of the expenses.

City Manager Fox stated that the personnel are not going to be there. He questioned the need for a building that has to be heated and lit and there will be no people in it.

Council Member Duplessis stated that the building was proposed to save money, to consolidate, save on maintenance, save on efficiencies, and save on utilities. He requested to look at one thing at a time.

City Manager Fox stated that he cannot put together a plan when you have people at different buildings.

Council Member Levine noted that services can be consolidated in the one building.

City Manager Fox stated that the City does not have any capital. That people will have to be laid off to buy Police cars.

Council Member Levine noted that there is a bond that has been approved by the people. There is a building plan that has been approved by the Council. Council has to look to the future. There has to be an exit plan for 2015. If Council crumples down and does not have an exit plan for past this down time, then Council is not doing anyone a service because there will not be a City left.

City Manager Fox indicated that the City has to survive first.

Council Member Levine stated that we are talking about a building that can house all of the operations. We have computers and you do not have to go to the Recreation Department to register for a class. We are building a community services building. We can have all of the functions, a one-stop shop there. There is no reason that we have to staff the other buildings. We talked about this long ago when we talked about moving the Recreation offices into the Library. They can be moved just as easily into this building. A building that has money set aside for construction, money which cannot be used for anything else and is a building that is expected by our residents. The building will also give us flexibility in 2015 and beyond. Council Member Levine noted that the improvements can be made to the Community Center later on, but right now we are talking about losing valuable community space. If we cannibalize the building, we are taking something that cannot be given back.

Council Member Duplessis stated that this discussion is premature because the bids are supposed to be received on February 8th. He recommended looking at the bids and then

re-evaluate the situation. Council Member Duplessis indicated that he is not seeing anyone wishing to abandon the building.

City Manager Fox noted that it is fine to wait. He stated that Council asked him to give his opinion and that is what he has done. He noted that he has not changed his mind and does not think we should continue down a path that makes no sense.

Council Member Seligson stated that he does not have enough information to make a decision.

City Manager Fox stated that if we are looking at approximately \$2.5 million dollars, and let us say we cut 10 out of Public Safety, then you have 15 people administratively. If you look at the paper that shows the non-union, exempt staff available, there are not that many people. So when the dust settles, there are not going to be that many people left.

Council Member Levine questioned the administrative people at the building on Capital and if those people will be brought over to City Hall. He questioned if the building will be closed.

City Manager Fox indicated that the DPW will still be there but there will be two staff members that will come over to the City Hall, if they are still here.

City Manager Fox stated that it is a very big hole and he understands it is not easy. He understands we started going in one direction and it is difficult to change, but, in his opinion that is the direction the City needs to go.

Council Member Levine questioned the Public Safety building.

City Manager Fox stated that everything is under consideration.

Mayor ProTem Jackson asked if the transfer out to the Court has been considered.

City Manager Fox stated that what he recommended a month ago to look at the pieces first and then figure out where to go with the General Fund. We know the Court has "X" amount of dollars and they are going to have to figure out how they are going to make it work. Parks and Recreation has to be self-sufficient. The Library has to be self-sufficient.

It will not be easy, but those are things that have to be taken out and amount to about \$500,000. That is \$500,000 less. He noted that if there are 10 people reduced on the Public Safety side, which equates to about \$1,000,000 there. We will be up to about \$1,500,000. We are still are at about a million and that will be administrative staff.

Council Member Levine asked if there is a proposal from DPW similar to the proposal from Public Safety and noted that Council needs to see that type of report.

City Manager Fox noted that is not the problem right now.

Council Member Levine noted that if we are only talking administrative, we are causing problems for our residents. As noted in the SEMCOG report, you do not just cut people on the front line, because you will be left with no service.

City Manager Fox stated things are bad in Oak Park and things are going to change and either we make the changes here and if we do not make the changes, then the State is going to come in and make the changes.

Council Member Duplessis stated that he is disappointed that discussions do not stay on the budget. They jump off the budget and get re-directed to the building.

City Manager Fox noted that the discussions are inter-related.

Council Member Duplessis stated that they are two different pocket books and City Manager Fox disagreed.

Mayor ProTem Jackson stated that Council does not have enough information to make decisions.

City Manager Fox stated he does not know more information to give them and asked what the information they want is.

Mayor ProTem Jackson asked for a plan that reorganizes every single department.

City Manager Fox noted to do that; they will be in one building.

Council Member Levine asked to see the plan first.

City Manager Fox asked if Council sees the magnitude to the problem.

Mayor ProTem Jackson indicated that they have seen the magnitude for about a year and they saw the magnitude before even going out for a new building. But, as elected officials, Council has to think farther than balancing the budget next year or the year after that. Council has to think about what the citizens need and want, about the future of the City's physical plan.

City Manager Fox stated he does not disagree, but in his opinion he does not feel the citizens care about the City Hall. Most people do not even go to City Hall.

Mayor ProTem Jackson stated they would not have gone to the polls and voted for a new City Hall if they did not care about City Hall.

Mayor McClellan stated they were looking at playgrounds and parks, they were not looking at a huge new building when they voted.

Council Member Duplessis disagreed and noted that the people that he talked with new exactly what they were voting for and they were ecstatic when it passed.

Mayor McClellan stated that the people that called her indicated that if there are going to be lay-offs, they are second thinking the building project.

Council Member Levine asked the Mayor if she is of the position that the project should be killed.

Mayor McClellan stated that she is of the opinion that we have to look at it very carefully. She is trying to restructure the project so it is not \$2,000,000 in the hole. She stated if we did what the people really wanted, we would put the money in the Recreation Center because that is where the people go.

Council Member Duplessis stated that many of the people are not from Oak Park.

Mayor ProTem Jackson stated that you cannot change what the people have voted for.

Discussion continued on things that put the Library project over budget.

Council Member Seligson noted there is not a consensus. There are two issues; there is an intersection between the two issues. We need to see a plan.

City Manager Fox noted that he will put together the information and have them ready for discussion in a few days. It was noted that the bids will be in on February 8th and noted that he will try to have everything ready for February 13, 2012.

Council Member Seligson stated that he was very unhappy with the Architect and Construction Manager.

City Attorney Carlson reminded Council should they desire to place a question on a May Election, the language will have to be approved before the end of February.

CALL TO AUDIENCE:

Mayor McClellan noted that there was no one wishing to address Council during the Call to the Audience.

CALL TO COUNCIL:

There was no further discussion.

Mayor McClellan thanked everyone for attending.

ADJOURNMENT:

Mayor McClellan adjourned the meeting at 7:25 PM

Tonni L. Bartholomew, City Clerk

Marian McClellan, Mayor

AGENDA ITEM
#6

February 20, 2012

Mayor and City Council
City of Oak Park
Oak Park, MI

Re: Agenda Communications

Dear Mayor and Council:

Item #6A (1) Douglas Johnson, request for appointment to Recreation Advisory Board, Arts and Cultural Commission, Ethnic Advisory Commission.

It is recommended that this application be received and retained in the City Clerk's office, pending City Council review.

Item #6A (2) Andrea Stawis, 26190 Harding, request for appointment to Recreation Advisory Board, Library Authority, Beautification Advisory Commission.

It is recommended that this application be received and retained in the City Clerk's office, pending City Council review.

Item #6A (3) Juanita Bell, 15311 Park, request for appointment to Recreation Advisory Board, Independence Day Commission, Ethnic Advisory Commission.

It is recommended that this application be received and retained in the City Clerk's office, pending City Council review.

Item #6A (4) A request from Wadi Qonja, on behalf of A Plus Check Cashing, 22118 Coolidge, requesting permission to continue display one 30sq ft temporary banner

reading, "Income tax, Rapid Refund, Cashed at 1.99%". With Council approval, the temporary banner will continue to be displayed beginning February 17, 2012 for thirty days.

Approval is recommended based on the criteria outlined in the Sign Section of the zoning Ordinance; the applicant's request does meet the City's standards for the necessity of a temporary sign.

Item#6C (1) A request from Ferndale Musical Boosters, Ferndale High School, to use Marquee on March 17 – March 25, 2012 to inform residents of Grease Musical.

All of the dates requested are available.

Respectfully Submitted,

Richard Fox
City Manager

MERCHANT'S LICENSES – February 20, 2012

(Subject to All Departmental Approvals)

<u>MERCHANT</u>	<u>ADDRESS</u>	<u>FEE</u>
<u>INITIALS – 2012</u>		
Auto Metal Craft, Inc	10230 Capital	\$100.00
Auto Metal Craft, Inc	10240 Capital	\$100.00
Auto Metal Craft, Inc	12721 Capital	\$100.00
Auto Metal Craft, Inc	12741 Capital	\$100.00
Dollface Studio	21700 Greenfield #430	\$100.00
Goldcraft by Aznavour Design	21700 Greenfield #419	\$100.00
N'Visibile Setting Salon	21700 Greenfield #462	\$100.00
Styles From Above	21700 Greenfield #475	\$100.00
<u>RENEWALS – 2012</u>		
Ace Home Care	15301 Nine Mile	\$125.00
Dance with me Program DBA Fem Fatale Dance Studio	25250 Greenfield	\$150.00
Designer Suite	23130 Coolidge	\$125.00
Dollar General	12720 Nine Mile	\$125.00
Happy Day's Educational Center	10160 Nine Mile	\$125.00
J Squared Salon Co.	23300 Greenfield #300	\$125.00
Morrison Management	15106 Ten Mile	\$125.00
New Northend Market	21601 Coolidge	\$150.00

Professional Beauty Center	23150 Coolidge	\$125.00
Salon Ale-Theia	8720 Nine Mile	\$150.00
Total One Resources	23300 Greenfield #104	\$150.00
Trend Express Market	8580 Nine Mile	\$125.00
Zeune Michigan Storage Center	15300 Eight Mile	\$125.00

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

Resolution Approving Payment of Fees

WHEREAS, the City Attorney has performed services for the City of Oak Park for the month of January 2012 and has submitted bills for such services.

