

# Oak Park

# City Council Agenda

February 18, 2019





**AGENDA**  
**REGULAR CITY COUNCIL MEETING**  
**37<sup>th</sup> CITY COUNCIL**  
**OAK PARK, MICHIGAN**  
**February 18, 2019**  
**7:00 PM**

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

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

- A. Regular Council Meeting Minutes of February 4, 2019
- B. Special Council Meeting Minutes of February 4, 2019
- C. Request to approve Payment Application No. 1 for the 2018 45th District Court Renovation Project, M-684, to Frank Rewold & Sons, Inc., for the amount of \$59,237.02
- D. Licenses - New and Renewals as submitted for February 18, 2019

6. **RECOGNITION OF VISITING ELECTED OFFICIALS**
7. **SPECIAL RECOGNITION/PRESENTATIONS:**
  - A. Southeast Michigan Council of Governments (SEMCOG) update
8. **PUBLIC HEARINGS:** None
9. **COMMUNICATIONS:** None
10. **SPECIAL LICENSES:** None
11. **ACCOUNTING REPORTS:** None
12. **BIDS:** None
13. **ORDINANCES:**
  - A. Second reading and adoption of an ordinance to amend Article V of Chapter 50, Offenses and Miscellaneous Provisions, to add a new Division 6, "Marihuana Establishments Prohibited," to prohibit marihuana establishments within the boundaries of the City of Oak Park pursuant to the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951, Et Seq.; and to provide penalties for violation of this ordinance
14. **CITY ATTORNEY:**

**15. CITY MANAGER:**

**Department of Public Works**

- A. Request to approve proposed Change Order No. 1 in the amount of \$14,615.30 and Payment Application No. 1 in the amount of \$418,747.30 to Italia Construction, Inc for the 2018 Sidewalk Replacement Project, M-676.

**16. CALL TO THE AUDIENCE**

Each speaker's remarks are a matter of public record; the speaker, alone, is responsible for his or her comments and the City of Oak Park does not, by permitting such remarks, support, endorse or accept the content, thereof, as being true or accurate. "Any person while being heard at a City Council Meeting may be called to order by the Chair, or any Council Member for failure to be germane to the business of the City, vulgarity, or personal attacks on persons or institutions." There is a three minute time limit per speaker.

**17. CALL TO THE COUNCIL**

**18. ADJOURNMENT**

The City of Oak Park will comply with the spirit and intent of the American with Disabilities Act. We will provide support and make reasonable accommodations to assist people with disabilities to access and participate in our programs, facilities and services. Accommodations to participate at a Council Meeting will be made with 7-day prior notice.



**CITY OF OAK PARK, MICHIGAN  
REGULAR COUNCIL MEETING OF THE  
37<sup>th</sup> OAK PARK CITY COUNCIL  
February 4, 2019  
7:00 PM**

**MINUTES**

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

**PRESENT:** Mayor McClellan, Mayor Pro Tem Radner, Council Member Burns, Council Member Rich, Council Member Weiss

**ABSENT:** None

**OTHERS**

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

**APPROVAL OF AGENDA:**

**CM-02-035-19 (AGENDA ITEM #4) ADOPTION OF THE AGENDA AS PRESENTED – APPROVED**

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

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

**MOTION DECLARED ADOPTED**

**CONSENT AGENDA:**

**CM-02-036-19 (AGENDA ITEM #5A-D) CONSENT AGENDA - APPROVED**

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

- A. Regular Council Meeting Minutes of January 22, 2019 **CM-02-037-19**
- B. Request to cancel the February 11, 2019 Planning Commission Meeting **CM-02-038-19**
- C. Payment Application No. 1 for the 2018-2019 Miscellaneous Concrete Repair Project, M-682 to Mattioli Cement Company, LLC in the amount of \$224,518.53 **CM-02-039-19**
- D. Licenses - New and Renewals as submitted for February 4, 2019 **CM-02-040-19**

**MERCHANT'S LICENSES – February 4, 2019  
(Subject to All Departmental Approvals)**

<u>2019 RENEWALS</u>	<u>ADDRESS</u>	<u>FEE</u>	<u>BUSINESS TYPE</u>
HUNTINGTON CLEANERS	8775 CAPITAL	\$187.50	DRY CLEANERS
HUNTINGTON CLEANERS	12980 CAPITAL	\$187.50	BLIND/DRAPERY CLEANING

HUNTINGTON CLEANERS	13000 CAPITAL	\$187.50	DRY CLEANERS
VALLEY CITY LINEN	13165 CLOVERDALE	\$150.00	LINEN SUPPLY
PHYSICAL MEDICINE REHAB	21675 COOLIDGE 1A	\$150.00	OUTPATIENT CLINIC
TIM HORTONS	22211 CAPITAL	\$150.00	COFFEE/BAKED GOODS
DANNY'S FINE WINE	23063 COOLIDGE	\$150.00	PARTY STORE
COMPLETE VICTORY FITNESS	23120 COOLIDGE	\$187.50	FITNESS STUDIO
RAMSAY F DASS	24601 COOLIDGE	\$150.00	DOCTORS OFFICE
SPEEDWAY	24771 COOLIDGE	\$150.00	GAS STATION
CARING DENISTRY	26021 COOLIDGE	\$150.00	DENTAL OFFICE
FARS FILL UP	13500 EIGHT MILE	\$187.50	GAS STATION
CUSTOM CONCEPT COLLISION	14051 ELEVEN MILE	\$150.00	AUTO BODY SHOP
BLVD SUITES	14241 ELEVEN MILE	\$150.00	HOUSING SOLUTION
SEERCO	14441 ELEVEN MILE	\$150.00	GENERAL CONTRACTOR
MONALOCKS HAIR	23020 GENEVA	\$187.50	NATURAL HAIR SALON
DIAMOND STAR FINE JEWELRY	21700 GREENFIELD 322	\$150.00	FINE JEWELRY
NATASHA INTERNATIONAL	21700 GREENFIELD 353	\$187.50	JEWELER
FEDEX #1693	24760 GREENFIELD	\$150.00	MAILING
MY DREAM CLOZET	25250 GREENFIELD	\$187.50	WOMENS CLOTHING
CONSERVATIVE CUTS	26090 GREENFIELD	\$187.50	BARBER SHOP
VINT II	15075 LINCOLN 104	\$150.00	CONVENIENT STORE
WOOSHED STUDIOS	8130 NINE MILE	\$187.50	MUSIC PRODUCTION, AUDIO
NEIGHBOR OAK PARK	8600 NINE MILE	\$187.50	GAS STATION
SALIENT SIGN STUDIO	8720 NINE MILE	\$187.50	COMMERCIAL SIGNS
VALVOLINE INSTANT OIL	13300 NINE MILE	\$150.00	QUICK LUBE
DAVISON CONEY ISLAND	13631 NINE MILE	\$150.00	RESTAURANT
LIGHTHOUSE LIQUOR	13651 NINE MILE	\$150.00	LIQUOR STORE
OAK PARK DENTAL CENTER	13730 NINE MILE	\$187.50	DENTAL OFFICE

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

**MOTION DECLARED ADOPTED**

**RECOGNITION OF VISITING ELECTED OFFICIALS: None**

**SPECIAL RECOGNITION/PRESENTATIONS:**

(AGENDA ITEM #7A) Public Safety Director Cooper presented departmental awards to members of the Public Safety Department.

