

City Council Regular Meeting
Madison Heights, Michigan
September 12, 2022

A City Council Regular Meeting was held on Monday, September 12, 2022 at 7:30 PM at Fire Station 1 Training Room - 31313 Brush Street

PRESENT

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

OTHERS PRESENT

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

The invocation was given by Mayor Grafstein and the Pledge of Allegiance followed.

CM-22-264. Additions to the Agenda.

Motion made by Mayor Pro Tem Bliss, Seconded by Councilor Rohrbach, to add the following items to the Consent Agenda:

- 9) Approval of the Revised 2023 Winter Maintenance Agreement between the City of Madison Heights and Oakland County
- 10) Approval of Tentative Agreement between the City of Madison Heights and the Fire Fighters Association, and
- 11) Approval of the Tentative Agreement between the City of Madison Heights and the Police Officers Union

and further, to add the following item under Communications:

- 12) Roslyn Grafstein - Resignation as Council Representative to SEMCOG.

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

Motion carried.

CM-22-265. Special Approval Request PSP 22-09 Costco Fuel Expansion - 30550 Stephenson Hwy.

Mayor Grafstein opened a public hearing on Special Approval PSP 22-09 from Costco Wholesale c/o Barghuasen Consulting Engineers for an expansion of the existing fuel station at Costcoe Wholesale, 30550 Stephenson Highway, in a M-1, Light Industrial district at 7:33 p.m. Seeing no one wishing to speak, Mayor Grafstein closed the public hearing at 7:34 p.m.

Barghuasen Planner Julie Anderson stated that the request is for six additional fuel station dispensers (2 each) to create more efficiency for customers. The request includes the expansion of dispensers, the canopy and fuel supply.

Barghuasen Traffic Engineer Adam Burgdoff stated that the additional fueling stations and improved traffic queuing will decrease the fuel cycling time for the customer. There will be more vehicles processed, but at a quicker rate. They expect to see a 50% reduction in weekday queuing duration.

City Council discussed the following topics with the Barghuasen representatives: traffic study time frame; whether Costco would also be providing e-charging stations, potential traffic flow improvements; proposed expansion of the queuing area; the possibility of bicycle rack expansion; potential traffic effect of increased gas customers on 13 Mile Road; and the potential contamination from increased fuel storage. Ms. Anderson noted that Costco did not have any plans at this time for installing e-charging stations; however, if there was a need in the future, another area of the parking lot would be utilized. She also stated that a new tank is not being installed and Costco uses state-of-the-art fuel storage materials and their installations exceed federal standards. Mr. Burgdoff stated that due to Costco not being open in morning peak hours, the afternoon peak hours were only looked at for their study. He added that while traffic is expected to increase to the site by 21 vehicles during peak weekday hours and 27 vehicles on peak weekend hours, most fuel visitors proceed to then shop at Costco before exiting so they do not expect an increased stress onto the major roads.

Motion made by Councilwoman Aaron, Seconded by Councilman Fleming, to approve PSP 22-09 from Costco Wholesale c/o Barghuasen Consulting Engineers expansion of the existing fuel station at Costcoe Wholesale, 30550 Stephenson Highway based on the findings listed within the staff report and for public health, safety, and welfare with the following condition:

- 1) To require Costco Wholesale c/o Barghuasen Consulting Engineer the increase the number of bicycle racks and authorize the Community and Economic Development Department to approve the final bicycle rack expansion plan.

Voting Yea: Mayor Grafstein, Councilwoman Aaron, Mayor Pro Tem Bliss,
Councilman Fleming, Councilor Rohrbach, Councilor Wright

Voting Nay: Councilman Soltis

Motion carried 6-1.

MEETING OPEN TO THE PUBLIC:

There were no members of the public wishing to speak.

CONSENT AGENDA:

Motion made by Mayor Pro Tem Bliss, Seconded by Councilor Rohrbach, to approve the Consent Agenda as read.

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

Motion carried.

CM-22-266. Cassia Jackson - Declination of a seat on the Library Advisory Board.

Motion made by Mayor Pro Tem Bliss, Seconded by Councilor Rohrbach, To accept Cassia Jackson's declination of a seat on the Library Advisory Board and declare the seat vacant.

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

Motion carried.

CM-22-267. Lisa Lenart-Cynowa's resignation from the Crime Commission.

Motion made by Mayor Pro Tem Bliss, Seconded by Councilor Rohrbach, To accept Lisa Lenart-Cynowa's resignation from the Crime Commission and declare the seat vacant.

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

Motion carried.

CM-22-268. Special City Council Meeting Minutes of August 22, 2022.

Motion made by Mayor Pro Tem Bliss, Seconded by Councilor Rohrbach, To approve the Special City Council Meeting Minutes of August 22, 2022, as printed.

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

Motion carried.

