

Oak Park

City Council Agenda

June 15, 2020





AGENDA
REGULAR CITY COUNCIL MEETING
38th CITY COUNCIL
OAK PARK, MICHIGAN
June 15, 2020
7:00 PM

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF AGENDA

4. 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 June 1, 2020
- B. Request to advertise for bids for the 2020 Catch Basin Line Replacement Project, M-712
- C. Request to approve Payment Application No. 3 (final) for the 2018 Sewer & Catch Basin Cleaning & TV Inspection Project, M-683 to Taplin Group, LLC. of Kalamazoo, MI. for the total amount of \$5,000.00
- D. Request to approve Payment Application No. 2 (final) for the 2019 Sewer Lining Project, M-688 to Insituform Technologies USA, LLC of Chesterfield, MO for the total amount of \$5,000.00
- E. Request to approve payment of an invoice from Midstates Recreation for the DNA Tower play structure at the Seneca Pocket Park for the total amount of \$49,524.27
- F. Request to advertise for bids for Program Year 2019 Yard Services, M-715
- G. Request to appoint Kevin Yee as the representative and David DeCoster as the alternate representative to the SOCRRA Board for the fiscal year beginning July 1, 2020
- H. Planning Commission Meeting Minutes of May 11, 2020

5. RECOGNITION OF VISITING ELECTED OFFICIALS

6. SPECIAL RECOGNITION/PRESENTATIONS: None

7. PUBLIC HEARINGS:

- A. Public Hearing to receive public comments regarding the request by Gao Corporation (Ganrong Chen) D/B/A Crazy Crab Seafood Restaurant, 13351 W. 10 Mile, for the issuance of a Class C Liquor License
- B. Resolutions approving issuance of a Class C Liquor License to Gao Corporation (Ganrong Chen) D/B/A Crazy Crab Seafood Restaurant, 13351 W. 10 Mile, Oak Park Michigan 48237

8. COMMUNICATIONS: None

9. SPECIAL LICENSES: None

10. ACCOUNTING REPORTS:

- A. Approval for payment of invoices submitted by Garan, Lucow, Miller, P.C. for legal services in the total amount of \$14,453.34
- B. Approval for payment of an invoice submitted by Howard L. Shifman, P.C., for legal services retainer for July 1, 2020 through September 30, 2020 in the total amount of \$18,000.00

11. **BIDS:** None

12. **ORDINANCES:**

- A. Second reading and adoption of an ordinance to amend Chapter 82, Utilities, of the Code of Ordinances of the City of Oak Park, Michigan, by amending Section 82-313, Determination (Setting the rates and charges to be imposed for the consumption and use of water and sewer services)
- B. Second reading and adoption of an ordinance to amend Section 22-153 of chapter 22, Article VI, Division 1, of the Code of Ordinances that allows sidewalk sales in the right of way that are approved and licensed pursuant to Chapter 10, Article VII, Division 2 of the Code

13. **CITY ATTORNEY:**

14. **CITY MANAGER:**

Administration

- A. Reopening Plan Update
- B. 2020 Oak Park Millage Renewals
- C. Storm Water Rate Change Update

Finance

- D. Resolution authorizing Budget Amendment #2020-4
- E. Resolution authorizing Budget Amendment #2021-1
- F. 2020 UTGO Refunding Bonds

Department of Public Works

- G. Request to approve the attached agreement with the Oak Park School District for use of City property for a driveway extension and to authorize the City Manager to sign the agreement on behalf of the City
- H. Request to approve the attached agreement with Yeshiva Beth Yehuda for use of MDOT property through a City acquired permit at the Z03 Plaza Bridge and to authorize the City Manager to sign the agreement on behalf of the City

15. **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.

16. **CALL TO THE COUNCIL**

17. **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
38th OAK PARK CITY COUNCIL
June 1, 2020
7:00 PM**

MINUTES

Mayor McClellan called the virtual meeting to order at 7:00 p.m. Oak Park City Hall, 14000 Oak Park Boulevard, Oak Park, MI 48237. (248) 691-7544.

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

ABSENT: None

OTHERS

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

APPROVAL OF AGENDA:

CM-06-150-20 (AGENDA ITEM #3) ADOPTION OF THE AGENDA AS AMENDED – APPROVED

Motion by Burns, seconded by Weiss, CARRIED UNANIMOUSLY, to approve the agenda with the following addition:

- Item 12B – First reading of ordinance to amend Section 22-153 of chapter 22, Article VI, Division 1, of the Code of Ordinances

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

MOTION DECLARED ADOPTED

CONSENT AGENDA:

CM-06-151-20 (AGENDA ITEM #5A-F) CONSENT AGENDA - APPROVED

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

- A. Regular Council Meeting Minutes of May 18, 2020 **CM-06-152-20**
- B. Arts and Cultural Diversity Commission Minutes of December 12, 2019 and February 13, 2020 **CM-06-153-20**
- C. Beautification Advisory Commission Meeting Minutes of February 18, 2020 **CM-06-154-20**
- D. Proposed Change Order No. 1 in the amount of (\$354.13) and Payment Application No. 2 in the amount of \$202,988.62 to Mattioli Cement Company of Fenton, MI for the 2019-20 Miscellaneous Concrete Project, M-699 **CM-06-155-20**

- E. Request to declare listed vehicles as surplus and sold by sealed bid, public auction, or disposal at the lowest expense to the City in accordance with City policy **CM-06-156-20**
- F. Corridor Improvement Authority Board Meeting Minutes of February 20, 2020 **CM-06-157-20**

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

MOTION DECLARED ADOPTED

RECOGNITION OF VISITING ELECTED OFFICIALS: None

SPECIAL RECOGNITION/PRESENTATIONS:

**CM-06-158-20 (AGENDA ITEM #6A) RESOLUTION DECLARING JUNE 5, 2020
TO BE NATIONAL GUN VIOLENCE AWARENESS DAY IN OAK
PARK - APPROVED**

Motion by Weiss, seconded by Burns, CARRIED UNANIMOUSLY, to adopt the following resolution declaring June 5, 2020 to be National Gun Violence Awareness Day in Oak Park:

CITY OF OAK PARK
MICHIGAN

**RESOLUTION DECLARING JUNE 5, 2020 TO BE
NATIONAL GUN VIOLENCE AWARENESS DAY IN THE CITY OF OAK PARK**

This resolution declares June 5, 2020 to be National Gun Violence Awareness Day in the City of Oak Park to honor and remember all victims and survivors of gun violence and to declare that we as a country must do more to reduce gun violence.

WHEREAS, every day, 100+ Americans are killed by gun violence and on average there are nearly 13,000 gun homicides every year; and

WHEREAS, Americans are 25 times more likely to be killed with guns than people in other high-income countries; and

WHEREAS, support for the Second Amendment rights of law-abiding citizens goes hand-in-hand with keeping guns away from people with dangerous histories; and

WHEREAS, law enforcement officers know their communities best, are the most familiar with local criminal activity and how to address it, and are best positioned to understand how to keep their citizens safe; and

WHEREAS, in January 2013, Hadiya Pendleton, a teenager who marched in President Obama's second inaugural parade and was tragically shot and killed just weeks later, should be now celebrating her 22nd birthday; and

WHEREAS, to help honor Hadiya – and the 100 Americans whose lives are cut short and the countless survivors who are injured by shootings every day – a national coalition of organizations has designated June 5, 2020, the first Friday in June, as the 5th National Gun Violence Awareness Day; and

WHEREAS, to help honor Hadiya – and the 100 Americans whose lives are cut short and the countless survivors who are injured by shootings every day – a national coalition of organizations has designated June 5, 2020, the first Friday in June, as the 5th National Gun Violence Awareness Day; and

WHEREAS, the idea was inspired by a group of Hadiya’s friends, who asked their classmates to commemorate her life by wearing orange; they chose this color because hunters wear orange to announce themselves to other hunters when out in the woods and orange is a color that symbolizes the value of human life; and

WHEREAS, anyone can join this campaign by pledging to wear Orange on June 5th, the first Friday in June in 2020, to help raise awareness about gun violence; and

WHEREAS, by wearing orange on June 5, 2020 Americans will raise awareness about gun violence and honor the lives of gun violence victims and survivors; and

WHEREAS, we renew our commitment to reduce gun violence and pledge to do all we can to keep firearms out of the wrong hands, and encourage responsible gun ownership to help keep our children safe.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Oak Park, Michigan, declares June 5, 2020, to be National Gun Violence Awareness Day and encourages all citizens to support their local communities’ efforts to prevent the tragic effects of gun violence and to honor and value human lives.

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

MOTION DECLARED ADOPTED

PUBLIC HEARINGS: None

COMMUNICATIONS: None

SPECIAL LICENSES: None

ACCOUNTING REPORTS: None

BIDS: None

ORDINANCES:

CM-06-159-20 (AGENDA ITEM #12A) FIRST READING OF AN ORDINANCE TO AMEND CHAPTER 82, UTILITIES, OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK, MICHIGAN, BY AMENDING SECTION 82-313, DETERMINATION - APPROVED

Motion by Burns, seconded by Weiss, CARRIED UNANIMOUSLY, to approve the first reading of an ordinance to amend Chapter 82, Utilities, of the Code of Ordinances of the City of Oak Park, Michigan, by amending Section 82-313, Determination

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

MOTION DECLARED ADOPTED

CM-06-160-20 (AGENDA ITEM #12B) Added to the agenda. FIRST READING OF AN ORDINANCE TO AMEND SECTION 22-153 OF CHAPTER 22, ARTICLE VI, DIVISION 1, OF THE CODE OF ORDINANCES - APPROVED

Motion by Burns, seconded by Radner, CARRIED UNANIMOUSLY, to approve the first reading of an ordinance to amend Section 22-153 of chapter 22, Article VI, Division 1, of the Code of Ordinances that allows sidewalk sales in the right of way that are approved and licensed pursuant to Chapter 10, Article VII, Division 2 of the Code.

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

MOTION DECLARED ADOPTED

CITY ATTORNEY: None

CITY MANAGER:

Finance

(AGENDA ITEM #14A) Quarterly Investment Report for period ending 3/31/20.

Deputy Finance Director Winters presented the Quarterly Investment Report for period ending 3/31/20. A complete copy is on file with the City Clerk.

(AGENDA ITEM #14B) Quarterly Investment Report for period ending 3/31/20.

Deputy Finance Director Winters presented the Quarterly Financial Report for period ending 3/31/20. A complete copy is on file with the City Clerk.

CM-06-161-20 (AGENDA ITEM #14C) REQUEST TO APPROVE BUDGET AMENDMENT #2020-3 FOR PERIOD ENDING 3/31/20 - APPROVED

Motion by Weiss, seconded by Burns, CARRIED UNANIMOUSLY, to approve Budget Amendment #2020-3 for period ending 3/31/20:

GENERAL FUND	
Audited Beginning Fund Balance July 1, 2019	\$ 4,369,283
Amended Budget as of March 31, 2020	\$ (374,000)
Net Change in Fund Balance (Amendment #2020-3)	\$ 0

Estimated Ending Fund Balance June 30, 2020	<u>\$ 3,995,283</u>
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Roll Call Vote: Yes: McClellan, Burns, Weiss, Edgar, Radner
 No: None
 Absent: None

MOTION DECLARED ADOPTED

Department of Public Safety

CM-06-162-20 (AGENDA ITEM #14D) REQUEST TO APPROVE TRAFFIC CONTROL ORDER #160 SEC 1.24 POSTING NO PARKING SIGNS FROM THE DRIVEWAY NORTH OF 21801 AVON ROAD TO THE DRIVEWAY EAST OF 15281 PEARSON STREET - APPROVED

Motion by Edgar, seconded by Radner, CARRIED UNANIMOUSLY, to approve Traffic Control Order #160 Sec 1.24 posting No Parking signs from the driveway north of 21801 Avon Road to the driveway east of 15281 Pearson Street.

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

MOTION DECLARED ADOPTED

Administration

(AGENDA ITEM #14E) Coronavirus Update.

City Manager Tungate provided updates on matters related to the coronavirus outbreak and the City of Oak Park.

(AGENDA ITEM #14F) City Clerk Norris provided an update on the August 4, 2020 Election and reviewed absentee voting procedures.

CALL TO THE AUDIENCE:

Kenneth Sherman presented questions regarding the Library.
Mrs. Russell thanked city officials for their hard work and expressed concerns regarding some employees.

CALL TO THE COUNCIL:

Mayor Pro Tem Burns reminded everyone to be safe and to dress appropriately for the season.
Council Member Radner wished everyone a good night.
Council Member Weiss wished everyone a good night.
Council Member Edgar encouraged everyone to stay safe.
Mayor McClellan encouraged everyone to be safe and said good night.

ADJOURNMENT:

There being no further business to come before the City Council, Mayor McClellan adjourned the meeting at 7:57 P.M.

T. Edwin Norris, City Clerk

Marian McClellan, Mayor



BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN

AGENDA OF: June 15, 2020

AGENDA #

SUBJECT: Request authorization to bid the 2020 Catch Basin Line Replacement Project, M-712.

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

SUMMARY: Plans and specifications are complete for the 2020 Catch Basin Line Replacement Project, M-712. This project will repair damaged catch basins and catch basin lines that have been found through our cleaning and television program throughout the City.

FINANCIAL STATEMENT: There is \$223,000 remaining in the 2019-20 budget for this expenditure.

RECOMMENDED ACTION: It is recommended that the request to advertise for bids for the 2020 Catch Basin Line Replacement Project, M-712 be approved. Funding is available in the Water and Sewer Fund No. 592-18-550-970.

APPROVALS:
City Manager: *ET*

Department Director: *KJY*

Finance Director: *SC*

Budgeted:

City Attorney: N/A

EXHIBITS: Map



BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN

AGENDA OF: June 15, 2020

AGENDA#

SUBJECT: Proposed Payment Application No. 3 (final) for the 2018 Sewer & Catch Basin Cleaning & TV Inspection Project, M-683.

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

SUMMARY: Attached is Payment Application No. 3 (final) for the 2018 Sewer & Catch Basin Cleaning & TV Inspection Project, M-683. This project is cleaning and televising sewers for inspection in the areas shown on the attached map. This project is complete.

FINANCIAL STATEMENT:

Original Contract Amount:	\$215,930.85
Change Order No. 1:	\$ 1,344.00
Change Order No. 2:	<u>(\$ 4,258.77)</u>
Current Contract Amount:	\$213,016.08
Total Completed to Date:	\$213,016.08
Less Retainage:	\$ 0
Net Earned:	\$213,016.08
Deductions:	\$ 0.00
Balance:	\$213,016.08
Payments to Date:	<u>\$208,016.08</u>
Amount Due Taplin Group, LLC:	\$ 5,000.00

RECOMMENDED ACTION: It is recommended that Payment Application No. 3 (final) for the 2018 Sewer & Catch Basin Cleaning & TV Inspection Project, M-683 be approved to Taplin Group, LLC. of Kalamazoo, MI. for the total amount of \$5,000.00. Funding is available in the Water and Sewer Fund (No. 592-18-550-930).