WHEREAS, the City Attorney may be entitled to receive compensation for such services;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Oak Park, Michigan that the following bills of the City Attorney are approved for payment from the appropriate funds, including the bill for base retainer services in accordance with the contract for such services:

Neighborhood Stabilization Program	600.30
2009 Tax Tribunal Appeals	840.13
2010 Michigan Tax Tribunal Appeals	622.90
2010 Bond Issue Construction	574.70
Hock/Gadd v City of Oak Park	1,374.90
Roger Lakin v City of Oak Park	1,116.00
State Revenue Sharing Litigation	5,632.44
10 & Scotia, LLC v Oak Park	1,316.50
Base Retainer Services for February 2012	<u>6,750.00</u>

Total \$18,827.87

Ayes:

Nays:

Absent:



BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN

AGENDA OF: February 20, 2012

AGENDA #

SUBJECT: Report on bids for the demolition of three City-owned Neighborhood Stabilization Program (NSP) homes and one condemned home using NSP Three funds.

DEPARTMENT: Technical & Planning Services, Planning Division

SUMMARY: On February 2, 2012, bids were received for the demolition of three City-owned NSP homes and one condemned home using Neighborhood Stabilization Program (NSP) Three funds. The low bidder, Cassino Building & Development of Sterling Heights, submitted a bid of \$25,108.00. All contractors submitting bids were pre-screened to determine if they met federal guidelines. The demolition project is eligible for re-imbursement through Neighborhood Stabilization Program Three funds.

BUDGET: \$60,000.00

RECOMMENDED ACTION: It is recommended that the contract for the demolition of three City-owned Neighborhood Stabilization Program (NSP) homes and one condemned home using NSP 3 funds, be awarded in the amount of \$25,108.00, with the contract being subject to final approval by the City Attorney.

APPROVALS:

City Manager: _____

Department Director: _____

Finance Director: _____

EXHIBITS: Bid tab

BID TABULATION

Proposals for:

Demolition of 13071 Burton Ave., 14011 Ten Mile Rd., 23130 Webster Ave., 10130 Albany Ave.

Proposals Due:

Thursday February 2, 2012 To Be Opened 9 am February 3, 2012

ITEM	DESCRIPTION	Able Demolition 5675 Auburn Rd. Shelby Twp. 48317 586-997-3366	Blue Star Inc. 23894 Amber Ave. Warren 48089 586-427-9933	Cassino Building & Development 42732 Van Dyke Ave. Sterling Heights 48314 586-323-6446	TOTAL AMOUNT
1	Price for all 4 properties	TOTAL AMOUNT \$31,809.00	TOTAL AMOUNT \$33,200.00	TOTAL AMOUNT \$25,108.00	

Burton Ave. includes a stump and tree, Webster includes sidewalk and approach, Albany includes tree. Six contractors were invited to bid only
Notes: three showed up and returned bids.

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

**AN ORDINANCE TO AMEND ARTICLE II, VOTING PRECINCTS, OF CHAPTER 30,
ELECTIONS, OF THE CODE OF ORDINANCES, CITY OF OAK PARK, BY
AMENDING SECTIONS 30-29, 30-30, 30-31, 30-34, 30-35, AND 30-36 THEREOF.**

THE CITY OF OAK PARK ORDAINS:

SECTION 1. Section 30-29 of Article II, Voting Precincts, of Chapter 30, Elections, of the Code of Ordinances of the City of Oak Park, is hereby amended to read as follows:

Sec. 30-29. Precinct 3.

(a) Precinct 3 shall include the following area: Beginning at the intersection of Greenfield Road and Oak Park Boulevard; thence north along the centerline of Greenfield Road to the centerline of I-696; thence east along the centerline of I-696 Road to the westerly boundary of Lincolnbriar Subdivision, according to the plat thereof as recorded in Liber 111, p. 29 of Plats, Oakland County Records; thence north along the westerly boundary of Lincolnbriar Subdivision to the centerline of Lincoln Street; thence east along the centerline of Lincoln Street to the easterly boundary of Lincolnbriar Subdivision, according to the plat thereof as recorded in Liber 111, p. 29 of Plats, Oakland County Records; thence south along the easterly boundary of Lincolnbriar Subdivision to the centerline of I-696; thence west along the centerline of I-696 to the westerly boundary of certain property having a Tax Parcel ID number of 52-25-19-376-018, which boundary is approximately on a line with the west side of Briar Drive extended in a southerly direction; thence south along the westerly boundary of the said property to the centerline of Ten Mile Road; thence east along the centerline of Ten Mile Road to the centerline of Church Street; thence south along the centerline of Church Street to the centerline of Oak Park Boulevard; thence west along the centerline of Oak Park Boulevard to the point of beginning.

(b) Place of voting: Pepper Elementary School, 24301 Church.

SECTION 2. Section 30-30 of Article II, Voting Precincts, of Chapter 30, Elections, of the Code of Ordinances of the City of Oak Park, is hereby amended to read as follows:

Sec. 30-30. Precinct 4.

(a) Precinct 4 shall include the following area: Beginning at the intersection of Nine Mile Road and Sussex Street; thence north along the centerline of Sussex Street to the centerline of Rosemary Boulevard; thence west along the centerline of Rosemary Boulevard to the centerline of Marlow Street; thence north along the centerline of Marlow Street to the centerline of Oak Park Boulevard; thence east along the centerline

of Oak Park Boulevard to Church Street; thence north along the centerline of Church Street to the centerline of Ten Mile Road; thence east along the centerline of Ten Mile Road to the centerline of Coolidge Highway; thence south along the centerline of Coolidge Highway to the centerline of Nine Mile Road; thence west along the centerline of Nine Mile Road to the point of beginning.

- (b) Place of voting: Pepper Elementary School, 24301 Church.

SECTION 3. Section 30-31 of Article II, Voting Precincts, of Chapter 30, Elections, of the Code of Ordinances of the City of Oak Park, is hereby amended to read as follows:

Sec. 30-31. Precinct 5.

- (a) Precinct 5 shall include the following area: Beginning at the intersection of Coolidge Highway and Oak Park Boulevard; thence north along the centerline of Coolidge Highway to the centerline of Ten Mile Road; thence east along the centerline of Ten Mile Road to the easterly boundary of Pine Village Condominiums, Oakland County Condominiums Plan No. 1113 according to the Master Deed thereof as recorded at Liber 18597, p. 791 of Plats, Oakland County Records; thence south along the easterly boundary of Pine Village Condominiums and the easterly boundary of Palmer Woods Manor Subdivision according to the Plat thereof as recorded at Liber 93, pp. 5-6 of Plats, Oakland County Records, to the northerly boundary of Practical Subdivision No. 3, according to the plat thereof as recorded at Liber 66, p. 9 of Plats, Oakland County Records; thence west along the northerly boundary of said Practical Subdivision No. 3 and the northerly boundaries of Practical Subdivision No. 2 according to the plat thereof as recorded at Liber 65, p. 35 of Plats, Oakland County Records, and Practical Subdivision No. 1 according to the Plat thereof as recorded at Liber 66, p. 8 of Plats, Oakland County Records to the centerline of Scotia Road; thence south along the centerline of Scotia Road to the centerline of Oak Park Boulevard; thence west along the centerline of Oak Park Boulevard to the point of beginning.
- (b) Place of voting: Oak Park Preparatory Academy, 23261 Scotia.

SECTION 4. Section 30-34 of Article II, Voting Precincts, of Chapter 30, Elections, of the Code of Ordinances of the City of Oak Park, is hereby amended to read as follows:

Sec. 30-34. Precinct 8.

- (a) Precinct 8 shall include the following area: Beginning at the intersection of Eight Mile Road and Coolidge Highway; thence north along the centerline of Coolidge Highway to the centerline of Oak Park Boulevard; thence east along the centerline of Oak Park Boulevard to the centerline of Scotia Road; thence south along the centerline of Scotia Road to the centerline of Nine Mile Road; thence east along the centerline of Nine Mile Road to the centerline of Rosewood Street; thence south along the centerline of Rosewood Street to the south City limits; thence west along the south City limits to the

centerline of Meyers Road; thence south along the centerline of Meyers Road to the centerline of Eight Mile Road; thence west along the centerline of Eight Mile Road to the point of beginning.

- (b) Place of voting: Oak Park Preparatory Academy, 23261 Scotia.

SECTION 5. Section 30-35 of Article II, Voting Precincts, of Chapter 30, Elections, of the Code of Ordinances of the City of Oak Park, is hereby amended to read as follows:

Sec. 30-35. Precinct 9.

- (a) Precinct 9 shall include the following area: Beginning at the intersection of Eight Mile Road and the centerline of Stratford Street, extended south; thence north on Stratford Street extended and Stratford Street to the centerline of Marlow Street; thence north along the centerline of Marlow Street to the centerline of Stratford Street; thence north along the centerline of Stratford Street to the centerline of Nine Mile Road; thence east along the centerline of Nine Mile Road to the centerline of Coolidge Highway; thence south along the centerline of Coolidge Highway to the centerline of Eight Mile Road; thence west along the centerline of Eight Mile Road to the point of beginning.
- (b) Place of voting: Oak Park Community Center, 14300 Oak Park Boulevard.

SECTION 6. Section 30-36 of Article II, Voting Precincts, of Chapter 30, Elections, of the Code of Ordinances of the City of Oak Park, is hereby amended to read as follows:

Sec. 30-36. Precinct 10.

- (a) Precinct 10 shall include the following area: Beginning at the intersection of Eight Mile Road and Greenfield Road; thence north along the centerline of Greenfield Road to the centerline of Oak Park Boulevard; thence east along the centerline of Oak Park Boulevard to the centerline of Marlow Street; thence south along the centerline of Marlow Street to the centerline of Rosemary Boulevard; thence south along the centerline of Rosemary Boulevard to the centerline of Sussex Street; thence south along the centerline of Sussex Street to the centerline of Nine Mile Road; thence west along the centerline of Nine Mile Road to the centerline of Stratford Street; thence south along the centerline of Stratford Street to the centerline of Marlow Street; thence south along the centerline of Marlow Street to the centerline of Stratford Street; thence south along the centerline of Stratford Street and Stratford Street extended to Eight Mile Road; thence west along the centerline of Eight Mile Road to the point of beginning.
- (b) Place of voting: Oak Park Community Center, 14300 Oak Park Boulevard.