**PUBLIC HEARINGS: None**

**COMMUNICATIONS: None**

**SPECIAL LICENSES: None**

**ACCOUNTING REPORTS:**

**CM-02-041-19**

**(AGENDA ITEM #11A) APPROVAL FOR PAYMENT OF INVOICES SUBMITTED BY GARAN, LUCOW, MILLER, P.C. FOR LEGAL SERVICES IN THE TOTAL AMOUNT OF \$12,391.34 - APPROVED**

Motion by Radner, seconded by Rich, CARRIED UNANIMOUSLY, to approve payment of invoices #507480, #507481, and #507482 submitted by Garan, Lucow, Miller P.C., for legal services rendered through December 31, 2018 in the total amount of \$12,391.34.

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

**MOTION DECLARED ADOPTED**

**BIDS: None**

**ORDINANCES:**

**CM-02-042-19            (AGENDA ITEM #13A) SECOND READING AND ADOPTION OF AN ORDINANCE TO AMEND ARTICLE XIX, SPECIAL LAND USES, APPENDIX A, ZONING, OF THE CITY OF OAK PARK CODE OF ORDINANCES - APPROVED**

Motion by Rich, seconded by Weiss, CARRIED UNANIMOUSLY, to approve the second reading and adopt an ordinance to amend Article XIX, Special Land Uses, Appendix A, Zoning, of the City of Oak Park Code of Ordinances by removing references to City Council approval for special land uses.

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

**MOTION DECLARED ADOPTED**

**CM-01-024-19            (AGENDA ITEM #13C) SECOND READING AND ADOPTION OF AN ORDINANCE TO AMEND SECTIONS 2-353 AND 2-354 OF CHAPTER 2, ARTICLE III, DIVISION 8, ARTS ANDE CULTURAL DIVERSITY COMMISSION, OF THE CITY OF OAK PARK CODE OF ORDINANCES - APPROVED**

Motion by Weiss, seconded by Radner, CARRIED UNANIMOUSLY, to approve the second reading and adopt the following ordinance to amend Sections 2-353 and 2-354 of Chapter 2, Article III, Division 8, Arts and Cultural Diversity Commission, of the City of Oak Park Code of Ordinances:

CITY OF OAK PARK  
OAKLAND COUNTY, MICHIGAN

AN ORDINANCE TO AMEND CHAPTER 2, ARTICLE III, DIVISION 8, ARTS AND CULTURAL DIVERSITY COMMISSION, OF THE CODE OF ORDINANCES, CITY OF OAK PARK.

THE CITY OF OAK PARK ORDAINS:

SECTION 1. Sections 2-353 - Mission statement, and 2-354 - Meetings, of Chapter 2, Article III, Division 8, Arts And Cultural Diversity Commission, of the Code of Ordinances, City of Oak Park, are hereby amended to read as follows:

Sec. 2-353. - Mission statement.

The mission statement of the arts and cultural diversity commission shall be to serve in an advisory capacity in accordance with Sec. 4.18 of the Charter, to recommend, develop and implement city-wide programs and events which provide community access to the performing and creative arts and which celebrate cultural diversity; to work with local, state and federal agencies to take advantage of available resources, including funding. The commission shall actively participate in developing, implementing, promoting and staffing appropriate programs. The commission may partner with other Oak Park boards, commissions, and departments, including, but not limited to, the parks and recreation commission and friends of the library, on programs which encourage community access to the performing and creative arts and celebrate cultural diversity.

Sec. 2-354. - Meetings.

The arts and cultural diversity commission shall meet once a month on the second Thursday of each month. The chairperson may call a special meeting with the approval of the council.

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

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

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

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

**MOTION DECLARED ADOPTED**

**CITY ATTORNEY: No Report**

**CITY MANAGER:**

**Department of Public Works**

**CM-02-044-19 (AGENDA ITEM #15A) REQUEST TO APPROVE A MAINTENANCE AGREEMENT WITH THE ROAD COMMISSION FOR OAKLAND COUNTY FOR STREET SWEEPING, LITTER PICKING, AND LAWN MOWING SERVICES ON GREENFIELD ROAD FROM EIGHT TO TEN MILE ROADS AND ON TEN MILE ROAD FROM GREENFIELD TO MAPLEFIELD – APPROVED**

Motion by Radner, seconded by Burns, CARRIED UNANIMOUSLY, to approve a maintenance agreement with the Road Commission for Oakland County for street sweeping, litter picking, and lawn mowing services on Greenfield Road from Eight to Ten Mile Roads and on Ten Mile Road from Greenfield to Maplefield.

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

**MOTION DECLARED ADOPTED**

Assistant City Manager Yee reported that the Road Commission for Oakland County has offered to compensate the City of Oak Park \$16,591.65 this season for street sweeping, litter picking, and lawn mowing services on Greenfield Road from Eight to Ten Mile Roads and on Ten Mile Road from Greenfield to Maplefield. The agreement requires the city to sweep these roads three times per year and perform litter picking and lawn mowing services five times per year.

**CM-02-045-19 (AGENDA ITEM #15B) REQUEST TO APPROVE A PROPOSAL FROM QUANTUM SPATIAL TO PERFORM AERIAL PHOTOGRAPHY ACQUISITION AND IMPERVIOUS DELINEATION FOR THE TOTAL AMOUNT OF \$23,957.00 SUBJECT TO REVIEW BY THE CITY ATTORNEY – APPROVED**

Motion by Weiss, seconded by Burns, CARRIED UNANIMOUSLY, to approve a proposal from Quantum Spatial to perform aerial photography acquisition and impervious delineation for the total amount of \$23,957.00 subject to review by the city attorney.

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

**MOTION DECLARED ADOPTED**

Mr. Yee reviewed the proposal from Quantum Spatial to perform an aerial fly over that will determine, by individual parcel, the amount of impervious surface that will be utilized to determine storm water charges. Funding will be appropriated from the Water & Sewer Fund Balance for this project.

**CM-02-046-19 (AGENDA ITEM #15C) REQUEST TO APPROVE MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT) CONTRACT NUMBER 19-5007 FOR THE 9 MILE ROAD DIET PROJECT SUBJECT TO REVIEW BY THE CITY ATTORNEY AND TO AUTHORIZE THE MAYOR AND CITY CLERK TO SIGN THE CONTRACT ON BEHALF OF THE CITY – APPROVED**

Motion by Weiss, seconded by Burns, CARRIED UNANIMOUSLY, to approve Michigan Department of Transportation (MDOT) contract number 19-5007 for the 9 Mile Road Diet Project subject to review by the city attorney and to authorize the Mayor and City Clerk to sign the contract on behalf of the City.

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

**MOTION DECLARED ADOPTED**

Mr. Yee reviewed the MDOT contract for the project that will create roadway improvements and non-motorized trail construction work along 9 Mile Road from McClain Drive easterly to Pinecrest Drive. This will include roadway reconfiguration, concrete sidewalk ramps, drainage improvements, trailhead, permanent signing, and pavement marking work. The total project cost is estimated at \$1,478,800 of which \$983,826 will be paid from Federal funds. Ferndale will be responsible for approximately 17% of the project that will occur in their City.