CM-22-269. Regular City Council Minutes of August 22, 2022.

Motion made by Mayor Pro Tem Bliss, Seconded by Councilor Rohrbach, To approve the Regular City Council Minutes of August 22, 2022, as printed.

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

Motion carried.

CM-22-270. Revised 2023 Winter Maintenance Agreement between the City of Madison Heights and Oakland County.

Motion made by Mayor Pro Tem Bliss, Seconded by Councilor Rohrbach, To approve the Revised 2023 Winter Maintenance Agreement between the City of Madison Heights and Oakland County.

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

Motion carried.

CM-22-271. Agreement between the City of Madison Heights and the Fire Fighters Association.

Motion made by Mayor Pro Tem Bliss, Seconded by Councilor Rohrbach, To approve the Agreement between the City of Madison Heights and the Fire Fighters Association.

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

Motion carried.

CM-22-272. Agreement between the City of Madison Heights and the Police Officers Union.

Motion made by Mayor Pro Tem Bliss, Seconded by Councilor Rohrbach, To approve the Agreement between the City of Madison Heights and the Police Officers Union.

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

Motion carried.

CM-22-273. Rosyln Grafstein – Resignation as Council Representative to SEMCOG – (REMOVED).

Motion by Mayor Pro Tem Bliss, Seconded by Councilwoman Aaron, to remove the item: Roslyn Grafstein – Resignation as Council Representative to SEMCOG, from the agenda.

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

Motion carried.

CM-22-274. Addition to the Agenda and Appointment of Jennifer Nagle to the Library Advisory Board.

Motion made by Councilwoman Aaron, Seconded by Mayor Pro Tem Bliss to add to the agenda under communications, item 13) Appointment to the Library Board and appoint Jennifer Nagle to an Alternate Seat with a term to expire 08/31/23.

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

Motion carried.

CM-22-275. Resolution Regarding the Display and Placement of Flags on City Owned Flag Poles Outside and/or Inside of City Owned Buildings.

Motion made by Mayor Pro Tem Bliss, Seconded by Councilman Fleming, to approve the Resolution Regarding the Display and Placement of Flags on City Owned Flag Poles Outside and/or Inside of City Owned Buildings, as follows:

**RESOLUTION OF THE CITY OF MADISON HEIGHTS CITY COUNCIL
REGARDING THE DISPLAY AND PLACEMENT OF FLAGS ON CITY OWNED
FLAG POLES OUTSIDE AND/OR INSIDE OF CITY OWNED BUILDINGS**

The Madison Heights City Council determines that the display and placement of flags, on City owned flag poles, outside and/or inside of City owned buildings, constitutes government speech, only and is not designated or intended as a public forum or limited public forum; and,

The Madison Heights City Council determines that the display and placement of flags, on City owned flag poles, outside and/or inside of City owned buildings conveys the policies and values of the City government and has the potential to affect the image and perception of the City;

NOW, THEREFORE BE IT RESOLVED that the City of Madison Heights City Council determines:

1. This is the policy governing the display and placement of flags, on City owned flag poles, outside and/or inside of City owned buildings and shall supersede all other policies related to flags previously adopted by City Council.
2. The City of Madison Heights may display the United States flag, the State of Michigan flag, the City of Madison Heights flag, and City Departmental flags on City owned flag poles, outside and/or inside of City owned buildings.
3. The City of Madison Heights may also display any flag that, within the last five (5) years from the date of this Resolution, the City has flown on City owned flag poles, outside and/or inside of City owned buildings, any flag that Oakland County has flown on the flag poles outside of the Oakland County Executive and Courthouse Complex in Pontiac, Michigan, any flag that the State of Michigan has flown on the flag poles outside of the State Capitol Building in Lansing, Michigan, or any flag that the U.S. Government has flown on the flag poles on or outside of the White House in Washington, D.C., including but not limited to the POW/MIA flag, the Juneteenth flag and the Pride or Progressive Pride flag.
4. Other governmental flags meeting the above criteria, but not specifically named in paragraph three (3), shall be considered for approval by a committee consisting of the City Manager, Chief of Police, Fire Chief and City Attorney with a right of appeal to City Council, if not approved by the committee.
5. The City of Madison Heights shall honor all the flags, displayed or placed on City owned flag poles, outside and/or inside of City owned buildings, in compliance with national and state protocols for flag display and etiquette.
6. This policy pertains to the display and placement of flags, on City owned flag poles, outside and/or inside of City owned buildings, and constitutes government speech, only and is not designated or intended as a public forum or limited public forum.
7. Further, nothing herein is intended to prohibit or prevent people, groups, or organizations from bringing, using, and waiving their own flags at events held at City owned parks or on City owned property.
8. If any section or portion of this Resolution is determined to be invalid, unlawful, or unconstitutional, it shall not be held to impair the validity, force, or effect of any other section or part of this Resolution.

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

Motion carried.

CM-22-276. CED Director - Rezoning Request PRZN 22-03 (Ordinance No. 2187) - 29022 Stephenson Hwy. - Removal from Primary Caregiver Marihuana Grow Overlay District, First Reading.

Motion made by Councilor Rohrbach, Seconded by Mayor Pro Tem Bliss, to adopt Ordinance # 2187 (PRZN 22-03), Rezoning Request for 29022 Stephenson Highway - Removal from Primary Caregiver Marihuana Overlay District, upon first reading by name and title only, as follows, and schedule a Second Reading for the October 10th, 2022 City Council meeting:

ORDINANCE NO. 2187

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

Voting Yea: Mayor Grafstein, Councilwoman Aaron, Mayor Pro Tem Bliss, Councilman Fleming, Councilor Rohrbach, Councilor Wright
Voting Nay: Councilman Soltis
Motion carried 6-1.

CM-22-277. Resignations and Appointments to Council Representative and Council Representative Alternate to SEMCOG.

Motion by Councilor Rohrbach, Second by Councilwoman Aaron, to accept the resignations of Councilor Rohrbach as Council Representative and Councilman Soltis as Council Representative Alternate to SEMCOG and appoint Councilman Fleming as Council Representative and Councilor Wright as Council Representative Alternate to SEMCOG with terms to expire 11/13/23.

Voting Yea: Mayor Grafstein, Councilwoman Aaron, Mayor Pro Tem Bliss, Councilman Fleming, Councilor Rohrbach, Councilman Soltis, Councilor Wright
Motion carried.

COUNCIL COMMENTS:

Councilwoman Aaron stated yesterday we memorialized the 21st anniversary of 9-11. When she thinks of the public responders who died, she thinks about how they are not appreciated enough. They go out daily and never know if they will return home that night. No matter what you read or hear, they are somebody's son and daughter, or mom and dad and we need to appreciate their service. She stated that we also need to do something about cyber-bullying. A Lamphere student ran away due to cyber bullying and thank goodness that the police found her; but we cannot keep on doing this. Because of bullying, kids are being harmed and last year, another child committed suicide. Please talk to your children so they are not afraid. Please call the hotline 800-237-TALK to talk – it is open 24/7. Please let's take control of bullying that is going on, so our

children feel safe in their homes and community. On September 17th the Madison Heights Youth Association is sponsoring an outdoor movie at the soccer complex. Please come out and support the Madison Heights Youth Association.

Mayor Pro Tem Bliss commented that he is happy that we are getting some additional bike racks at Costco, and stated that he wishes they would be putting some e-charging stations in. It would be nice to see e-charging stations as a part of the future development. He is hopeful that they will start to see a demand. Trail Tunes is October 2nd, on a Sunday afternoon. For those that have never been, please check it out. Trail Tunes is 100% funded by donations. There will be a fundraiser at Mia's Tasty Grill on September 23rd, from 5:00 p.m. to 10 p.m., featuring performers from Trail Tunes; 20% of proceeds will go towards Trail Tunes. There will also be a Silent Auction as well, and he challenged his colleagues to a contest to see who can raise the most money with a silent auction item submitted by them.

Councilor Wright stated that October is Cyber Bully Awareness month, and it starts with us; we must be the example for our children. He stated that he recently had a great dialogue regarding inclusiveness and part of understanding is participating in other experiences. To support his Jewish neighbors and colleagues, he stated that he will not be attending the next Council meeting during Rosh Hashanah.

Assistant City Attorney Burns had no comments this evening.

Council Rohrbach announced that the HREC is having a native plant sale this Sunday and there will also be a book sale at the same time. Come out a get your fall plantings for your garden.

Councilman Fleming noted that the Crime Commission had a great event with Attorney General Dana Nessel on crime prevention and consumer fraud protection issues. There was a great turnout, and a lot of good information was provided. On October 22nd at 12:00 p.m. at Rosie's Park, the Crime Commission will be hosting a canine demonstration from three Police departments. He recognized that this month is Suicide Prevention Month and stated that the American Foundation for Suicide Prevention is holding a metro Detroit walk in Ferndale on October 8th.

Councilman Soltis had no comments this evening.

Mayor Grafstein thanked Council for approving an amendment to the Special Approval to include additional bicycle racks at Costco. She stated that she wants to let first responders know how much Council appreciates them. They are running into the fire and towards the gun shots while we are running out and we need to support them. She thanked Councilman Fleming for reaching out to Attorney General Nessel to come speak to our residents. She requested that Councilmembers who are able, please attend the next Council meeting. The next City Council meeting is on September 26th.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 8:37 p.m.

Roslyn Grafstein
Mayor

Cheryl E. Rottmann
City Clerk