

City Council Regular Meeting
Madison Heights, Michigan
July 13, 2026

A City Council Regular Meeting was held on Monday, July 13, 2026 at 6:35 PM at City Hall
- Council Chambers, 300 W. 13 Mile Rd.

PRESENT

Mayor Corey Haines
Mayor Pro Tem William Mier
Councilwoman Toya Aaron
Councilman Sean Fleming
Councilor Laurie Geraldts
Councilor Quinn Wright

ABSENT

Councilor Emily Rohrbach

ALSO PRESENT

City Manager Melissa Marsh
Assistant City Attorney Tim Burns
Deputy City Manager/City Clerk Cheryl Rottmann

CM-26-161. Excuse Councilmember.

Motion to excuse Councilor Rohrbach from tonight's meeting.

Motion made by Councilor Wright, Seconded by Councilor Geraldts.

Voting Yea: Mayor Haines, Mayor Pro Tem Mier, Councilwoman Aaron,
Councilman Fleming, Councilor Geraldts, Councilor Wright

Absent: Councilor Rohrbach

Motion carried.

Mayor Haines gave the invocation and the Pledge of Allegiance followed.

CM-26-162. Addition to the Agenda.

Motion to add to the agenda, under Reports:

*Contract between the City of Madison Heights and the Department Heads Union
AFSCME Council 25*

Motion made by Mayor Pro Tem Mier, Seconded by Councilor Wright.

Voting Yea: Mayor Haines, Mayor Pro Tem Mier, Councilwoman Aaron,
Councilman Fleming, Councilor Geraldts, Councilor Wright

Absent: Councilor Rohrbach

Motion carried.

MEETING OPEN TO THE PUBLIC:

Martha Covert, resident, spoke in support of the R-4 millage.

Deputy City Manager/City Clerk Rottmann noted that an email was received from Kristen Lagos in support of the city's relationship with the Clinton River Watershed and in support of continued communication with residents about volunteer opportunities. The email was forwarded to City Council and entered into the record.

CM-26-163. Consent Agenda.

Motion to approve the Consent Agenda as read.

Motion made by Mayor Pro Tem Mier, Seconded by Councilwoman Aaron.

Voting Yea: Mayor Haines, Mayor Pro Tem Mier, Councilwoman Aaron,
Councilman Fleming, Councilor Geraldts, Councilor Wright

Absent: Councilor Rohrbach

Motion carried.

CM-26-164. Police Chief - City of Madison Heights CLEMIS Participation Agreement.

Motion to approve the resolution approving the CLEMIS Participation Agreement between the City of Madison Heights and the CLEMIS Authority, as follows:

City of Madison Heights, Michigan
RESOLUTION

Participation in CLEMIS Authority Interlocal Agreement

WHEREAS, the City of Madison Heights (the "Public Agency"), is a "public agency" as that term is defined under section 2(e) of the Urban Cooperation Act of 1967, 1967 (Ex Sess) PA 7, as amended, MCL 124.502(e), and

WHEREAS, under section 28 of article 7 of the Michigan Constitution of 1963 and the Urban Cooperation Act of 1967, 1967 (Ex Sess) PA 7, as amended, MCL 124.501 to 124.512 ("Act 7"), a public agency may exercise jointly with any other public agency any power, privilege, or authority that the public agencies share in common and that each might exercise separately, and

WHEREAS, The City of Madison Heights possesses the powers, privileges, and authorities to perform various activities relating to courts and law enforcement management information systems, and

WHEREAS, The City of Madison Heights wants to exercise powers, privileges, and authorities jointly with Oakland County, the Charter Township of Bloomfield, the Charter Township of White Lake, and other participating public agencies under an interlocal agreement creating the Courts and Law Enforcement Management Information System (CLEMIS) Authority (the “CLEMIS Interlocal Agreement”) and become a participating public agency under and party to the CLEMIS Interlocal Agreement, and

WHEREAS, The City of Madison Heights also wants to use the services of the CLEMIS System operated by the Courts and Law Enforcement Management Information System (CLEMIS) Authority (the “Authority”) by entering into a services agreement with the Authority.