SECTION 7. 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 8. EFFECTIVE DATE.

This Ordinance shall become effective ten (10) days from the date of its passage for all elections conducted in the City of Oak Park beginning with the Primary Election preceding the 2012 November General Election, and shall be published as required by the Charter of the City of Oak Park.

MADE, PASSED, AND ADOPTED by the Council of the City of Oak Park on this ____ day of February, 2012.

Tonni L. Bartholomew
City Clerk

Marian McClellan
Mayor

I, Tonni L. Bartholomew, duly authorized Clerk of the City of Oak Park, Michigan do hereby certify that the foregoing Ordinance was adopted by the Council of the City of Oak Park at its Regular meeting held on February ____ 2012.

Tonni L. Bartholomew, City Clerk

SHIFMAN & CARLSON, P.C.

31700 MIDDLEBELT ROAD, SUITE 126
FARMINGTON HILLS, MICHIGAN 48334
TELEPHONE: (248) 406-0620 • (800) 799-8851 • TELECOPIER: (248) 406-0218

JOHN A. CARLSON
E-MAIL: jcarlson@shifmancarlsonlaw.com

71001.012

February 15, 2012

OUR FILE NUMBER

Mayor and Council
City of Oak Park
13600 Oak Park Boulevard
Oak Park, MI 48237

Re: Proposed Ordinance for Licensing Pawnbrokers

Honorable Mayor and Council:

As discussed in my letters to you dated January 30, 2012 and January 31, 2012, state statute authorizes the City to license pawnbrokers directly. The ordinance I drafted followed state law exactly, apart from slight modifications to incorporate local practices and procedures. As earlier indicated, state law establishes a "suitable person" standard for an individual to be eligible to obtain a pawnbroker license. Initially I was hesitant to go beyond the statute to define that term, but on further reflection realized that we would of necessity be interpreting it every time we decided whether or not to issue a license, and it made sense to delineate that interpretation in the ordinance, thereby avoiding claims that we had no standard and were operating in an arbitrary and capricious manner.

In an older decision, the Michigan Supreme Court upheld an ordinance giving "rigid control" to cities in both requiring and regulating pawnbroker licenses. *City of Grand Rapids v. Max Braudy*, 105 Mich. 670 (1895). The Court reasoned that in such circumstances it is necessary to allow the city to determine what criteria should be applied in deciphering these standards, as they are better equipped to know the circumstances of the particular city. *Id.* at 675. The Supreme Court has further indicated their view that the business of pawnbroker is "a fit subject for strict regulation" due to the frequency of unscrupulous, and even criminal, persons oftentimes being engaged in the business. *Rassner v. Federal Collateral Society, Inc.*, 299 Mich. 206 (1941).

As a result of the foregoing decisions, which suggest that the key characteristics of a "suitable person" for this purpose relate to honesty and integrity, we have drafted language expanding on the grounds for denial of a pawnbroker license, in essence, defining "suitable person" in the negative. If this language is acceptable, the ordinance may be put on second reading and final adoption.

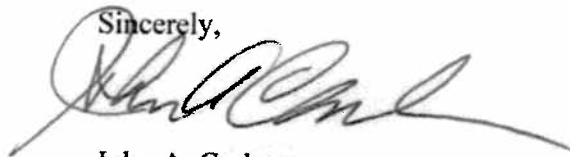
We have also further reviewed the suggestion of increasing the bond in order to obtain a pawnbroker license and decided that the City may not increase the size of the required bond.

Mayor and Council
City of Oak Park
February 15, 2012
Page 2

The statute itself explicitly sets the required bond amount at \$3,000.00, with at least 2 sureties. The bond is to be "conditioned for the faithful performance of the duties and obligations pertaining to the conduct of the business and for the payment of all costs and damages incurred by any violation of this act." Public Act No. 273 of 1917 (MCL 446.202). In my view, the statute leaves no room for an increased or decreased bond amount.

I will be available if you have additional questions or would like to discuss this matter at greater length.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Carlson", written over a horizontal line.

John A. Carlson

JAC/rb

xcs: Richard Fox, City Manager
Kevin Rulkowski, City Planner
Tonni Bartholomew, City Clerk

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

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 22, BUSINESSES, OF THE CODE OF ORDINANCES, CITY OF OAK PARK, BY THE ADDITION OF A NEW ARTICLE XIII, PAWNBROKERS.

THE CITY OF OAK PARK ORDAINS:

SECTION 1. Chapter 22, Businesses, of the Code of Ordinances, City of Oak Park, is hereby amended by the addition of a new Article XIII, Pawnbrokers, which shall read as follows:

ARTICLE XIII. PAWNBROKERS

Sec. 22-520. License Required.

- (a) A person, corporation or firm shall not conduct business as a pawnbroker in this city without having first obtained from the mayor a license under this Article that authorizes that person, corporation, or firm to conduct that business. This subsection does not require an internet drop-off store complying with subsection (c) of this section, or a person engaged in the sale, purchase, consignment, or trade of personal property or other valuable thing personally, to obtain a license under this Article.
- (b) Licensure under either or both of the following acts does not exempt a person from obtaining a license under this Article:
 - (1) The precious metal and gem dealer act, Public Act No. 95 of 1981 (MCL 445.481 et seq.), and Chapter 22 of this Code.
 - (2) Public Act No. 350 of 1917 (MCL 445.401 et seq., Secondhand Dealers and Junk Dealers).
- (c) An internet drop-off store in compliance with the following conditions is exempt from licensure as a pawnbroker under this Article:
 - (1) Has a fixed place of business within this state except that the pawnbroker exclusively transacts all purchases or sales by means of the internet and the purchases and sales are not physically transacted on the premises of that fixed place of business.
 - (2) Has the personal property or other valuable thing available on a website for viewing by photograph, if available, by the general public at no charge, which website shall be searchable by zip code or state, or both. The website viewing shall include, as applicable, serial number, make, model, and other unique

identifying marks, numbers, names, or letters appearing on the personal property or other valuable thing.

- (3) Maintains records of the sale, purchase, consignment, or trade of the personal property or other valuable thing for at least two years, which records shall contain a description, including a photograph, if available, and, if applicable, serial number, make, model, and other unique identifying marks, numbers, names or letters appearing on the personal property or other valuable thing.
- (4) Provide the ~~police department~~ **department of public safety** with any name under which it conducts business on the website and access to the business premises at any time during normal business hours for purposes of inspection.
- (5) Within 24 hours after a request from the ~~police department~~ **department of public safety**, provide an electronic copy of the seller's or consignor's name, address, telephone number, driver license number and issuing state, the buyer's name and address, if applicable, and a description of the personal property or other valuable thing as described in subsection (c)(3) of this section. The provision of information shall be in a format acceptable to the ~~police department~~ **department of public safety** but shall at least be in a legible format and in the English language.
- (6) Provide that payment for the personal property or other valuable thing is executed by means of check or other electronic payment system, so long as the payment is not made in cash. No payment shall be provided to the seller until the item is sold.
- (7) Immediately remove the personal property or other valuable thing from the website if the ~~police department~~ **department of public safety** determines that the personal property or other valuable thing is stolen.

Sec. 22-521. Issuance.

The City Clerk, on behalf of the Mayor, may grant to any suitable person, aged 18 or older, a license authorizing such person to carry on the business of a pawnbroker, subject to the provisions of this Article. No such license will be issued except upon certification of the Director of Public Safety.

The following grounds may be considered to deny issuance of a pawnbroker license to an applicant therefor:

- 1. Intentional misrepresentation by the applicant in the application;**
- 2. The applicant has a felony conviction within the past ten years of a crime involving theft, fraud, dishonesty, misrepresentation, or deceptive trade practices; or multiple convictions over a more extended period of time exhibiting a pattern of dishonest or deceptive behavior;**

3. The applicant does not meet the requirements for obtaining a precious metal and gem dealer license under Public Act No. 95 of 1981 (MCL 445.481 et seq.), and Chapter 22 of this Code;
4. A pawnbroker or an agent or employee of a pawnbroker who violates the provisions of Chapter 22 of this Code or is convicted of a misdemeanor under Public Act No. 273 of 1917 (MCL 446.201 et. seq.) or under Section 535 of the Michigan Penal Code, 1931 P.A. 328, MCL 750.535, shall not be permitted to operate as a pawnbroker within the City for a period of one year after conviction; and
5. The applicant has a reputation in the community for engaging in conduct involving dishonesty, fraud, deceit, misrepresentation, or violations of the criminal law, where such conduct reflects adversely on the individual's honesty, trustworthiness, or integrity.

Sec. 22-522. Fee and bond.

No pawnbroker's license shall be issued to any person applying therefor until the person pays to the city clerk an annual license fee in an amount not less than \$50.00 nor more than \$500.00, as prescribed by resolution of the city council, and gives a bond to the city in its corporate name, in the penal sum of \$3,000.00 with at least two sureties, to be approved by the city council as a condition for the faithful performance of the duties and obligations pertaining to the business and for the payment of all costs and damages incurred by any violation of this article.

Sec. 22-523. Place of business designated.

A pawnbroker's license shall designate the particular place in the city where the license holder shall carry on business, and no person receiving a pawnbroker's license shall carry on the license holder's business in any other place than the one designated in the license.

Sec. 22-524. Transferability.

The license issued under this Article shall not be transferable.

Sec. 22-525. Term.

The license issued pursuant to this Article shall be for the period of one year from the date of issuance, subject to the provisions of section 22-43 of this Code, unless sooner revoked for cause.

Sec. 22-526. Revocation.

Upon the conviction of any person doing business as a pawnbroker for a violation of this article or upon the conviction of any clerk, agent, servant or employee of any such person, the license of such person shall forthwith be revoked and no part of the license fee of such person shall be returned to the pawnbroker. The city shall not issue a license as a pawnbroker to that person for the period of one year from the date of the revocation.