**CM-02-047-19                    (AGENDA ITEM #15D) REQUEST TO AUTHORIZE THE PUBLIC WORKS DEPARTMENT TO PARTICIPATE IN THE MACOMB COUNTY, STATE OF MICHIGAN, AND ROCHESTER HILLS PRE-BID CONTRACTS FOR THE PURCHASE OF CITY VEHICLES – APPROVED**

Motion by Radner, seconded by Weiss, CARRIED UNANIMOUSLY, to authorize the Public Works Department to participate in the Macomb County, State of Michigan, and Rochester Hills pre-bid contracts for the purchase of the following city vehicles and to authorize available funding from the Major Street - Winter Maintenance Fund to equip the dump truck with an underbody plow for snow removal operations:

Vehicle:	Department:	Amount: (Pre-Bid Contract)	Account:
2019 Ford Escape S	Technical & Planning / Engineering	\$19,236.00 (Macomb County) (\$19,500 budgeted)	Major Streets: 202-18.479-970 Local Streets: 203-18.479-970 Water / Sewer: 592-18.538-970
2019 RAM 1500 Crew Cab	Public Works	\$21,563.00 (State of Michigan) (\$30,000 budgeted)	Major Streets: 202-18.479-970 Local Streets: 203-18.479-970
2019 RAM 1500 Crew Cab 4x4	Public Works	\$27,142.00 (State of Michigan) (\$29,000 budgeted)	Water / Sewer: 592-18.538-970
2019 Freightliner 39,000 GVW Chassis Single Axle Dump Truck	Public Works	\$174,402.00 (Rochester Hills Co-op) (\$175,000 budgeted)	Water / Sewer: 592-18.538-970
Equip Dump Truck above with underbody plow	Public Works	\$11,400 (Rochester Hills Co-op) (not budgeted)	Major Streets: 202-18-478-726

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

**MOTION DECLARED ADOPTED**

Mr. Yee reviewed the request to purchase city vehicles and explained that funding for these vehicles is budgeted in the Major Streets, Local Streets, and Water / Sewer Funds. The request to install an underbody plow was not budgeted, however funds are available in the Major Street Fund Winter Maintenance account for this expenditure.

**CALL TO THE AUDIENCE:**

Joyce Bannon, 10611 Troy, commented that she has been pleased with the recent snow removal around the city and indicated that the audio for the council meeting broadcasts has improved.

Sue Malka, expressed a desire for the city to authorize a rapid access system that would allow first responders to gain access to property in case of an emergency.

**CALL TO THE COUNCIL:**

**Mayor Pro Tem Radner** wished everyone a good night.

**Council Member Burns** indicated that she noticed the actual vehicle cost savings for the purchases in Item 15D covers the cost of the unbudgeted plow purchase.

**Council Member Weiss** reminded everyone about upcoming Community Center and Library events.

**Council Member Rich** wished everyone a good night.

**Mayor McClellan** thanked the Public Works and Public Safety departments for their hard work during the very cold weather.

**ADJOURNMENT:**

There being no further business to come before the City Council, Mayor McClellan adjourned the meeting at 8:05 P.M.

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T. Edwin Norris, City Clerk

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Marian McClellan, Mayor



**CITY OF OAK PARK, MICHIGAN  
SPECIAL COUNCIL MEETING OF THE  
37<sup>th</sup> OAK PARK CITY COUNCIL  
February 4, 2019  
5:30 PM**

**MINUTES**

The Special Meeting was called to order at 5:30 PM by Mayor McClellan in the Executive Conference Room of City Hall located at 14000 Oak Park Boulevard, Oak Park, MI 48237. (248) 691-7544

**PRESENT:** Mayor McClellan, Council Member Burns and Council Member Weiss,  
Mayor Pro Tem Radner, Council Member Rich

**ABSENT:** None

**OTHERS**

**PRESENT:** City Manager Tungate, City Clerk Norris, City Attorney Duff, Assistant City Manager Yee, City Attorney Fournier, Human Resources Director Brooks

**SPECIAL BUSINESS:**

**(AGENDA ITEM A) CLOSED SESSION**

**SCM-02-031-19 MOTION TO CONVENE INTO A CLOSED SESSION TO DISCUSS  
ATTORNEY CLIENT PRIVILEGED COMMUNICATION AND  
PENDING LITIGATION REGARDING BURTON R. SHIFMAN V. CITY  
OF OAK PARK - APPROVED**

Motion by Weiss, Seconded by Burns, CARRIED UNANIMOUSLY, to convene into a Closed Session to discuss Attorney Client Privileged Communication and pending litigation regarding Burton R. Shifman v. City of Oak Park.

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

**MOTION DECLARED ADOPTED**

The Closed Session began at 5:32 PM. The Special Meeting reconvened at 6:00 PM.

**SCM-02-032-18 CLOSED SESSION MINUTES - APPROVED**

Motion by Burns, seconded by Weiss, CARRIED UNANIMOUSLY, to approve the minutes of the February 4, 2019 Closed Session.

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

**MOTION DECLARED ADOPTED**

**SCM-02-033-19            MOTION TO APPROVE A SETTLEMENT AGREEMENT FOR  
BURTON R. SHIFMAN V. CITY OF OAK PARK WITH TERMS  
RECOMMENDED BY THE CITY ATTORNEY - APPROVED**

Motion by Burns, seconded by Rich, CARRIED UNANIMOUSLY, to approve a settlement agreement for Burton R. Shifman v. City of Oak Park with terms recommended by the City Attorney.

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

**MOTION DECLARED ADOPTED**

**(AGENDA ITEM B)    Discuss Oak Park response to Michigan Regulation and Taxation of  
Marihuana Act of 2018**

Council debated the merits of opting in or opting out of participation with the act. It was confirmed that the city is assumed in and participating unless action is taken to opt out.

**SCM-02-034-19            (AGENDA ITEM C) FIRST READING OF AN ORDINANCE TO  
AMEND ARTICLE V OF CHAPTER 50, OFFENSES AND  
MISCELLANEOUS PROVISIONS, TO ADD A NEW DIVISION 6,  
"MARIHUANA ESTABLISHMENTS PROHIBITED," TO PROHIBIT  
MARIHUANA ESTABLISHMENTS WITHIN THE BOUNDARIES OF  
THE CITY OF OAK PARK PURSUANT TO THE MICHIGAN  
REGULATION AND TAXATION OF MARIHUANA ACT, INITIATED  
LAW 1 OF 2018, MCL 333.27951, ET SEQ.; AND TO PROVIDE  
PENALTIES FOR VIOLATION OF THIS ORDINANCE - APPROVED**

Motion by Rich, Seconded by Burns, CARRIED, to approve the first reading of an Ordinance to amend Article V of Chapter 50, Offenses and Miscellaneous Provisions, to add a new Division 6, "Marihuana Establishments Prohibited," to Prohibit Marihuana Establishments within the boundaries of the City Of Oak Park pursuant to the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951, Et Seq.; and to provide penalties for violation of this ordinance.