APPROVALS:

City Manager: *ET* Department Director: *KJY*

Director of Finance: *SC* Legal: NA

Budgeted:

EXHIBITS: Payment Application No. 3 (final), map

PAYMENT APPLICATION

PROJECT: 2018 SEWER & CATCH BASIN CLEANING & TV INSPECTION PROJECT
 OWNER: CITY OF OAK PARK, MICHIGAN
 CONTRACTOR: TAPLIN GROUP, LLC
 5140 WEST MICHIGAN AVE
 KALAMAZOO, MI 49006

JOB NUMBER: M-683
 APPLICATION NO.: 3 (FINAL)
 PERIOD ENDING: 1/8/2020

ITEM	DESCRIPTION	ORIGINAL BID QUANTITY		UNIT PRICE	PERIOD QUANTITY	PERIOD AMOUNT	QUANTITY TO DATE	AMOUNT TO DATE
1	MEDIUM 8" SEWER CLEANING & TV INSPECTION	7,000	LFT	\$1.15	0	\$0.00	6,629	\$7,623.35
2	MEDIUM 10" SEWER CLEANING & TV INSPECTION	4,800	LFT	\$1.23	0	\$0.00	5,161	\$6,348.03
3	MEDIUM 12" SEWER CLEANING & TV INSPECTION	30,600	LFT	\$1.35	0	\$0.00	28,761	\$38,827.35
4	MEDIUM 15" SEWER CLEANING & TV INSPECTION	21,200	LFT	\$1.42	0	\$0.00	21,216	\$30,126.72
5	MEDIUM 18" SEWER CLEANING & TV INSPECTION	12,300	LFT	\$1.48	0	\$0.00	12,193	\$18,045.64
6	MEDIUM 21" SEWER CLEANING & TV INSPECTION	2,900	LFT	\$1.56	0	\$0.00	3,128	\$4,879.68
7	MEDIUM 24" SEWER CLEANING & TV INSPECTION	4,300	LFT	\$1.60	0	\$0.00	4,361	\$6,977.60
8	MEDIUM 27" SEWER CLEANING & TV INSPECTION	3,000	LFT	\$1.65	0	\$0.00	2,548	\$4,204.20
9	MEDIUM 30" SEWER CLEANING & TV INSPECTION	2,900	LFT	\$1.75	0	\$0.00	2,675	\$4,681.25
10	MEDIUM 33" SEWER CLEANING & TV INSPECTION	500	LFT	\$1.80	0	\$0.00	494	\$889.20
11	MEDIUM 36" SEWER CLEANING & TV INSPECTION	3,800	LFT	\$1.91	0	\$0.00	2,896	\$5,531.36
12	MEDIUM 48" SEWER CLEANING & TV INSPECTION	0	LFT	\$2.10	0	\$0.00	0	\$0.00
13	CATCH BASIN LEAD CLEANING & TV INSPECTION	15,900	LFT	\$3.08	0	\$0.00	16,255	\$50,065.40
14	CATCH BASIN CLEANING STRUCTURE	625	EA	\$51.90	0	\$0.00	627	\$32,541.30
15	SEWER LATERAL PROTRUDING LEAD CUTTING	5	EA	\$272.47	0	\$0.00	0	\$0.00
16	MEDIUM 42" SEWER CLEANING & TV INSPECTION	0	LFT	\$2.00	0	\$0.00	860	\$1,720.00
17	EMERGENCY CALL OUT - OAK CREST	0	HR	\$185.00	0	\$0.00	3	\$555.00

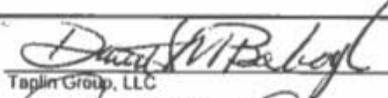
Period Total Amount: \$0.00 Amount to Date: \$213,016.08

Original Contract Amount: \$215,930.85
 Change Order No. 1: \$1,344.00
 Change Order No. 2: (\$4,258.77)
 New Contract Amount: \$213,016.08

Earnings This Period: \$0.00
 Total Earnings to Date: \$213,016.08
 Less Retainage: \$0.00
 Net Earned: \$213,016.08
 Deductions: \$0.00
 Balance: \$213,016.08
 Payments to Date: \$208,016.08

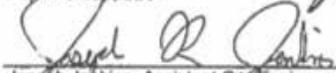
AMOUNT DUE TAPLIN GROUP, LLC: \$5,000.00

Accepted By:


 Taplin Group, LLC

Date: 5/19/2020

Approved By:


 Joseph Jenkins, Assistant City Engineer
 City of Oak Park, Michigan

Date: 5/19/2020



BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN

AGENDA OF: June 15, 2020

AGENDA#

SUBJECT: Payment Application No. 2 for the 2019 Sewer Lining Project, M-688.

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

SUMMARY: Attached is Payment Application No. 2 (final) for the 2019 Sewer Lining Project, M-688. This project lined the sewers shown on the attached map. This project is complete.

<u>FINANCIAL STATEMENT:</u> Original Contract Amount:	\$246,911.90
Change Order No. 1:	<u>(\$ 1,952.60)</u>
Current Contract Amount:	\$244,959.30
Total Completed to Date:	\$244,959.30
Less Retainage:	\$ 0.00
Net Earned:	\$244,959.30
Deductions:	\$ 0.00
Balance:	\$244,959.30
Payments to Date:	<u>\$ 239,959.30</u>
Amount Due Insituform Technologies:	\$ 5,000.00

RECOMMENDED ACTION: It is recommended that Payment Application No. 2 (final) for the 2019 Sewer Lining Project, M-688 be approved to Insituform Technologies USA, LLC of Chesterfield, MO for the total amount of \$5,000.00. Funding is available in the Water and Sewer Fund (No. 592-18-550-970).

APPROVALS:

City Manager: *ET* Department Director: *KJY*

Director of Finance: *SC* Legal: *NA*

Budgeted:

EXHIBITS: Payment Application No. 2, map

PAYMENT APPLICATION

PROJECT: 2018-2019 SEWER LINING PROJECT
 OWNER: CITY OF OAK PARK, MICHIGAN
 CONTRACTOR: INSITUFORM TECHNOLOGIES USA, LLC
 17988 EDISON AVENUE
 CHESTERFIELD, MO 63005

JOB NUMBER: M-688
 APPLICATION NO.: 2
 PERIOD ENDING: 3/5/2020

ITEM	DESCRIPTION	ORIGINAL BID QUANTITY		UNIT PRICE	PERIOD QUANTITY	PERIOD AMOUNT	QUANTITY TO DATE	AMOUNT TO DATE
1	8" SEWER PIPE LINING	0	LFT	\$28.50	0	\$0.00	0	\$0.00
2	10" SEWER PIPE LINING	0	LFT	\$28.50	0	\$0.00	0	\$0.00
3	12" SEWER PIPE LINING	1,270	LFT	\$32.00	0	\$0.00	717	\$22,944.00
4	15" SEWER PIPE LINING	1,735	LFT	\$54.90	0	\$0.00	2,085	\$114,466.50
5	18" SEWER PIPE LINING	1,257	LFT	\$52.50	0	\$0.00	1,261	\$66,202.50
6	24" SEWER PIPE LINING	310	LFT	\$84.30	0	\$0.00	322	\$27,144.60
7	REINSTATING SEWER LATERAL	126	EA	\$82.50	0	\$0.00	128	\$10,560.00
8	SEWER LATERAL PROTRUDING LEAD CUTTING	25	EA	\$58.20	0	\$0.00	24	\$1,386.80
9	MINOR TRAFFIC DEVICE	1	LSUM	\$967.50	0	\$0.00	1	\$967.50
10	PROJECT CLEAN UP	1	LSUM	\$317.40	0	\$0.00	1	\$317.40
11	INSPECTION CREW DAYS	18	DAYS	\$320.00	0	\$0.00	3	\$960.00
12	CLEANING ONLY	0	LFT	\$3.85	0	\$0.00	0	\$0.00
Period Total Amount:						\$0.00	Amount to Date:	\$244,959.30

Original Contract Amount: \$246,911.90
 Change Order No. 1: -\$1,952.60
 New Contract Amount: \$244,959.30

Earnings This Period: \$0.00
 Total Earnings to Date: \$244,959.30
 Less Retainage: \$0.00
 Net Earned: \$244,959.30
 Deductions: \$0.00
 Balance: \$244,959.30
 Payments to Date: \$239,959.30

AMOUNT DUE Insituform Technologies USA, LLC: \$5,000.00

Accepted By: Matt Brighetter
 Insituform Technologies USA, LLC

Date: 6-9-20

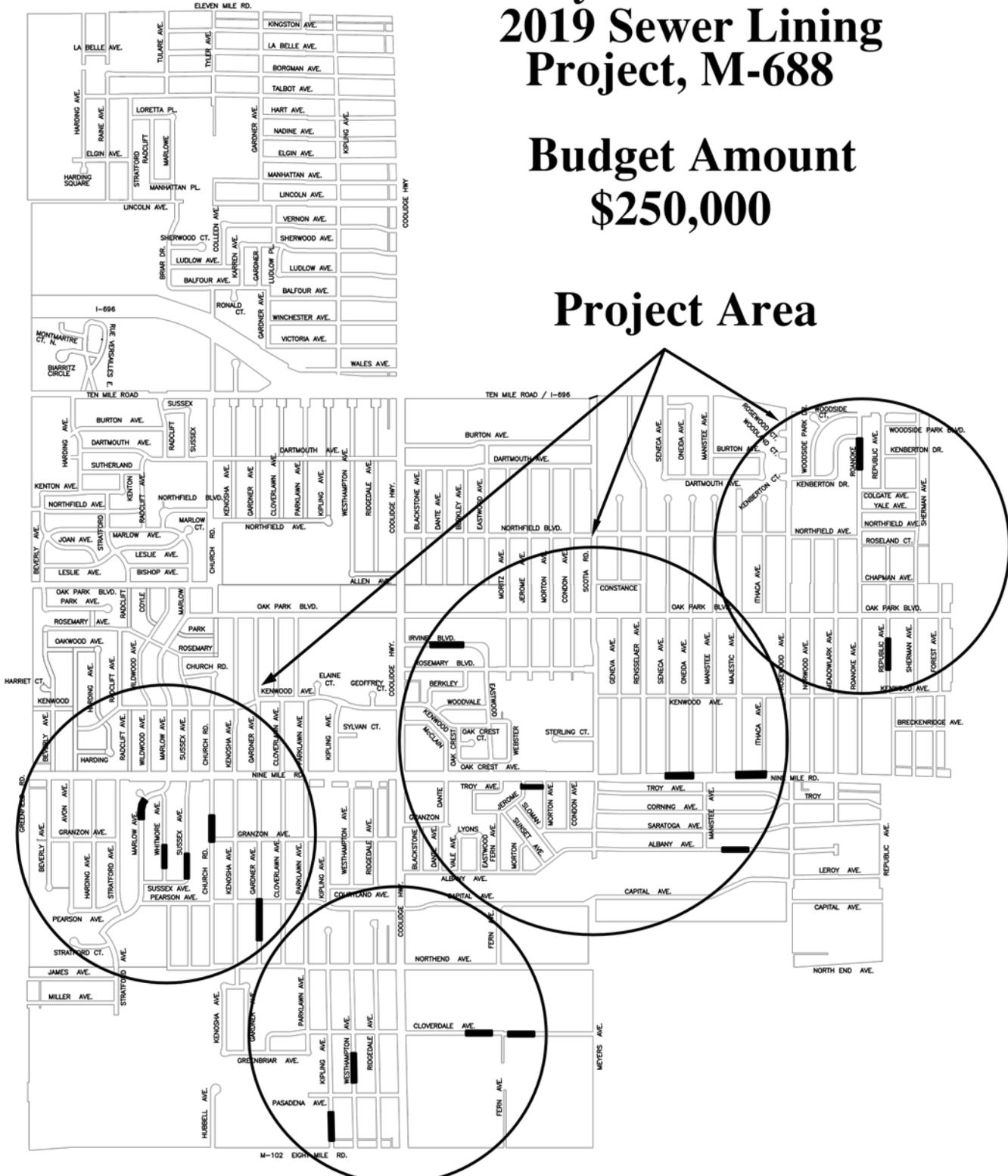
Approved By: Joseph R. Jakub
 Joe Jenkins, Assistant City Engineer
 City of Oak Park, Michigan

Date: 6-10-20

City of Oak Park 2019 Sewer Lining Project, M-688

**Budget Amount
\$250,000**

Project Area





BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN

AGENDA OF: June 15, 2020 **AGENDA #**

SUBJECT: Payment request from Midstates Recreation for the DNA Tower play structure and poured in place rubber surface at the Seneca Pocket Park.

DEPARTMENT: Technical & Planning – Engineering *KJY*

SUMMARY: Attached are invoices 02251 and 02265 from Midstates Recreation for the DNA Tower play structure and poured in place rubber surface at the Seneca Pocket Park. These invoices cover the final approved costs of the equipment and play surface installation per the original quotations. Everything has now been installed.

RECOMMENDED ACTION: It is recommended that the invoice from Midstates Recreation for the DNA Tower play structure at the Seneca Pocket Park be approved for the total amount of \$49,524.27. Funding for this project will be paid by the Play Everywhere Grant (\$65,000), the Community Foundation Grant (\$50,000) and the 9 Mile Road Project budget (\$13,056.27).

APPROVALS:

City Manager: *ET*

Department Director: *KJY*

Finance Director: *SC*

Legal: N/A

EXHIBITS: Invoices

	1279 Hazelton-Etna	Pataskala, OH	614-855-	midstatesrecreation.com
	Road SW	43062	3790	

SALES INVOICE

Date	Sales Invoice #	Terms	Rep	Project	P.O. No.
2020-05-27	SINV-02251	Net 10	Brion Kilpela	2019 07 Berliner DNA Tower .03 - MI City Of Oak Park	7465

Sold To	City of Oak Park Accounts Payable 10600 Capital Avenue Oak Park, MI, 48237 United States	Ship To	Seneca Pocket Park Corner of 9 Mile & Seneca Oak Park, MI, 48237 United States
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Item Code	Description	Qty	Rate	Amount
Installation Charges	Installation Charges: Take delivery of equipment, install equipment includes footings and hauling spoils off site. Does not include site prep, safety surfacing border or restoration.	1.0 Unit	\$ 24,849.00	\$ 24,849.00

Subtotal	\$ 24,849.00
Michigan Sales Tax	\$ 0.00
Total	\$ 24,849.00
Advance (-)	\$ 0.00
Credit (-)	\$ 0.00
Balance Due	\$ 24,849.00

50% down on equipment and freight to place order.

	1279 Hazelton-Etna Road SW	Pataskala, OH 43062	614-855- 3790	midstatesrecreation.com

SALES INVOICE

Date	Sales Invoice #	Terms	Rep	Project	P.O. No.
2020-06-03	SINV-02265	Net 10	Brion Kilpela	2019 07 Seneca Pocket Park Poured In Place Rubber - Mi City Of Oak Park	7466

Sold To	City of Oak Park Accounts Payable 10600 Capital Avenue Oak Park, MI, 48237 United States	Ship To	Seneca Pocket Park Corner of 9 Mile & Seneca Oak Park, MI, 48237 United States
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Item Code	Description	Qty	Rate	Amount
Poured In Place	Poured In Place Rubber: Provide PIP for 10' critical fall height 1/2" color cap 50%black 50% color for a 49'x25' area. Area bordered by concrete on all sides. Provide fine grading of stone base disturbed from installation. Provide security for PIP upon completion during cure time. - EPDM COLOR GREEN #33 50%/50% BLACK	1.0 Each	\$ 25,974.00	\$ 25,974.00
NPP Customer Discount - Member ID #	NPP Customer Discount - Member ID #M-5700953	1.0 Unit	\$ -1,298.73	\$ -1,298.73

Subtotal	\$ 24,675.27
Michigan Sales Tax	\$ 0.00
Total	\$ 24,675.27
Advance (-)	\$ 0.00
Credit (-)	\$ 0.00
Balance Due	\$ 24,675.27



BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN

AGENDA OF: June 15, 2020

AGENDA #

SUBJECT: The Department of Technical and Planning is requesting authorization to receive sealed bids for the PY 2019 Senior Yard Service Program, M-715.

DEPARTMENT: Technical & Planning – RMB

SUMMARY: Specifications are nearly complete for the Program Year 2019 Yard Services. This program provides low income seniors assistance in lawn mowing, snow removal and yard waste clean-up.

FINANCIAL STATEMENT: The Senior Yard Service Program is funded through the Community Development Block Grant, CDBG. \$30,000 has been allocated for program year 2019.

RECOMMENDED ACTION: It is recommended that the request to advertise for bids for Program Year 2019 Yard Services, M-715, be approved. Funding is available in the CDBG fund for this expenditure.

APPROVALS:

City Manager: *ET*

Department Director: *RMB*

Director of Finance: *SC*

Budgeted:

Legal: _____

EXHIBITS: none



BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN

AGENDA OF: June 15, 2020

AGENDA #

SUBJECT: Appointment of representative & alternate to SOCRRA Board.

DEPARTMENT: Public Works

SUMMARY: Article VII of the Articles of Incorporation of the Southeastern Oakland County Resource Recovery Authority provides that each municipality shall annually appoint a representative and an alternate to the Board of Trustees. These representatives shall serve during the next fiscal year following their appointment and /or until their successor is appointed.

FINANCIAL STATEMENT: No funds required.

RECOMMENDED ACTION: It is recommended that Council appoint Kevin Yee as the representative and David DeCoster as the alternate representative to the SOCRRA Board for the fiscal year beginning July 1, 2020.

APPROVALS:

City Manager: *ET*

Finance Director: *SC*

Department Director: *KJY*

EXHIBITS: None



Berkley • Beverly Hills • Birmingham • Clawson • Ferndale • Hazel Park • Huntington Woods • Lathrup Village • Oak Park • Pleasant Ridge • Royal Oak • Troy

May 1, 2020

Mr. Ed Norris
City Clerk
City of Oak Park
13600 Oak Park Blvd.
Oak Park, MI 48237

Subject: Appointment of Representative & Alternate

Dear Mr. Norris:

Article VII of the Articles of Incorporation of SOCRRA provides that each municipality shall annually appoint a representative and an alternate to the Board of Trustees. This representative shall serve during the next fiscal year following his appointment and/or until his successor is appointed.

The present representative and alternate representative for the City of Oak Park are as follows:

Representative

Alternate

K. Yee

D. DeCoster

It is requested that the City Council, by resolution, appoint a representative and alternate representative to represent the City of Oak Park on the Board of Trustees of SOCRRA for the fiscal year beginning July 1, 2020.