The City of Madison Heights therefore resolves as follows:

- that the interlocal agreement between Oakland County, the Charter Township of Bloomfield, the Charter Township of White Lake, and other participating public agencies creating the CLEMIS Interlocal Agreement is hereby approved;
- that the City of Madison Heights is hereby authorized to enter into a participation agreement with the Authority to enter into and become a party to the CLEMIS Interlocal Agreement;
- that the City of Madison Heights is hereby authorized to enter into the CLEMIS Main Services Agreement (the “CLEMIS MSA”) between the City of Madison Heights and the Authority;
- that the City Clerk of the City of Madison Heights is hereby authorized and directed to transmit a copy of this resolution to the Authority and execute the participation agreement for the CLEMIS Interlocal Agreement and the CLEMIS MSA on behalf of the City of Madison Heights; and
- that the City Clerk of the City of Madison Heights is hereby authorized and directed to file a copy of the participation agreement for the CLEMIS Interlocal Agreement, including the CLEMIS Interlocal Agreement, on behalf of the City of Madison Heights with the clerk of each county in which the Public Agency is located.

Motion made by Mayor Pro Tem Mier, Seconded by Councilwoman Aaron.

Voting Yea: Mayor Haines, Mayor Pro Tem Mier, Councilwoman Aaron,
Councilman Fleming, Councilor Geraldts, Councilor Wright

Absent: Councilor Rohrbach

Motion carried.

**CM-26-165. Court Administrator - 43rd District Court - Madison Heights
CLEMIS Participation Agreement.**

Motion to approve the resolution approving the CLEMIS Participation Agreement between the 43rd District Court and the CLEMIS Authority, as follows:

43rd District Court – Madison Heights, Michigan
RESOLUTION

Participation in CLEMIS Authority Interlocal Agreement

WHEREAS, the 43rd District Court in Madison Heights (the “Public Agency”), is a “public agency” as that term is defined under section 2(e) of the Urban Cooperation Act of 1967, 1967 (Ex Sess) PA 7, as amended, MCL 124.502(e), and

WHEREAS, under section 28 of article 7 of the Michigan Constitution of 1963 and the Urban Cooperation Act of 1967, 1967 (Ex Sess) PA 7, as amended, MCL 124.501 to 124.512 (“Act 7”), a public agency may exercise jointly with any other public agency any power, privilege, or authority that the public agencies share in common and that each might exercise separately, and

WHEREAS, The 43rd District Court in Madison Heights possesses the powers, privileges, and authorities to perform various activities relating to courts and law enforcement management information systems, and

WHEREAS, The 43rd District Court in Madison Heights wants to exercise powers, privileges, and authorities jointly with Oakland County, the Charter Township of Bloomfield, the Charter Township of White Lake, and other participating public agencies under an interlocal agreement creating the Courts and Law Enforcement Management Information System (CLEMIS) Authority (the “CLEMIS Interlocal Agreement”) and become a participating public agency under and party to the CLEMIS Interlocal Agreement, and

WHEREAS, The 43rd District Court in Madison Heights also wants to use the services of the CLEMIS System operated by the Courts and Law Enforcement Management Information System (CLEMIS) Authority (the “Authority”) by entering into a services agreement with the Authority.

The 43rd District Court in Madison Heights therefore resolves as follows:

- that the interlocal agreement between Oakland County, the Charter Township of Bloomfield, the Charter Township of White Lake, and other participating public agencies creating the CLEMIS Interlocal Agreement is hereby approved;
- that the 43rd District Court in Madison Heights is hereby authorized to enter into a participation agreement with the Authority to enter into and become a party to the CLEMIS Interlocal Agreement;
- that the 43rd District Court in Madison Heights is hereby authorized to enter into the CLEMIS Main Services Agreement (the “CLEMIS MSA”) between the 43rd District Court in Madison Heights and the Authority;
- that the City Clerk of the City of Madison Heights is hereby authorized and directed to transmit a copy of this resolution to the Authority and execute the participation agreement for the CLEMIS Interlocal Agreement and the CLEMIS MSA on behalf of the 43rd District Court in Madison Heights; and
- that the City Clerk of the City of Madison Heights is hereby authorized and directed to file a copy of the participation agreement for the CLEMIS Interlocal Agreement, including the CLEMIS Interlocal Agreement, on behalf of the 43rd District Court in Madison Heights with the clerk of each county in which the Public Agency is located.