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

**MOTION DECLARED ADOPTED**

**(AGENDA ITEM D)** FIRST READING OF AN ORDINANCE TO AMEND THE CITY OF OAK PARK CODE OF ORDINANCES, APPENDIX A, ZONING ORDINANCE, TO ADD A NEW DEFINITION IN ARTICLE II OF THE TERM "MARIHUANA ESTABLISHMENT" AND TO AMEND ARTICLE XVII, GENERAL PROVISIONS, TO ADD A NEW SECTION 1728, "MARIHUANA ESTABLISHMENTS PROHIBITED", TO PROHIBIT MARIHUANA ESTABLISHMENTS WITHIN THE BOUNDARIES OF THE CITY OF OAK PARK PURSUANT TO MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT, INITIATED LAW 1 OF 2018, MCL 333.27951, ET SEQ

No action was taken on this proposed Zoning ordinance amendment which must first be reviewed by the Zoning Board of Appeals.

**CALL TO THE AUDIENCE:**

There were no members of the public wishing to speak.

**ADJOURNMENT:**

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

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T. Edwin Norris, City Clerk

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Marian McClellan, Mayor



**BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN**

**AGENDA OF:** February 18, 2019

**AGENDA #**

**SUBJECT:** Payment Application No. 1 for the 2018 45th District Court Renovation Project, M-684.

**DEPARTMENT:** Public Works

**SUMMARY:** Attached is Payment Application No. 1 for the 2018 45th District Court Renovation Project, M-684. Through the period ending January 31, 2019, the project is approximately 4% complete.

**FINANCIAL STATEMENT:**

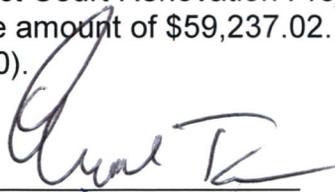
Original Contract Amount:	\$1,532,301.00
Total Completed to Date:	\$61,138.22
Less Retainage:	\$1,901.20
Net Earned:	\$59,237.02
Payments to Date:	\$0.00

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**Amount Due to Frank Rewold & Sons, Inc.                      \$59,237.02**

**RECOMMENDED ACTION:** It is recommended that Payment Application No. 1 for the 2018 45th District Court Renovation Project, M-684, to Frank Rewold & Sons, Inc., be approved for the amount of \$59,237.02. Funding is available in the Court Building Fund (470-70.900-970).

**APPROVALS:**

City Manager: 

Department Director: 

Finance Director: 

Budgeted

Legal:                     N/A                    

**EXHIBITS:** Payment Application No. 1

APPLICATION AND CERTIFICATE FOR PAYMENT

TO (OWNER): Oak Park City of  
13800 Oak Park Blvd  
Oak Park, MI 48237

CONTRACT FOR: Courthouse Renovations  
VIA (ARCHITECT): OHM Advisors

Invoice: 1057901  
Application: 01  
Invoice date: 1/29/2019  
Period from date:  
Period to date: 1/31/2019  
Contract date:

ATTENTION:

FROM (CONTRACTOR): Frank Rewold and Son, Inc.  
303 East Third Street - Suite 300  
Rochester, MI 48307

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Changes approved in previous months by Owner		
Total approved this Month		
TOTALS		
NET CHANGES by Change Order		

Application is made for payment, as shown below, in connection with the Contract. Continuation Sheet is attached

1. Original Contract Sum .....	1,532,301.00
2. Net change by Change Orders .....	0.00
3. Contract Sum to Date (lines 1+2).....	1,532,301.00
4. Contract completed to date.....	61,138.22
5. Less retainage.....	1,901.20
6. Total Earned Less retainage.....	59,237.02
7. Less Previous Certificates For Payment .....	0.00
8. Current Payment Due .....	59,237.02
9. Balance to Finish plus Retainage .....	1,473,063.98

See Attached Schedule for summary of Change Orders

The undersigned Contractor hereby certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR: Frank Rewold and Son, Inc.

By: Frank P. Fenwick Date: 1-29-19

State Of Michigan  
County Of Oakland

Subscribed and sworn to before me this 29<sup>th</sup> day of January, 2019

Notary Public: [Signature]

Acting in Oakland County  
My commission expires: 6/20/21

ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED ..... \$ 59,237.02  
(Attach explanation if amount certified differs from the amount applied for)

ARCHITECT: OHM Advisors  
By: [Signature] Date: 2/7/19

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

Project: 105791 / Oak Park Courthouse  
 Contract For: Courthouse Renovations

Invoice: 1057901  
 Invoice Date: 1/29/2019

Draw: 1057900001  
 Period To: 1/31/2019  
 Architect: OHM Advisors

Item ID	Description	Orig Schedule Value	Approved Changes	Total Schedule Value	Previously Completed Work	Work Completed This Period	Presently Stored Materials	Completed And Stored To Date	% Comp	Balance To Finish	Retainage
01-001.01	General Conditions & Staff	180,587.00		180,587.00		36,246.46		36,246.46	20	144,340.54	
01-041.01	General Liab Insurance	4,010.00		4,010.00		160.40		160.40	4	3,849.60	
01-260.01	Temporary Fencing	3,882.00		3,882.00						3,882.00	
01-705.01	CM Bond	3,992.00		3,992.00		3,992.00		3,992.00	100		
01-825.01	General Contingency	71,512.00		71,512.00						71,512.00	
01-990.01	CM Fee	43,184.00		43,184.00		1,727.36		1,727.36	4	41,456.64	
02-050.01	Demolition	39,600.00		39,600.00						39,600.00	
03-300.01	Concrete Flatwork	5,380.00		5,380.00						5,380.00	
04-200.01	Masonry	45,850.00		45,850.00						45,850.00	
05-100.01	Structural Steel	14,788.00		14,788.00						14,788.00	
06-100.01	Carpentry	78,700.00		78,700.00		2,994.00		2,994.00	4	75,706.00	299.40
07-300.01	Roofing	409,769.00		409,769.00		6,393.00		6,393.00	2	403,376.00	639.30
08-100.01	Doors & Hardware	18,277.00		18,277.00						18,277.00	
08-810.01	Glass & Glazing	42,486.00		42,486.00		3,625.00		3,625.00	9	38,861.00	362.50
09-850.01	Flooring	23,274.00		23,274.00						23,274.00	
09-900.01	Painting	16,640.00		16,640.00						16,640.00	
10-426.01	Signage	1,078.00		1,078.00						1,078.00	
12-629.01	Fixed Seating	23,363.00		23,363.00						23,363.00	
15-400.01	Plumbing	12,900.00		12,900.00		500.00		500.00	4	12,400.00	50.00
15-500.01	HVAC	242,700.00		242,700.00		5,500.00		5,500.00	2	237,200.00	550.00
16-050.01	Electrical	63,380.00		63,380.00						63,380.00	
16-700.01	Data Cabeling	15,815.00		15,815.00						15,815.00	
16-722.01	Security & Audio	106,770.00		106,770.00						106,770.00	
16-810.01	Data Equipment	27,215.00		27,215.00						27,215.00	
17-001.01	Parapet Nailers	3,100.00		3,100.00						3,100.00	
17-002.01	After-Hours Work	7,750.00		7,750.00						7,750.00	
17-003.01	Additional Overtime	1,500.00		1,500.00						1,500.00	
17-004.01	Unknown Coil Size Adjustme	2,500.00		2,500.00						2,500.00	
17-005.01	Final Cores/Keying	1,750.00		1,750.00						1,750.00	
17-006.01	Paneling Rework	4,900.00		4,900.00						4,900.00	
17-007.01	Roof Substrate Replacement	5,000.00		5,000.00						5,000.00	
17-008.01	Roof Nailers	5,000.00		5,000.00						5,000.00	
17-009.01	Courtroom Monitor	4,000.00		4,000.00						4,000.00	