Please forward a certified copy of this resolution to SOCRRA, 3910 W. Webster Road, Royal Oak, MI 48073-6764.

Very truly yours,

A handwritten signature in blue ink that reads "Jeffrey A. McKeen".

Jeffrey A. McKeen, P.E.
General Manager

JAM/cf

**CITY OF OAK PARK PLANNING COMMISSION
MONDAY, MAY 11, 2020
MINUTES**

Meeting was called to order at 7:00 p.m., in the City Council Chambers, Oak Park City Hall, 14000 Oak Park Boulevard, Oak Park, MI, by Chairperson Torgow and roll call was made.

PRESENT: Chairperson Torgow
Vice Chairperson Brown
Commissioner Eizelman
Commissioner McClellan
Commissioner Seligson
Commissioner Tungate

ABSENT: Commissioner Burns
Commissioner Tkatch
Commissioner Walters-Gill

OTHERS PRESENT: City Planner, Kevin Rulkowski
Community & Economic Development Director, Kim Marrone
Deputy City Clerk, Lisa Vecchio

3. APPROVAL OF AGENDA OF MAY 11, 2020:

MOTION by Eizelman, SECONDED by Seligson, to approve the agenda of May 11, 2020.

VOTE: Yes: All
No: None

MOTION CARRIED

4. APPROVAL OF MINUTES OF APRIL 13, 2020:

MOTION by Eizelman, SECONDED by Seligson, to approve the minutes of April 13, 2020 with no corrections.

VOTE: Yes: All
No: None

MOTION CARRIED

5. COMMUNICATIONS/CORRESPONDENCE: None

6. PUBLIC HEARING:

- A. Public Hearing to consider a request submitted by Mad Crab Seafood, for Special Land Use approval to allow for a restaurant that serves alcoholic liquor to be located at 13351 & 13361 West Ten Mile Road.**

Chairperson Torgow opened the Public Hearing at 7:04 pm. There were no comments. Chairperson Torgow closed the Public Hearing at 7:04 pm.

B. Planning Commission action regarding a request submitted by Mad Crab Seafood, for Special Land Use approval to allow for a restaurant that serves alcoholic liquor to be located at 13351 & 13361 West Ten Mile Road.

Chairperson Torgow referenced City Planner Rulkowski's report dated April 14, 2020:

Special Land Use Standards

The Special Land Use section of the Zoning Ordinance (Article XIX) requires the proposed use for a Restaurant that serves Alcoholic Liquor to meet a number of general standards (Section 1900) as well as use specific standards for Restaurants Serving Alcoholic Liquor (Section 1930).

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.

H. The proposed use shall not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or other permitted land uses in the zoning district.

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.

Sec. 1930. - Establishments serving alcoholic liquor for consumption on the premises.

Establishments serving alcoholic liquor for consumption on the premises may be permitted in certain districts specified in this section, subject to the following:

A. All establishments serving alcoholic liquor for consumption on the premises are subject to the following:

1. The proposed establishment serving alcoholic liquor for consumption on the premises is not located within 500 feet of a place of worship or school building. The distance between the place of worship or school building and the contemplated location shall be measured along the center line of the street or streets of address between two fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the place of worship or school building nearest to the contemplated location and from the part of the contemplated location nearest to the place of worship or school building. Notwithstanding the stated distance requirements, no proposed establishment serving alcoholic liquor for consumption on the premises will be permitted to serve alcoholic liquor if the proposed establishment serving alcoholic liquor for consumption on the premises is located on a parcel of land adjacent to a parcel of land with a place of worship or school building. This provision may be waived by the city council if the affected school(s) or place(s) of worship, through its duly appointed or elected governing body, affirmatively waives, in writing, its right to object to the restaurant and the city council determines that the proposed establishment serving alcoholic

liquor for consumption on the premises will not adversely affect the operation of the school or place of worship.

2. The layout of the site of the proposed establishment serving alcoholic liquor for consumption on the premises and its relationship to streets serving access to the site shall be in a manner that vehicular and pedestrian traffic to and from the proposed establishment serving alcoholic liquor for consumption on the premises, and the potential assembly of persons connected therewith, will not be hazardous, endangering, or inconvenient to the surrounding neighborhood and commercial district.

3. The proposed establishment serving alcoholic liquor for consumption on the premises will be compatible with adjacent uses of land, considering the proximity of residential dwellings, places of worship, schools, public structures, and other places of public gatherings.

4. The proposed establishment serving alcoholic liquor for consumption on the premises will not be contrary to the public interest or injurious to nearby properties.

5. The proposed establishment serving alcoholic liquor for consumption on the premises will not have the possible effect of downgrading and blighting the surrounding neighborhood.

6. *The proposed establishment serving alcoholic liquor for consumption on the premises will not reasonably be expected to diminish the value of properties in the immediate area.*

B. For restaurants serving alcoholic liquor for consumption on the premises the following additional requirements:

1. There shall at all times be maintained and provided culinary facilities to cook and prepare food, and tables and seating areas to accommodate dining on the premises by not fewer than 20 patrons at any time.

2. Not more than 50 percent of the gross floor area open to the general public shall be used for purposes other than seating for diners, consisting of tables, chairs, booths, and necessary aisle ways. Public restroom facilities shall not be considered in this determination.

3. Not less than 50 percent of the gross sales of the restaurant annually are derived from the sale of food and nonalcoholic beverages prepared for consumption on the premises as required by the Michigan Liquor Control Commission.

4. All truck well, loading dock and loading/truck service areas shall be located and designed to minimize negative impact on adjoining properties.

Specific standards findings:

1. The interior layout of the Mad Crab Seafood restaurant accommodates over 20 patrons as indicated on the submitted floor plan.

2. Not more than 50 percent of the gross floor area open to the general public is used for purposes other than seating for diners, consisting of tables, chairs, booths, and necessary aisle ways.

The Planning Division finds the submitted information demonstrates the Mad Crab Seafood restaurant, that is proposing to serve alcoholic liquor, satisfactorily meets the specific standards for Restaurants serving Alcoholic Liquor (Section 1930).

Site Plan Review

A Site Plan is required as part of the Special Land Use process and a Site Plan has been submitted. Mad Crab Seafood restaurant, is renovating two tenant spaces within the Parkwoods Shopping Center. The former Jade Palace Chinese restaurant (2,350 square feet) will become a bar/dining area for the new restaurant. The adjacent currently vacant tenant space (3,845 square feet) will be renovated into a dining area with rest rooms in the rear of the space.

MOTION by Eizelman, SECONDED by Seligson, to approve the Special Land Use and Site Plan for Mad Crab Seafood restaurant, 13351 & 13361 West Ten Mile Road, as a restaurant serving alcoholic liquor with the following conditions:

- 1) There shall at all times be maintained and provided culinary facilities to cook and prepare food, and tables and seating areas to accommodate dining on the premises by not fewer than 20 patrons at any time.
- 2) Not more than 50 percent of the gross floor area open to the general public shall be used for purposes other than seating for diners, consisting of tables, chairs, booths, and necessary aisle ways. Public restroom facilities shall not be considered in this determination.
- 3) Not less than 50 percent of the gross sales of the restaurant annually are derived from the sale of food and nonalcoholic beverages prepared for consumption on the premises as required by the Michigan Liquor Control Commission.
- 4) No signs are approved as part of the Site Plan Review process. A separate sign permit application must be submitted.

VOTE: Yes: Brown, Eizelman, McClellan, Seligson, Torgow, Tungate
No: None

MOTION CARRIED

7. CONSENT AGENDA: None

8. MATTERS FOR CONSIDERATION:

A. OLD BUSINESS

1) Mackey Holdings, 13200 Capital Avenue, Final Site Plan Review

Chairperson Torgow referenced City Planner Rulkowski's report dated May 5, 2020:

Mackey Holdings, 13200 Capital, has submitted a Final Site Plan to construct a new 9,100 square foot building at 13200 Capital. The site is the current location of MJ Sealcoating which is housed in an existing building on the site, 14,236 square feet in size. The purpose of the new building is to house a concrete crushing machine and the resulting crushed concrete product. The crushed concrete is then processed into concrete bumper blocks and concrete sign post holders.

In early January the City became aware the applicant was operating a concrete crushing machine outdoors at 13200 Capital and was ordered to cease the operation. The applicant had not requested any prior permission to start such an operation, nor applied for a business license. The Zoning Ordinance requires all processing of materials to be conducted in a completely enclosed building. In addition, other items of concern were noted regarding dust, noise and outdoor storage as a practice with this type of operation. The business owner was instructed to submit a Site Plan.

The property is zoned LI, Light Industrial zoning district and the proposed use of materials processing is a permitted use. The proposed and existing buildings meet all the setback and height requirements of the Zoning Ordinance.

Based on the size of the proposed and existing buildings (22,636 square feet) the facility is required to provide 44 parking spaces and the Site Plan indicates 44 parking spaces will be provided. The Site Plan shows parking areas and drive lanes but does not indicate what materials these areas will be constructed of. The Zoning Ordinance requires these hard surface areas to be constructed of concrete or asphalt. The Site Plan notes that the existing storm water

management system will be inspected and repaired as necessary. In addition, they will provide engineering to install additional storm water management system as necessary. Engineering plans for the drives, approaches, parking lot and storm water management system will need to be submitted to the Engineering Department for review and approval.

The proposed Site Plan does not include an adequate landscaping plan. A detailed landscaping plan indicating the required minimum amount of landscaping to be resubmitted prior to a

building permit being issued. The detailed landscaping plan must include an in-ground water irrigation system as required by the Zoning Ordinance.

Two dumpster enclosures are shown on the proposed Site Plan without the required dumpster enclosure detail. Dumpster enclosure construction details to be submitted with the application for a building permit that meets the Zoning Ordinance requirements.

The Site Plan indicates a two foot wide, ten foot high, concrete block wall to be constructed on the northern property line which is adjacent to a residential area. This type of wall, typically used by landscaping supply yards, is not an acceptable type of screen wall. Because this use is adjacent to a residential area, the Zoning Ordinance (Section 1717, E) requires a minimum six foot high screen wall of masonry construction, decorative in nature of either face brick, poured concrete with a brick pattern, or cement block with a facing of decorative brick along the entire 259 foot length of the northern property line.

The area on the Site Plan designated as a concrete drop-off area is permitted to use the noted enclosure design of concrete blocks. However, the proposed height of ten feet will have to be reviewed by the Building Department to determine if the proposed height is safe for that type of construction material.

The Planning staff has indicated to the applicant its concern regarding the negative impacts (dust, noise and vibration) to the adjacent residential area of the concrete crushing operation. At the March meeting, the Planning Commission tabled action on the Site Plan until the applicant provided evidence that the proposed concrete crushing operation would meet the Zoning Ordinance Performance Standards (Section 1715) regarding sound, vibration and dust. On March 11th, the applicant contracted with Testing Engineers & Consultants (TEC) to conduct a noise and vibration test at the site. TEC performed tests and collected data on March 17th & 19th. The report (attached) from TEC concluded:

“The sound pressure readings recorded by TEC for the subject property are predominantly below the ordinance levels. The weighted sound pressure levels at the rear property line are significantly below the levels within the building when the equipment is operating.”

Both the City Engineering and Building Divisions have reviewed the report and find the proposed operations should meet the Zoning Ordinance standards. The staff recommends having a second sound & vibration study performed, at the expense of the applicant, prior to the final issuance of a Certificate of Occupancy. In addition, the Technical and Planning Department staff believe a condition should be placed on the business limiting the hours of operation to between 7:00 a.m. and 7:00 p.m. This limitation is consistent with the hours of operations the City places on contractors working in the City to protect the residents from noise nuisances.

The Site Plan does not indicate any outdoor lighting for the building or site. All exterior lighting is required to be shielded downward so it does not create a nuisance to adjacent properties or street traffic.

The Site Plan does not indicate any details regarding new roof or ground located mechanical equipment. The Zoning Ordinance requires all roof top and ground level equipment to be screened.

The Site Plan does not show any proposed signage for the facility. A separate sign application will have to be submitted and therefore no signage is approved as part of the site plan review.

Commission McClellan questioned whether previous concerns about noise, vibration and dust from the conduct of business have been addressed.

Micahel Mackey of Mackey Holdings, explained that the cement crushing machine has a water spray mechanism to tame the dust that is produced. There was also a testing of the noise levels, a study was done and the results of that have been provided.

MOTION by Eizelman, SECONDED by Brown, to approve the Final Site Plan for Mackey Holdings, 13200 Capital Avenue, with the following conditions:

- 1) Parking areas and drive lanes indicated on the Site Plan to be constructed of concrete or asphalt.
- 2) Engineering plans for the drives, approaches, parking lot and storm water management system to be submitted to the Engineering Department for review and approval.
- 3) Dumpster enclosure construction details to be submitted with the application for a building permit that meets the Zoning Ordinance requirements.
- 4) A detailed landscaping plan indicating the required minimum amount of landscaping to be resubmitted prior to a building permit being issued. The submitted landscaping plan to include the required in-ground water irrigation system.
- 5) A minimum six foot high screen wall of masonry construction, decorative in nature of either face brick, poured concrete with a brick pattern, or cement block with a facing of decorative brick along the entire 259 foot length of the northern property line.
- 6) Building Department to determine if the proposed height of the concrete drop-off area enclosure is safe for the type of construction material proposed.
- 7) The applicant is required to conduct a second sound and vibration test prior to the issuance of a Certificate of Occupancy demonstrating the concrete crushing operation meets the Performance Standards of Section 1715 regarding sound, vibration and dust.
- 8) Hours of operation of the concrete crushing machine to be limited to between 7:00 a.m. and 7:00 p.m.
- 9) All exterior lighting is required to be shielded downward so it does not create a nuisance to adjacent properties or street traffic.
- 10) All proposed roof top or ground level equipment must be screened as required by the Zoning Ordinance.
- 11) No signs are approved as part of the Site Plan Review. A separate permit must be requested for the inclusion of any signs at this site.

VOTE: Yes: Brown, Eizelman, McClellan, Seligson, Torgow, Tungate
No: None

MOTION CARRIED

9. PLANNING COMMISSION MATTERS FOR DISCUSSION – from members only: None

10. PUBLIC COMMENTS ON ITEMS NOT SCHEDULED FOR PUBLIC HEARING: None

11. ADJOURNMENT

There being no further business, Chairperson Torgow adjourned the meeting at 7:09 p.m.

Lisa Vecchio, Deputy City Clerk

TO: The Oak Park City Council

FROM: Erik Tungate, City Manager

DATE: June 10, 2020

RE: Approval of the Class C Liquor License Application for Crazy Crab Gao Corporation (Ganrong Chen) D/B/A Crazy Crab Seafood Restaurant, 13351 W. 10 Mile

PURPOSE(S) OF ACTION:

To consider the approval of the issuance of a Class C Liquor License for the above-described establishment.

BACKGROUND/KEY ISSUES/CONTRIBUTING FACTORS:

Chapter 6, captioned Alcoholic Liquor, Article III, entitled Regulation of On-the-Premises Consumption of the Code of Ordinances in Section 6-54. - Licensing policy, specifies that an applicant for a license must obtain approval from both the State of Michigan and the City of Oak Park, that new licenses and transfers of licenses into the City require the prior approval of the City Council and that no person shall engage in the business of selling alcoholic liquor for consumption on the premises in the City of Oak Park, Michigan without first obtaining a special land use approval, as required by the Zoning Act and entering into a contract with the City.

Sec. 6-56. - Application for license, outlines the process for obtaining a Class C Liquor License from the City.

Sec. 6-58. - Review procedures, requires that the City Clerk distribute an application for a Class C Liquor License to the appropriate departments for certifications by the Director of Technical and Planning Services that the building or structures to which the License will apply meet all applicable building and property maintenance codes or that acceptable building plans for work which will satisfy all such codes have been submitted, that the location is appropriately zoned for the proposed use and that any required zoning approvals, including site plan approval, have been applied for or obtained and certification by the Director of Public Safety that the proposed Licensee(s) is/are of good moral character and that the Licensed Premises are in compliance with all applicable fire safety regulations. In addition, given that Subsection (c) (17) specifies that one of the review factors to be considered when analyzing a request for a license or related permit(s) is whether the applicant is delinquent on any taxes or other payment obligations to the City, as part of its review process the Administration requires certification from the Finance Director or their designee that the proposed Licensee(s) is not in default on any obligations due the municipality and/or Oakland County (for anything that was transferred by the City to the County for collection).