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

MADE, PASSED AND ADOPTED by the Council of the City of Oak Park, on this day of _____, 2012.

TONNI BARTHOLOMEW
City Clerk

MARIAN McCLELLAN
Mayor

I, TONNI BARTHOLOMEW, the duly authorized Clerk of the City of Oak Park, Michigan, do hereby certify that the foregoing ordinance was adopted by the Council of the City of Oak Park at its regular meeting held on _____, 2012.

TONNI BARTHOLOMEW, City Clerk

**CITY OF OAK PARK, MICHIGAN
BOARD OF REVIEW MEETING
Tuesday, December 13, 2011**

The Board of Review convened at 5:03 p.m.

Present: Chairperson – Herschel Goldstein
 Member – Phyllis Mackay
 Member – Louis Landau

Also Present for all Cases: Assessor – Martin D. Bush

Absent: None

Case 1A-C

**52-25-29-326-015
Amy Sue Greenhut
13030 Oak Park Blvd
Oak Park, MI 48237**

The 2010, 2009 & 2008 taxable values on this property should be re-capped, due to a clerical error or mutual mistake of fact.

Motion by MACKAY, supported by LANDAU:

To revise the 2010 taxable value from \$37,900 to \$33,240, the 2009 taxable value from \$49,500 to \$33,350 & the 2008 taxable value from \$56,400 to \$31,950, due to a clerical error or mutual mistake of fact.

**YES: GOLDSTEIN, MACKAY, WATSON
NO: NONE**

Case 2

**52-25-19-351-046
City of Oak Park
Vacant
Oak Park, MI 48237**

The 2011 assessed and taxable values on this property should be revised, in accordance with The General Property Tax Act of 1893, PA 206, Sections 211.78k(6) and 211.78m(13).

Motion by MACKAY, supported by LANDAU:

To revise the 2011 assessed & taxable values from \$5,700 to \$0, in accordance with The General Property Tax Act of 1893, PA 206, Sections 211.78k(6) and 211.78m(13).

**YES: GOLDSTEIN, MACKAY, WATSON
NO: NONE**

Case 3

52-25-30-380-032
City of Oak Park
Vacant
Oak Park, MI 48237

The 2011 assessed and taxable values on this property should be revised, in accordance with The General Property Tax Act of 1893, PA 206, Sections 211.78k(6) and 211.78m(13).

Motion by MACKAY, supported by LANDAU:

To revise the 2011 assessed value from \$2,900 to \$0 & the taxable value from \$980 to \$0, in accordance with The General Property Tax Act of 1893, PA 206, Sections 211.78k(6) and 211.78m(13).

YES: GOLDSTEIN, MACKAY, WATSON

NO: NONE

Case 4

52-25-31-476-008
City of Oak Park
Vacant
Oak Park, MI 48237

The 2011 assessed and taxable values on this property should be revised, in accordance with The General Property Tax Act of 1893, PA 206, Sections 211.78k(6) and 211.78m(13).

Motion by MACKAY, supported by LANDAU:

To revise the 2011 assessed value from \$500 to \$0 & the taxable value from \$90 to \$0, in accordance with The General Property Tax Act of 1893, PA 206, Sections 211.78k(6) and 211.78m(13).

YES: GOLDSTEIN, MACKAY, WATSON

NO: NONE

Case 5

52-99-00-000-017
Gold Craft by Aznavour Design
21700 Greenfield, S-419
Oak Park, MI 48237

The 2011 personal property assessed and taxable values on this business should be revised, due to a clerical error.

Motion by LANDAU, supported by GOLDSTEIN:

To revise the 2011 assessed and taxable values from \$9,350 to \$90, due to a clerical error.

YES: GOLDSTEIN, MACKAY, LANDAU

NO: NONE

Case 6

52-99-00-011-040
Street Corner Music
26020 Greenfield
Oak Park, MI 48237

The 2011 personal property assessed and taxable values on this business should be revised, due to a clerical error.

Motion by GOLDSTEIN, supported by MACKAY:

To revise the 2011 assessed and taxable values from \$4,500 to \$0, due to a clerical error.

YES: GOLDSTEIN, MACKAY, LANDAU

NO: NONE

Case 7

52-25-19-455-012
Nathaniel Warshay
14115 Victoria
Oak Park, MI 48237

The 2011 Principal Residence exemption for this property should be revised, due to a late filed affidavit by the owner.

Motion by MACKAY, supported by LANDAU:

To adjust the 2011 Principal Residence exemption from 0% to 100%.

YES: GOLDSTEIN, MACKAY, LANDAU

NO: NONE

Case 8

52-25-29-151-031
Sharon Hogan
24271 Blackstone
Oak Park, MI 48237

The 2011 Principal Residence exemption for this property should be revised, due to a late filed affidavit by the owner.

Motion by LANDAU, supported by GOLDSTEIN:

To adjust the 2011 Principal Residence exemption from 0% to 100%.

YES: GOLDSTEIN, MACKAY, LANDAU

NO: NONE

2011 December B.O.R. Minutes

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Case 9

**52-25-29-229-049
Robbilyn Ward
10261 Austrian Way
Oak Park, MI 48237**

The 2011 Principal Residence exemption for this property should be revised, due to a late filed affidavit by the owner.

Motion by GOLDSTEIN, supported by MACKAY:

To adjust the 2011 Principal Residence exemption from 0% to 100%.

YES: GOLDSTEIN, MACKAY, LANDAU

NO: NONE

Case 10

**52-25-29-252-017
Gregory McDonel
24271 Rensselaer
Oak Park, MI 48237**

The 2011 Principal Residence exemption for this property should be revised, due to a late filed affidavit by the owner.

Motion by MACKAY, supported by LANDAU:

To adjust the 2011 Principal Residence exemption from 0% to 100%.

YES: GOLDSTEIN, MACKAY, LANDAU

NO: NONE

Case 11

**52-25-29-352-022
Ashoor Dankha
13350 Woodvale
Oak Park, MI 48237**

The 2011 Principal Residence exemption for this property should be revised, due to a late filed affidavit by the owner.

Motion by MACKAY, supported by LANDAU:

To adjust the 2011 Principal Residence exemption from 0% to 100%.

YES: GOLDSTEIN, MACKAY, LANDAU

NO: NONE

2011 December B.O.R. Minutes
Page 5

Case 12A&B

52-25-29-452-030
Shawn Forry
23081 Rensselaer
Oak Park, MI 48237

The 2010 & 2011 Principal Residence exemption for this property should be revised, due to a late filed affidavit by the owner.

Motion by MACKAY, supported by LANDAU:

To adjust the 2010 & 2011 Principal Residence exemption from 0% to 100%.

YES: GOLDSTEIN, MACKAY, LANDAU

NO: NONE

Case 13

52-25-29-454-003
Macey Risk
23260 Seneca
Oak Park, MI 48237

The 2011 Principal Residence exemption for this property should be revised, due to a late filed affidavit by the owner.

Motion by MACKAY, supported by LANDAU:

To adjust the 2011 Principal Residence exemption from 0% to 100%.

YES: GOLDSTEIN, MACKAY, LANDAU

NO: NONE

Case 14

52-25-30-208-017
Robert Covault
24226 Cloverlawn
Oak Park, MI 48237

The 2011 Principal Residence exemption for this property should be revised, due to a late filed affidavit by the owner.

Motion by MACKAY, supported by LANDAU:

To adjust the 2011 Principal Residence exemption from 0% to 100%.

YES: GOLDSTEIN, MACKAY, LANDAU

NO: NONE

2011 December B.O.R. Minutes

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Case 15

**52-25-30-277-048
Janusz Sawicki
24181 Ridgedale
Oak Park, MI 48237**

The 2011 Principal Residence exemption for this property should be revised, due to a late filed affidavit by the owner.

Motion by MACKAY, supported by LANDAU:

To adjust the 2011 Principal Residence exemption from 0% to 100%.

YES: GOLDSTEIN, MACKAY, LANDAU

NO: NONE

Case 16A-D

**52-25-31-402-015
Milverine Anderson
20820 Kenosha
Oak Park, MI 48237**

The 2011, 2010, 2009 & 2008 Principal Residence exemption for this property should be revised, due to a late filed affidavit by the owner.

Motion by MACKAY, supported by LANDAU:

To adjust the 2011, 2010, 2009 & 2008 Principal Residence exemption from 0% to 100%.

YES: GOLDSTEIN, MACKAY, LANDAU

NO: NONE

Case 17

**52-25-29-426-008
Eleanor Luke
23821 Manistee
Oak Park, MI 48237**

Eleanor Luke, appeared before the Board, seeking tax relief. The Board reviewed her application for a poverty exemption.

Motion by LANDAU, supported by GOLDSTEIN:

To grant the request for a poverty exemption and adjust the assessed and taxable values from \$48,900 to \$33,840 for 2011, based on the poverty exemption policy.

YES: GOLDSTEIN, MACKAY, LANDAU

NO: NONE

2011 December B.O.R. Minutes

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Case 18

52-25-29-154-012
Delores Miller
24260 Berkley
Oak Park, MI 48237

Delores Miller, appeared before the Board, seeking tax relief. The Board reviewed her application for a poverty exemption.

Motion by GOLDSTEIN, supported by MACKAY:

To deny the request for a poverty exemption for 2011, due to the fact petitioner exceeds the income limitations adopted in the policy.

YES: GOLDSTEIN, MACKAY, LANDAU

NO: NONE

Case 19

52-25-30-355-021
Bryan K. Price
23060 Harding
Oak Park, MI 48237

Bryan Price, appeared before the Board, seeking tax relief. The Board reviewed his application for a poverty exemption.

Motion by MACKAY, supported by LANDAU:

To deny the request for a poverty exemption for 2011, due to the fact petitioner exceeds the income limitations adopted in the policy.