APPLICATION AND CERTIFICATE FOR PAYMENT - CONTINUATION SHEET

Detail Page 3 of 3 Pages

Project: 105791 / Oak Park Courthouse  
 Contract For: Courthouse Renovations

Invoice: 1057901  
 Invoice Date: 1/29/2019

Draw: 1057900001  
 Period To: 1/31/2019  
 Architect: OHM Advisors

Item ID	Description	Orig Schedule Value	Approved Changes	Total Schedule Value	Previously Completed Work	Work Completed This Period	Presently Stored Materials	Completed And Stored To Date	% Comp	Balance To Finish	Retainage
17-010.01	Existing Ceiling Work	7,500.00		7,500.00						7,500.00	
17-011.01	Dust Control	1,000.00		1,000.00						1,000.00	
17-012.01	Temporary Signage	1,000.00		1,000.00						1,000.00	
17-013.01	Restoration	2,000.00		2,000.00						2,000.00	
17-014.01	Security	1,000.00		1,000.00						1,000.00	
17-015.01	Porta-John	3,000.00		3,000.00						3,000.00	
17-016.01	Mechanical Distribution	1,500.00		1,500.00						1,500.00	
17-017.01	Floor Patch/Prep	1,500.00		1,500.00						1,500.00	
17-018.01	General Wall Patch/Paint Pre	2,000.00		2,000.00						2,000.00	
17-019.01	Temporary Protection	7,500.00		7,500.00						7,500.00	
17-020.01	Concrete X-Ray	1,500.00		1,500.00						1,500.00	
17-021.01	Additional Supp Moving Labo	5,000.00		5,000.00						5,000.00	
17-022.01	Updated Switch	1,500.00		1,500.00						1,500.00	
17-023.01	Final Cleaning	3,500.00		3,500.00						3,500.00	
17-024.01	Roofing Breakout Correction	-37,851.00		-37,851.00						-37,851.00	

Totals	1,532,301.00	0.00	1,532,301.00			61,138.22		61,138.22	4	1,471,162.78	1,901.20
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STATE OF Michigan  
COUNTY OF Oakland

Gené P Ferrera being duly sworn, deposes and says that Frank Rewold and Son, Inc. is the Contractor for the improvement to the following real property situated in Oakland County, Michigan described as follows: Oak Park Courthouse

That the following is a statement of each subcontractor and supplier and laborer, for which laborer the payment of wages or fringe benefits and withholdings is due but unpaid, with whom the contractor has subcontracted for performance under the contract with the owner or lessee thereof, and that the amounts due to the persons as of the date hereof are correctly and fully set forth opposite their names, as follows:

SWORN STATEMENT

PROJECT: Oak Park Courthouse  
CONTRACT: Oak Park Courthouse  
TO: Oak Park City of

JOB: 10579

APPLICATION: 01  
APPLICATION DATE: 01/29/2019  
PERIOD FROM: 01/01/2019  
PERIOD TO: 01/31/2019

Item	Description	Subcontractor	Original Schedule Value	Approved Changes	Revised Schedule Value	Previously Paid	Amount Owning	Paid plus Owning	Completed & Stored	Balance to Finish	Retained
01-001.01	General Conditions & Staff	Rewold	180,587.00	0.00	180,587.00	0.00	36,246.46	36,246.46	36,246.46	144,340.54	0.00
01-041.01	General Liab Insurance	Rewold	4,010.00	0.00	4,010.00	0.00	160.40	160.40	160.40	3,849.60	0.00
01-260.01	Temporary Fencing	American Fence	3,882.00	0.00	3,882.00	0.00	0.00	0.00	0.00	3,882.00	0.00
01-705.01	CM Bond	Rewold	3,992.00	0.00	3,992.00	0.00	3,992.00	3,992.00	3,992.00	0.00	0.00
01-925.01	General Contingency		71,512.00	0.00	71,512.00	0.00	0.00	0.00	0.00	71,512.00	0.00
01-990.01	CM Fee	Rewold	43,184.00	0.00	43,184.00	0.00	1,727.36	1,727.36	1,727.36	41,456.64	0.00
02-060.01	Demolition	DKI International	39,600.00	0.00	39,600.00	0.00	0.00	0.00	0.00	39,600.00	0.00
03-300.01	Concrete Flatwork	McCarthy Construction	5,380.00	0.00	5,380.00	0.00	0.00	0.00	0.00	5,380.00	0.00
04-200.01	Masonry	DC Byers	45,850.00	0.00	45,850.00	0.00	0.00	0.00	0.00	45,850.00	0.00
06-100.01	Structural Steel	Commercial Contracting	14,788.00	0.00	14,788.00	0.00	0.00	0.00	0.00	14,788.00	0.00
06-100.01	Carpentry	Clark Contracting Servis	76,700.00	0.00	76,700.00	0.00	2,694.60	2,694.60	2,694.00	75,706.00	299.40
07-300.01	Roofing	Butcher & Butcher Const	409,769.00	0.00	409,769.00	0.00	5,753.70	5,753.70	5,393.00	403,376.00	639.30
08-100.01	Doors & Hardware	LaForce	18,277.00	0.00	18,277.00	0.00	0.00	0.00	0.00	18,277.00	0.00
08-810.01	Glass & Glazing	B&B Glass	42,486.00	0.00	42,486.00	0.00	3,262.50	3,262.50	3,625.00	38,861.00	362.50
09-650.01	Flooring	Ideal Floor Covering	23,274.00	0.00	23,274.00	0.00	0.00	0.00	0.00	23,274.00	0.00
09-600.01	Painting	Bella Painting	16,640.00	0.00	16,640.00	0.00	0.00	0.00	0.00	16,640.00	0.00
10-426.01	Signage	Curb Appeal Concepts	1,078.00	0.00	1,078.00	0.00	0.00	0.00	0.00	1,078.00	0.00
12-629.01	Fixed Seating	Sauder Courtroom Furnit	23,363.00	0.00	23,363.00	0.00	0.00	0.00	0.00	23,363.00	0.00
15-400.01	Plumbing	Solomon Plumbing	12,900.00	0.00	12,900.00	0.00	450.00	450.00	500.00	12,400.00	50.00
15-500.01	HVAC	Quality Aire Systems	242,700.00	0.00	242,700.00	0.00	4,950.00	4,950.00	5,500.00	237,200.00	550.00
16-050.01	Electrical	Advantage Electric & Co	63,380.00	0.00	63,380.00	0.00	0.00	0.00	0.00	63,380.00	0.00
16-700.01	Data Cabeling	DataCom Group	15,815.00	0.00	15,815.00	0.00	0.00	0.00	0.00	15,815.00	0.00
16-722.01	Security & Audio	Midstate Security	106,770.00	0.00	106,770.00	0.00	0.00	0.00	0.00	106,770.00	0.00
16-810.01	Data Equipment	Amcomm Telecommunic	27,215.00	0.00	27,215.00	0.00	0.00	0.00	0.00	27,215.00	0.00
17-001.01	Parapet Nailers		3,100.00	0.00	3,100.00	0.00	0.00	0.00	0.00	3,100.00	0.00
17-002.01	After-Hours Work		7,750.00	0.00	7,750.00	0.00	0.00	0.00	0.00	7,750.00	0.00
17-003.01	Additional Overtime		1,500.00	0.00	1,500.00	0.00	0.00	0.00	0.00	1,500.00	0.00
17-004.01	Unknown Coil Size Adjustment		2,500.00	0.00	2,500.00	0.00	0.00	0.00	0.00	2,500.00	0.00
17-005.01	Final Cores/Keying		1,750.00	0.00	1,750.00	0.00	0.00	0.00	0.00	1,750.00	0.00
17-006.01	Paneling Rework		4,900.00	0.00	4,900.00	0.00	0.00	0.00	0.00	4,900.00	0.00
17-007.01	Roof Substrate Replacement		5,000.00	0.00	5,000.00	0.00	0.00	0.00	0.00	5,000.00	0.00
17-008.01	Roof Nailers		5,000.00	0.00	5,000.00	0.00	0.00	0.00	0.00	5,000.00	0.00
17-008.01	Courtroom Monitor		4,000.00	0.00	4,000.00	0.00	0.00	0.00	0.00	4,000.00	0.00
17-010.01	Exsting Ceiling Work		7,500.00	0.00	7,500.00	0.00	0.00	0.00	0.00	7,500.00	0.00