Further, Subsection (b) (1) of Sec. 6-58 provides that when a completed application and fee have been received, the city council shall schedule a public hearing to consider the request for a new

license and related permit(s). Subsection (e) then specifies that after review by staff and recommendation, and a public hearing, if the City Council is satisfied that the establishment or operation will provide a benefit to the City and constitute an asset to the community, it will adopt a resolution granting approval, subject to the satisfaction of any conditions stated in the resolution. Approval of the license shall be conditioned on any necessary remodeling or new construction for the use of the license be completed within six (6) months of the action of the City Council or the Michigan Liquor Control Commission approving such license, whichever last occurs. Any unusual delay in the completion of such remodeling or construction may subject the license to revocation. The Ordinance also includes provisions addressing the issuance of entertainment permits along with other regulatory provisions.

Sec. 1930 of the Zoning Ordinance addresses Class C Liquor Licenses and provides that such establishments may be permitted in certain zoning districts upon review of a special land use request by the Planning Commission. At its meeting held on May 11, 2020 the City of Oak Park Planning Commission approved the Request of Crazy Crab Gao Corporation (Ganrong Chen) D/B/A Crazy Crab Seafood Restaurant, located at 13351 W. 10 Mile for Special Land Use to Operate with a Class C Liquor License.

Crazy Crab Gao Corporation (Ganrong Chen) D/B/A Crazy Crab Seafood Restaurant, has applied to the Michigan Liquor Control Commission for a Class C Liquor License at 13351 W. 10 Mile which is subject to City Council approval of its application. Prior to issuing a Class C Liquor License the Liquor Control Commission pursuant to MCL 436.1501 requires local government approval in the form of a resolution from the local legislative body. In addition, as outlined above, the Applicant has filed the requisite documents as confirmed in the attached Class C Liquor License Requirements Checklist to seek the issuance of a license by the City permitting the service of spirits by the glass on the premises.

As stated previously, pursuant to Sec. 6-58 of the Code, when a completed application has been received the City Council shall schedule a public hearing to consider the request for a new license and related permit(s). In reference to the Application from Crazy Crab Gao Corporation (Ganrong Chen) D/B/A Crazy Crab Seafood Restaurant, 13351 W. 10 Mile we are requesting that the Public Hearing on the Application be held at the June 15, 2020 Regular Meeting at 7:00 P.M. or as soon thereafter as the matter may be heard.

It is the recommendation of the Administration, subject to any comments, conditions, and/or explanations contained in the Class C Liquor License Requirements Checklist which are incorporated and/or specified in the attached proposed Resolution Approving the Application of Crazy Crab Gao Corporation (Ganrong Chen) D/B/A Crazy Crab Seafood Restaurant for the establishment, located at 13351 W. 10 Mile for a Class C Liquor License that at the conclusion of the Public Hearing after analyzing the review factors specified in Sec. 6-58 (c) of the Code that (unless evidence is presented that would serve as a basis for denial of the issuance of the license(s)/permit(s)) the City Council adopt resolutions approving the issuance of the licenses by both the Michigan Liquor Control Commission and the City of Oak Park.

SUPPORTING DOCUMENTATION/INFORMATION ATTACHED:

1. Requirements Checklist for a Class C Liquor License
2. Proposed Local Government Approval Resolution for the Michigan Liquor Control Commission
3. Proposed Resolution Approving the Application of Crazy Crab Gao Corporation (Ganrong Chen) D/B/A Crazy Crab Seafood Restaurant for the establishment, located at 13351 W. 10 Mile for a Class C Liquor License for a Class C Liquor License

xc: T. Edwin Norris, City Clerk
Kimberly Marrone, Director of the Department of Community and Economic Development

CITY OF OAK PARK, MICHIGAN

REQUIREMENTS CHECKLIST FOR A LICENSE PERMITTING THE CONSUMPTION OF ALCOHOLIC LIQUOR ON THE PREMISES OF A RESTAURANT OPERATION

The following checklist is intended to assist the elected and appointed representatives of the City of Oak Park, Michigan in determining whether an applicant for a License Permitting the Consumption of Alcoholic Liquor On the Premises of a Restaurant Operation (hereinafter referred to as License) from the municipality has provided all of the required documentation and/or information as specified in the City's License Application Process and pursuant to **Article III, Sections 6-51 – 6-68** and **Ordinance No. O-13-597 (Zoning Ordinance)** of the Code of Ordinances, City of Oak Park, Michigan.

City of Oak Park License Application No.: 03-20

Name of Establishment Applying for a License: Crazy Crab Seafood Restaurant

Name of Applicant and/or its Principals/Shareholders: Ganrong Chen

Location: 13351 W. 10 Mile

Remittance of Application Fees

- New On-Premises Consumption or Full Transfer of Ownership: \$800.00
- Adding Additional Owners to a License for On-Premises Consumption: \$200.00
- Special Land Use Site Plan Review: \$600.00
- Background Check: \$75.00
- Annual Renewal: \$250.00

B. Distance Compliance Certification

- Issued Pending

C. Request for Special Land Use to Operate a Restaurant that Serves Alcoholic Liquor

- Approved by the City of Oak Park Planning Commission at its meeting held on May 11, 2020.

D. Submission and Review of Background Check Information

- Investigation Completed by Representatives of the Department of Public Safety on Tuesday, June 9, 2020.
- Investigation Confirmed that there are No Issues that Preclude the Issuance of a Tavern License in the Name of the Applicant

E. Application(s)

- Complete in All Appropriate/Requisite Sections
- Signed, Dated and Notarized

F. Proof of Possession of Property

- Deed Land Contract
- Lease Assignment of Lease
- Sublease Bill of Sale and/or Lease for Equipment/Furniture/Fixtures

G. Business Entity/Organization/Structure Documents

- Corporation (Copy of Articles of Incorporation Attached to Application)
- Partnership (General or Limited – Full Names, Dates of Birth and Home Addresses of All Partners and Copy of Articles of Partnership/Agreement Attached to Application)

- Sole Proprietorship (If Doing Business Under an Assumed Name a Copy of the D/B/A Certificate was Attached to the Application)
- Other (i.e. LLC – Details Provided as Required in License Application)

H. Financial Qualifications/Information

- Copy of Loan Document(s)/Affidavits Detailing the Sources of Funding for Business
- Information Provided Concerning Source of Funding for Acquisition/Opening/Operating the Licensed Business

I. Management Information

- Provided Name, Address and Telephone Number of Individual Who Will Serve as the Manager of the Licensed Business
- Provided Name, Address and Telephone Number of Individual Who is Authorized to Sign Checks and Pay Bills in Connection with the Operation of the Licensed Business

J. Description of Proposed Facilities in Some Detail

- Detail Provided Including Square Footage, Seating Capacity, Parking Capacity, Etc.
- Copy of Site Plan (If Necessary) and Description/Diagram (Detailed Floor Plan) of the Premises

K. Dancing or Entertainment

- Yes - Description of Planned Entertainment: _____ . Pursuant to state law and/or local ordinance(s), Applicant is required to obtain any permit(s) for dancing required by the Michigan Liquor Control Commission and must maintain a dance floor that is not less than 100 square feet, is well defined and without tables, chairs, or other obstacles while customers are dancing. **Authorizing dancing at the venue does not allow topless activity or adult entertainment of any kind.**
- No

L. Status of City of Oak Park Business License

- Applicant has Current Valid City Business License(s) as Required Based on Business Activity
- Applicant has Submitted an Application for a Business License(s)
- Applicant is Current on All Applicable Business License(s) Fees

M. Applicant, and/or its Principals/Shareholders are Not in Default on Any Obligations Due the City of Oak Park and/or Oakland County

- Personal Property Taxes
- Real Property Taxes
- Special Assessments
- Sewer and Water

N. Documents Submitted by Applicant Pursuant to Section 20 of the City of Oak Park, Michigan License Application

- Spousal Affidavit (For each Applicant if Applicable)
- Certificate of Liquor Liability Insurance
- Verification of Compliance with Michigan Liquor Control Commission Mandatory Server Training Requirements

- Contract with the City of Oak Park
- Record of Any Previous Liquor License Complaint Violations
- Current Valid License(s)/Permit(s) from Appropriate County, State or Federal Governments Authorizing Service of Food at the Establishment

DEPARTMENTAL CERTIFICATIONS REQUIRED BY SECTION 6-58 (a) OF THE CODE OF ORDINANCES, CITY OF OAK PARK, MICHIGAN OR THE CITY ADMINISTRATION

City of Oak Park License Application No.: 03-20
Name of Establishment Applying for a License: **Crazy Crab Seafood Restaurant**
Name of Applicant and/or its Principals/Shareholders: **Ganrong Chen**
Location: **13351 W. 10 Mile**

DEPARTMENT OF TECHNICAL AND PLANNING

Certification that the buildings or structures to which the License will apply meet all applicable building and property maintenance codes or that acceptable building plans for work which will satisfy all such codes have been submitted and the proposed Licensed Premises is appropriately zoned for the use and that any required zoning approvals, including site plan approval, have been applied for or obtained.

- Recommended for Approval
 Recommended for Approval with Comments/Conditions/Explanations:

Conditional approval upon obtaining a business license prior to opening

Conditional approval upon obtaining a certificate of occupancy prior to opening

- Not Recommended for Approval

Robert Barrett

(Print Name) Robert Barrett
Director of the Department of Technical and Planning or His Designee
Date: June 11, 2020

DEPARTMENTAL CERTIFICATIONS REQUIRED BY SECTION 6-58 (a) OF THE CODE OF ORDINANCES, CITY OF OAK PARK, MICHIGAN OR THE CITY ADMINISTRATION

City of Oak Park License Application No.: 03-20

Name of Establishment Applying for a License: Crazy Crab Seafood Restaurant

Name of Applicant and/or its Principals/Shareholders: Ganrong Chen

Location: 13351 W. 10 Mile

DEPARTMENT OF PUBLIC SAFETY

Certification that the proposed Licensee(s) are of good moral character and the Proposed Licensed Premises are in compliance with all applicable fire safety regulations.

- Recommended for Approval
- Recommended for Approval with Comments/Conditions/Explanations: Ganrong Chen, Liyong Chen, and Shengfeng Gao must obtain a Michigan Driver's License or Personal I.D. Card as residents of the State of Michigan.

Final Fire Inspection due when building remodeling is complete and prior to business opening.

- Not Recommended for Approval

Steve Cooper

(Print Name) Steve Cooper

Director of the Department of Public Safety or His Designee

Date: Tuesday, June 9, 2020

DEPARTMENTAL CERTIFICATIONS REQUIRED BY SECTION 6-58 (a) OF THE CODE OF ORDINANCES, CITY OF OAK PARK, MICHIGAN OR THE CITY ADMINISTRATION

City of Oak Park License Application No.: 03-20

Name of Establishment Applying for a License: Crazy Crab Seafood Restaurant

Name of Applicant and/or its Principals/Shareholders: Ganrong Chen

Location: 13351 W. 10 Mile

CITY CLERK

Certification that the proposed Licensee has a current valid license for operation of a restaurant at the proposed Licensed Premises or meets applicable requirements for the issuance of such a license.

- Recommended for Approval
- Recommended for Approval with Comments/Conditions/Explanation: Subject to all final departmental approvals and issuance by Oakland County of a valid license for operation of a restaurant at the proposed Licensed premises within six (6) months of the action of the City Council or the Michigan Liquor Control Commission approving the Class C Liquor License , whichever last occurs.
- Not Recommended for Approval

T. Edwin Norris

(Print Name) T. Edwin Norris

City Clerk or His Designee

Date: Tuesday, June 9, 2020

DEPARTMENTAL CERTIFICATIONS REQUIRED BY SECTION 6-58 (a) OF THE CODE OF ORDINANCES, CITY OF OAK PARK, MICHIGAN OR THE CITY ADMINISTRATION

City of Oak Park License Application No.: 03-20
Name of Establishment Applying for a License: **Crazy Crab Seafood Restaurant**
Name of Applicant and/or its Principals/Shareholders: **Ganrong Chen**
Location: **13351 W. 10 Mile**

DEPARTMENT OF FINANCE

Certification that that the proposed Licensee(s) are not in default on any obligations due the City of Oak Park and/or Oakland County.

- Recommended for Approval
- Recommended for Approval with Comments/Conditions/Explanation:

- Not Recommended for Approval

Steve Lukasik
(Print Name) Steve Lukasik, Deputy Finance Director
Finance Director or His Designee
Date: June 11, 2020

Based on the Certifications provided by the appropriate representatives of the departments of Finance, Public Safety, Technical and Planning and the City Clerk it is recommended that subject to any conditions specified by those administrative offices/officials the City Council adopt a Resolution approving the issuance of a License to:

City of Oak Park License Application No.: 03-20
Name of Establishment Applying for a License: Crazy Crab Seafood Restaurant
Name of Applicant and/or its Principals/Shareholders: Ganrong Chen
Location: 13351 W. 10 Mile

Comments/Conditions/Explanations:

Kimberley Marrone

(Print Name) Kimberley Marrone
Director of Economic Development and Communications or Their Designee
Date: Tuesday, June 9, 2020

Based on the Certifications provided by the appropriate representatives of the departments of Finance, Public Safety, Technical and Planning and the City Clerk subject to any conditions specified by those administrative offices/officials and pursuant to the recommendation of the Director of the Department of Community and Economic Development as well as having completed my analysis and assessment of the documentation and information submitted by the Applicant it is requested that the City Council consider adopting a Resolution approving the issuance of a License to:

City of Oak Park License Application No.: 03-20
Name of Establishment Applying for a License: Crazy Crab Seafood Restaurant
Name of Applicant and/or its Principals/Shareholders: Ganrong Chen
Location: 13351 W. 10 Mile

Comments/Conditions/Explanations:

Erik Tungate

Erik Tungate
City Manager
Date: June 11, 2020

**A RESOLUTION OF THE OAK PARK, MICHIGAN CITY COUNCIL
APPROVING THE REQUEST OF CRAZY CRAB GAO CORPORATION
(GANRONG CHEN) D/B/A CRAZY CRAB SEAFOOD RESTAURANT FOR
A CLASS C LIQUOR LICENSE**

WHEREAS, pursuant to state law and the Code of Ordinances, City of Oak Park, Michigan it is unlawful for any person to sell, or possess for sale, any alcoholic beverage unless licensed to do so and all licenses required are in full force and effect; and

WHEREAS, Crazy Crab Gao Corporation (hereinafter referred to as Crazy Crab Seafood Restaurant) located at 13351 W. 10 Mile has applied for a Class C Liquor License from both the Michigan Liquor Control Commission and the City of Oak Park.

NOW, THEREFORE, BE IT RESOLVED, that the Crazy Crab Seafood Restaurant application for a Class C Liquor License is hereby approved subject to the following conditions:

1. The Michigan Liquor Control Commission issuing a Class C Liquor License to Crazy Crab Seafood Restaurant at 13351 W. 10 Mile, Oak Park, Michigan 48237.
2. Upon issuance of the Class C Liquor License by the Michigan Liquor Control Commission, Crazy Crab Seafood Restaurant shall provide the City Clerk's Office with copies of the License along with a Certificate of Liquor Insurance for the subject business.
3. Crazy Crab Seafood Restaurant executes a Contract for a Class C Liquor License with the City of Oak Park, Michigan.

BE IT FURTHER RESOLVED, that subject to the conditions described in the immediately preceding paragraph and all departmental authorizations, upon approval of a Class C Liquor License by the Michigan Liquor Control Commission for Crazy Crab Seafood Restaurant located at 13351 W. 10 Mile, Oak Park, Michigan 48237, the City Clerk is hereby authorized to issue a Class C Liquor License with an expiration date of April 30, 2021 to Crazy Crab Seafood Restaurant; and

BE IT FURTHER RESOLVED, that this Resolution shall be effective upon its approval by the City Council.

I hereby certify that the forgoing 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 June 15, 2020 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 of the 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.

T. Edwin Norris, City Clerk



Local Government Approval
(Authorized by MCL 436.1501)

Instructions for Applicants:

- You must obtain a recommendation from the local legislative body for a new on-premises license application, certain types of license classification transfers, and/or a new banquet facility permit.

Instructions for Local Legislative Body:

- Complete this resolution or provide a resolution, along with certification from the clerk or adopted minutes from the meeting at which this request was considered.

At a Regular meeting of the Oak Park City council/board
(regular or special) (township, city, village)
called to order by _____ on June 15, 2020 at 7:00 P.M.
(date) (time)

the following resolution was offered:

Moved by _____ and supported by _____

that the application from Crazy Crab Gao Corporation (Ganrong Chen) D/B/A Crazy Crab Seafood Restaurant
(name of applicant - if a corporation or limited liability company, please state the company name)

for the following license(s): Class C Liquor License
(list specific licenses requested)

to be located at: 13351 W 10 Mile Rd., Oak Park, MI 48237

and the following permit, if applied for:

Banquet Facility Permit Address of Banquet Facility: _____

It is the consensus of this body that it _____ this application be considered for
(recommends/does not recommend)
approval by the Michigan Liquor Control Commission.