YES: GOLDSTEIN, MACKAY, LANDAU

NO: NONE

Case 20

52-25-30-201-001
Cynthia Ha-Thi Huong
14361 Ten Mile
Oak Park, MI 48237

Cynthia Huong, appeared before the Board, seeking tax relief. The Board reviewed her application for a poverty exemption.

Motion by LANDAU, supported by GOLDSTEIN:

To deny the request for a poverty exemption for 2011, as after reviewing bank statements, expenditures, and testimony, relief was deemed unwarranted.

YES: GOLDSTEIN, MACKAY, LANDAU

NO: NONE

Case 21

52-25-31-252-030
Rosemary Bell
14230 Northend
Oak Park, MI 48237

Rosemary Bell, appeared before the Board, seeking tax relief. The Board reviewed her application for a poverty exemption.

Motion by GOLDSTEIN, supported by MACKAY:

To grant the request for a poverty exemption and adjust the assessed and taxable values from \$37,700 to \$37,110 for 2011, based on the poverty exemption policy.

YES: GOLDSTEIN, MACKAY, LANDAU
NO: NONE

Case 22

52-25-19-404-011
Suzanne Gliner & John Kempainen
14041 Vernon
Oak Park, MI 48237

Suzanne & John Kempainen, appeared before the Board, seeking tax relief. The Board reviewed their application for a poverty exemption.

Motion by MACKAY, supported by LANDAU:

To grant the request for a poverty exemption and adjust the assessed and taxable values from \$46,400 to \$31,550 for 2011, based on the poverty exemption policy.

YES: GOLDSTEIN, MACKAY, LANDAU
NO: NONE

Case 23

52-25-19-203-015
Sandra Noirot
14401 Kingston
Oak Park, MI 48237

Sandra Noirot, appeared before the Board, seeking tax relief. The Board reviewed her application for a poverty exemption.

Motion by LANDAU, supported by GOLDSTEIN:

To grant the request for a poverty exemption and adjust the assessed and taxable values from \$30,700 to \$19,830 for 2011, based on the poverty exemption policy.

YES: GOLDSTEIN, MACKAY, LANDAU
NO: NONE

2011 December B.O.R. Minutes

Page 9

Case 24

52-25-30-127-001

Leonid Besnosov

24630 Harding

Oak Park, MI 48237

Leonid Besnosov, appeared before the Board, seeking tax relief. The Board reviewed his application for a poverty exemption.

Motion by GOLDSTEIN, supported by MACKAY:

To grant the request for a poverty exemption and adjust the assessed and taxable values from \$45,300 to \$32,580 for 2011, based on the poverty exemption policy.

YES: GOLDSTEIN, MACKAY, LANDAU

NO: NONE

Case 25

52-25-28-331-022

Elvia Reiter-Aragon - Trust

23531 Forest

Oak Park, MI 48237

Elvia Reiter-Aragon, appeared before the Board, seeking tax relief. The Board reviewed her application for a poverty exemption.

Motion by MACKAY, supported by LANDAU:

To grant the request for a poverty exemption and adjust the assessed and taxable values from \$33,300 to \$29,150 for 2011, based on the poverty exemption policy.

YES: GOLDSTEIN, MACKAY, LANDAU

NO: NONE

Case 26

52-25-30-301-042

Toni Ann Kinchen

23491 Beverly

Oak Park, MI 48237

Kimberly Kinchen, on behalf of Toni Kinchen, appeared before the Board, seeking tax relief. The Board reviewed her application for a poverty exemption.

Motion by LANDAU, supported by GOLDSTEIN:

To grant the request for a poverty exemption and adjust the assessed and taxable values from \$50,400 to \$29,950 for 2011, based on the poverty exemption policy.

YES: GOLDSTEIN, MACKAY, LANDAU

NO: NONE

**2011 December Board of Review
December 13, 2011**


Motion by LANDAU supported by MACKAY:

That there being no further business to come before the Board, the review of assessments having been completed and all requirements as outlined by the City Charter having been met, that the December Board of Review for 2011 be hereby adjourned at 7:18 p.m. on December 13, 2011.

**YES: LANDAU,
GOLDSTEIN, MACKAY**

NO: NONE

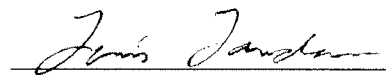
The above minutes reflect the actions and findings of the Board. Detailed affidavits and investigations are on file in the Assessor's Office.



Herschel Goldstein, Member



Phyllis Mackay, Member



Louis Landau, Member

**CITY OF OAK PARK PLANNING COMMISSION
MINUTES
FEBRUARY 13, 2012**

Meeting called to order at 7:32 p.m. by Chairperson Torgow and roll call was made.

PRESENT: Chairperson Torgow
 Vice Chairperson Brown
 Secretary Walters-Gill
 Commissioner Cohen
 Commissioner Fox
 Commissioner McClellan
 Commissioner Seligson

ABSENT: Commissioner Levin

OTHERS PRESENT: Director Rulkowski, Recording Secretary Borgacz

APPROVAL OF AGENDA OF THE REGULAR MEETING OF FEBRUARY 13, 2012

The Planning Commission approved by consensus vote the agenda for the regular meeting of February 13, 2012.

MOTION CARRIED 7-0

APPROVAL OF MINUTES OF JANUARY 9, 2012

Motion by Brown, seconded by Fox, to approve the Planning Commission meeting minutes of January 9, 2012 as presented.

MOTION CARRIED 7-0.

COMMUNICATION/CORRESPONDENCE:

Director Rulkowski noted that correspondence was received from the City of Berkley regarding a draft to their master plan. This item will added to the agenda under New Business.

PUBLIC HEARINGS

CVS Pharmacy, 23001 Coolidge Highway, request and recommendation for Special Land Use, Regulated Use, Specially Designated Merchant (sales of packaged beer & wine) License and Specially Designated Distributor (sales of packaged liquor) License.

In a Memo, Director Rulkowski stated at the January meeting, the Planning Commission scheduled a Public Hearing for the February 13 meeting to review the request of CVS Pharmacy, 23001 Coolidge Highway, for approval of a Specially Designated Merchant (sales of packaged beer & wine) License and Specially Designated Distributor (sales of packaged liquor) License.

The Special Land Use section of the Zoning Ordinance (Article XIX) requires the proposed use for a Specially Designated Merchant (sales of packaged beer & wine) License and Specially Designated Distributor (sales of packaged liquor) License to meet a number of general standards (Section 1900) as well as use specific standards for Regulated Uses (Section 1929).

Section 1900 General Standards:

- A. The proposed special land use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and/or vicinity and applicable regulations of the zoning district in which it is to be located.
- B. The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location of and access to off-street parking, and provisions for pedestrian safety.

C. The location, size, intensity, site layout and periods of operation of any such proposed use shall be designed to eliminate any possible nuisance emanating therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights.

D. The proposed use shall be such that the proposed location and height of building or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.

E. The proposed use shall relate harmoniously with the physical and economic aspects of adjacent land uses as regards to prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the city.

F. The proposed use is necessary for the public convenience at the proposed location.

G. The proposed use is designed, located, planned and to be operated that the public health, safety and welfare will be protected.

The Planning Division finds that the information contained in the application package and on the Site Plan satisfactorily meets the eight general standards identified in Section 1900 Special Land Uses in the Zoning Ordinance.

Section 1929 Regulated Uses, B

1. The proposed regulated use is not located within 1,000 feet of any other regulated use, regardless of community boundaries. Establishments with SDD and SDM licenses from the Michigan Liquor Control Commission, greater than 10,000 square feet of gross floor area, and devoting less than ten percent of the gross floor area to sales regulated by the SDD and SDM license, are exempt from the spacing requirement between regulated uses.

2. The proposed regulated use is not located within 500 feet of a school, park, or place of worship, regardless of community boundaries. Establishments with SDM licenses from the Michigan Liquor Control Commission, greater than 10,000 square

feet of gross floor area, and devoting less than ten percent of the gross floor area to sales regulated by the SDM license, are exempt from this spacing requirement.

3. The layout of the site of the proposed regulated use and its relationship to streets providing access to the site shall be in a manner that vehicular and pedestrian traffic to and from such proposed regulated use and the potential assembly of persons connected therewith, will not be hazardous, endangering, or inconvenient to the surrounding neighborhood and commercial district.

4. The proposed regulated use will be compatible with adjacent uses of land, considering the proximity of residential dwellings, churches, schools, public structures, and other places of public gatherings.

5. The proposed regulated use will not be contrary to the public interest or injurious to nearby properties.

6. The proposed regulated use will not have the possible effect of downgrading and blighting the surrounding neighborhood.

7. The proposed regulated use will not be contrary to any program of neighborhood conservation, nor will it interfere with any redevelopment projects.

8. The proposed regulated use will not reasonably be expected to diminish the value of properties in the immediate area.

9. The proposed regulated use will be in compliance with all other applicable regulations, City Codes and state and federal laws.

The proposed location of the SDM & SDD licensed facility meets the specific spacing requirements of Section 1929 B, 1 and 2. The interior layout of the grocery store on the Site Plan identifies the sales area for alcoholic beverages as 160 square feet or 1.4 percent of the gross floor area. The sales area is in compliance with the specific standards of Section 1929 B, 1 and 2 for SDM & SDD licensed facilities.

The Planning Division finds the submitted information demonstrates that the proposed SDM & SDD licensed facility satisfactorily meets use specific standards for Regulated Uses (Section 1929).

It is the recommendation of the Planning Division to approve the Special Land Use and Site Plan for the Regulated Use of a Specially Designated Merchant (sales of packaged beer & wine) License and Specially Designated Distributor (sales of packaged liquor) License for CVS Pharmacy, 23001 Coolidge Highway.

Russ Carniak, Attorney and Cliff Riley, CVS District Manager were present. Mr. Carniak was there to answer any questions, and stated that the request will be subject to final approval of the State of Michigan LLC.

The CVS store had an SDD license at their previous location until the store was damaged by a fire. They are, therefore, applying for both SDD and SDM licenses for the new location.

Director Rulkowski reviewed SDD and SDM licensing standards, and stated that the petitioner meets all general standards and all specific requirements of the City.