SWORN STATEMENT

PROJECT: Oak Park Courthouse  
 CONTRACT: Oak Park Courthouse  
 TO: Oak Park City of

JOB: 10579

APPLICATION: 01  
 APPLICATION DATE: 01/28/2019  
 PERIOD FROM: 01/01/2019  
 PERIOD TO: 01/31/2019

Item	Description	Subcontractor	Original Schedule Value	Approved Changes	Revised Schedule Value	Previously Paid	Amount Owning	Paid plus Owning	Completed & Stored	Balance to Finish	Retained
17-011.01	Dust Control		1,000.00	0.00	1,000.00	0.00	0.00	0.00	0.00	1,000.00	0.00
17-012.01	Temporary Signage		1,000.00	0.00	1,000.00	0.00	0.00	0.00	0.00	1,000.00	0.00
17-013.01	Restoration		2,000.00	0.00	2,000.00	0.00	0.00	0.00	0.00	2,000.00	0.00
17-014.01	Security		1,000.00	0.00	1,000.00	0.00	0.00	0.00	0.00	1,000.00	0.00
17-015.01	Porta-John		3,000.00	0.00	3,000.00	0.00	0.00	0.00	0.00	3,000.00	0.00
17-016.01	Mechanical Distribution		1,500.00	0.00	1,500.00	0.00	0.00	0.00	0.00	1,500.00	0.00
17-017.01	Floor Patch/Prep		1,500.00	0.00	1,500.00	0.00	0.00	0.00	0.00	1,500.00	0.00
17-018.01	General Wall Patch/Paint Prep		2,000.00	0.00	2,000.00	0.00	0.00	0.00	0.00	2,000.00	0.00
17-019.01	Temporary Protection		7,500.00	0.00	7,500.00	0.00	0.00	0.00	0.00	7,500.00	0.00
17-020.01	Concrete X-Ray		1,500.00	0.00	1,500.00	0.00	0.00	0.00	0.00	1,500.00	0.00
17-021.01	Additional Supp Moving Labor		5,000.00	0.00	5,000.00	0.00	0.00	0.00	0.00	5,000.00	0.00
17-022.01	Updated Switch		1,500.00	0.00	1,500.00	0.00	0.00	0.00	0.00	1,500.00	0.00
17-023.01	Final Cleaning		3,500.00	0.00	3,500.00	0.00	0.00	0.00	0.00	3,500.00	0.00
17-024.01	Roofing Breakout Correction		(37,861.00)	0.00	-37,861.00	0.00	0.00	0.00	0.00	(37,861.00)	0.00
			1,532,301.00	0.00	1,532,301.00	0.00	59,237.02	59,237.02	61,138.22	1,471,162.78	1,801.20

That the contractor has not procured material from, or subcontracted with, any person other than those set forth above and owes no money for the improvement other than the sums set forth above.

Deponent further says that he or she makes the foregoing statement as the contractor or as \_\_\_\_\_ of the contractor for the purpose of representing to the owner or lessee of the above-described premises and his or her agents that the above-described property is free from claims of construction liens, or the possibility of construction liens, except as specifically set forth above and except for claims of construction liens by laborers which may be provided pursuant to section 109 of the construction lien act, Act No. 497 of the Public Acts of 1980, as amended, being section 570.1109 of the Michigan Compiled Laws.

Warning to Owner: An Owner or lessee of the above-described property may not rely on this sworn statement to avoid the claim of a subcontractor, supplier, or laborer who has provided a Notice of Furnishing or a Laborer who may provide a Notice of Furnishing pursuant to section 109 of the Construction Lien Act to the Designee or to the Owner or Lessee if the Designee is not named or has died.

Warning to Deponent: A person, who with intent to defraud, gives a False Sworn Statement is subject to criminal penalties as provided in Section 110 of the Construction Lien Act, Act No. 497 of the Public Acts of 1980, as amended, being section 570.1110 of the Michigan Compiled Laws.

FRANK REWOLD AND SON, INC.

  
 Gene P. Ferrara

Subscribed and sworn to me before this 20<sup>th</sup> day of

January, 2019

  
 Notary Public, Oakland County, Michigan

Acting in Oakland County

My Commission expires: 4/30/21

**MERCHANT'S LICENSES - FEBRUARY 18TH, 2019**

(Subject to All Departmental Approvals)

<b>NEW MERCHANT</b>	<b>ADDRESS</b>	<b>FEES</b>	<b>BUSINESS TYPE</b>
ESSENTIAL PIECES AND BUNDLES HAIR STUDIO	21910 GREENFIELD 3	\$150.00	BRAIDING HAIR
WEALTHY	8126 NINE MILE	\$150.00	CLOTHING STORE

