

City Council Regular Meeting
Madison Heights, Michigan
November 28, 2022

A City Council Regular Meeting was held on Monday, November 28, 2022 at 7:30 PM at Fire Station 1 Training Room - 31313 Brush Street

PRESENT

Mayor Roslyn Grafstein
Councilwoman Toya Aaron
Councilman Sean Fleming
Councilor Emily Rohrbach
Councilman David Soltis
Councilor Quinn Wright

ABSENT

Mayor Pro Tem Mark Bliss

OTHERS PRESENT

City Manager Melissa Marsh
City Attorney Larry Sherman
Assistant City Attorney Jeff Sherman
Deputy City Clerk Phommady A. Boucher

The invocation was given by Councilman Soltis and the Pledge of Allegiance followed.

CM-22-322. Excuse Councilmember.

Motion made by Councilwoman Aaron, Seconded by Councilman Soltis, to excuse Mayor Pro Tem Bliss from tonight's meeting.

Voting Yea: Mayor Grafstein, Councilwoman Aaron, Councilman Fleming, Councilor Rohrbach, Councilman Soltis, Councilor Wright

Absent: Mayor Pro Tem Bliss
Motion carried.

CM-22-323. Appointment of Acting City Clerk.

Motion made by Councilor Rohrbach, Seconded by Councilman Fleming, to appoint Deputy City Clerk Phommady A. Boucher as the Acting City Clerk for tonight's City Council meeting.

Voting Yea: Mayor Grafstein, Councilwoman Aaron, Councilman Fleming, Councilor Rohrbach, Councilman Soltis, Councilor Wright

Absent: Mayor Pro Tem Bliss
Motion carried.

CM-22-324. Addition to the Agenda.

Motion made by Councilor Rohrbach, Seconded by Councilwoman Aaron, to add the following item to the agenda:

under Consent Agenda, *Tentative Agreement with the 43rd District Court.*

Voting Yea: Mayor Grafstein, Councilwoman Aaron, Councilman Fleming, Councilor Rohrbach, Councilman Soltis, Councilor Wright

Absent: Mayor Pro Tem Bliss

Motion carried.

PRESENTATIONS:

City Auditors (Plante Moran) Financial Audit Presentation.

Martin Olejnik and Keith Szymanski representing the City's Auditing firm, Plante Moran, presented for Council their review of the City's financial statements for the fiscal year ended June 30, 2022. Mr. Olejnik also reviewed Plante Moran's letter to City Council. In response to Councilman Soltis, Mr. Olejnik stated the General Fund Revenue interest in the amount of \$261,317 is the fair market value and investments will be held to maturity.

Mayor Grafstein thanked City Manager Marsh, Finance Director/Treasurer Kunath and the Finance Department for a job well done.

MEETING OPEN TO THE PUBLIC:

Martha Covert, resident, commented that the Small Business Saturday was fabulous and thanked Councilwoman Toya Aaron on all her hard work. She did not agree that the Downtown Development Authority (DDA) took credit for the event.

CONSENT AGENDA:

Motion made by Councilor Rohrbach, Seconded by Councilor Wright to approve the Consent Agenda, as read.

Voting Yea: Mayor Grafstein, Councilwoman Aaron, Councilman Fleming, Councilor Rohrbach, Councilman Soltis, Councilor Wright

Absent: Mayor Pro Tem Bliss

Motion carried.

CM-22-325. Emergency Firewall Implementation Due to Construction Request Library Secondary Firewall.

Motion made by Councilor Rohrbach, Seconded by Councilor Wright to approve the Emergency Firewall Implementation Due to Construction Request Library Secondary Firewall to BPI in the amount of \$17,345.51.

Voting Yea: Mayor Grafstein, Councilwoman Aaron, Councilman Fleming, Councilor Rohrbach, Councilman Soltis, Councilor Wright

Absent: Mayor Pro Tem Bliss

Motion carried.

CM-22-326. Designated Assessor Interlocal Agreement and Resolution.