The public hearing was opened at 7:38 p.m. Hearing no comment, the public hearing was closed at 7:39 p.m.

Motion by Cohen, seconded by Seligson to approve the request for Special Land Use, Regulated Use, Specially Designated Merchant (sales of packaged beer & wine) License and Specially Designated Distributor (sales of packaged liquor) License to CVS Pharmacy, 23001 Coolidge Highway.

MOTION CARRIED 7-0

CONSENT AGENDA

No items eligible this month.

OLD BUSINESS

None this month.

NEW BUSINESS:

Request for consideration of Zoning Ordinance Amendment to allow for outdoor dog runs for kennels.

In a memo, Director Rulkowski stated he has received a request from Todd Luczak, Doggie in the Window, 2200 West Eleven Mile Road, to consider modifying the current kennel regulations (Sec. 1912) to allow for outdoor dog runs. Currently the Zoning Ordinance requirements require “all pens and runs shall be completely enclosed within a building”. Mr. Luczak is interested in relocating to Oak Park in a building at 15431 Eleven Mile Road but the inability to have an outside area for dog runs is an issue for his business. The largest potential problem in allowing outside areas for dogs runs would be noise and possibly also odor issues. I’ve included an aerial map which shows the distance to the closest residential Oak Park properties.

If the Planning Commission would like to further explore this possibility I will research potential regulations to minimize any negative consequences of allowing outdoor dog runs.

Todd Luczak, Doggie in the Window, 2200 W. 11 Mile Road, Berkley, was present. Director Rulkowski explained Mr. Luczak’s business is currently located in Berkley, but he is considering moving the business to Oak Park. The issue is that Oak Park does not allow outdoor dog runs. Mr. Rulkowski suggested a possible amendment to the ordinance, but the Planning Commission needs to consider the negative impact that noise and odor could impose. The prospective location is in an industrial area; the closest residential property is 715 ft. away.

The City of Berkley allows outdoor runs. The dogs are not housed outside; they are just let out to do their business. The kennel averages 50 dogs per day, but they are currently licensed for 100. If they move to the new facility in Oak Park, they will petition the County for a license that will allow 125 dogs maximum, although they wouldn’t have more than 75 dogs overnight. Groups of 25-30 dogs (maximum) are taken outside at a time where they are always supervised.

Mr. Luczak addressed odor issues and explained that the business has grown in the past 8 years; 15% in the last year alone. The facility is in operation from 6:30 a.m.-6:30 p.m. Monday through Friday. New clients must meet requirements and a screening.

The proposed new facility would be 10,000 sq. ft. They would extend the area with fencing outside that would allow for 2-3 separate areas outside. Trench drain would be added in front of the concrete. The natural grading currently in place flows to the trench drains, but they will also plan on putting in underground drains that will lead to the sewers. Oakland County currently inspects the facility annually.

Commissioner Cohen advised that he is familiar with Mr. Luczak and has used his facility.

Mr. Luczak explained that the gravel, made of limestone, is completely changed out every 3 months and is sprayed down with water and a bleach/pine solution daily. The limestone also helps with the odor. There are 3-4 employees working at a time, with a ratio of one employee to every 15-20 dogs.

Vice Chairperson Brown asked if the State sets standards or if they are self-imposed, and is there something required by the State or current city? Mr. Luczak responded that the City has the option of imposing all regulations. The City of Berkley allows the County to inspect the kennel, but he is not sure if the County or State regulates it. There are separate dog license requirements through the County.

Chairperson Torgow asked Director Rulkowski to find out who the proposed neighbors are; what affect this facility would have on them; and who would be for or against a facility of this nature. He feels it would be worthwhile to explore the issue and would have no problem approving the request if the City's ordinance allowed the dog run, but the Commission needs to be more clear on the issues.

Commissioner McClellan suggested a field trip to Mr. Luczak's current facility.

Vice Chairperson Brown asked Director Rulkowski how the City will control/license this type of facility to coincide with the State's regulations. He wants to know what is expected of the City as compared to the State and County.

Chairperson Torgow requested that neighbors be added to the map of the proposed site, and asked the Commission to drive by and look at the proposed area.

Based on a singular request of a very good business operator, he would like to refer back to this request at the next Planning Commission meeting scheduled for March 12, 2012.

PLANNING COMMISSION MATTERS FOR DISCUSSION (from members only)

Director Rulkowski explained that they received correspondence from the City of Berkley, who is requesting comment on a proposed draft Master Plan amendment to incorporate a Multi-Modal Transportation Plan. The changes do not have any direct affect on the City of Oak Park. If the Commission would like some time to review the amendment, they can wait until the next Planning Commission meeting to take action, or they can direct Mr. Rulkowski to send a letter in response.

Director Rulkowski explained that the amendment deals with transportation, bike paths, bus routes and walking paths, as he suspects the City of Berkley is adding in anticipation

of rail transportation. He doesn't feel it will have any negative impact on the City of Oak Park. The City has 63 days to respond to the request.

It was the consensus of the Commission to review the information received from the City of Berkley and bring the request back to the next Planning Commission meeting scheduled for March 12, 2012 for further discussion.

Chairperson Torgow questioned the status for filling vacancies for the Planning Commission. Commissioner Fox advised the Commission that the City Council will be reviewing applicants and will make a recommendation soon.

Discussion took place regarding the shopping center signage and tenants at 9 Mile and Coolidge, including a possible new retail tenant.

PUBLIC COMMENT ON ITEMS NOT SCHEDULED FOR PUBLIC HEARING

None this month.

ADJOURNMENT

It was unanimously agreed to adjourn the meeting.

Meeting adjourned at 8:12 p.m.

Commissioner Walters-Gill, Secretary

Lisa Borgacz, Recording Secretary



BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN

AGENDA OF: February 20, 2012

AGENDA #

SUBJECT: Recommendation of Planning Commission for a Special Land Use and Site Plan for the Regulated Use of a SDD & SDM License for CVS Pharmacy 23001 Coolidge Highway.

DEPARTMENT: Technical & Planning Services, Planning Division

SUMMARY: At the February 13, 2012, meeting, the Planning Commission conducted a Public Hearing for a Special Land Use and Site Plan for the Regulated Use of a Specially Designated Merchant License (sales of packaged beer & wine) and Specially Designated Distributor License (sales of packaged liquor) for CVS Pharmacy, 23001 Coolidge Highway.

The Planning Commission voted to recommend to the City Council, approval of the Special Land Use.

FINANCIAL STATEMENT:

RECOMMENDED ACTION: The City Council consider accepting the recommendation of the Planning Commission for approval of the Special Land Use and Site Plan for the Regulated Use of a SDD & SDM License for CVS Pharmacy 23001 Coolidge Highway.

APPROVALS:

City Manager: _____

Director: _____

Finance Director: _____

EXHIBITS:

Memorandum,

Site

Plan.



City of Oak Park

“The Family City”

MEMORANDUM

TO: Planning Commission members DATE: February 9, 2012

FROM: Kevin Rulkowski, AICP, City Planner FILE: Planning/CVSnineSLURPT1202

SUBJECT: Special Land Use Public Hearing, CVS Pharmacy, 23001 Coolidge Hwy.

At the January meeting, the Planning Commission scheduled a Public Hearing for the February 13 meeting to review the request of CVS Pharmacy, 23001 Coolidge Highway, for approval of a Specially Designated Merchant (sales of packaged beer & wine) License and Specially Designated Distributor (sales of packaged liquor) License.

The Special Land Use section of the Zoning Ordinance (Article XIX) requires the proposed use for a Specially Designated Merchant (sales of packaged beer & wine) License and Specially Designated Distributor (sales of packaged liquor) License to meet a number of general standards (Section 1900) as well as use specific standards for Regulated Uses (Section 1929).

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district in which it is to be located.

B. The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location of and access to off-street parking, and provisions for pedestrian safety.

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F. The proposed use is necessary for the public convenience at the proposed location.

G. The proposed use is designed, located, planned and to be operated that the public health, safety and welfare will be protected.

The Planning Division finds that the information contained in the application package and on the Site Plan satisfactorily meets the eight general standards identified in Section 1900 Special Land Uses in the Zoning Ordinance.

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regulated use, regardless of community boundaries. Establishments with SDD and SDM licenses from the Michigan Liquor Control Commission, greater than 10,000 square feet of gross floor area, and devoting less than ten percent of the gross floor area to sales regulated by the SDD and SDM license, are exempt from the spacing requirement between regulated uses.

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The Planning Division finds the submitted information demonstrates that the proposed SDM & SDD licensed facility satisfactorily meets use specific standards for Regulated Uses (Section 1929).

It is the recommendation of the Planning Division to approve the Special Land Use and Site Plan for the Regulated Use of a Specially Designated Merchant (sales of packaged beer & wine) License and Specially Designated Distributor (sales of packaged liquor) License for CVS Pharmacy, 23001 Coolidge Highway.



OAK PARK PUBLIC SAFETY

January 2012

ACTIVITY SUMMARY



OPERATIONS:

- Calls for Service
- 2011 Total: 16,926
- Jan 2011: 1,374
- 2011 YTD: 1,374
- Jan 2012: 1,219
- 2012 YTD: 1,219

- Arrests: 157
- Vacation/Property Checks: 24
- Non-Criminal Fingerprints: 15
- Vehicles Impounded: 36
- Traffic Stops: 1,281
- Time on Traffic Stops: 183.75

INVESTIGATIONS:

- Cases Assigned - 60
 - Adult / 42
 - Juvenile / 18
- Warrants Obtained: 26
- See attached report "RMS-008" for January crime summary

Records Bureau:

- Animal Licenses: 43
- Alarm Permits: 16
- License to Purchase Handgun: 18
- FOIA / RFI / Discovery Requests: 140
- Calls Received at Dispatch: 5,324

REPORTED FIRES: 4 (1 structural, 2 vehicles, 1 other)

NON-FIRE INCIDENTS: 12
(includes 4 false fire alarms)



FIRE SAFETY INSPECTIONS: 44

COMMUNITY POLICING

Checked 8 carseats,
Attended 6
Neighborhood Watch
Meetings, Bullying
Presentation to 360
students, Participated
Oak Park Report taping,
Had 4 radar installed
(purchased on grant).