<b>RENEWALS</b>	<b>ADDRESS</b>	<b>FEES</b>	<b>BUSINESS TYPE</b>
INNOVATIVE TOOL & DESIGN	10725 CAPITAL	\$150.00	TOOL DESIGN
RILEY PEARSON FINANCIAL SERVICES	10831 CAPITAL	\$150.00	ACCOUNTING, INCOME TAX
MIDLAND EQUIPMENT CO.	12771 CAPITAL	\$150.00	TOOL SUPPLY AND EQUIPMENT
PARTLAN-LABADIE SHEET METAL	12901 CLOVERDALE	\$150.00	SHEET METAL SHOP
WURTH BAER SUPPLY CO.	13390 CLOVERDALE	\$187.50	WHOLESALE DISTRIBUTOR
STUDIO IPLAY	21310 COOLIDGE	\$150.00	INDOOR PLAYGROUND
E-ZEE SET WOOD PRODUCTS	21650 COOLIDGE	\$187.50	WOOD PRODUCT DISTRIBUTOR
GOLD STAR PRODUCTS	21680 COOLIDGE	\$187.50	
SVS VISION	23055 COOLIDGE	\$150.00	EYE DOCTOR
LEARNING DISABILITIES CLINIC	25611 COOLIDGE	\$150.00	TUTORING
STANLEY UPHOLSTERING	25651 COOLIDGE	\$150.00	FURNITURE REPAIR
LINCOLN LIQUOR	25901 COOLIDGE	\$150.00	LIQUOR STORE
SHELL CLEANERS & TAILOR	25905 COOLIDGE	\$150.00	DRY CLEANER
COOLIDGE CYCLE	25909 COOLIDGE	\$150.00	BICYCLE SALES & SERVICE
OAK PARK BARBERS	26003 COOLIDGE	\$150.00	BARBER
MOULDEN AGENCY	26013 COOLIDGE	\$150.00	INSURANCE
MARK A. WOLFSON DDS	26601 COOLIDGE	\$150.00	GENERAL DENTISTRY
MOONFLY MUSIC	13650 EIGHT MILE 5	\$187.50	MUSIC PRODUCTION
AAA FERGUSON INSURANCE	13691 ELEVEN MILE 200	\$150.00	RETAIL PERSONAL LINES
FOUR SEASONS GARDEN CENTER	14471 ELEVEN MILE	\$150.00	LANDSCAPE DESIGN
CURTS SERVICE	14611 ELEVEN MILE	\$150.00	AUTO REPAIR
SPECTRUM AUTOWORKS LLC	14799 ELEVEN MILE	\$150.00	AUTO REPAIR
GREGS DIESEL	21200 GREENFIELD	\$187.50	TRAILER REPAIR
DTOWN GRILLZ	21700 GREENFIELD 348	\$187.50	GOLD TEETH/CUSTOM JEWELRY
B-UNIQUE HAIR BOUTIQUE	21700 GREENFIELD 412	\$225.00	SALON
BUILDING TECHNOLOGY ASSOCIATES	21850 GREENFIELD	\$187.50	
TOP'S FASHION AND BRAIDING	21910 GREENFIELD 105	\$187.50	HAIR BRAIDING AND CLOTHING
SUKHOTHAI RESTARANT	25226 GREENFIELD	\$187.50	RESTAURANT
BERKLEY'S GOURMET CUPCAKES	25294 GREENFIELD	\$187.50	DESSERT, CAKES & SUPPLIES
JTS DESIGN JEWELRY	15075 LINCOLN 119	\$150.00	JEWELRY STORE
HAYNES ENTERPRISE	21171 MEYERS	\$150.00	TRUCK HAULING
BRICCO EXCAVATING	21201 MEYERS	\$150.00	EXCAVATING COMPANY
IMPACT MEDIA CONSTRUCTION	8558 NINE MILE	\$187.50	
SCHEER'S ACE HARDWARE	8601 NINE MILE	\$150.00	RETAIL-HARDWARE
VIBRANT VIZIONZ	12714 NINE MILE	\$187.50	CUSTOM TSHIRT AND EMBROIDERY
NAILS TODAY	13731 NINE MILE	\$187.50	NAIL SALON
OAK PARK FRUIT MARKET	13745 NINE MILE	\$150.00	FRUIT MARKET
GOBIND L GARG MD PLLC	13801 NINE MILE	\$150.00	INTERNAL MEDICINE
MIGHTY MO MUFFLERS	13941 NINE MILE	\$150.00	COMPLETE AUTO REPAIR
DR. ESTER R. SLEUTELBERG	15421 NINE MILE	\$150.00	DENTIST
DIVERSIFIED SPEC SALES	13261 NORTHEND	\$150.00	MFG REP SERVING PLUMBING IND.
PERFORMANCE 80 TRAINING	13321 NORTHEND	\$187.50	PERFORMANCE FITNESS STUDIO
PCI INDUSTRIES	21717 REPUBLIC	\$150.00	INTERIOR COMMERCIAL CONSTRU
CHASE CLEANERS	10831 TEN MILE	\$150.00	DRY CLEANER
HAIR ROCK CAFÉ	15454 TEN MILE	\$187.50	HAIR SALON

**MASSAGE FACILITY – RENEWAL 2018**

(Subject to All Departmental Approvals)

<b>NAME</b>	<b>ADDRESS</b>	<b>FEE</b>
Great Hands Massage	8230 W. Nine Mile Rd.	\$125.00

CITY OF OAK PARK  
OAKLAND COUNTY, MICHIGAN

ORDINANCE NO. O-19-

AN ORDINANCE TO AMEND ARTICLE V OF CHAPTER 50, OFFENSES AND MISCELLANEOUS PROVISIONS, TO ADD A NEW DIVISION 6, "MARIHUANA ESTABLISHMENTS PROHIBITED," TO PROHIBIT MARIHUANA ESTABLISHMENTS WITHIN THE BOUNDARIES OF THE CITY OF OAK PARK PURSUANT TO THE MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT, INITIATED LAW 1 OF 2018, MCL 333.27951, ET SEQ.; AND TO PROVIDE PENALTIES FOR VIOLATION OF THIS ORDINANCE.

THE CITY OF OAK PARK ORDAINS:

**SECTION 1. Ordinance** – Article V of Chapter 50, Offenses and Miscellaneous Provisions, of the Code of Ordinances, City of Oak Park, is hereby amended to add a new Division 6, "Marihuana Establishments Prohibited," to read as follows:

Sec. 50-266. – Marihuana Establishments Prohibited.

- (a) *Definitions.* Words used in this section shall have the definitions as provided for in the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951, *et seq.*, as may be amended.
- (b) *Prohibition.* Pursuant to the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951, *et seq.*, all marihuana establishments are prohibited within the boundaries of the City of Oak Park.
- (c) *Penalty.* A person who violates this section shall be responsible for a municipal civil infraction punishable as set forth in Chapter 3 of this code.

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

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

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

**MADE, PASSED AND ADOPTED** by the Council of the City of Oak Park on this XX day of February, 2019.

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**T. EDWIN NORRIS, City Clerk**

**MARIAN MCCLELLAN, Mayor**

**I, T.EDWIN NORRIS**, duly authorized Clerk of the City of Oak Park, Michigan do hereby certify that the foregoing Ordinance was adopted by the Council of the City of Oak Park at its regular meeting held on

**T. EDWIN NORRIS, City Clerk**



**BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN**

**AGENDA OF:** February 18, 2019

**AGENDA #**

**SUBJECT:** Proposed Change Order No. 1 and Payment Application No. 1 for the 2018 Sidewalk Replacement Project, M-676.

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

**SUMMARY:** Attached are Proposed Change Order No. 1 and Payment Application No. 1 for the 2018 Sidewalk Replacement Project, M-676. The Change Order is an increase due to additional sidewalk replacements completed as a part of a Consumers Energy project within the same area. The total cost for Consumers' work is \$81,098.42 for which the City will be reimbursed. This project is approximately 98% complete.

<b><u>FINANCIAL STATEMENT:</u></b>	Original Contract Amount:	\$409,132.00
	Proposed Change Order No. 1	<u>\$ 14,615.30</u>
	Proposed Contract Amount:	\$423,747.30
	Total Completed to Date:	\$423,747.30
	Less Retainage:	\$ 5,000.00
	Net Earned:	\$418,747.30
	Deductions:	\$ 0.00
	Balance:	\$418,747.30
	Payments to Date:	<u>\$ 0.00</u>
	Amount Due Italia Construction, Inc.	\$418,747.30

**RECOMMENDED ACTION:** It is recommended that Proposed Change Order No. 1 for the 2018 Sidewalk Replacement Project, M-676 to Italia Construction, Inc. be approved for the amount of \$14,615.30. It is further recommended that Payment Application No. 1 for the same be approved for the total amount of \$418,747.30. Funding is available in the Sidewalk Program Capital Improvement Fund (451-71-442-970) for this expenditure.

**APPROVALS:**

City Manager: *[Signature]*

Department Director: *[Signature]*

Director of Finance: *[Signature]*

Budgeted:

Legal: NA

**EXHIBITS:** Payment Application No. 1, Proposed Change Order No. 1, map of project area

PAYMENT APPLICATION

2018 SIDEWALK REPLACEMENT PROJECT

JOB NUMBER: M-676

CITY OF OAK PARK, MICHIGAN

APPLICATION NO.: 1

CONTRACTOR: ITALIA CONSTRUCTION INC.  
57151 DEER CREEK CT.  
WASHINGTON, MI 48084

PERIOD ENDING: 11/2/2018

ITEM	DESCRIPTION	ORIGINAL BID QUANTITY		UNIT PRICE	PERIOD QUANTITY	PERIOD AMOUNT	QUANTITY TO DATE	AMOUNT TO DATE
1	Remove Concrete Pavment. (Modified SP)	9,833	SYD	\$9.00	10,334.68	\$93,012.12	10,334.68	\$93,012.12
2	Sidewalk Conc. Non Reinf. 8" Sidewalk/Drive Approach	3,000	SFT	\$5.09	2,883.22	\$14,675.59	2,883.22	\$14,675.59
3	Sidewalk Conc. Non Reinf. 6" Sidewalk/Drive Approach	21,500	SFT	\$3.53	20,566.98	\$72,601.44	20,566.98	\$72,601.44
4	Sidewalk Conc. Non Reinf. 4" Sidewalk	64,000	SFT	\$3.13	69,536.95	\$217,650.65	69,536.95	\$217,650.65
5	Cast in Place Detectable/Tactile Warning Surface	660	SFT	\$20.00	840.00	\$16,800.00	840.00	\$16,800.00
6	24" Curb & Gutter Section, Non-Reinf. 7" Conc.	50.00	LFT	\$31.00	32.50	\$1,007.50	32.50	\$1,007.50
7	Minor Traffic Device	1.00	LSUM	\$4,000.00	1.00	\$4,000.00	1.00	\$4,000.00
8	Project Clean up	1.00	LSUM	\$4,000.00	1.00	\$4,000.00	1.00	\$4,000.00
9	Inspection Crew Days	\$320.00	EA	20.00	0.00	\$0.00	0.00	\$0.00

Period Total Amount: \$423,747.30      Amount to Date: \$423,747.30

Original Contract Amount      \$ 409,132.00  
Change Order No.1:            \$ 14,615.30  

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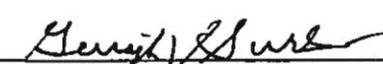
New Contract Amount         \$ 423,747.30

Earnings This Period:            \$423,747.30  
Total Earnings to Date:         \$423,747.30  
Less Retainage:                    \$5,000.00  
Net Earned:                         \$418,747.30  
Deductions:                         \$0.00  
Balance:                              \$418,747.30  
Payments to Date:                 \$0.00

AMOUNT DUE                        \$418,747.30

Accepted By:   
Italia Construction Inc.

Date: 1 28 19

Approved By:   
Gerrajh Surlés - Assistant City Engineer  
City of Oak Park, Michigan

Date: 2/8/2019

**CHANGE ORDER**

<b>PROJECT:</b>	<b>2018 SIDEWALK REPLACEMENT PROJECT</b>	<b>JOB NUMBER:</b>	<b>M-676</b>
<b>OWNER:</b>	<b>CITY OF OAK PARK, MICHIGAN</b>	<b>CHANGE ORDER NO.:</b>	<b>1</b>
<b>CONTRACTOR:</b>	<b>ITALIA CONSTRUCTION INC. 57151 DEER CREEK CT. WASHINGTON, MI 48084</b>	<b>PAGE:</b>	<b>1</b>

**TO THE CONTRACTOR:**

You are hereby directed to comply with the changes/extras to the contract documents.  
This change order reflects work completed or anticipated. Further documentation supporting these changes is on file with the City Engineer.

**THE FOLLOWING ITEMS AND OR CONTRACT UNITS PRICES SHALL BE ADDED TO THE CONTRACT AMOUNT**

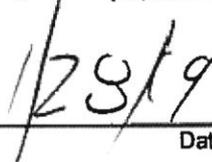
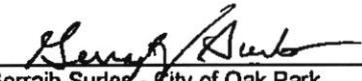
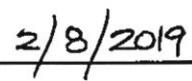
Item No.	Description	Original Bid Quantity	Unit	Unit Price	Increased Quantity	Quantity to Date	TOTAL Amount
1	Remove Concrete Pavment. (Modified SP)	9,833	SYD	\$9.00	501.68	10,334.68	\$ 4,515.12
4	Sidewalk Conc. Non Reinf. 4" Sidewalk	64,000	SFT	\$3.13	5,536.95	69,536.95	\$ 17,330.65
5	Cast in Place Detectable/Tactile Warning Surface	660	SFT	\$20.00	180.00	840.00	\$ 3,600.00
<b>TOTALS</b>							<b>\$ 25,445.77</b>

**THE FOLLOWING ITEMS AND OR CONTRACT UNITS PRICES SHALL BE SUBTRACTED FROM THE CONTRACT AMOUNT**

Item No.	Description	Original Bid Quantity	Unit	Unit Price	Decreased Quantity	Quantity to Date	TOTAL Amount
2	Sidewalk Conc. Non Reinf. 8" Sidewalk/Drive Approach	3,000	SFT	\$5.09	-116.78	2,883.22	\$ (594.41)
3	Sidewalk Conc. Non Reinf. 6" Sidewalk/Drive Approach	21,500	SFT	\$3.53	-933.02	20,566.98	\$ (3,293.56)
6	24" Curb & Gutter Section, Non-Reinf. 7" Conc.	50	LFT	\$31.00	-17.50	32.50	\$ (542.50)
9	Inspection Crew Days	20	EA	\$320.00	-20.00	0.00	\$ (6,400.00)
<b>TOTALS</b>							<b>\$ (10,830.47)</b>

**SUMMARY**

Total Increase	\$	25,445.77
Total Decrease	\$	(10,830.47)
<b>Total for Change Order No.1:</b>	<b>\$</b>	<b>14,615.30</b>
Contract Amount	\$	409,132.00
Change Order No. 1:	\$	14,615.30
<b>New Contract Amount:</b>	<b>\$</b>	<b>423,747.30</b>

	
Italia Construction Inc.	Date
	
Gerrajh Surles - City of Oak Park	Date

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# 2018 Sidewalk Replacement Project, M-676

