

City Council Regular Meeting
Madison Heights, Michigan
September 11, 2023

A City Council Regular Meeting was held on Monday, September 11, 2023 at 7:30 PM at City Hall - Council Chambers, 300 W. 13 Mile Rd.

PRESENT

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

ALSO PRESENT

City Manager Melissa Marsh
Assistant City Attorney Jeffrey Sherman
City Clerk Cheryl Rottmann

The invocation was led by Mayor Pro Tem Bliss and the Pledge of Allegiance followed.

CM-23-230. Addition to the Agenda.

Motion to approve adding under Executive Session: Closed session with legal counsel to discuss settlement strategy in the following pending Oakland County Circuit Court Cases pursuant to Section 8(e) of the Open Meetings Act, MCL 15.268(e): Case No. 22-197465-CZ, *Artic Fox, LLC v. City of Madison Heights*; Case No. 2023-198563-CZ, *Bloom Capital, LLC v. City of Madison Heights*; and Case No. 2023-201613-CZ, *305 N Euclid v. City of Madison Heights*.

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

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

Motion carried.

PRESENTATIONS:

2023 Summer Beautification Awards

Director of Public Services Ballantine presented the winners of the 2023 Summer Beautification Awards and gave a brief presentation on this year's nominees. This year's first and second place winners are 29305 Fournier and 28305 Brush, respectively.

Presentation National Preparedness Month

In honor of National Preparedness Month, Mike Looper, an Emergency Management Specialist with Oakland County Emergency Management, made presentation on National Preparedness Month and gave an Emergency Management overview on how to prepare in the event of an emergency.

MEETING OPEN TO THE PUBLIC:

The following spoke in opposition to any further development or alley vacation at Dartmouth and 12 Mile Roads:

Kathy Sapia

Linda DeWitte

Matthew Ybarra

Martha Covert

Dale Kohler

Martha Covert, resident, stated that the Canine demonstration went very well, and the event had both Hazel Park and Royal Oak canines as well. She noted that the Oakland County Health Department inspector visited the Police and Fire softball game this past week; she commented that all members of Council must follow the rules just like the rest of the City. The Health Department rules are for public safety, no matter how big or small your event.

Clerk Rottmann read into the record emails from the following:

Beth Scott, resident, expressed disapproval of the HREC and members and her support of dissolving the HREC.

Amy Lewis, resident, expressed disappointment in the HREC scheduling their event on a significant Jewish holiday, urged Councilmembers responsible to acknowledge their own implicit bias, and rectify the situation to uphold the principles of equity and inclusion within the City.

Robert Hoff, expressed disapproval of zoning and use changes at Dartmouth and 12 Mile Road, noting it will change the character and value of the adjacent neighborhood.

Mayor Grafstein responded to public comment noting that the alley vacation was previously before Council, and it was referred to the Planning Commission for further review; input from DTE is still pending. She stated that the best venue for the public to share their concerns at this point is with the Planning Commission and noted that she sympathizes with the residents. At this time, nothing is happening at this location. She apologized to Councilman Fleming for only responding on behalf of herself to the HREC event scheduling mistake. She responded to the Health Department requirements for food at events and stated that she has spoken to City management about how to handle in the future. She is not in favor of dissolving the HREC but commented that she believes the current group is not being inclusive.

CM-23-231. Consent Agenda.

Motion to approve the Consent Agenda as read.

Motion made by Councilwoman Aaron, Seconded by Councilman Fleming.

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

Motion carried.

CM-23-232. City Council Special Meeting Minutes of August 28, 2023.

Motion to approve the City Council Special Meeting Minutes of August 28, 2023, as
presented.

Motion made by Councilwoman Aaron, Seconded by Councilman Fleming.

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

Motion carried.

CM-23-233. City Council Regular Meeting Minutes of August 28, 2023.

Motion to approve the City Council Regular Meeting Minutes of August 28, 2023, as
presented.

Motion made by Councilwoman Aaron, Seconded by Councilman
Fleming.

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

Motion carried.

CM-23-234. City Council Special Meeting Minutes of August 30, 2023.

Motion to approve the City Council Special Meeting Minutes of August 30, 2023, as
presented.

Motion made by Councilwoman Aaron, Seconded by Councilman Fleming.

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

Motion carried.

CM-23-235. FY 2024 SMART Municipal and Community Credits Contract Resolution.

Motion to approve the FY 2024 SMART Municipal and Community Credits Contract Resolution, as follows:

RESOLUTION IN SUPPORT OF THE SMART MUNICIPAL CREDIT AND COMMUNITY CREDIT CONTRACT FOR FY 2024

WHEREAS, the City of Madison Heights is a member of the Suburban Mobility Authority for Regional Transportation (SMART); and,

WHEREAS, the City provides a transportation program for its Senior Citizen population through the Active Adult Center; and,

WHEREAS, SMART provides funding for such programs in the form of Municipal and Community Credits; and,

WHEREAS, for many years, the City of Madison Heights has applied for and received these credits to help fund our Active Adult transportation program; and,

WHEREAS, Human Resources Director Misczak, Finance Director Kunath and Active Adult Supervisor Cowan have verified all necessary information and prepared the 2024 Contract; and,

WHEREAS, SMART requires a resolution of Council supporting this Contract.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council support the 2024 Municipal Credit and Community Credit Contract for FY 2024 as presented, and authorize the Finance Director to sign on the City's behalf.

Motion made by Councilwoman Aaron, Seconded by Councilman Fleming.

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

Motion carried.

CM-23-236. Contract for Assessing Services with Oakland County – Budget Amendment.

Motion to approve a budget amendment for \$8,470 to account 101-257-818-0000 for the 2024 fiscal year budget.

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

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

Motion carried.

CM-23-237. Contract for Assessing Services with Oakland County.

Motion to approve the Assessing Services contract with Oakland County Equalization for July 1, 2023 to June 30, 2025 and authorize the Mayor and City Clerk to sign the contract on behalf of the City.

Motion made by Councilwoman Aaron, Seconded by Councilor Wright.

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

Motion carried.

CM-23-238. Accelerated Tax Foreclosure Resolution.

Motion to approve the Certificate of Abandoned Property for Accelerated Forfeiture Act Resolution, as follows:

**RESOLUTION FOR CERTIFICATION OF ABANDONED PROPERTY FOR
ACCELERATED FORFEITURE ACT (PUBLIC ACT 132 OF 1999)**

WHEREAS, the governing body for the City of Madison Heights determines that parcels of abandoned tax delinquent property exist;

WHEREAS, abandoned tax delinquent property contributes to crime, blight, and decay within the City of Madison Heights;

WHEREAS, the certification of tax delinquent abandoned property as Certified Abandoned Property will result in the accelerated forfeiture and foreclosure of certified property under the General Property Tax Act and return abandoned property to productive use more rapidly, thereby reducing crime, blight, and decay within the City of Madison Heights.

BE IT RESOLVED that the City of Madison Heights City Council hereby notifies residents and owners of property within the City of Madison Heights that abandoned tax delinquent property will be identified and inspected and may be certified as Certified Abandoned Property under the certification of the Foreclosure under the General Property Tax Act.

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

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

Motion carried.

CM-23-239. Custodial Services Contract Award.

Motion to award the custodial contract to Du-All Cleaning for an initial contract period beginning October 1, 2023, through and including June 30, 2025 at a base 12-month cost

of \$234,066.72 or \$19,505 per month; and further authorize the parties to extend on a year-to-year basis thereafter with the option to include increases in line with documented expendable product charges or increases in minimum wage not to exceed \$15,000 without Council approval ; and to further authorize the City to cancel the contract on a building-by-building basis if necessary due to non-performance, in which case the City would approach either Core Clean Services or GDI (the second and third low bidders, respectively) to take over individual buildings.

Motion made by Councilor Wright, Seconded by Councilwoman Aaron.

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

Motion carried.

CM-23-240. Custodial Services Contract Award – Budget Amendment.

Motion to approve a budget amendment of \$40,242 to various departmental accounts as noted in the staff report for custodial services.

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

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

Motion carried.

Without objection, Mayor Grafstein asked for Council Comments prior to entering Executive Closed Session.

COUNCIL COMMENTS:

Councilman Soltis had no comments this evening.

Councilman Fleming requested that the Traffic Safety Committee provide input on the possibility of putting a Local Traffic Only sign at Dartmouth Street.

Councilor Rohrbach stated that she supports Councilman Fleming's idea for Traffic Safety review of placing a sign. She stated that she acknowledged the mistake that the HREC made when initially scheduling the Motorama and Smoke on September 16th and she apologized and took responsibility for her initial response and stated that she didn't respond how she knows that she should have. She commented that she cares deeply about the recognition and celebration of all communities and all people in this beautiful, diverse community. It is her hope for her to always to be thoughtful, considerate and inclusive; however, sometimes she fails, due to being a human. The HREC mission is to advise Council on issues of diversity, equity, and inclusion and promote programs and services that celebrate and honor people of all backgrounds. The HREC is made up of residents who also feel deeply about these issues. The members of the HREC work hard to be cognizant of issues, concerns and important aspects that are important to our diverse

community. The HREC met a few days after the Council meeting and discussed the date of the event and how to avoid this mistake in the future. The HREC does have a calendar, but it wasn't consulted. The HREC discussed and acknowledged that it was a mistake that should not have happened, and we apologize and ask for grace from those we have hurt by this mistake. She hopes we can make progress in being more inclusive and equitable in the City. The event has been re-scheduled to October 14th and we hope that people can come and enjoy this fun event. She stated that she needed to address the issue of the Mayor repeatedly implying that the HREC is purposely doing things to leave out and hurt the community. She stated that it would be her desire to have the Mayor reach out to her or Councilman Wright if she has any concerns. The HREC has been criticized constantly, but it is a group of residents trying to make the community better. She hopes we can find a way to work together to improve relations in the city.

City Clerk Rottmann had no comments this evening.

City Manager Marsh announced the Grand Opening of the Civic Center Plaza, next Monday, September 18th from 5:30 p.m. to 7:30 p.m. Please come out, there will be tours, music and raffles. Madison Heights and Oakland County are partnering to reimagine Ambassador Park; it is remaining a park, but in order to determine what features we would like to see there, we are gathering public feedback. The concept is for an intergenerational park. Please attend one of the public input sessions, either September 16th from 10:30 a.m. - 2 p.m. at the Chinese Community Center; on September 18th from 5:30 p.m. - 7:30 p.m. at City Hall or on September 22nd at the Red Oaks Nature Center from 1:00 p.m. - 3:00 p.m. There is also survey available on social media if you can't attend one of the session. She stated that she is very excited about the possibilities for the future of Ambassador Park.

Assistant City Attorney Sherman had no comments this evening.

Councilor Wright stated that he heard something on Sunday that he wanted to share - we are always learning at some point, and we didn't know what we know now. It is always a learning process. The HREC is courageously making other's problems, our problems. To Councilor Rohrbach's point, he stated that at last meeting, he would check into the event date and bring it back to the HREC because that is the proper authority to make the decision on any changes. He stated that he did respond partially emotionally at the last meeting, because it seems that the one board that is designed to help fight inequities, is being challenged for being inequitable and the members who have to face inequities, are being challenged as not being equitable. As a minority, it is frustrating. He continued, that we were always going to move the date when we knew there was an issue, but the challenge was coordinating with multiple groups/partners that are involved. The two options were to change the date or cancel the event. He apologized if he didn't explain that properly at the last meeting. We talk a lot about DEI, diversity, equity and inclusion; our city is diverse, the inclusion and equity part is what we have to fight for. He stated that no one maliciously left out any holiday; the HREC has looked at the calendar, and there is practically a religious holiday every day of the week and this creates a conundrum. He stated that he will always stand up for inequity and stand up for those that cannot have their own voice. Even up here, he commented, he recognizes that his own voice is not heard and that is the reality of his life - sometimes he is not heard as a black man. The reality is the event was moved, we are going to move on and we learn. It is a natural response from those that are involved to shame people; shaming, however, is not productive. We need to talk to one another and create a dialogue. You can always reach out to him. The point is crucial conversations need to be had and we all need to talk face-to-face; doing something in a public forum is not productive and never will be. Let's

have a personal conversation because we all want what is good for our city. He invited the public out to the Madison Heights Smoke and Motorama. There will be a classic car show, corn hole contest, and a BBQ competition. He added that he knows there are questions about the Oakland County Health department, and they are being consulted. It is his understanding that BBQ competitions are considered a sport and the food is never meant to be served to the public. Please remember to be kind; everyone is doing the best that they can do. It is national suicide prevention month and there are people in this world that have some real struggles and we need to be cognizant of what people are potentially going through. Always know that texting 988 is available to you and people care about you. It is okay to disagree and fight, but try to remember to love each other and to be kind.

Mayor Pro Tem Bliss stated that this is an interesting day to have conflict and dialogue and he reflected on today being September 11th. It's crazy that today, 9/11 seems like a normal day. While life does go on, some of these days that we cross, we should never forget, and he stated that he was happy to give today's invocations. In the context of collaboration and being kind, remember that everything you thought was good can change instantly. On that day, what you thought was important, what you might have been fighting about or fretting about, can change very quickly and we need to keep that perspective. He requested that a remembrance be added to the agenda annually in honor of September 11th. He stated that he is on the Planning Commission and the Planning Commission is glad the Dartmouth alley vacation was referred to them. Now that we have plans, the Planning Commission can further discuss and examine and the potential impact on traffic, the neighborhood and how it applies to the Master Plan. He encouraged public to come out to their meeting or send an email with their input. He highlighted Trail Tunes, stating it was a fabulous event. He thanked the planning committee including Co-Chair Vita Palazzolo, Arts Board Chair Steve Dombrowski, Arts Board Vice-Chair Michael Covert and Arts Board member Harley Modarski for all their hard work on the event. He stated that he is thankful to his peers that donated to the event and help coalesce additional funding. The top five bands Colin & the Cougars, Zosette and the Groove, Leisure Machine, Kayfabe: Ppls Band and The Aspersions headed to a battle competition, with the Aspersions winning the competition. He noted that it is nice to have connections with local musicians, and gave thanks to the Chamber of Commerce for the test run of a beer tent. He commented that he would also like to see a beer tent at the Festival in the Park as well. He requested that any City events be included on the City calendar and if available before printing, in the Parks and Recreation brochure. He reiterated his request for an I-75 resolution to our local leaders asking for additional cash and support for additional maintenance on local roads due to additional traffic.

Councilwoman Aaron congratulated the winners of the Beautification awards and noted that she is looking forward to the Holiday Lights contest. Trail Tunes was a phenomenal event and highly enjoyable. Having the vendors, beer tent and seeing the battle of the bands was wonderful. To the Dartmouth residents, currently nothing is happening on this matter, but we hear your voices. September is National Suicide Awareness month; we don't know what people are going through and we have to be cognizant about that. She stated that 75% of those who have mental health issues are employed, hiding behind a mask and you don't know what that mask is until it's been unveiled. Many times you hear when someone commits suicide how happy and vibrant they seemed, but that is a mask. So if you see something, say something. We can be each other's leaning shoulder and help. Suicide is serious and common and affects adults and children. Make

sure you give wellness checks on people, even if they say they are okay. She stated that she has had two good friends who committed suicide; neither time could she see what they are going through and don't overlook your strong friends. Text 988 for a suicide line or call 800-950-6264. The last Financial Literacy class is this week on September 20th; the topic is How to Make Your Money Grow Locally at 6:00 p.m. She stated that she wanted to address the topic of the HREC. She acknowledged Martha Coverts comments on the cooking at HREC event; and stated that she was correct. No one took onus or said they were sorry. Personally, she didn't know what the law/rules were at the time; however, she stated that she stands on public safety. Had anyone gotten sick, the City would have been liable. The City needs to take a stance and we have learned from this experience and know that the health inspection must take place. As Councilor Rohrbach stated, mistakes happen and this was a learning curve, it was a mistake, and we will never make the same mistake again and she apologized. She stated that Councilor Rohrbach stated that the purpose of the HREC was to advise the Council on programs, policies and activities that promote positive human relations and equitable outcomes. Since she has been on the City Council, it was her opinion that Council has not yet been advise of any of these things. There has never been a decision or conversation where Council has been give an opportunity to ask what do you think this activity should be, how can we go about rounding out the city to make our city a more inclusive city. Councilman Wright stated we had the diversity part down, nonetheless, we lack the inclusion and equity. She stated that someone on Council called the Mayor and another member bad actors and racists for saying something negative on the flip side of the HREC. Racism is prevelant in the the world, but does that mean that if I voice my opinion that makes me a racist? No, that means I have an opinion. One thing she likes to say when she is talking to her clients at work is that one of the rights that a mental health patient has is the right to complain. That is the right of every person. So because I don't agree with you, that does not make me a racist. Because I don't like something, doesn't make me a racist. When you call people a racist, at some point, at some time, their voices are shattered and shut, and they will be afraid to speak because they don't want that label placed upon them. Prior to running, she stated she wanted to part of the HREC because the diversity, equity and inclusion is part of her background and was a member for one meeting prior to being appointed to Council. She has asked many times to be allowed to assist in some form or fashion because even today people are being targeted due to their race or ethnicity and we need something greater, we need to talk to one another and share our experiences and not just say, if you have a problem, talk to me. Live the work and defend the work. Do not just sit back and apologize and then end your apology by bring forth an excuse. An apology is just that - I apologize if I offended anyone, and that is the bottom line.

Mayor Grafstein stated that she remembers where she was on 9/11, noting that she was working in Toronto and shared her story of her experience, noting that she remembers the feeling of coming together. As terrifying as those first days were, there was always that sense of coming together. She stated that Council hears the residents on Dartmouth, and we appreciate that you came to the meeting this evening. Nothing is happening right now, but we will make sure that you know of any upcoming meetings. This is Suicide Prevention Month, always be aware - you don't know what is going on in someone's life. With respect to communication issues, there are communication issues. She isn't sure if it is a consequence of holding zoom meetings, but she is trying to bring people together and we are talking; communication is two-way and hopefully everyone will work on it. The Public Safety baseball game was great and she was able to throw out the first pitch. She thanked everyone for participating and Councilwoman Aaron for being the score keeper. It was a really nice small town event. The next meeting is Tuesday, September 26th

and this is also the last day of Citizen's Academy. She announced Council will be entering into Closed Session, but audience members were welcome to stay until Council returned to the Regular meeting.

ADJOURNMENT TO CLOSED SESSION:

Mayor Grafstein adjourned the Council meeting to Closed Session at 9:26 p.m.

RECONVENMENT TO REGULAR MEETING:

Mayor Grafstein reconvened the Regular meeting at 10:10 p.m.

All members of Council were present.

CM-23-241. Recommendation of Special Legal Counsel in the matters of Case No. 22-197465-CZ, Artic Fox, LLC v. City of Madison Heights; Case No. 2023-198563-CZ, Bloom Capital, LLC v. City of Madison Heights; and Case No. 2023-201613-CZ, 305 N Euclid v. City of Madison Heights.

Motion to accept the recommendation of Special Legal Counsel in the matters of: Case No. 22-197465-CZ, *Artic Fox, LLC v. City of Madison Heights*; Case No. 2023-198563-CZ, *Bloom Capital, LLC v. City of Madison Heights*; and Case No. 2023-201613-CZ, *305 N Euclid v. City of Madison Heights*.

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

Roll Call Vote:

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

Voting Nay: Councilor Rohrbach, Councilman Soltis, Councilor Wright

Motion carried 4-3.

ADJOURNMENT:

Having no further business, Mayor Grafstein adjourned the meeting at 10:12 p.m.

Roslyn Grafstein, Mayor

Cheryl E. Rottmann, City Clerk