If disapproved, the reasons for disapproval are _____

Vote

Yeas: _____

Nays: _____

Absent: _____

I hereby certify that the foregoing is true and is a complete copy of the resolution offered and adopted by the Oak Park City
council/board at a Regular meeting held on June 15, 2020 (township, city, village)
(regular or special) (date)

T. Edwin Norris

June 16, 2020

Print Name of Clerk

Signature of Clerk

Date

Under Article IV, Section 40, of the Constitution of Michigan (1963), the Commission shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. Further, the Commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the licensure of businesses and individuals.

Please return this completed form along with any corresponding documents to:

Michigan Liquor Control Commission

Mailing address: P.O. Box 30005, Lansing, MI 48909

Hand deliveries or overnight packages: Constitution Hall - 525 W. Allegan, Lansing, MI 48933

Fax to: 517-763-0059



1155 Brewery Park Blvd, Ste 200
Detroit, Michigan 48207
313-446-1530
Tax I.D. 38-1879991

Invoice 539567

June 10, 2020

Erik Tungate
City of Oak Park
14000 Oak Park Blvd.
Oak Park, MI 48327

Re: In Re: City of Oak Park

*Client 7406
Matter 1*

Statement for City Attorney Legal Services

For Legal Services Rendered Through Sunday, May 31, 2020

\$12,083.34

Fee Total

Total Costs Advanced

\$ 0.00

Total Fees and Disbursements: \$12,083.34

*Invoices for legal services are due upon receipt. To ensure proper application of your payment,
Please indicate our invoice number and client/matter number on your remittance.*



1155 Brewery Park Blvd, Ste 200
Detroit, Michigan 48207
313-446-1530
Tax I.D. 38-1879991

Invoice 539568

June 10, 2020

Erik Tungate
City of Oak Park
14000 Oak Park Blvd.
Oak Park, MI 48327

*Re: Oak Park Crown Pointe, LLC v City of Oak
Park*

*Client 7406
Matter 42*

Statement for City Attorney Legal Services

For Legal Services Rendered Through Sunday, May 31, 2020

\$ 555.00

Fee Total

Total Costs Advanced

\$ 0.00

Total Fees and Disbursements: \$ 555.00

*Invoices for legal services are due upon receipt. To ensure proper application of your payment,
Please indicate our invoice number and client/matter number on your remittance.*



1155 Brewery Park Blvd, Ste 200
Detroit, Michigan 48207
313-446-1530
Tax I.D. 38-1879991

Invoice 539569

June 10, 2020

Erik Tungate
City of Oak Park
14000 Oak Park Blvd.
Oak Park, MI 48327

*Re: Tina Polk and Richard Newton v City of Oak
Park, County of Oakland, et al.*

*Client 7406
Matter 24*

Statement for City Attorney Legal Services

For Legal Services Rendered Through Sunday, May 31, 2020

\$1,815.00

Fee Total

Total Costs Advanced

\$ 0.00

Total Fees and Disbursements: \$1,815.00

*Invoices for legal services are due upon receipt. To ensure proper application of your payment,
Please indicate our invoice number and client/matter number on your remittance.*

Howard L. Shifman, P.C.
31600 Telegraph Road, Suite 100
Bingham Farms, MI 48025

Invoice Submitted to:

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

In Reference To: City of Oak Park/General Labor

Invoice # 14150

Professional Services

6/01/20	Services per Retainer Agreement For July 1, 2020 thru September 30, 2020	\$ 18,000.00

	TOTAL	\$ 18,000.00
	BALANCE DUE	\$ 18,000.00
		=====



BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN

AGENDA OF: June 15, 2020

AGENDA #

SUBJECT: Second reading amending the Utility Ordinance, Chapter 82, Section 82-313, to reflect changes in the various utility rates and their effective dates as presented in the proposed FY 2020-21 budget and approved on May 18, 2020.

DEPARTMENT: Finance / Water Division

SUMMARY: a) Adjust the water rate for water costs including water purchased from the Great Lakes Water Authority and adjust the sewer rate for increased sewer costs including those from Oakland County Drain Commissioner. The amendment adjusts Article V, Rates and Charges, of Chapter 82, Utilities, of the Code of Ordinances of the City of Oak Park in Section 82-313 to reflect a change in the water rate from \$42.53/1,000 c.f. to \$45.10/1,000 c.f. and a change in the sewer rate from \$105.38/1,000 c.f. to \$48.60/1,000 c.f.

- b) Adjust the High Strength Surcharges to reflect changes from Great Lakes Water Authority and Oakland County Drain Commissioner.
- c) Adjust Industrial Waste Charge to reflect Great Lakes Water Authority change.
- d) Adjust the effective dates of the various utility rates.
- e) Water Runoff charge \$601.65 per unit.

RECOMMENDED ACTION: It is recommended that City Council adopt the amended ordinance.

APPROVALS:

City Manager: _____ *ET*

Director of Finance: _____ *SC*

Budgeted:

Legal: _____ *ED*

EXHIBITS: Draft Ordinance Amendment

CITY OF OAK PARK, MICHIGAN

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 82, UTILITIES, OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK, MICHIGAN, BY AMENDING SECTION 82-313 THEREOF.

THE CITY OF OAK PARK ORDAINS:

Sec. 82-313. - Determination.

- (a) *Generally.* The rates and charges to be imposed for the consumption and use of water and sewer services furnished by the city shall be determined by ordinance by the city council from time to time and kept on file in the office of the city clerk.
- (b) *Enumeration.* The rates and charges for consumption and use of water and sewer services are as follows:
 - (1) *Water rates.* Effective on all bills rendered on or after July 1, ~~2020~~ 2019, the rates to be charged for water service shall be as follows:
 - a. **Forty five dollars and ten cents (\$45.10)** ~~Forty two dollars and fifty three cents (\$42.53)~~ per thousand cubic feet.
 - b. Quarterly meter service and maintenance charges, in addition to subsection (b)(1) of this section as follows:
 - 5/8 -inch meter \$4.75
 - ¾-inch meter 5.03
 - 1-inch meter 5.42
 - 1½-inch meter 8.05
 - 2-inch meter 9.14
 - 3-inch meter 63.80
 - 4-inch meter 69.57
 - 6-inch meter 79.40
 - ~~Minimum quarterly charge (includes water and meter service charge for a 5/8 -inch meter service) \$27.30 \$26.02~~
 - c. The minimum quarterly (three-month) water charge (**includes water and meter service charge for a 5/8 -inch meter service**) to each premises connected with the water supply system shall be the sum of **\$27.30** ~~\$26.02~~, provided that if there were two or more premises using the city water supply and such premises use one meter, the minimum consumption charge herein specified shall apply to each such premises and to the owner or tenant of each such premises, as applicable.
 - (2) *Sewage disposal rates.* The rates to be charged for sewage disposal services shall be as set forth below, and all bills for service rendered on or after the dates set forth shall be computed at such rates:

- a. *Basic sewage disposal rate; minimum quarterly charge.* Commencing July 1, ~~2020~~ 2019 the basic sewage disposal rate shall be ~~\$48.60~~ \$95.80 per 1,000 cubic feet of water consumed. The minimum quarterly sewage disposal charge to each sewage disposal services customer shall be ~~\$24.30~~ \$52.65, provided that if there are two or more premises using the city water supply and such premises use one meter, the minimum consumption charge herein specified shall apply to each such premises and to the owner or tenant of each such premises, as applicable.
- b. *High-strength surcharge.* Effective with all bills rendered on or after August 1, ~~2020~~ 2019, for flows beginning on or after July 1, ~~2020~~ 2019, a high-strength surcharge shall be levied against commercial and industrial customers, other than restaurants, contributing sewage to the sewage disposal system with concentrations of pollutants exceeding the following levels:
1. 275 milligrams per liter (mg/l) of biochemical oxygen demand (BOD);
 2. 350 milligrams per liter (mg/l) of total suspended solids (TSS);
 3. 12 milligrams per liter (mg/l) of phosphorus (P);
 4. 100 milligrams per liter (mg/l) of fats, oils, and grease (fog).

The high strength surcharge will be imposed at the following rates:

Pollutant	Charge per pound of excess pollutant
Biochemical oxygen demand (BOD)	\$0.491 \$0.508
Total suspended solids (TSS)	0.499 0.516
Phosphorus (P)	7.354 7.611
Fats, oils and grease	0.473 0.490

- c. *Industrial waste control charge.* Effective with all bills rendered on or after August 1, ~~2020~~ 2019, for flows beginning on or after July 1, ~~2020~~ 2019, an industrial waste control charge shall be levied against non-residential customers in an amount determined by the size of the water meter or meters serving such customers as set forth below:

Water Meter Size (inches)	Monthly Charge
5/8 -inch meter	\$9.04 \$3.49
¾-inch meter	13.56 5.24
1-inch meter	22.60 8.73

1½-inch meter	19.20 49.72
2-inch meter	27.92 72.32
3-inch meter	50.61 131.08
4-inch meter	69.80 180.80
6-inch meter	104.70 271.20

No such surcharge shall be levied on the basis of any meter which serves exclusively residential users, including all structures designed for habitation including, but not limited to, single-family or two-family dwellings, apartment buildings, condominiums, townhouses, and mobile homes, nor shall such surcharge be levied on the basis of any meter used exclusively for fire protection purposes.

- (3) **Storm water runoff rate. Effective on all bills rendered on or after July 1, 2020, the rate to be charged for storm water runoff shall be \$601.65 per unit**
- (4) *Collection policy.* Charges for water, sewer and garbage and rubbish service furnished by the city to any premises shall be a lien thereon, and on March 1 and on September 1 of each year, the person or agency charged with the management of the systems shall certify any such charges which have been delinquent six months or more, to the city assessor who shall enter the same upon the next available tax roll against the premises to which such services shall have been rendered, together with a penalty of an additional ten percent. The charges shall be collected and the lien shall be enforced in the same manner as provided in the respect to taxes assessed upon such roll; provided, that no such charge shall become a lien when a tenant is responsible for the payment of any such charge against any premises and the city has been so notified by the filing of an affidavit that the lease contains a provision that the landlord shall not be liable for payment of water or sewage system bills accruing subsequent to the filing of the affidavit. The affidavit shall be filed with the official in charge of the water works system and 20 days' notice shall be given by the landlord of any cancellation, change in, or termination of the lease. The affidavit shall contain a notation of the expiration date of the lease. In the event of the filing of such affidavit, no further service shall be rendered by the systems to such premises until payment to the city of a cash deposit in accordance with section 82-316.
- (5) *Services outside the city.* Water service provided outside the corporate limits of the city shall be provided by contract only with approval of the city council, and in no event shall the rates and charges for such service be less than the rates charged to customers residing within the corporate limits of the city.

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 the 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 15th day of June, 2020.

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 June 15, 2020.

[Proposed 6-1-2020]

**CITY OF OAK PARK
RESOLUTION REGARDING FIRST READING OF PROPOSED
AMENDMENT TO SECTION 22-153 TO CHAPTER 22, ARTICLE VI, DIVISION 1, OF
THE CODE OF ORDINANCES**

At a Regular Meeting of the City Council of the City of Oak Park, Oakland County, Michigan, held at Oak Park City Hall located at 14000 Oak Park Boulevard on Monday, June 1, 2020 at 7:00 pm.

Present:

Absent:

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

WHEREAS, the City of Oak Park has created a Business Assistance Package to help Oak Park businesses through their recovery efforts during the COVID-19 Pandemic;

WHEREAS, the Oak Park Planning Commission is considering a Zoning Ordinance text amendment to Article VII, B-1 Neighborhood Business Districts to remove reference to sidewalk sales as an accessory use in furtherance of the objectives of the Business Assistance Package;

WHEREAS, the Amendment to Section 22-153 is necessary to ensure consistency with the amendment to the Zoning Ordinance text, while allowing sales in the right of way that are approved and licensed pursuant to Chapter 10, Article VII, Division 2 of the Code.

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

1. The first reading of the proposed amendment to Section 22-153 is hereby approved in substantially the form attached hereto.

Roll Call Vote: Yes,
 No,
 Absent,

RESOLUTION DECLARED ADOPTED

Edwin T. Norris
City Clerk

Dated: June 1, 2020

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

ORDINANCE NO. O-22-

AN ORDINANCE TO AMEND SECTION 22-153, CHAPTER 22, ARTICLE VI, SALES IN RIGHT-OF-WAY, OF THE CODE OF ORDINANCES, CITY OF OAK PARK.

ARTICLE VI.- Merchants and Commercial Sales

Division 1. - Generally

Sec. 22-153.- Sales in right-of way.

No person shall vend, sell, offer for sale, dispose of or display any goods, wares, merchandise, produce, vegetables, flowers or any other item on any public street or sidewalk or otherwise within any public right-of-way in the city except:

- (1) Appropriately approved and licensed sidewalk sales pursuant to Chapter 10, Article VII, Division 2 of this Code.
- (2) Sales by charitable or public service organizations for charitable purposes, upon approval by the city council for a specific fundraising event, at locations approved by the director of public safety, such approval to be limited to no more than one event not exceeding three days in each calendar year for any such organization.
- (3) Appropriately licensed food vendors or mobile food service establishments operating in compliance with the requirements of such license and of this Code.

(a) **EFFECTIVE DATE**

This Ordinance shall take effect on the _____ day of _____2020, in accordance with the provisions and requirements of the City of Oak Park

MADE, PASSED AND ADOPTED by the Council of the City of Oak Park on this _____ day of _____, 2020.

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

2020 City of Oak Park Millage Renewals

On the August ballot the City has three very important millages that are up for renewal. These are not tax increases. They are renewals of current millages for a period of ten years each.

The millage renewals include:

- 1. Public Safety Headlee Override Millage at .9599 mills.**
 - a. This millage was originally voted on in 2010 to help fund personnel, equipment and operations of the public safety department
 - b. If passed, it will bring in an estimated \$500,000 next year to fund public safety operations and initiatives like community policing, the K-9 unit and the public safety open house, as well as basic operations of the department
- 2. Recreation Headlee Override Millage at .4799 mills**
 - a. This millage was also originally voted on in 2010 to help fund personnel, equipment and operations of the recreation department
 - b. If passed, it will bring in an estimated \$250,000 next year to help fund some of the recreation amenities the community has come to know and love, like Summer Blast and Winterfest, as well as senior programming
- 3. Voted Library Millage at .4799 mills**
 - a. This millage was also originally voted on in 2010 to help fund library operations
 - b. If passed, it will bring in an estimated \$250,000 next year to help fund the many programs and amenities offered by the Oak Park Library

It is important to note these are millage renewals, and will not result in a tax increase for residents. In fact, the City's millage rate has been consistently decreasing over the years. Since 2015 the millage rate has decreased 3 mills, or 8 percent due to debt refinancing and statutory Headlee rollbacks.

We are kicking off an information campaign over the next month and half, and will deliver a presentation at the next Council meeting

The City of Oak Park recently adopted a modified billing method, which separates stormwater from water and sewer charges. All residential and business property owners will incur a separate line item cost for stormwater utility fees effective July 1, 2020.



Information Resources

For more detailed information about the stormwater utility fee and billing change, please visit the City's web page at:

www.oakparkmi.gov/stormwater.php.

If you have immediate questions related to the stormwater utility fee, please contact the Finance Department at (248) 691-7470 or kvandewalle@oakparkmi.gov.



IMPORTANT!

CHANGES TO YOUR WATER AND SEWER BILL EFFECTIVE JULY 1, 2020

Residential Customers



PRESORTED
FIRST CLASS
U.S. POSTAGE
PAID
SOUTHFIELD, MI
PERMIT #63

Why the change?

In 2016, the City of Oak Park was one of several cities in the state of Michigan confronted by a class-action lawsuit, which challenged the City's approach to billing stormwater treatment costs. The result of the recent lawsuit settlement requires the City of Oak Park to change the billing method to reflect each property's unique contribution to stormwater runoff into the sewer system. The City is required to implement billing changes by July 1, 2020.

What does this mean?

Most Oak Park residential customers will notice an overall bill decrease, while others experience a slight increase.

What is the basis of the charges?

Stormwater originates from rainfall and melting snow and ice. Stormwater that does not evaporate can either soak into the ground, accumulate on land surfaces (which can cause flooding), or run off into the sewer system. The stormwater rate, which is based on the amount of stormwater a property discharges into the sewer system, depends on property size and how much of that property is occupied by pervious and impervious surfaces. Pervious surfaces, such as grass and dirt, allow rainwater to seep into the soil, while rainwater on impervious surfaces – such as cement or asphalt driveways and rooftops – runs off into the sewer system.

Virtual town hall for Oak Park residents

On June 25th at 6:00 p.m., City Manager Erik Tungate, and his administrative staff, will host an online forum to provide Oak Park residential customers with additional information about the billing changes. The web-based meeting will take place using a videoconferencing platform. There will be an opportunity for questions from participants.