CITATIONS ISSUED: 776

HAZARDOUS	313	40%
NON - HAZARDOUS	326	42%
PARKING	71	9%
ORDINANCE VIOLATION	66	8%

Training: Department Wide Medical First Responder, Ofc. Oaks Fire Inspector CE Conference

For The Month Of January

Classification	Jan/2011	Jan/2012	%Change
09001 MURDER/NONNEGLIGENT MANSLAUGHTER (VOLUNTARY)	0	0	0%
09002 NEGLIGENT HOMICIDE/MANSLAUGHTER (INVOLUNTARY)	0	0	0%
09004 JUSTIFIABLE HOMICIDE	0	0	0%
10001 KIDNAPPING/ABDUCTION	0	0	0%
10002 PARENTAL KIDNAPPING	0	0	0%
11001 SEXUAL PENETRATION PENIS/VAGINA -CSC 1ST DEGREE	0	0	0%
11002 SEXUAL PENETRATION PENIS/VAGINA -CSC 3RD DEGREE	0	0	0%
11003 SEXUAL PENETRATION ORAL/ANAL -CSC 1ST DEGREE	0	0	0%
11004 SEXUAL PENETRATION ORAL/ANAL -CSC 3RD DEGREE	1	0	-100%
11005 SEXUAL PENETRATION OBJECT -CSC 1ST DEGREE	0	0	0%
11006 SEXUAL PENETRATION OBJECT -CSC 3RD DEGREE	0	0	0%
11007 SEXUAL CONTACT FORCIBLE -CSC 2ND DEGREE	1	0	-100%
11008 SEXUAL CONTACT FORCIBLE -CSC 4TH DEGREE	0	1	0%
12000 ROBBERY	3	5	66.66%
13001 NONAGGRAVATED ASSAULT	27	17	-37.0%
13002 AGGRAVATED/FELONIOUS ASSAULT	1	4	300%
13003 INTIMIDATION/STALKING	17	19	11.76%
20000 ARSON	0	0	0%
21000 EXTORTION	0	0	0%
22001 BURGLARY -FORCED ENTRY	18	18	0%
22002 BURGLARY -ENTRY WITHOUT FORCE (Intent to Commit)	1	0	-100%
23001 LARCENY -POCKETPICKING	0	0	0%
23002 LARCENY -PURSESNAATCHING	0	0	0%
23003 LARCENY -THEFT FROM BUILDING	9	7	-22.2%
23004 LARCENY -THEFT FROM COIN-OPERATED MACHINE/DEVICE	0	0	0%
23005 LARCENY -THEFT FROM MOTOR VEHICLE	6	4	-33.3%
23006 LARCENY -THEFT OF MOTOR VEHICLE PARTS/ACCESSORIES	6	1	-83.3%
23007 LARCENY -OTHER	9	3	-66.6%
24001 MOTOR VEHICLE THEFT	9	9	0%
24002 MOTOR VEHICLE, AS STOLEN PROPERTY	0	2	0%
24003 MOTOR VEHICLE FRAUD	0	0	0%
25000 FORGERY/COUNTERFEITING	1	1	0%
26001 FRAUD -FALSE PRETENSE/SWINDLE/CONFIDENCE GAME	8	9	12.5%
26002 FRAUD -CREDIT CARD/AUTOMATIC TELLER MACHINE	2	2	0%
26003 FRAUD -IMPERSONATION	9	7	-22.2%
26004 FRAUD -WELFARE FRAUD	0	0	0%
26005 FRAUD -WIRE FRAUD	0	0	0%
27000 EMBEZZLEMENT	0	0	0%
28000 STOLEN PROPERTY	1	0	-100%
29000 DAMAGE TO PROPERTY	10	8	-20%
30001 RETAIL FRAUD -MISREPRESENTATION	0	1	0%
30002 RETAIL FRAUD -THEFT	2	11	450%
30003 RETAIL FRAUD -REFUND/EXCHANGE	0	0	0%
35001 VIOLATION OF CONTROLLED SUBSTANCE ACT	23	7	-69.5%

For The Month Of January

Classification	Jan/2011	Jan/2012	%Change
35002 NARCOTIC EQUIPMENT VIOLATIONS	6	4	-33.3%
36001 SEXUAL PENETRATION NONFORCIBLE -BLOOD/AFFINITY	0	0	0%
36002 SEXUAL PENETRATION NONFORCIBLE -OTHER	0	0	0%
37000 OBSCENITY	0	0	0%
39001 GAMBLING- BETTING/WAGERING	0	0	0%
39002 GAMBLING- OPERATING/PROMOTING/ASSISTING	0	0	0%
39003 GAMBLING -EQUIPMENT VIOLATIONS	0	0	0%
39004 GAMBLING -SPORTS TAMPERING	0	0	0%
40001 COMMERCIALIZED SEX -PROSTITUTION	0	0	0%
40002 COMMERCIALIZED SEX -ASSISTING/PROMOTING PROSTITUTION	0	0	0%
51000 BRIBERY	0	0	0%
52001 WEAPONS OFFENSE- CONCEALED	2	4	100%
52002 WEAPONS OFFENSE -EXPLOSIVES	0	0	0%
52003 WEAPONS OFFENSE -OTHER	1	0	-100%
Group A Totals	173	144	-16.7%
01000 SOVEREIGNTY	0	0	0%
02000 MILITARY	0	0	0%
2700 LOCAL ORDINANCES - GENERIC	0	0	0%
03000 IMMIGRATION	0	0	0%
09003 NEGLIGENT HOMICIDE -VEHICLE/BOAT	0	0	0%
14000 ABORTION	0	0	0%
22003 BURGLARY - UNLAWFUL ENTRY (NO INTENT)	2	1	-50%
22004 POSSESSION OF BURGLARY TOOLS	0	0	0%
26006 FRAUD -BAD CHECKS	3	1	-66.6%
36003 PEEPING TOM	0	0	0%
36004 SEX OFFENSE -OTHER	0	0	0%
38001 FAMILY -ABUSE/NEGLECT NONVIOLENT	3	0	-100%
38002 FAMILY -NONSUPPORT	0	0	0%
38003 FAMILY -OTHER	0	0	0%
41001 LIQUOR LICENSE -ESTABLISHMENT	0	0	0%
41002 LIQUOR VIOLATIONS -OTHER	1	1	0%
42000 DRUNKENNESS	0	0	0%
48000 OBSTRUCTING POLICE	2	10	400%
49000 ESCAPE/FLIGHT	0	0	0%
50000 OBSTRUCTING JUSTICE	48	34	-29.1%
53001 DISORDERLY CONDUCT	4	5	25%
53002 PUBLIC PEACE -OTHER	4	0	-100%
54001 HIT and RUN MOTOR VEHICLE ACCIDENT	1	1	0%
54002 OPERATING UNDER THE INFLUENCE OF LIQUOR OR DRUGS	16	23	43.75%
55000 HEALTH AND SAFETY	2	3	50%
56000 CIVIL RIGHTS	0	0	0%
57001 TRESPASS	5	7	40%
57002 INVASION OF PRIVACY -OTHER	0	0	0%
58000 SMUGGLING	0	0	0%

For The Month Of January

Classification	Jan/2011	Jan/2012	%Change
59000 ELECTION LAWS	0	0	0%
60000 ANTITRUST	0	0	0%
61000 TAX/REVENUE	0	0	0%
62000 CONSERVATION	0	0	0%
63000 VAGRANCY	1	0	-100%
70000 JUVENILE RUNAWAY	9	4	-55.5%
73000 MISCELLANEOUS CRIMINAL OFFENSE	3	4	33.33%
75000 SOLICITATION	0	0	0%
77000 CONSPIRACY (ALL CRIMES)	0	0	0%
Group B Totals	104	94	-9.61%
2800 JUVENILE OFFENSES AND COMPLAINTS	19	7	-63.1%
2900 TRAFFIC OFFENSES	65	48	-26.1%
3000 WARRANTS	78	55	-29.4%
3100 TRAFFIC CRASHES	53	40	-24.5%
3200 SICK / INJURY COMPLAINT	77	165	114.2%
3300 MISCELLANEOUS COMPLAINTS	588	420	-28.5%
3400 WATERCRAFT COMPLAINTS / ACCIDENTS	0	0	0%
3500 NON-CRIMINAL COMPLAINTS	115	107	-6.95%
3600 SNOWMOBILE COMPLAINTS / ACCIDENTS	0	0	0%
3700 MISCELLANEOUS TRAFFIC COMPLAINTS	72	39	-45.8%
3800 ANIMAL COMPLAINTS	20	4	-80%
3900 ALARMS	111	120	8.108%
Group C Totals	1198	1005	-16.1%
4000 HAZARDOUS TRAFFIC CITATIONS / WARNINGS	7	4	-42.8%
4100 NON-HAZARDOUS TRAFFIC CITATIONS / WARNINGS	1	0	-100%
4200 PARKING CITATIONS	8	3	-62.5%
4300 LICENSE / TITLE / REGISTRATION CITATIONS	0	1	0%
4400 WATERCRAFT CITATIONS	0	0	0%
4500 MISCELLANEOUS A THROUGH UUUU	0	0	0%
4500 MISCELLANEOUS	0	0	0%
4600 LIQUOR CITATIONS / SUMMONS	0	0	0%
4700 COMMERCIAL VEHICLE CITATIONS	0	0	0%
4800 LOCAL ORDINANCE WARNINGS	0	0	0%
4900 TRAFFIC WARNINGS	0	0	0%
Group D Totals	16	8	-50%
5000 FIRE CLASSIFICATIONS	20	14	-30%
5100 18A STATE CODE FIRE CLASSIFICATIONS	0	0	0%
Group E Totals	20	14	-30%
6000 MISCELLANEOUS ACTIVITIES (6000)	0	0	0%
6100 MISCELLANEOUS ACTIVITIES (6100)	0	0	0%
6200 ARREST ASSIST	0	0	0%
6300 CANINE ACTIVITIES	0	0	0%
6500 CRIME PREVENTION ACTIVITIES	0	0	0%
6600 COURT / WARRANT ACTIVITIES	0	0	0%

For The Month Of January

Classification	Jan/2011	Jan/2012	%Change
6700 INVESTIGATIVE ACTIVITIES	0	0	0%
Group F Totals	0	0	0%
Totals for all Groups	1511	1265	-16.2%



BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN

AGENDA OF: February 20, 2012

AGENDA #

SUBJECT: Request authorization to bid tree trimming, landscape maintenance, and other related items of work.