Motion made by Councilor Rohrbach, Seconded by Councilor Wright to approve the Designated Assessor Interlocal Agreement and Resolution, approved and adopted by the Oakland County Board of Commissioners to name Oakland County Equalization officer Michael R. Lohmeier, MMAO, as Designated Assessor from January 1, 2023 through December 31, 2027, and authorize the Mayor and City Clerk to sign on behalf of the City.

Voting Yea: Mayor Grafstein, Councilwoman Aaron, Councilman Fleming, Councilor Rohrbach, Councilman Soltis, Councilor Wright

Absent: Mayor Pro Tem Bliss

Motion carried.

CM-22-327. Regular City Council Meeting Minutes of November 14, 2022.

Motion made by Councilor Rohrbach, Seconded by Councilor Wright to approve the Regular City Council meeting minutes of November 14, 2022, as printed.

Voting Yea: Mayor Grafstein, Councilwoman Aaron, Councilman Fleming, Councilor Rohrbach, Councilman Soltis, Councilor Wright

Absent: Mayor Pro Tem Bliss

Motion carried.

CM-22-328. Tentative Agreement with the 43rd District Court

Motion made by Councilor Rohrbach, Seconded by Councilor Wright to approve the Tentative Agreement with the 43rd District Court.

Voting Yea: Mayor Grafstein, Councilwoman Aaron, Councilman Fleming, Councilor Rohrbach, Councilman Soltis, Councilor Wright

Absent: Mayor Pro Tem Bliss

Motion carried.

CM-22-329. Resolution to Create a Charter Revision Study Committee.

City Manager Marsh reviewed option 1 and 2 of the Charter Revision Study Committee resolution.

Assistant City Attorney J. Sherman spoke about past amendments to the City Charter to include 2004 Section 5.7, 2005 Section 3.4, and 2007 Section 9.1. He recommended the adoption of option 1 of the resolution.

Mayor Grafstein suggests current board member Chairmans and Vice-Chairmans given first opportunity on the Charter Revision Study Committee. They have been working as volunteers and shown interest for the city.

The group further discussed the membership, resident members, completion date and meetings sections of the Charter Revision Study Committee resolution.

Motion made by Councilman Fleming, Seconded by Councilor Wright to approve option 1 of the Resolution to create a Charter Revision Study Committee with the following amendment:

the Charter Revision Study Committee changed to Charter Amendment Study Group

**AMENDED AND RESTATED RESOLUTION FOR THE CREATION OF A CHARTER
AMENDMENT STUDY GROUP**

WHEREAS, although the Madison Heights City Charter (the “Charter”) has served the City of Madison Heights (the “City”) well for many years, the Mayor and City Council (collectively the “Council”) are cognizant of the importance to review, from time-to-time, and amend those Charter provisions that may be outdated, obsolete or unreflective of current conditions;

WHEREAS, Charter amendments must be carefully considered and accurately drafted with expert and professional input;

WHEREAS, Charter amendments must be approved by the Council, the Attorney General for the State of Michigan, and the Governor of the State of Michigan, prior to being placed on the ballot, and submitted to the voters for approval or disapproval;

WHEREAS, Council, pursuant to its 2018/2019 adopted goal HH, completed a Boards and Commissions Review and established a Charter Revision Committee, even though there were no pending Charter issues or amendments to consider at the time;

WHEREAS, some technical Charter amendment issues have arisen recently regarding the offices of Mayor, Mayor Pro Tem and Council, necessitating this Amended and Restated Resolution.

NOW THEREFORE BE IT RESOLVED:

That the City Council of the City of Madison Heights does hereby amend and restate, in its entirety, the Charter Revision Committee as follows:

Name: The name of the Charter Revision Committee shall be changed to the Charter Amendment Study Group.

Scope: The Charter Amendment Study Group (the “Study Group”) shall carefully consider, accurately draft, and propose options for Charter amendments referred to it by Council. The

Study Group shall also submit its recommendations to Council for consideration and appropriate action.