To participate in the Town Hall for Oak Park Residents, please visit the City's web site at www.oakparkmi.gov/stormwater.php to log into the virtual event at least 10 minutes prior to the posted start time. Please note: The Town Hall for Oak Park Residents will be recorded and accessible through the City's website and social media pages following the event.

Example of how the modified billing process would affect an average residential customer:

	2019-20 BILL	2020-21 BILL
WATER & SEWER USAGE	20 UNITS	20 UNITS
STORMWATER RUNOFF	0.58 UNITS	0.58 UNITS
Meter	4.75	4.75
Water Consumption	85.00	90.20
Sewer Usage	210.60	97.20
Stormwater Runoff	0	87.24
Subtotal	300.35	279.39
Garbage & Rubbish	38.72	38.72
Total Quarterly Bill - Residential	339.07	318.11



Changes to Your Water and Sewer Bill Effective July 1, 2020

www.oakparkmi.gov/stormwater.php

What has changed?

As of July 1, 2020, stormwater treatment cost will be displayed as an individual line item on all customers' water bills going forward.

How will the water bill look different?

In the past, water bills have included line item charges for the meter, water consumption, sewer usage and garbage & rubbish. Until now, stormwater charges were included in the sewer usage charge. The new bill will separate the stormwater runoff charge into its own line item.

Why the change?

The City of Oak Park recently settled a class-action lawsuit filed by Royal Oak-based law firm Kickham Hanley P.L.L.C. on behalf of Oak Park water customers. The lawsuit challenged the City's approach to how the cost of stormwater treatment is distributed to customers. As a result of the settlement, water bills will now reflect each property's unique contribution to stormwater runoff into the sewer system.

What does this mean for customers?

Most Oak Park residential customers will notice an overall bill decrease due to a reduction in the sewer charge, while others may experience a slight increase depending on property size and configuration. Most property owners of businesses will experience a bill increase.

What is the basis of the stormwater rate?

Stormwater originates from rainfall and melting snow and ice. Stormwater that does not evaporate can either soak into the ground, accumulate on land surfaces (which can cause flooding), or run off into the sewer system. Water and sewage charges cover sanitary use from inside the structure, e.g., water that leaves your home or building through sink drains and toilets, while stormwater charges are based on the amount of water the property owner's land discharges into the sewer system.

The stormwater rate depends on property size and how much of that property is occupied by pervious and impervious surfaces. Pervious surfaces, such as grass and dirt, allow rainwater to seep into the soil, while rainwater on impervious surfaces – such as cement or asphalt driveways, parking lots, and rooftops – runs off into the sewer system.



What is the City's position on the mandated changes?

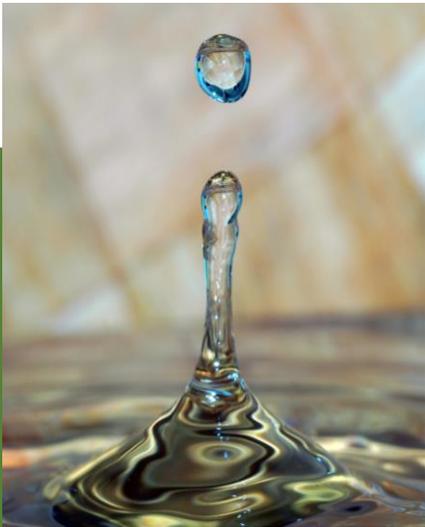
The City of Oak Park consistently strives to provide residents with the highest quality of services in a fair and efficient manner. The terms of the complaint settlement are designed to ensure equitable distribution of resource costs. All revenue collected from customers for water, sewer, and stormwater charges sustain an *Enterprise Fund*, which designates the funds only for use on direct costs related to the water and sewer system. The change in water billing methodology will not result in increased revenue for the City of Oak Park.

Who will be most impacted by the change in billing methodology?

The City of Oak Park currently occupies the most land in the city, which includes public parks, administrative buildings, and vacant properties from tax foreclosures, and will experience the heaviest increase in stormwater charges. The City's three school districts – Oak Park, Ferndale, and Berkley – will also experience significant increases, along with several larger business entities.

How will the City's stormwater charges be paid?

The City's portion will be paid out of the City's General Fund with no additional cost to water customers. This new contribution from the General Fund to the Water and Sewer Fund will result in overall lower costs to all the other City's customers.



Where should billing questions be directed?

For immediate questions related to stormwater utility fees, please contact the City of Oak Park's Finance Department at (248) 691-7470 or kvandewalle@oakparkmi.gov.

For additional information, visit:

www.oakparkmi.gov/stormwater.php

How can customers learn more about the settlement?

The water rate lawsuit filed against the City of Oak Park is currently closed. Those interested in learning more about the settlement terms can contact Angeion Group, 1650 Arch Street, Suite 2210, Philadelphia, PA 19103; 866-780-5352; or info@OakParkSettlement.com.



BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN

AGENDA OF: June 15, 2020

AGENDA #

SUBJECT: Approval of resolution to authorize Budget Amendment #2020-4

DEPARTMENT: Finance

SUMMARY: The City's annual budget was adopted on May 20, 2019 and is effective July 1st. The budget is adopted at the departmental level. In accordance with the State Budget Act, budget amendments are to be completed throughout the fiscal year in order to reflect the most current information available related to revenue and expenditure budgets. Budget amendments that have a positive or negative impact on fund balance or change the department total require Council approval. The proposed amendments are based on actual and projected activity-to-date. The primary purpose

The fourth quarter (6/30/20) budget amendment is attached and is also summarized below.

GENERAL FUND	
Audited Beginning Fund Balance July 1, 2019	\$ 4,369,283
Amended Budget as of May 31, 2020	\$ (374,000)
Net Change in Fund Balance (Amendment #2020-4)	<u>\$ (389,158)</u>
Estimated Ending Fund Balance June 30, 2020	<u><u>\$ 3,606,125</u></u>

The statewide shutdown due to COVID-19 beginning in March 2020 has had a significant impact on revenue citywide to which the exact extent will not be known for months. The budget amendment as presented reflects an estimate of some of the revenues lost and any savings from reductions in expenditures to date. The following are some additional detail related to the significant items included in the recommended amendment:

- Most parks and recreation programs will not be running through the end of the fiscal year.
- Sales tax collections (state revenue sharing) will be less due to stay at home and business shutdown order.
- Savings from the furlough program from April 28, 2020 are incorporated.
- District Court revenue will be significantly less due to the stay at home order and no tickets being written by our public safety officers.

**City of Oak Park
Proposed Budget Amendments
June 15, 2020**

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>	<u>Description</u>
<u>General Fund</u>			
101-00.000-644.102	Community Center Rental	\$ (1,482)	Remove remaining parks & rec budget
101-00.000-644.103	Park Shelter Rental	(1,172)	Remove remaining parks & rec budget
101-00.000-644.108	Youth Athletic - Misc	(100)	Remove remaining parks & rec budget
101-00.000-644.110	Basketball	(280)	Remove remaining parks & rec budget
101-00.000-644.131	Dance & Aerobic Classes	(169)	Remove remaining parks & rec budget
101-00.000-644.150	Instructional Classes	(228)	Remove remaining parks & rec budget
101-00.000-659.000	Ordinance Fines	(241,000)	Reduce due to COVID-19 shutdown
101-00.000-676.001	Reimbursement - Miscellaneous	80,000	Increase per activity to date and projections thru year-end
101-17.345-403.000	Property Tax - PA 345	188,581	Additional PA 345 Levy per final settlement
101-19.752-403.000	Property Tax - Recreation	<u>2,460</u>	Increase per activity to date and projections thru year-end
Total Revenue Increase (Decrease)		26,610	
101-10.101-880.010	Community Promotion - State of the City	(3,700)	Reduce due to COVID-19 shutdown
101-11.172-702.000	Salaries and Wages	9,000	Contract signing bonus (\$2500 + fringes of \$500 per FTE)
101-11.172-713.000	Health Insurance	2,900	Increase per activity to date and projections thru year-end
101-11.270-702.000	Salaries and Wages	6,000	Contract signing bonus (\$2500 + fringes of \$500 per FTE)
101-11.611-702.000	Salaries and Wages	4,500	Contract signing bonus (\$2500 + fringes of \$500 per FTE)
101-14.191-702.000	Salaries and Wages	7,500	Contract signing bonus (\$2500 + fringes of \$500 per FTE)
101-14.191-713.000	Health Insurance	4,000	Increase per activity to date and projections thru year-end
101-14.215-702.000	Salaries and Wages	1,500	Contract signing bonus (\$2500 + fringes of \$500 per FTE)
101-15.201-702.000	Salaries and Wages	21,000	Contract signing bonus (\$2500 + fringes of \$500 per FTE)
101-16.371-702.000	Salaries and Wages	21,000	Contract signing bonus (\$2500 + fringes of \$500 per FTE)
101-16.371-713.000	Health Insurance	50,000	Increase per activity to date and projections thru year-end
101-16.401-702.000	Salaries and Wages	9,000	Contract signing bonus (\$2500 + fringes of \$500 per FTE)
101-16.401-713.000	Health Insurance	5,000	Increase per activity to date and projections thru year-end
101-16.447-970.000	Capital Outlay	(1,000)	Reduce per activity to date and projections thru year-end
101-16.448-921.000	Utilities - Electric	35,000	Street lighting costs greater than anticipated
101-17.345-702.000	Salaries and Wages	180,000	Contract signing bonus (\$2500 + fringes of \$500 per FTE)
101-17.345-702.000	Salaries and Wages	40,000	Increase per activity to date and projections thru year-end
101-17.346-702.000	Salaries and Wages	3,000	Contract signing bonus (\$2500 + fringes of \$500 per FTE)
101-17.346-702.000	Salaries and Wages	9,200	Increase per activity to date and projections thru year-end
101-17.346-713.000	Health Insurance	2,000	Increase per activity to date and projections thru year-end
101-18.265-702.000	Salaries and Wages	3,000	Contract signing bonus (\$2500 + fringes of \$500 per FTE)
101-18.441-702.000	Salaries and Wages	2,000	Increase per activity to date and projections thru year-end
101-18.443-970.000	Capital Outlay	(40,000)	Pool repairs moved to FY 20/21
101-18.444-970.000	Capital Outlay	(260,000)	9 Mile linear parks moved to FY 20/21
101-19.752-702.000	Salaries and Wages	12,000	Contract signing bonus (\$2500 + fringes of \$500 per FTE)
101-21.890-920.000	Utilities - Telephone	24,735	Increase per activity to date and projections thru year-end
101-21.890-956.000	Miscellaneous Expenditures	105,658	Ransomware
101-21.890-999.733	Contribution to Pub Safety Pen RHC	156,475	Adjust to estimated costs in fund 733
101-22.806-702.000	Salaries and Wages	<u>6,000</u>	Contract signing bonus (\$2500 + fringes of \$500 per FTE)
Total Expenditure Increase (Decrease)		<u>415,768</u>	
Net Increase (Decrease) to Fund Balance		\$ <u>(389,158)</u>	signing bonus \$283,500, ransom \$105,658

**City of Oak Park
Proposed Budget Amendments
June 15, 2020**

<u>Library Fund</u>			
111-00.000-403.000	Property Tax	6,100	Additional Levy per final settlement
111-00.000-567.000	Library - State Aid	8,180	Actual state aid higher than anticipated
111-00.000-656.000	Library Public Access Fee	(1,750)	Reduce due to COVID-19 shutdown
111-00.000-658.000	Library Book Fines	(4,800)	Reduce due to COVID-19 shutdown
111-00.000-664.000	Interest Income	2,300	Actual interest earnings better than anticipated & prior year
111-00.000-674.000	Miscellaneous Revenue	<u>3,810</u>	Adjust to actual receipts
Total Revenue Increase (Decrease)		13,840	

111-20.790-702.000	Salaries and Wages	9,000	Contract signing bonus (\$2500 + fingers of \$500 per FTE)
111-20.790-920.003	Utilities - Water	<u>4,840</u>	Increase per activity to date and projections thru year-end

Total Expenditure Increase (Decrease) 13,840

Net Increase (Decrease) to Fund Balance \$ -

Major Streets Fund

202-00.000-546.000	State Grants	(8,715)	Adjust to actual receipts to date and projections
202-00.000-664.000	Interest Income	14,368	Increase estimate of total earnings
202-00.000-676.001	Reimbursement - Misc	<u>39,747</u>	Adjust to actual receipts to date

Total Revenue Increase (Decrease) \$ 45,400

202-16.103-702.000	Salaries and Wages	5,000	Increase per activity to date and projections thru year-end
202-16.103-714.000	Retirement - Defined Benefit	6,400	Adjust to actuary required contribution for FY 2019
202-18.474-702.000	Salaries and Wages	10,000	Increase per activity to date and projections thru year-end
202-18.474-714.000	Retirement - Defined Benefit	6,000	Adjust to actuary required contribution for FY 2019
202-18.479-702.000	Salaries and Wages	<u>18,000</u>	Contract signing bonus (\$2500 + fingers of \$500 per FTE)

Total Expenditure Increase (Decrease) \$ 45,400

Net Increase (Decrease) to Fund Balance \$ -

Local Streets Fund

203-00.000-546.000	State Grants	(6,077)	Adjust to actual receipts to date and projections
203-00.000-546.001	State Grants - Other	7,000	Adjust to actual receipts to date and projections
203-00.000-653.000	Sidewalk Billings	42,215	Adjust to actual receipts to date and projections
203-00.000-664.000	Interest Income	17,733	Increase estimate of total earnings
203-00.000-676.001	Reimbursement - Misc	<u>97,129</u>	Adjust to actual receipts to date

Total Revenue Increase (Decrease) \$ 158,000

203-18.474-702.000	Salaries and Wages	15,000	Increase per activity to date and projections thru year-end
203-18.474-714.000	Retirement - Defined Benefit	10,000	Adjust to actuary required contribution for FY 2019
203-18.479-702.000	Salaries and Wages	3,000	Contract signing bonus (\$2500 + fingers of \$500 per FTE)
203-18.479-702.000	Salaries and Wages	<u>30,000</u>	Increase per activity to date and projections thru year-end

Total Expenditure Increase (Decrease) \$ 58,000

Net Increase (Decrease) to Fund Balance \$ 100,000

Solid Waste Fund

226-00.000-403.000	Property Tax	13,500	Additional Levy per final settlement
226-00.000-573.000	State Grant - Local Comm Stab Auth	(33)	Adjust budget based on prior year actual receipts
226-00.000-649.000	Utility billing - Penalty	(5,000)	Decrease per activity to date and projections thru year-end
226-00.000-664.000	Interest Income	14,533	Adjust budget based on prior year, cash balance & return
226-00.000-674.000	Miscellaneous Revenue	(13,000)	Decrease per activity to date and projections thru year-end
226-00.000-674.010	Charges for Services - 92 Gal Dumpster	<u>(10,000)</u>	Adjust budget based on prior year actual receipts

Total Revenue Increase (Decrease) \$ -

226-18.528-702.000	Salaries and Wages	9,000	Contract signing bonus (\$2500 + fingers of \$500 per FTE)
226-18.528-726.000	Supplies	<u>(9,000)</u>	Decrease per activity to date and projections thru year-end

Total Expenditure Increase (Decrease) \$ -

Net Increase (Decrease) to Fund Balance \$ -

**City of Oak Park
Proposed Budget Amendments
June 15, 2020**

Corridor Improvement Authority

251-00.000-403.001	Property Taxes	5,120	Adjust to actual property tax billing
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Total Revenue Increase (Decrease) \$ 5,120

251-00.000-726.000	Materials and Supplies	<u>360</u>	Additional revenue available for projects
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Total Expenditure Increase (Decrease) \$ 360

Net Increase (Decrease) to Fund Balance \$ 4,760

Narcotic Forfeiture Fund

253-00.000-502.000 Federal Grants 13,165 Adjust to actual receipts to date and projections

Total Revenue Increase (Decrease) \$ 13,165

253-74.333-726.000 Supplies 5,165 Adjust to actual and projected remaining expenditures

Total Expenditure Increase (Decrease) \$ 5,165

Net Increase (Decrease) to Fund Balance \$ 8,000

2010 Municipal Complex Debt Service Fund

303-98.905-403.000 Property Tax 7,934 Adjust to final settlement

303-98.905-664.000 Interest Income 11,371 Increase per activity to date and projections thru year-end

303-00.000-699.310 Transfer In from 2020 UTGO Refunding Bond 9,803,279 Net proceeds from bond issuance

Total Revenue Increase (Decrease) \$ 9,822,584

303-98.905-991.000 Debt Service - Principal 9,900,000 Part bond payoff from new bond proceeds

303-98.905-995.000 Debt Interest 123,119 Part bond payoff from new bond proceeds

303-98.905-995.000 Debt Interest 19,305 Adjust to actual payment schedule

Total Expenditure Increase (Decrease) \$ 10,042,424

Net Increase (Decrease) to Fund Balance \$ (219,840)