DEPARTMENT: DPW – *KJY*

SUMMARY: Bid documents are being prepared for the City's tree trimming, landscape maintenance, and other related items of work such as holiday lighting and snow plowing/salting of the City complex. We currently are understaffed and it is necessary for our department to concentrate on our core services, such as water and sewer maintenance, facilities maintenance, tree removals, street maintenance, winter maintenance, and motor pool maintenance. We will compare bid prices with our current time spent and recommend an appropriate action to City Council based on the best interest of the City.

FINANCIAL STATEMENT: There is funding available in the Major Street Fund, Water and Sewer Fund, and Public Works Other Parks budget for this expenditure.

RECOMMENDED ACTION: It is recommended that the request to advertise for bids for tree trimming, landscape maintenance, and other related items of work as described above be approved. Funding is available in the Major Street Fund, Water and Sewer Fund, and Public Works Other Parks budget.

APPROVALS:

City Manager: _____

Department Director: _____

Finance Director: _____

EXHIBITS: none



BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN

AGENDA OF: February 20, 2012

AGENDA #

SUBJECT: Payment Application no. 2 for the 2011 Sewer Cleaning and Television Inspection Project, M-560.

DEPARTMENT: Technical & Planning/DPW – Engineering *KJY*

SUMMARY: Attached is Payment Application no. 2 for the 2011 Sewer Cleaning and Television Inspection Project, M-560. This project will clean and televise sewers in the section shown on the attached map. This project is approximately 68% complete.

FINANCIAL STATEMENT: Contract Amount: \$323,462.50

Total Completed to Date:	\$220,232.45
Less Retainage:	\$ 16,173.13
Net Earned:	\$204,059.32
Deductions:	\$ 0.00
Balance:	\$204,059.32
Payments to Date:	\$ 81,210.46
<u>Amount Due Doetsch Industrial, Inc.:</u>	<u>\$122,848.86</u>

RECOMMENDED ACTION: It is recommended that Payment Application no. 2 to Doetsch Industrial, Inc. for the 2011 Sewer Cleaning and Television Inspection Project, M-560, be approved for the total amount of \$122,848.86. Funding is available in the Water and Sewer Fund no. 592-18-550-930.

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APPROVALS:

City Manager: _____

Department Director: _____

Finance Director: _____

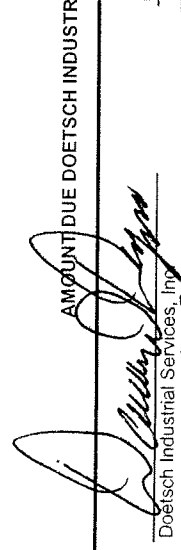
EXHIBITS: Payment Application no. 2, map

PAYMENT APPLICATION

PROJECT: 2011 SEWER & CATCH BASIN CLEANING AND TELEVISION INSPECTION PROJECT
 JOB NUMBER: M-560
 OWNER: CITY OF OAK PARK, MICHIGAN
 APPLICATION NO.: 2
 CONTRACTOR: DOETSCH INDUSTRIAL SERVICE, INC.
 PERIOD ENDING: 1/31/2012
 21221 MULLLIN
 WARREN, MICHIGAN 48089

ITEM DESCRIPTION	ORIGINAL BID		UNIT PRICE	PERIOD QUANTITY	PERIOD AMOUNT	QUANTITY TO DATE	AMOUNT TO DATE
	QUANTITY	QUANTITY					
1 MEDIUM 8" SEWER CLEANING & TV INSPECTION	1,000	LFT	\$1.30	0	\$0.00	0	\$0.00
2 MEDIUM 10" SEWER CLEANING & TV INSPECTION	10,000	LFT	\$1.40	7,070	\$9,898.00	7,070	\$9,898.00
3 MEDIUM 12" SEWER CLEANING & TV INSPECTION	38,500	LFT	\$1.40	18,625	\$26,075.00	29,957	\$41,939.80
4 MEDIUM 15" SEWER CLEANING & TV INSPECTION	20,100	LFT	\$1.40	11,417	\$15,983.80	19,089	\$26,724.60
5 MEDIUM 18" SEWER CLEANING & TV INSPECTION	24,000	LFT	\$1.50	8,873	\$13,309.50	19,980	\$29,970.00
6 MEDIUM 21" SEWER CLEANING & TV INSPECTION	9,200	LFT	\$1.70	5,997	\$10,194.90	7,564	\$12,858.80
7 MEDIUM 24" SEWER CLEANING & TV INSPECTION	10,300	LFT	\$1.80	6,841	\$12,313.80	8,808	\$15,854.40
8 MEDIUM 27" SEWER CLEANING & TV INSPECTION	3,600	LFT	\$2.30	1,447	\$3,328.10	2,987	\$6,870.10
9 MEDIUM 30" SEWER CLEANING & TV INSPECTION	5,600	LFT	\$3.50	1,962	\$6,867.00	5,454	\$19,089.00
10 MEDIUM 33" SEWER CLEANING & TV INSPECTION	6,000	LFT	\$3.75	801	\$3,003.75	1,104	\$4,140.00
11 MEDIUM 36" SEWER CLEANING & TV INSPECTION	5,300	LFT	\$4.00	1,739	\$6,956.00	4,792	\$19,168.00
12 MEDIUM 42" SEWER CLEANING & TV INSPECTION	1,850	LFT	\$4.25	281	\$1,194.25	1,408	\$5,984.00
13 MEDIUM 48" SEWER CLEANING & TV INSPECTION	2,400	LFT	\$4.50	0	\$0.00	580	\$2,610.00
14 MEDIUM 54" SEWER CLEANING & TV INSPECTION	1,900	LFT	\$4.75	0	\$0.00	895	\$4,251.25
15 SEWER LATERAL PROTRUDING LEAD CUTTING	10	EA	\$90.00	0	\$0.00	0	\$0.00
16 CATCH BASIN STRUCTURE CLEANING	780	EA	\$60.00	283	\$16,980.00	283	\$16,980.00
17 CATCH BASIN LEAD CLEANING & TV INSEPCTION	17,950	LFT	\$0.50	7,789	\$3,894.50	7,789	\$3,894.50
Contract Amount:				Period Total Amount:	\$129,998.60	Amount to Date:	\$220,232.45

Earnings This Period: \$129,998.60
 Total Earnings to Date: \$220,232.45
 Less Retainage: \$16,173.13
 Net Earned: \$204,059.32
 Deductions: \$0.00
 Balance: \$204,059.32
 Payments to Date: \$81,210.46


 Doetsch Industrial Services, Inc.
 Robert Barrett, Engineering Department Supervisor
 City of Oak Park, Michigan
 Date: 2/13/2012
 Date: 2/13/2012

Accepted By:

Approved By:

PAYMENT APPLICATION

PROJECT: 2011 SEWER & CATCH BASIN CLEANING AND TELEVISION INSPECTION PROJECT

JOB NUMBER: M-560

OWNER: CITY OF OAK PARK, MICHIGAN

APPLICATION NO.: 2

CONTRACTOR: DOETSCH INDUSTRIAL SERVICE, INC.

PERIOD ENDING: 1/31/2012

21221 MULLIN

WARREN, MICHIGAN 48089

ITEM DESCRIPTION	ORIGINAL		UNIT PRICE	PERIOD QUANTITY	PERIOD AMOUNT	QUANTITY TO DATE	AMOUNT TO DATE
	BID QUANTITY	QUANTITY					
1 MEDIUM 8" SEWER CLEANING & TV INSPECTION	1,000	LFT	\$1.30	0	\$0.00	0	\$0.00
2 MEDIUM 10" SEWER CLEANING & TV INSPECTION	10,000	LFT	\$1.40	7,070	\$9,898.00	7,070	\$9,898.00
3 MEDIUM 12" SEWER CLEANING & TV INSPECTION	38,500	LFT	\$1.40	18,625	\$26,075.00	28,957	\$41,938.80
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13 MEDIUM 48" SEWER CLEANING & TV INSPECTION	2,400	LFT	\$4.50	0	\$0.00	560	\$2,610.00
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16 CATCH BASIN STRUCTURE CLEANING	780	EA	\$60.00	283	\$16,980.00	283	\$16,980.00
17 CATCH BASIN LEAD CLEANING & TV INSPECTION	17,950	LFT	\$0.50	7,789	\$3,894.50	7,789	\$3,894.50
Period Total Amount:				\$129,998.60	Amount to Date:	\$220,232.45	

Contract Amount:

\$323,462.50

Earnings This Period: \$129,998.60

Total Earnings to Date: \$220,232.45

Less Retainage: \$16,173.13

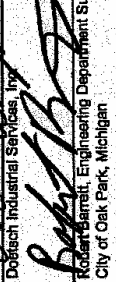
Net Earned: \$204,059.32

Deductions: \$0.00

Balance: \$204,059.32

Payments to Date: \$81,210.46

Accepted By:  **ROBERT BARRETT**
 Doetsch Industrial Services, Inc.
 Date: 2/13/2012

Approved By:  **ROBERT BARRETT**
 Engineering Department Supervisor
 City of Oak Park, Michigan
 Date: 2/13/2012

City of Oak Park 2011 Sewer Project M-562

- CATCH BASIN REPAIRS
- SEWER LINE REPAIRS
- Various SEWER SPOT REPAIRS