Membership: The Study Group shall consist of seven (7) members: The City Manager, the City Attorney, and five (5) residents, each of whom shall have one (1) vote.

Resident Members: The five (5) resident members shall be appointed on an ad hoc basis (meaning when necessary or as needed to consider a specific referral or referrals from Council). The resident members shall serve until a designated completion date set by Council (as described below). Since the Council's goal is to create an apolitical and technocratic Study Group devoid of political partisanship, the following individuals are ineligible to serve: (i) Mayoral or Council candidates in the previous two (2) election cycles and (ii) the current Mayor and Council members.

Chairperson and Vice Chairperson: The five (5) resident members shall appoint a Chairperson and Vice Chairperson from among its members to serve for the duration of the Study

Group's term. The City Manager and City Attorney may not serve as Chairperson or Vice Chairperson.

Experts or Professionals: The Study Group may consult with outside experts or professionals when necessary or needed.

Completion Date: Upon appointment of the members, Council shall designate a completion date for the Study Group's work and the members shall serve until the completion date specified by Council, provided that said completion date shall not be less than ninety (90) days from the date of appointment.

Meetings. Upon appointment of members, the Study Group shall meet as required and agreed upon by its members. A quorum shall constitute four (4) members present at the meeting. Any action of the Study Group shall require a concurrence of the majority of the quorum present at the meeting. The Study Group's meetings shall not be subject to the Michigan Open Meetings Act (1976 Public Act 267, being specifically MCL 15.261 15.275, as amended) because its sole purpose is to study and examine an issue or issues referred to it by Council and is only capable of making recommendations to Council concerning the exercise of governmental authority, in conformity with OAG 1997-1998, No. 6935, p. 18 (April 2, 1997) and OAG No. 5183, p. 40.

Voting Yea: Councilwoman Aaron, Councilman Fleming, Councilor Rohrbach, Councilman Soltis, Councilor Wright

Voting Nay: Mayor Grafstein

Absent: Mayor Pro Tem Bliss

Motion carried.

CM-22-330. Ordinance 2190 - Amendment Library Advisory Board Membership, Second Reading.

Motion made by Councilwoman Aaron, Seconded by Councilor Rohrbach, to adopt Ordinance No. 2190, Amendment to Library Advisory Board Membership, on Second Reading:

**ORDINANCE NO. 2190
CITY OF MADISON HEIGHTS,
OAKLAND COUNTY, MICHIGAN**

AMENDMENT TO THE CODE OF ORDINANCES

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by amending Chapter 2, Article XVI, Sections 2-331 through 2-335 of the Code of Ordinances, City of Madison Heights, Michigan, to establish a city library advisory board in the City to study and recommend short and long-term improvements to the city's library system.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. Amendment.

Chapter 2, Article XVI, Sections 2-331 through 2-335 of the Code of Ordinances, City of Madison Heights, Michigan, are hereby amended in their entirety to read as follows:

ARTICLE XVI. LIBRARY ADVISORY BOARD

Sec. 2-331. Commission established, purpose, scope.

(a) There is hereby established a board to be known as the Madison Heights Library Advisory Board.

(b) Scope.

- (1) The board is a non-administrative board serving solely in an advisory capacity. In that capacity, the board may recommend action to the council, but may not assume any legislative or administrative authority in the operation of the library department. Nothing contained in this article shall relieve the library director of their responsibility for the administration of the department nor limit his/her authority. The purpose of the board is to help by serving as an advisory group.
- (2) The board shall study and make a written recommendation to the city council concerning short and long-term improvements to the city's library system, including:

- (A) To analyze the community's library service needs including but not limited to physical space, technological requirements, staffing, and hours of operation; and
 - (B) When appropriate, generate a report outlining goals and objectives and a related plan (including timelines and cost) for implementation.
- (3) The board exists to promote an outstanding library program for the citizens of the city. In pursuit of this objective, it shall serve as:
- (A) A forum for the careful consideration of policy matters related to the operation of the library system; and
 - (B) A voice for the department in the community and a voice for the community in the department; and
 - (C) An advisor to the director when requested by him/her; and
 - (D) A recommending body to the city council on matters of general department policy.