2020 UTGO Refunding Bonds Debt Service Fund

310-00.000-698.000 Proceeds from Sale of Bonds 9,145,000 Record revenue from bond refinance proceeds

310-00.000-698.100 Premium from Sale of Bonds 849,782 Record revenue from bond refinance proceeds

Total Revenue Increase (Decrease) \$ 9,994,782

310-98.905-998.000 Cost of Debt Issuance 191,503 Record expense per bond refinance closing

310-98.905-999.303 Transfer out - 2010 Muni Complex Bond Fund 9,803,279 Transfer bond proceeds to payoff part 2010 bonds

Total Expenditure Increase (Decrease) \$ 9,994,782

Net Increase (Decrease) to Fund Balance \$ -

**City of Oak Park
Proposed Budget Amendments
June 15, 2020**

Sidewalk Special Assessment Fund

451-71.442-653.000 Sidewalk Billings 5,800 Estimate based on prior and current year activity

Total Revenue Increase (Decrease) \$ 5,800

451-18.442-702.000 Salaries and Wages 5,800 Increase per activity to date and projections thru year-end

Total Expenditure Increase (Decrease) \$ 5,800

Net Increase (Decrease) to Fund Balance \$ -

Water and Sewer Fund

592-00.000-650.000 Service Connection Revenue 9,000 Adjust to actual receipts to date

592-00.000-650.002 Service Connection Sewer 4,000 Adjust to actual receipts to date

592-00.000-664.000 Interest Income 4,500 Adjust to actual and estimated thru year-end

592-00.000-674.000 Miscellaneous Revenue 12,500 Adjust to actual and estimated thru year-end

Total Revenue Increase (Decrease) \$ 30,000

592-15-536-702.000 Salaries and Wages 9,000 Contract signing bonus (\$2500 + fringes of \$500 per FTE)

592-16-550-702.000 Salaries and Wages 12,000 Contract signing bonus (\$2500 + fringes of \$500 per FTE)

592-18-537-702.000 Salaries and Wages 3,000 Contract signing bonus (\$2500 + fringes of \$500 per FTE)

592-18-538-702.000 Salaries and Wages 33,000 Contract signing bonus (\$2500 + fringes of \$500 per FTE)

592-18-550-702.000 Salaries and Wages 9,000 Contract signing bonus (\$2500 + fringes of \$500 per FTE)

592-18-550-925.000	Non-Residential IWC	(36,000)	Reduce per activity to date and projections thru year-end
Total Expenditure Increase (Decrease)		<u>\$ 30,000</u>	
Net Increase (Decrease) to Fund Balance		<u>\$ -</u>	

**City of Oak Park
Proposed Budget Amendments
June 15, 2020**

Motor Pool Internal Service Fund

654-18.875-627.101	Charges for Services - General Fund		- Estimate based on prior and current year activity
654-18.875-664.000	Interest Income		- Estimate based on prior and current year activity
Total Revenue Increase (Decrease)		<u>\$ -</u>	
654-18.875-702.000	Salaries & Wages	3,000	Contract signing bonus (\$2500 + fringes of \$500 per FTE)
654-18.875-860.000	Transportation	(3,000)	Reduce per activity to date and projections thru year-end
Total Expenditure Increase (Decrease)		<u>\$ -</u>	
Net Increase (Decrease) to Fund Balance		<u>\$ -</u>	

Public Safety Retirement System Fund

733-43.237-594.000	Employee Contribution - Public Safety		- Adjust current year estimate per prior yr and 1st qtr actual
733-43.237-595.000	Employee Contribution - RHC		- No initial budget - estimate based on prior year actual
733-43.237-669.000	Gain (Loss) on Investments	(4,468,531)	Significant losses from 30% COVID-19 market decline
733-43.237-696.000	City Pension Contribution		- Adjust to new actuary report - 20 year amortization
733-43.237-697.000	City Contribution - RHC	71,906	Adjust charges to zero current year rev and exps
Total Revenue Increase (Decrease)		<u>\$ (4,396,625)</u>	
733-43.237-712.001	Retiree Healthcare	178,375	Increase per activity to date and projections thru year-end
733-43.237-712.002	Retiree Life Insurance		- Adjust current year estimate per prior yr and 1st qtr actual
733-43.237-712.003	Retiree Dental	(10,000)	Increase per activity to date and projections thru year-end
733-43.237-801.000	Professional Services		- Adjust current year estimate per prior yr
733-43.237-874.000	Retirement Benefits	435,000	Increase per activity to date and projections thru year-end
733-43.237-964.002	Retiree Contribution Refunds		- Adjust current year estimate per 1st qtr actual
Total Expenditure Increase (Decrease)		<u>\$ 603,375</u>	
Net Increase (Decrease) to Fund Balance		<u>\$ (5,000,000)</u>	

Resolution

NOW, THEREFORE BE IT RESOLVED that the following
Budget Amendment #2020-4 is authorized:

	INCREASE (DECREASE)
GENERAL FUND	
REVENUES	
PROPERTY TAXES	\$ 191,041
CHARGES FOR SERVICES	(3,431)
FINES AND FORFEITURES	(241,000)
OTHER REVENUE	80,000
TOTAL REVENUES	<u>26,610</u>
EXPENDITURES	
CITY COUNCIL	(3,700)
CITY MANAGER	11,900
HUMAN RESOURCES	6,000
COMMUNITY & ECONOMIC DEVELOPMENT	4,500
CITY CLERK - ELECTIONS	11,500
CITY CLERK	1,500
FINANCE	21,000
TECHNICAL AND PLANNING	119,000
PUBLIC SAFETY	234,200
RECREATION	12,000
PUBLIC WORKS	(295,000)
NON-DEPARTMENTAL	286,868
PUBLIC INFORMATION	6,000
TOTAL EXPENDITURES	<u>415,768</u>
Net Increase to Fund Balance	<u>\$ (389,158)</u>

LIBRARY FUND	
REVENUES	
PROPERTY TAXES	\$ 6,100
INTERGOVERNMENTAL	8,180
CHARGES FOR SERVICES	(1,750)
FINES AND FORFEITURES	(4,800)
INTEREST INCOME	2,300
OTHER REVENUE	3,810
TOTAL REVENUES	<u>13,840</u>
EXPENDITURES	
SALARIES	9,000
UTILITIES - WATER	4,840
TOTAL EXPENDITURES	<u>13,840</u>

Net Increase to Fund Balance	\$ -
	<u>INCREASE</u>
	<u>(DECREASE)</u>

MAJOR STREETS FUND

REVENUES	
INTERGOVERNMENTAL	\$ (8,715)
INTEREST INCOME	14,368
OTHER REVENUE	39,747
TOTAL REVENUES	<u>45,400</u>
EXPENDITURES	
SALARIES	33,000
FRINGES	12,400
TOTAL EXPENDITURES	<u>45,400</u>
Net Increase to Fund Balance	<u>\$ -</u>

LOCAL STREETS FUND

REVENUES	
INTERGOVERNMENTAL	\$ 923
CHARGES FOR SERVICES	42,215
INTEREST INCOME	17,733
OTHER REVENUE	97,129
TOTAL REVENUES	<u>158,000</u>
EXPENDITURES	
SALARIES	48,000
FRINGES	10,000
TOTAL EXPENDITURES	<u>58,000</u>
Net Increase to Fund Balance	<u>\$ 100,000</u>

SOLID WASTE FUND

REVENUES	
PROPERTY TAXES	\$ 13,500
INTERGOVERNMENTAL	(33)
CHARGES FOR SERVICES	(15,000)
INTEREST INCOME	14,533
OTHER REVENUE	(13,000)
TOTAL REVENUES	<u>-</u>
EXPENDITURES	
SALARIES	9,000
OPERATIONS	(9,000)

TOTAL EXPENDITURES	-
Net Increase to Fund Balance	\$ -
	INCREASE (DECREASE)

NARCOTICS FORFEITURE FUND

REVENUES	
INTERGOVERNMENTAL	\$ 13,165
TOTAL REVENUES	<u>13,165</u>
EXPENDITURES	
OPERATIONS	5,165
TOTAL EXPENDITURES	<u>5,165</u>
Net Increase to Fund Balance	<u>\$ 8,000</u>

CORRIDOR IMPROVEMENT AUTHORITY FUND

REVENUES	
PROPERTY TAXES	\$ 5,120
TOTAL REVENUES	<u>5,120</u>
EXPENDITURES	
OPERATIONS	360
TOTAL EXPENDITURES	<u>360</u>
Net Decrease to Fund Balance	<u>\$ 4,760</u>
	INCREASE (DECREASE)

2010 MUNICIPAL COMPLEX DEBT SERVICE FUND

REVENUES	
PROPERTY TAXES	\$ 7,934
INTEREST EARNINGS	11,371
TRANSFERS IN	9,803,279
TOTAL REVENUES	<u>9,822,584</u>
EXPENDITURES	
DEBT SERVICE	10,042,424
TOTAL EXPENDITURES	<u>10,042,424</u>
Net Decrease to Fund Balance	<u>\$ (219,840)</u>
	INCREASE (DECREASE)

2020 UTGO REFUNDING BONDS DEBT SERVICE FUND

REVENUES	
BOND PROCEEDS	\$ 9,145,000
BOND PREMIUM	849,782
TOTAL REVENUES	<u>9,994,782</u>
EXPENDITURES	
DEBT SERVICE	191,503
TRANSFERS OUT	9,803,279
TOTAL EXPENDITURES	<u>9,994,782</u>
Net Decrease to Fund Balance	<u>\$ -</u>

SIDEWALK SPECIAL ASSESSMENT FUND

REVENUES	
CHARGES FOR SERVICES	\$ 5,800
TOTAL REVENUES	<u>5,800</u>
EXPENDITURES	
SALARIES	5,800
TOTAL EXPENDITURES	<u>5,800</u>
Net Decrease to Fund Balance	<u>\$ -</u>

WATER AND SEWER FUND

REVENUES	
CHARGES FOR SERVICES	\$ 13,000
INTEREST EARNINGS	4,500
OTHER REVENUE	12,500
TOTAL REVENUES	<u>30,000</u>
EXPENDITURES	
SALARIES	66,000
OPERATIONS	(36,000)
TOTAL EXPENDITURES	<u>30,000</u>
Net Decrease to Fund Balance	<u>\$ -</u>
	INCREASE
	(DECREASE)

MOTOR POOL INTERNAL SERVICE FUND

REVENUES	
CHARGES TO OTHER FUNDS	\$ -
TOTAL REVENUES	<u>-</u>
EXPENDITURES	
SALARIES	3,000
OPERATIONS	(3,000)

TOTAL EXPENDITURES	-
	<hr/>
Net Decrease to Fund Balance	\$ -
	<hr/> <hr/>
	INCREASE (DECREASE)

PUBLIC SAFETY RETIREMENT STSTEM FUND

REVENUES	
EMPLOYER CONTRIBUTIONS	\$ 71,906
NET CHANGE IN FAIR VALUE OF INVESTMENT	(4,468,531)
TOTAL REVENUES	<hr/> (4,396,625) <hr/>
 EXPENDITURES	
BENEFIT PAYMENTS	435,000
RETIREE HEALTHCARE	168,375
TOTAL EXPENDITURES	<hr/> 603,375 <hr/>
 Net Decrease to fund Balance	 \$ (5,000,000) <hr/> <hr/>

I certify that the forgoing is a true and complete copy of a Resolution adopted by the City Council of the City of Oak Park at a regular Meeting held on this 15th day of June, 2020.

T. Edwin Norris, City Clerk



BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN

AGENDA OF: June 15, 2020

AGENDA #

SUBJECT: Approval of resolution to authorize Budget Amendment #2021-1

DEPARTMENT: Finance

SUMMARY: The City's annual 2020/2021 budget was adopted on May 18, 2020 and is effective July 1st. The budget is adopted at the departmental level. In accordance with the State Budget Act, budget amendments are to be completed throughout the fiscal year in order to reflect the most current information available related to revenue and expenditure budgets. Budget amendments that have a positive or negative impact on fund balance or change the department total require Council approval. The proposed amendments are based on actual and projected activity-to-date.

The budget adopted for fiscal year 2020/2021 Water and Sewer Fund includes costs for both the water and sewer operations as well as the costs for maintaining the storm water system as the city does not have a separated system (similar to the past many fiscal year budgets). As part of a recent lawsuit, the City has been mandated by the courts to segregate the costs associated with storm water into a fund separate from the Water and Sewer Fund. In addition to breaking out the costs into a new fund the court also mandated that a new charge (based on a new methodology) for storm water be created to pay for the storm water costs. The new fund and billing must be implemented no later than July 1, 2020. The City has completed the very lengthy project of complying with this order and has the proposed amendment to the Water and Sewer and Storm Water Funds for the fiscal year 2020/2021 attached.

Overall the City has identified approximately \$6.2 million of storm water costs and the proposed amendment removes those costs along with the related revenue from the Water and Sewer Fund to the new Storm Water Fund.

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

FINANCIAL STATEMENT: The proposed budget amendment simply breaks out the storm water activity from the approved Water and Sewer Fund budget and puts it into a new fund. There is no net impact on the fund balance of the Water and Sewer or Storm Water Fund.

RECOMMENDED ACTION: Approval of resolution to authorize Budget Amendment #2021-1

APPROVALS:

City Manager: _____

Finance Director: _____

**FINANCIAL SUMMARY
ENTERPRISE**

592 WATER AND SEWER FUND			
	City Council Approved 2020-21	Storm Water to New Fund 2020-21	Revised Water and Sewer 2020-21
ESTIMATED OPERATING REVENUES			
CHARGES FOR SERVICES	\$ 14,913,900	\$ (6,200,000)	\$ 8,713,900
INTEREST INCOME	47,042	-	47,042
UNREALIZED GAIN/(LOSS) ON INVESTMENTS	1,000	-	1,000
OTHER REVENUE	10,000	-	10,000
TOTAL ESTIMATED OPERATING REVENUES	\$ 14,971,942	\$ (6,200,000)	\$ 8,771,942
APPROPRIATIONS - BILLING & COLLECTION			
SALARIES	\$ 142,238	\$ (62,585)	\$ 79,653
FRINGES	125,109	(55,048)	70,061
SUPPLIES	7,800	(3,432)	4,368
PROFESSIONAL SERVICES	22,435	(9,871)	12,564
BANK/CC FEES & SERVICE CHARGES	100	(44)	56
POSTAGE	28,000	(12,320)	15,680
RENTALS-COPIER LEASE	3,600	(1,584)	2,016
TOTAL APPROPRIATIONS - BILLING & COLLECTION	\$ 329,282	\$ (144,884)	\$ 184,398
APPROPRIATIONS - MAINTENANCE & REPAIR			
SALARIES	\$ 264,179	\$ (169,075)	\$ 95,104
FRINGES	237,286	(151,863)	85,423
UTILITIES-TELEPHONE	4,000	(2,560)	1,440
MEMBERSHIPS, DUES & SUBSCRIPTIONS	250	(160)	90
EDUCATION & TRAINING	7,100	(4,544)	2,556
TOTAL APPROPRIATIONS - MAINTENANCE & REPAIR	\$ 512,815	\$ (328,202)	\$ 184,613
APPROPRIATIONS - ADMINISTRATION			
SALARIES	\$ 102,321	\$ (65,485)	\$ 36,836
FRINGES	107,457	(68,772)	38,685
ADMINISTRATIVE COST REIMBURSEMENT-GENERAL FUND	190,000	(121,600)	68,400
ADMINISTRATIVE COST REIMBURSEMENT-SOLID WASTE	(50,000)	32,000	(18,000)
SUPPLIES	7,000	(4,480)	2,520
PROFESSIONAL SERVICES	7,150	(4,576)	2,574
CONTRACTUAL SERVICES	20,600	(13,184)	7,416
PRINTING & PUBLICATIONS	6,000	(3,840)	2,160
INSURANCE & BONDS	100,000	(64,000)	36,000
UTILITIES-GAS	5,500	(3,520)	1,980
TOTAL APPROPRIATIONS - ADMINISTRATION	\$ 502,028	\$ (321,298)	\$ 184,570
APPROPRIATIONS - TRANSMISSION & DISTRIBUTION			
SALARIES	\$ 482,376	\$ -	\$ 482,376
FRINGES	421,995	-	421,995
PENSION-NPL ADJUSTMENT	-	-	-
SUPPLIES	99,000	-	99,000
WATER METERS	157,000	-	157,000
PROFESSIONAL SERVICES	30,000	-	30,000
UTILITIES-TELEPHONE	4,000	-	4,000
UTILITIES-WATER	1,452,955	-	1,452,955
REPAIRS & MAINTENANCE	60,000	-	60,000
RENTALS-MOTOR POOL UTILIZATION	102,000	-	102,000
EDUCATION & TRAINING	25,700	-	25,700
CAPITAL OUTLAY	1,443,000	-	1,443,000
TOTAL APPROPRIATIONS - TRANSMISSION & DISTRIBUTION	\$ 4,278,026	\$ -	\$ 4,278,026
APPROPRIATIONS - PUMP OPERATIONS			
SALARIES	\$ 32,320	\$ -	\$ 32,320
FRINGES	43,215	-	43,215
SUPPLIES	5,000	-	5,000
PROFESSIONAL SERVICES	36,000	-	36,000
UTILITIES-ELECTRIC	31,000	-	31,000
UTILITIES-GAS	3,100	-	3,100
REPAIRS & MAINTENANCE	21,000	-	21,000
CAPITAL OUTLAY	120,000	-	120,000
TOTAL APPROPRIATIONS - PUMP OPERATIONS	\$ 291,635	\$ -	\$ 291,635