Motion made by Mayor Pro Tem Mier, Seconded by Councilwoman Aaron.

Voting Yea: Mayor Haines, Mayor Pro Tem Mier, Councilwoman Aaron,
Councilman Fleming, Councilor Geraldts, Councilor Wright

Absent: Councilor Rohrbach

Motion carried.

CM-26-166. Director of Public Services - Scheduled Replacement of Vehicle #477.

Motion to approve the purchase of one 2026 GMC Sierra 2500 HD pickup truck in the amount of \$49,202 with options as quoted, from Todd Wenzel Buick GMC of Westland, through the MiDeal cooperative purchasing agreement.

Motion made by Mayor Pro Tem Mier, Seconded by Councilwoman Aaron.

Voting Yea: Mayor Haines, Mayor Pro Tem Mier, Councilwoman Aaron,
Councilman Fleming, Councilor Geraldts, Councilor Wright

Absent: Councilor Rohrbach

Motion carried.

CM-26-167. Director of Public Services - Contract Extension – HydroCorp.

Motion to approve a 1-year extension with HydroCorp, of Troy, and authorize the Director of Public Services to sign on behalf of the City.

Motion made by Mayor Pro Tem Mier, Seconded by Councilwoman Aaron.

Voting Yea: Mayor Haines, Mayor Pro Tem Mier, Councilwoman Aaron,
Councilman Fleming, Councilor Geraldts, Councilor Wright

Absent: Councilor Rohrbach

Motion carried.

CM-26-168. City Manager - Fire Chief KEIP Employment Agreement - Second Amendment.

Motion to approve the Second Amendment to the Fire Chief Employment Agreement to extend this agreement until December 31, 2026.

Motion made by Mayor Pro Tem Mier, Seconded by Councilwoman Aaron.

Voting Yea: Mayor Haines, Mayor Pro Tem Mier, Councilwoman Aaron,
Councilman Fleming, Councilor Geraldts, Councilor Wright

Absent: Councilor Rohrbach

Motion carried.

CM-26-169. Michigan Employees' Retirement System (MERS) - Delegate and Alternate to Annual Meeting.

Motion to appoint Cheryl Rottmann as Officer Delegate and Betsy Burnell as Officer Alternate to attend the 80th Annual MERS Meeting on October 8-9 at the Amway Grand, Grand Rapids, Michigan.

Motion made by Mayor Pro Tem Mier, Seconded by Councilwoman Aaron.

Voting Yea: Mayor Haines, Mayor Pro Tem Mier, Councilwoman Aaron,
Councilman Fleming, Councilor Geraldts, Councilor Wright

Absent: Councilor Rohrbach

Motion carried.

CM-26-170. Appointment of Christopher Molencupp to the Planning Commission - Mayor's Appointment.

Motion to confirm the Mayor's appointment of Christopher Molencupp to the Planning Commission with a term ending August 31, 2029.

Motion made by Mayor Pro Tem Mier, Seconded by Councilwoman Aaron.

Voting Yea: Mayor Haines, Mayor Pro Tem Mier, Councilwoman Aaron,
Councilman Fleming, Councilor Geraldts, Councilor Wright

Absent: Councilor Rohrbach

Motion carried.

CM-26-171. City Council Regular Meeting Minutes of June 22, 2026.

Motion to approve the City Council Regular Meeting Minutes of June 22, 2026, as printed.

Motion made by Mayor Pro Tem Mier, Seconded by Councilwoman Aaron.

Voting Yea: Mayor Haines, Mayor Pro Tem Mier, Councilwoman Aaron,
Councilman Fleming, Councilor Geraldts, Councilor Wright

Absent: Councilor Rohrbach

Motion carried.

CM-26-172. City Planner - Rezoning with Conditions Request - PRZN 26-01 – 31075 John R Road - B1 to B-2.

Motion to deny the rezoning of 31075 John R Road (parcel #44-25-02-478-021) from B-1, Neighborhood Business, to B-2, Community Business district – Case PRZN #26-01 - with conditions voluntarily proposed by the applicant based upon the following findings:

1. The Planning Commission held a public hearing on June 15th, 2026 on the requested Rezoning with Conditions application and a proposed amendment to the City's Zoning Map. After the public hearing, the Planning Commission moved to recommend denial of the requested Rezoning with Conditions.
2. The applicant voluntarily proposed a number of conditions to the requested B-2 rezoning which were presented to City Council in the document entitled Rezoning with Conditions Agreement.
3. The proposed Rezoning with Conditions does not satisfy the review criteria for a Rezoning with Conditions request as contained in Section 15.07.3.C(3) of the Madison Heights Zoning Ordinance. In particular, the Planning Commission finds that the conditions voluntarily offered by the applicant fail to satisfactorily address the following Zoning Ordinance standards:

a. The proposed rezoning conditions do not further the goals and objectives of the City Master Plan, particularly with regards to objectives related to community character and future land use and their compatibility with the use-specific standards and separation requirements for tobacco/smoke shops.

b. The proposed rezoning conditions do not result in an enhancement of the project area as compared to the existing zoning, as the rezoning's core intent is to allow for a use not presently permitted on the subject parcel, with said use not providing a noted value to the neighborhood.

c. It is not in the public interest to grant the rezoning with conditions as the benefits of such proposal – the allowance of a tobacco/smoke shop – does not outweigh foreseeable detriments, including the proximity of said use from public facilities and parks.

d. The offered conditions are not likely to be enforceable as they are ambiguous with regards to their application to the remainder of the parcel, especially pertaining to permitted uses and dimensional standards.

e. The proposed conditions have the same general effect as a use variance, which are not permitted in City, in that the core intent of the conditions is to allow for a tobacco/smoke shop in one individual retail unit within a multi-unit retail building, with no further considerations for the remainder of the building or the remainder of the parcel.

4. City Council further cites the following issues with the voluntarily proposed conditions as reasons for denial:

a. The conditions as proposed only apply to one retail space and are tied to one retail business owner (applicant). Proposed conditions should run with the land unless explicitly stated otherwise within the proposed agreement and should not be applicable to only one individual.

b. The proposed conditions appear overly restrictive in that they require tobacco sales to take place from the individual unit and prohibit uses currently permitted by-right within the B1 district, which may hinder or restrict future economic development opportunities on the parcel

c. The conditions do not present clear and enforceable standards that can be applied to the remainder of the parcel or applied to future redevelopment or building expansion, which may complicate future economic opportunity on the parcel.

d. The rezoning does not invalidate separation requirements between tobacco/smoke shop and community facilities; therefore even with the rezoning, the use would not be permitted unless a variance is approved by ZBA. As such, to approve the rezoning would be contrary to the public interest as it is contrary to adopted ordinances.

- e. The request does not meet the 200-foot distance requirement from the building to the Civic Center Park and the surrounding city complexes as established by the Zoning Ordinance.
- f. The proposed use is in direct conflict with the existing Zoning Ordinance.
- g. Approving the rezoning would be contrary to public policy, as it would contradict established ordinances intended to regulate such uses.

Motion made by Councilman Fleming, Seconded by Councilwoman Aaron.

During the deliberation on the rezoning request from B1 to B2 for a tobacco and smoke shop, Council members expressed the following concerns:

- Zoning Due Diligence: Council emphasized that while a building permit was issued, it explicitly stated it did not constitute zoning approval. It was noted that the responsibility for verifying permitted uses rests with the business and property owners before investing in a buildout
- Protection of Youth: Significant concern was raised regarding the shop's proximity to Lamphere High School. Council noted that students frequently hang out in the immediate area during lunch hours, specifically at a nearby boba shop in the same plaza.
- Safety and Product Nature: Council members voiced opposition to the sale of products such as "whippets" (inhalants), drug paraphernalia (pipes and bongs), and kratom. Specifically, it was noted that kratom is under DEA scrutiny for its highly addictive properties, and having such substances available near schools and parks was deemed inappropriate.
- Distance Ordinance Integrity: Council highlighted that the distance requirement between smoke shops and sensitive areas (like daycares or parks) was previously increased from 50 feet to 200 feet specifically to prevent these uses from being located near children. Granting the rezoning was seen as undermining this protective measure.
- Equitable Rights vs. Public Interest: The City Attorney argued that an applicant's expenditure on a buildout does not create an equitable right to override public policy, especially when they fail to perform necessary due diligence regarding zoning restrictions.

Attorney Mark Burke, representing the applicant and property owner, presented several arguments in favor of the rezoning request, including:

- Mr. Burke argued that his client performed due diligence by submitting build-out plans explicitly titled "Smoking Bear Tobacco and Vape" to the building department. He emphasized that the city authorized the permits, leading the client to spend significant funds on a "fantastic" build-out, order inventory, and install display cases. He noted the client was only informed the use was not permitted when they applied for a Certificate of Occupancy after the work was complete.
- He highlighted that the applicant was requesting rezoning on a "very, very limited basis". The conditions offered would restrict the B2 use specifically to that individual unit rather than the entire 1.52-acre parcel. This was intended to prevent other B2-type businesses from opening in the rest of the multi-unit retail building.
- The attorney stated that the location was previously zoned B2 and that a different smoke shop had operated in the same strip center only a year and a half prior.

- He assured the Council that the shop would not sell illegal products or serve anyone under the age of 21. He further stated that no one under 21 would be permitted to enter the shop and that all employees would be trained to comply with local, state, and federal regulations.
- While acknowledging the 200-foot distance requirement from public facilities, he disputed reports that the building was only 60 feet from the library, suggesting that the closer distance likely referred to the back of the lot abutting Civic Center Park. He stated that if the rezoning were approved, the applicant would seek a formal distance variance through the proper channels

City Planner Matt Lonnerstater provided comments focused on the distinction between building and zoning processes, the responsibility of business owners, and updates to city procedures, as follows:

- He explained that building permits and zoning verification are two separate municipal processes.
- A building permit can be approved if it meets building codes, even if the intended use does not meet zoning requirements. He noted that a Certificate of Occupancy (CFO) is typically the final step in a project—verifying that the build-out is complete and safe—but it is also where the final verification of permitted use (zoning) occurs.
- He pointed out that the city's building permits specifically include a clause stating that approval of a building permit does not constitute approval of any other municipal or state requirements, including zoning.
- Planner Lonnerstater emphasized that it is ultimately the responsibility of business and property owners to verify the zoning district and permitted uses of a space before beginning a build-out.
- He mentioned that the city frequently provides formal "zoning verification letters" on letterhead to confirm allowed uses for banks, financial institutions, and business owners before property sales or leases are finalized.
- Following the confusion surrounding this specific rezoning case, Planner Lonnerstater stated that the city has revised its application and internal processes to catch similar zoning conflicts before any money is spent or work is performed.
- The updated application now includes large, clear lettering advising applicants that a building permit is not zoning approval and instructing them to contact his office directly to confirm their project is in a permitted district.

Voting Yea: Mayor Haines, Mayor Pro Tem Mier, Councilwoman Aaron,
Councilman Fleming, Councilor Geraldts, Councilor Wright

Absent: Councilor Rohrbach

Motion carried.

CM-26-173. Contract between the City of Madison Heights and the Department Heads Union AFSCME Council 25.

Motion to approve the contract between the City of Madison Heights and the Department Heads Union AFSCME Council 25 through June 30, 2029.

Motion made by Councilor Wright, Seconded by Mayor Pro Tem Mier.

Voting Yea: Mayor Haines, Mayor Pro Tem Mier, Councilwoman Aaron,
Councilman Fleming, Councilor Geraldts, Councilor Wright

Motion carried.

CM-26-174. Director of Public Services - Scheduled Replacement of Chipper #406.

Motion to approve the purchase of one Vermeer BC1800XL brush chipper in the amount of \$102,853 as quoted from Vermeer Midwest, of Fowlerville, through the Sourcewell purchasing cooperative.

Motion made by Councilwoman Aaron, Seconded by Mayor Pro Tem Mier.

Voting Yea: Mayor Haines, Mayor Pro Tem Mier, Councilwoman Aaron,
Councilman Fleming, Councilor Geraldts, Councilor Wright

Motion carried.

Council Comments

Councilman Fleming thanked the Department of Public Services (DPS), fire, and police departments for ensuring public safety during the extensive power outages over the Fourth of July weekend. He acknowledged the hard work of DTE crews in restoring service to over 300,000 customers. Additionally, he announced that the local restaurant Boodles would be featured on Chef Gordon Ramsay's *Kitchen Nightmares* on August 18th and congratulated all the Madison Heights Little League teams on their summer season.

Councilor Geraldts announced that due to extreme heat, the Arts Board's Wednesday night open mic and karaoke event was postponed.

Deputy City Manager/City Clerk Rottmann noted that early voting begins on Saturday, July 25th at the Royal Oak Senior Community Center located at 3500 Marais Ave. That is north of 13 Mile Road and east of Crooks. The hours are 8:30 a.m. to 4:30 p.m. daily, except for Thursday, July 30th when the hours are Noon to 8:00 p.m. All voting locations will be open on Election Day, August 4th from 7 a.m. to 8 p.m. Please remember that this is a partisan primary and you have to choose one party. This is the first election since we consolidated precincts, so be sure to check your voter ID card or the city's website to verify your voting location. Thank you to all the citizen volunteers that help administer election day, please be kind to your neighbors.

City Manager Marsh had no comments this evening.

Assistant City Attorney Burns shared unsolicited praise from a Madison Heights resident who works in Southfield, noting that the resident specifically commended the city for doing an "exceptional job" with the recent storm cleanup efforts.

Councilor Wright extended thanks to the IBW Local 17 line workers for their storm recovery efforts and advised residents with medical equipment, such as CPAP machines, to maintain a backup power plan for future outages. He expressed regret over the closure and consolidation of local businesses like Cadillac Straits and Michigan Artisans, using the opportunity to emphasize the importance of shopping local to support the community's economy. He spoke in support of city infrastructure funding (Proposal R-4), noting that proactive investment is more cost-effective for residents than individual special assessments. Finally, he encouraged attendance at the "Revving the Heights" car show on September 19th and reminded the community to "be kind".

Mayor Pro Tem Mier announced that the Heritage Rooms historical museum would be open during the "Revving the Heights" car show on September 19th. He thanked the DPS and electrical workers for their difficult work during the storm and heatwave. Regarding Little League, he noted that the championship game between the Cubs and the Dodgers was rescheduled to Wednesday night due to the high temperatures and invited the community to attend.

Councilwoman Aaron promoted Disability Pride Month, highlighting a two-part library speaker series on neurodivergence featuring an educator on July 17th (the coming Wednesday) and a parent's perspective on July 29th. She praised the quality of the Madison Heights summer concert series, encouraging residents to attend the upcoming shows on July 22nd, August 5th, and August 19th, noting that food trucks would be available on-site.

Mayor Haines thanked the first responders and DPS for their work over the holiday weekend and announced a partnership with Barcode Auto to provide lunch for these employees as a token of appreciation. He addressed resident frustrations regarding power outages, clarifying that the city does not control DTE infrastructure but worked to provide cooling centers and water at the fire station and active adult center. He reminded residents that the library remains available as a cooling and charging center during the current heatwave

ADJOURNMENT

Having no further business, Mayor Haines adjourned the meeting at 7:31 p.m.

Corey K. Haines, Mayor

Cheryl E. Rottmann, City Clerk