Sec. 2-332. Membership.

- (a) The board shall be composed of nine members to be appointed by the city council, three (3) member alternates, and five ex officio members who shall be the City Manager or their designee, the library director, and three student representatives to be appointed by the board staff liaison. Alternate members may serve as non-voting ex-officio members when all members are present. Voting members shall be as follows:
 - (1) One member from among the members of the council and eight members and three (3) alternate from the residents of the city-at-large. In the case of the delegate from the city council, the city council may designate an alternate city council delegate who shall sit only in the absence of the regularly appointed city council delegate and who shall have the same authority and powers as such regularly appointed city council delegate.
 - (2) The City Manager or their designee and library director shall be ex officio members without a vote.
 - (3) Terms of the resident members are two (2) years. Councilmember appointments are two (2) year terms until the next Regular City Council election.
 - (4) The three (3) nonvoting student members shall be appointed by the staff liaison and shall serve as long as they are willing and a student at a school located in Madison Heights.
 - (4) A chair and vice-chair shall be elected annually by the membership.
- (b) Voting members of the library advisory board shall serve without pay.

Sec. 2-333. Conduct of Meetings.

- (a) The board may adopt such rules and regulations as may be necessary for the transaction of its business.
- (b) The board shall follow Robert's Rules of Order and keep a record of its proceedings. All meetings shall be noticed and conducted in accordance with the Michigan Open Meetings Act (1976 PA 267, MCL 15.261 through 15.275, as amended).
- (c) Attendance by 50% or more of the current membership of the commission shall constitute a quorum for the transaction of business. Any action of the commission shall require concurrence of the majority of the quorum present at the meeting.

Secs. 2-334 – 2-335. Reserved.

SECTION 2. Repealer.

All ordinances, or parts of ordinances, in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. Severability.

Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

SECTION 4. Savings.

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

SECTION 5. Effective Date.

This ordinance as ordered shall take effect Ten (10) days after its adoption and upon publication.

SECTION 6. Inspection.

A copy of this ordinance may be inspected or purchased at the City Clerk's office between the hours of 8:00 a.m. and 11:30 a.m. and between the hours of 12:30 p.m. and 4:30 p.m. on regular business days.

Voting Yea: Mayor Grafstein, Councilwoman Aaron, Councilman Fleming, Councilor Rohrbach, Councilman Soltis, Councilor Wright

Absent: Mayor Pro Tem Bliss

Motion carried.

**CM-22-331. Ordinance 2191 - Amendment to Parks and Recreation Board Membership,
Second Reading.**

Motion made by Councilor Rohrbach, Seconded by Councilwoman Aaron, to adopt Ordinance No. 2191, Amendment to Parks and Recreation Board Membership, on Second Reading:

**ORDINANCE NO. 2191
CITY OF MADISON HEIGHTS,
OAKLAND COUNTY,
MICHIGAN**

AMENDMENT TO THE CODE OF ORDINANCES

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by amending Chapter 19, Article III, Sections 19-28 through 19-32 of the Code of Ordinances, City of Madison Heights, Michigan, to establish a city parks and recreation advisory board in the City to study and recommend short and long-term improvements to the city's parks and recreation system.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. Amendment.

That Chapter 19, Article III, Sections 19-28 through 19-32 of the Code of Ordinances, City of Madison Heights, Michigan, are hereby amended in their entirety to read as follows:

ARTICLE III. – PARKS AND RECREATION ADVISORY BOARD

Sec. 19-28. Commission established, purpose, scope.

- (a) There is hereby created the Parks and Recreation Advisory Board.
- (b) Scope.
 - (1) The board is a non-administrative board serving solely in an advisory capacity. In that capacity, the board may recommend action to the council, but may not assume any legislative or administrative authority in the operation of the parks and recreation divisions. No action of the board can relieve the supervisors of parks and recreation of their responsibility for the administration of the division nor limit their authority. The purpose of the board is to help by serving as an advisory

group.

- (2) The board exists to promote an outstanding recreational and parks programming for the citizens of the city. In pursuit of this objective it shall serve as:
 - (A) A forum for the careful consideration of policy matters related to the operation of the recreation and parks programs including maintenance and development of the parks system;
 - (B) An advisory to the supervisors when requested;
 - (C) A recommending body to the city council on general policy;
 - (D) A recommending body to the city council on long-term recreational and park planning and policy.

Sec. 19-29. Membership.

- (a) The board shall be composed of nine (9) voting members, one (1) City Council representative, six (6) to be appointed by the mayor with the approval of the city council, two (2) school board representatives; three (3) student representatives, four (4) ex officio members, and three (3) alternates shall be non-voting, as follows:
 - (1) One member from among the members of the city council, one member from the Madison School District and one member from the Lamphere School District, and six members from the residents of the city-at-large; each shall have one vote.
 - (2) Three students to be appointed by the board staff liaison. The student representatives shall be nonvoting and shall serve as long as they are willing and a student in a school located in Madison Heights.
 - (3) One Council alternate and two alternate members from the residents of the city-at-large shall be non-voting ex-officio members; In the case of the delegate from either the Lamphere School District Board or the Madison School Board or both, the said school boards may designate an alternate school district delegate who shall sit only in the absence of the regularly appointed school district delegate and who shall have the same authority and powers as such regularly appointed school district delegate. In the case of the delegate from the city council, the city council may designate an alternate city council delegate who shall sit only in the absence of the regularly appointed city council delegate and who shall have the same authority and powers as such regularly appointed city council delegate. In the case of the resident at-large delegates, the mayor with the approval of the city council, may designate two (2) alternate delegates who shall sit only in the absence of a regularly appointed resident at-large delegate and who shall have the same authority and powers as such appointed resident at-large delegate.
- (3) The Department of Public Services Director, a Department of Public Services

Supervisor, the Recreation Coordinator, and one Oakland County Parks and Recreation staff member shall be ex officio members without a vote.

- (4) Appointees should have a keen interest and personal knowledge of recreational programs for children and adults; and, in park programs for individuals and families.
- (5) Terms of the citizen members are two (2) years and are staggered. Councilmember appointments are two (2) year terms until the next Regular City Council election.
- (6) Members of the parks and recreation advisory board shall serve without pay.
- (7) If an at-large board member is elected to school board office, they are able to complete their current term as an at-large member.
- (8) The board shall elect a chairperson from its membership annually.

Sec. 19-30. Conduct of Meetings.

- (a) Regular meetings of the board shall be held as needed.
- (b) With the approval of the city council, the board may adopt such rules and regulations as may be necessary for the transaction of its business.
- (c) The Commission shall follow Robert's Rules of Order and keep a record of its proceedings. All Meetings shall be noticed and conducted in accordance with the Michigan Open Meetings Act (1976 PA 267, MCL 15.261 through 15.275, as amended).
- (d) Attendance by 50% or more of the current membership of the commission shall constitute a quorum for the transaction of business. Any action of the commission shall require a concurrence of the majority of quorum present at the meeting.

Secs. 19-31 – 19-43. Reserved.

SECTION 2. Repealer.

All ordinances, or parts of ordinances, in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. Severability.

Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

SECTION 4. Savings.

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

SECTION 5. Effective Date.

This ordinance as ordered shall take effect Ten (10) days after its adoption and upon publication.

SECTION 6. Inspection.

A copy of this ordinance may be inspected or purchased at the City Clerk's office between the hours of 8:00 a.m. and 11:30 a.m. and between the hours of 12:30 p.m. and 4:30 p.m. on regular business days.

Voting Yea: Mayor Grafstein, Councilwoman Aaron, Councilman Fleming, Councilor Rohrbach, Councilman Soltis, Councilor Wright

Absent: Mayor Pro Tem Bliss

Motion carried.

COUNCIL COMMENTS:

Councilwoman Aaron thanked all the volunteers for the Holiday Tree Lighting ceremony. She had the pleasure of seeing Santa's arrival, but she was more excited about the Grinch. The Small Business Vendor event took two months of preparation and there were twenty-five participants ranging from coffee, floral, Christmas decor, cookies, to pet products. Please visit Toya Aaron's Facebook page for a list of vendors and their websites. Councilwoman Aaron thanked the DDA for their partnership on this event. She expressed her appreciation to Mayor Grafstein, Councilor Wright, and Councilor Rohrbach for shopping at the event. Councilwoman Aaron recognized Mary Harp from the Madison Heights School Board for her toy donations. She acknowledged the 168 Asian Mart for donating fruit snacks, fruits, and water. Councilwoman Aaron expressed her

gratitude to Congresswoman Haley Stevens for attending the event. If you know anyone that needs a coat, please email toyaaaron@mdison-heights.org for more information. She congratulated the door prize winner of the three-day Bahama cruise on Carnival, compliments of Aaron on the Go Travel.

Councilor Wright thanked Councilwoman Aaron for a great job on the Small Business Vendor event. He mentioned that the Grinch seemed like a nice character at the Holiday Tree Lighting ceremony. Councilor Wright talked about seasonal depression, he encouraged everyone to say hello to a stranger and give a smile. He reminded all to be kind and wished everyone a Happy Holiday.

City Attorney L. Sherman hopes that everyone had a nice Thanksgiving holiday. He thanked Councilwoman Aaron for a successful Small Business Vendor event. City Attorney L. Sherman said the Grinch is one of his favorite Christmas characters.

City Manager Marsh greatly appreciates the City Council and all the residents for their comments, cards, and flowers for her mother's passing. She recognized the Recreation and DPS Department for all their hard work on the Holiday Tree Lighting ceremony. There were positive comments from the residents and a great way to kick off the holiday season.

Deputy City Clerk wished a Happy Holidays to the residents of Madison Heights.

Councilor Rohrbach congratulated Councilwoman Aaron for making the Small Business Vendor a fun event. She had the pleasure of visiting and recommends the Michigan Roots Artisan Shoppe on John R. Councilor Rohrbach praised the DPS for all their hard work on the Holiday Tree Lighting ceremony. She recently visited Super Taco on John R and suggest for the holidays a tamale night. Councilor Rohrbach shared that the Library hosts Author Talks on December 10th with Fredrik Backman and December 14th with Nicole Eustace.

Councilman Fleming complimented the DPS for getting the fifty-two light posts in operation around the DDA District.

Councilman Soltis admitted that he has been the Grinch for five to six years at the Holiday Tree Lighting ceremony and he will be participating in a book reading at the Library. He shared a memorable moment as the Grinch taking a photo holding someone's baby.

Mayor Grafstein gave credit to Councilman Soltis, the sponsors, volunteers, and staff for another wonderful event at the Holiday Tree Lighting ceremony. She especially thanked DPS for setting up all the lights and decorations for the occasion. Mayor Grafstein applauded Councilwoman Aaron for a successful Small Business Vendor event. She recognized the Michigan Roots Artisan Shoppe on John R as a new business. Mayor Grafstein had the pleasure of working with the Lions Club to deliver dictionaries to the Third-Grade students of Madison Heights and Lamphere School Districts. She talked about mental health, depression, and Seasonal Affect Disorder (SAD). If anyone has ideas or suggestions, feel free to contact her directly via email at roslyngrafstein@madison-heights.org. Remember to give people grace because you don't know what is going on in their lives. The next council meeting is December 12th.

ADJOURNMENT:

Having no further business, the meeting was adjourned at 8:38 p.m.

Roslyn Grafstein
Mayor

Phommady A. Boucher
Acting City Clerk