592 WATER AND SEWER FUND			
	City Council Approved 2020-21	Storm Water to New Fund 2020-21	Revised Water and Sewer 2020-21
APPROPRIATIONS - MAINTENANCE & REPAIR			
SALARIES	\$ 107,340	\$ (68,698)	\$ 38,642
FRINGES	109,212	(69,896)	39,316

FINANCIAL SUMMARY ENTERPRISE

SUPPLIES	15,500	(9,920)	5,580
PROFESSIONAL SERVICES	10,000	(6,400)	3,600
SEWAGE DISPOSAL	5,865,015	(3,753,610)	2,111,405
NON-RESIDENTIAL IWC	85,000	(54,400)	30,600
REPAIRS & MAINTENANCE	300,000	(192,000)	108,000
RENTALS-MOTOR POOL UTILIZATION	8,000	(5,120)	2,880
DEPRECIATION	-	-	-
CAPITAL OUTLAY	565,000	(114,985)	450,015
PRINCIPAL	1,029,371	(1,029,371)	-
PRINCIPAL - LAWSUIT	587,500	-	587,500
INTEREST	101,148	(101,148)	-
DEBT SERVICE-PAYING AGENT FEES	70	(70)	-
TOTAL APPROPRIATIONS - MAINTENANCE & REPAIR	\$ 8,783,156	\$ (5,405,617)	\$ 3,377,539
TOTAL APPROPRIATIONS WATER & SEWER	\$ 14,696,942	\$ (6,200,000)	\$ 8,500,782
REVENUES OVER (UNDER) APPROPRIATIONS	\$ 275,000	\$ 0	\$ 271,160
OTHER FINANCING SOURCES (USES)			
TRANSFERS IN	\$ -	\$ -	\$ -
TRANSFERS OUT	-	-	-
TOTAL OTHER FINANCING SOURCES (USES)	\$ -	\$ -	\$ -
TOTAL APPROPRIATIONS & OTHER FINANCING SOURCES (USES)	\$ 14,696,942	\$ (6,200,000)	\$ 8,500,782
NET CHANGE IN FUND BALANCE	\$ 275,000	\$ 0	\$ 275,000
BEGINNING FUND BALANCE	14,416,227	0	14,416,227
ENDING FUND BALANCE	\$ 14,691,227	\$ 0	\$ 14,691,227

**FINANCIAL SUMMARY
ENTERPRISE**

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**FINANCIAL SUMMARY
ENTERPRISE**

592 WATER AND SEWER FUND

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DEPRECIATION	-	-	-
CAPITAL OUTLAY	565,000	(114,985)	450,015
PRINCIPAL	1,029,371	(1,029,371)	-
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ENDING FUND BALANCE	\$ 14,691,227	\$ 0	\$ 14,691,227



CITY OF OAK PARK

Saundra Crawford, Director
Department of Finance

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

MEMORANDUM

Date: June 10, 2020

To: Erik Tungate, City Manager

From: Saundra Crawford

Re: 2020 UTGO Refunding Bonds

On June 3, 2020, the City of Oak Park refunded its previously issued 2010 Facilities Financing Bonds of November 1, 2010 (which was approved by the electors of the City of Oak Park on August 3, 2010) for the purpose of paying the cost to construct, reconstruct, remodel, add to, furnish and equip a City Hall, Public Safety building, Library building, Community and jobs placement center, and playground structures in the City of Oak Park.

City bonds are payable out of the City's Debt Retirement fund, which requires the City each year to levy taxes on all taxable property within the City's boundaries for such payment, without limitation as to either rate or amount. This refund will save the City of Oak Park taxpayers \$1,865,000.00.

Non-Exclusive Driveway License Agreement

This agreement (the Agreement) is effective as of the _____ day of _____, 2020 between **The City of Oak Park**, whose address is **14000 Oak Park Blvd, Oak Park, MI 48237** (Licensor), and **Oak Park Schools**, whose address is **13900 Granzon St., Oak Park, MI 48237** (Licensee), on the terms and conditions stated below:

- 1. Background.** Licensor is the owner of a certain parcel of real property commonly known as Key Park located at the 23200 block of Scotia in Oak Park. The City Council has approved the use of 10 feet of this parcel for expansion of the driveway at the neighboring Oak Park Preparatory Academy at 23261 Scotia, Oak Park, MI 48237, allowing for additional bus staging and the facilitation of student drop off and pick up queuing.
- 2. Grant of the license.** Licensor grants to Licensee the non-exclusive right to use 10 feet of City property as set forth in Exhibit A ("license area") for the widening of the driveway at the Oak Park Preparatory Academy, only. Licensor shall approve and inspect the construction for the widening of the driveway, concrete curb and gutter pan prior to Licensee's use. Licensee shall not construct any other improvements in the driveway, including landscaping, except as expressly set forth herein without the written consent of Licensor.
- 3. Revocation.** This license is revocable at will by Licensor with or without notice to Licensee. Licensee understands and agrees that this license is non-exclusive, and that Licensor may require modification of the driveway and its use, and Licensee shall cooperate with Licensor when requested at no cost to Licensor, nor will Licensee interfere with activities that may be conducted by Licensor in the 10 feet of license area subject to this agreement, or neighboring Key Park. Any removal of the driveway, concrete curb, and/or gutter pan, when deemed necessary by Licensor, shall be performed by the Licensee at no cost to Licensor.
- 4. Indemnification, insurance, and waiver.** Licensee agrees to indemnify Licensor and hold Licensor harmless against any claims, actions, damages, or liability that arise as a result of Licensee's use of the license area and to obtain liability insurance in reasonable amounts

insuring against damage to persons and property occurring on or within the vicinity of the license area and to name Licensor as an insured party under that insurance policy. Licensee also waives any right of recovery it may now or subsequently have against Licensor for any loss or damage arising out of use of the license area.

5. **Maintenance.** Upon completion of the widening of the driveway, concrete curb and gutter pan in the right of way, Licensee will, at its sole cost and expense, maintain and inspect the area subject to this agreement, including snow removal, at its sole cost.
6. **Nonperformance.** It is expressly understood that in the case of non-performance of any of the covenants made in this agreement, including any non-compliant uses of the driveway, this license agreement may be terminated by Licensor if Licensee's non-performance is not cured at the discretion of Licensor within ten days of the date that Licensor sends written notice of non-performance to Licensee by United States, First Class mail, to Licensee's address as specified in this agreement.
7. **No assignment.** Licensee shall not assign or transfer its rights under this License.
8. **Exhibits.** The following exhibits are attached to and are a part of this Agreement:

Exhibit A—Architectural rendering of Oak Park Preparatory Academy traffic management plan
9. **Effective date.** This license Agreement is effective as of the date the last party signs the agreement. This agreement shall not be modified or amended absent a written agreement signed by both parties.
10. **Termination.** Upon termination of this license agreement, the Licensee will peacefully remove the 10 feet of driveway from the City owned property and restore the area to the same condition as when originally delivered to Licensee at no cost to Licensor. If Licensee fails to complete the restoration in a manner satisfactory to Licensor, the restoration may be completed by Licensor and Licensor's costs for doing so billed to Licensee.

LICENSOR:

THE CITY OF OAK PARK

Erik Tungate
Its: City Manager

Dated:

LICENSEE:

OAK PARK SCHOOLS

[Typed name of authorized signer]
Its: **[Title of authorized signer]**

Dated:



PARTNERS in Architecture, PLC

- LEGEND:**
- NEW HEAVY-DUTY ASPHALT PAVING
 - NEW STANDARD-DUTY ASPHALT PAVING
 - NEW CONCRETE SIDEWALK
 - NEW CONCRETE PAVING

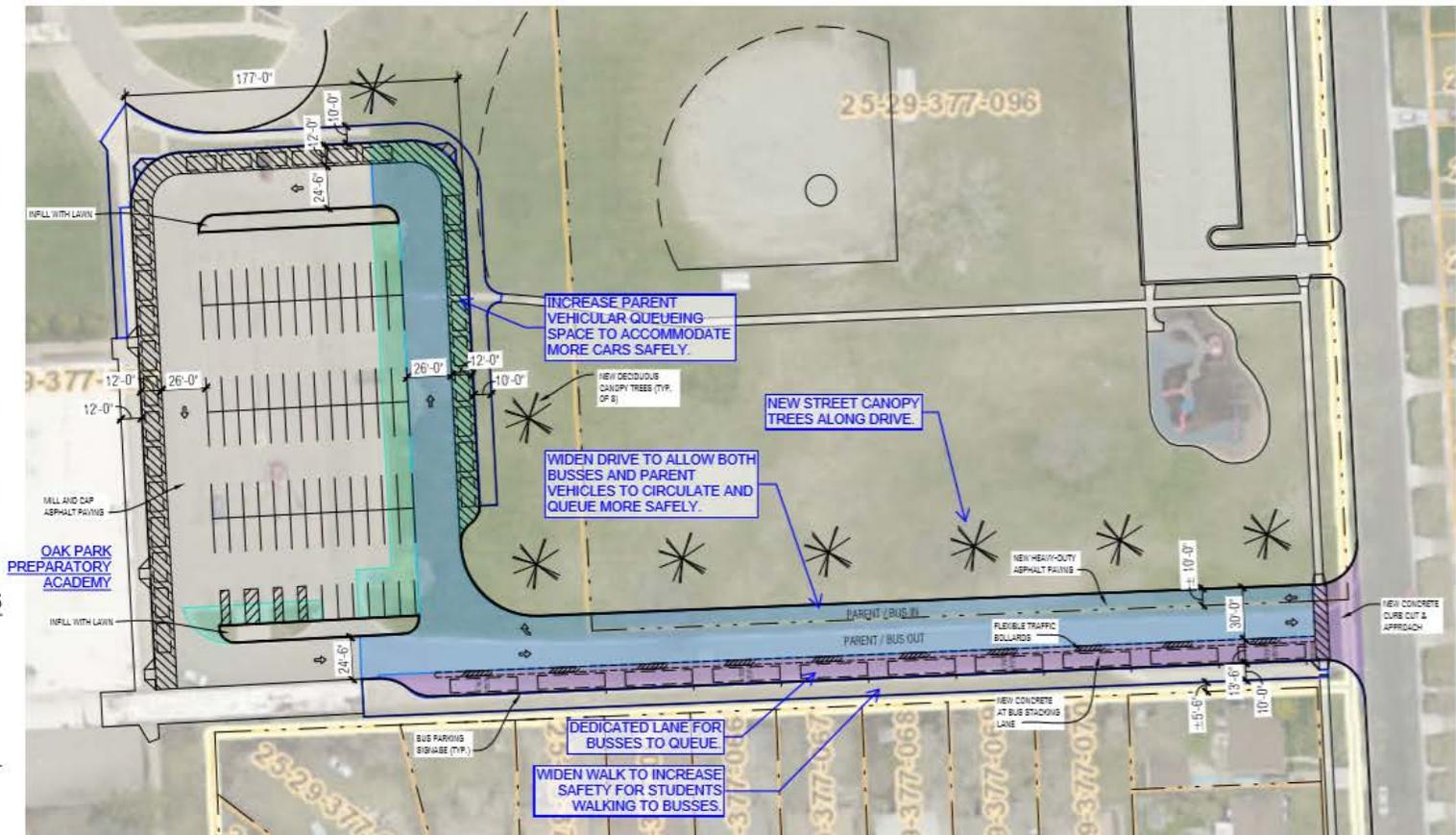


OPPA - Final Site Concept
1/64" = 1'-0"



2 Proposed Bollards
N.T.S.

NOTES:
PARENT DROP OFF: 600 LF, 28 CARS
PARKING: 88 SPACES
BUS DROP OFF: 515 LF, 10 BUSES



OAK PARK SCHOOLS

MAY 26, 2020

2020 SINKING FUNDS - OPPIA TRAFFIC MANAGEMENT

OAK PARK, MI

Non-Exclusive Driveway License Agreement

This agreement (the Agreement) is effective as of **[date]**, between **The City of Oak Park**, whose address is **14000 Oak Park Blvd, Oak Park, MI 48237** (Licensor), and **Yeshiva Beth Yehudah**, whose address is **PO Box 2044, Southfield, MI48037** (Licensee), on the terms and conditions stated below:

- 1. Background.** Licensor has possessory rights in a right of way for the installation of a new circulation road, curb and gutter and drainage construction work for vehicular circulation and within the vicinity of Structure Z03 of 63102 Highway I-696 Plaza Bridge and Church Street located within the limits of the City of Oak Park (the Premises) pursuant to a Contract between the City of Oak Park and the Michigan Department of Transportation dated _____, 2020. MDOT, together with the Federal Highway Administration, have approved a temporary breach in Limited Access Right of Way for the construction of the circulation road.
- 2. Grant of the license.** Licensor grants to Licensee the non-exclusive right to use the right of way for the installation of an asphalt driveway, concrete curb and gutter pan for ingress and egress of vehicular traffic at the Yeshiva Beth Yehuda Girls School, only. Licensor shall approve and inspect the construction of the driveway, concrete curb and gutter pan prior to Licensee's use. No parking or signage of any type, including electronic displays, shall be permitted on the right of way. Licensee shall not construct any other improvements, including landscaping, in the right of way except as expressly set forth herein without the written consent of Licensor.
- 3. Revocation.** This license is revocable at will by Licensor or at the discretion of the Michigan Department of Transportation ("MDOT") with or without notice to Licensee, and subject to the terms and conditions of the agreement between the City of Oak Park and MDOT dated March _____, 2020. Licensee understands and agrees that this license is non-exclusive, and that Licensor, MDOT, and/or utility companies may require modification of the right of way and its use, and Licensee shall cooperate with Licensor, MDOT or the utilities when requested at no cost to Licensor, MDOT, or the utility, nor will Licensee interfere with activities that may be conducted by any of these entities

in the right of way. Any removal of the driveway, concrete curb, and/or gutter pan, when deemed necessary by MDOT, shall be performed by the Licensee at no cost to MDOT or Licensor.

4. **Indemnification, insurance, and waiver.** Licensee agrees to indemnify Licensor and hold Licensor harmless against any claims, actions, damages, or liability that arise as a result of Licensee's use of the license area and to obtain liability insurance in reasonable amounts insuring against damage to persons and property occurring on or within the vicinity of the license area and to name Licensor as an insured party under that insurance policy. Licensee also waives any right of recovery it may now or subsequently have against Licensor for any loss or damage arising out of use of the license area.
5. **Maintenance.** Upon completion of the asphalt driveway, concrete curb and gutter pan in the right of way, Licensee will, at its sole cost and expense, maintain and inspect the area subject to this agreement, including snow removal, at its sole cost.
6. **Nonperformance.** It is expressly understood that in the case of non-performance of any of the covenants made in this agreement, including any non-compliant uses of the right of way, this license agreement may be terminated by Licensor if Licensee's non-performance is not cured at the discretion of Licensor within ten days of the date that Licensor sends written notice of non-performance to Licensee by United States, First Class mail, to Licensee's address as specified in this agreement.
7. **No assignment.** Licensee shall not assign or transfer its rights under this License.
8. **Exhibits.** The following exhibits are attached to and are a part of this Agreement:

Exhibit A—Contract between MDOT and the City of Oak Park.
9. **Effective date.** This license Agreement is effective as of the date the last party signs the agreement. This agreement shall not be modified or amended absent a written agreement signed by both parties.
10. **Termination.** Upon termination of this license agreement, the

Licensee will peacefully remove and restore the right of way in the same condition as when originally delivered to Licensee at no cost to MDOT or Licensor. If Licensee fails to complete the restoration in a manner satisfactory to Licensor or MDOT, the restoration may be completed by Licensor and Licensor's costs for doing so billed to Licensee.

LICENSOR:

THE CITY OF OAK PARK

Erik Tungate
Its: City Manager

Dated:

LICENSEE:

YESHIVA BETH YEHUDA SCHOOL

[Typed name of authorized signer]
Its: **[Title of authorized signer]**

Dated: