

City Council Regular Meeting
Madison Heights, Michigan
July 08, 2024

A City Council Regular Meeting was held on Monday, July 08, 2024 at 7:30 PM at City Hall - Council Chambers, 300 W. 13 Mile Rd.

PRESENT

Mayor Roslyn Grafstein
Mayor Pro Tem Mark Bliss
Councilman Sean Fleming
Councilman William Mier
Councilor Quinn Wright

ABSENT

Councilor Emily Rohrbach
Councilman David Soltis

OTHERS PRESENT

City Manager Melissa Marsh
City Attorney Larry Sherman
Deputy City Manager/City Clerk Cheryl Rottmann

CM-24-128. Excuse Councilmembers.

Motion to excuse Councilmembers Rohrbach and Soltis from tonight's meeting.

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

Voting Yea: Mayor Grafstein, Mayor Pro Tem Bliss, Councilman Fleming,
Councilman Mier, Councilor Wright

Absent: Councilor Rohrbach, Councilman Soltis

Motion carried.

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

CM-24-129. Additions/Deletions.

Motion to add to the agenda under Reports, Recommendation by Special Legal Counsel in the matter of *Williams v. City of Madison Heights, et. al.*

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

Voting Yea: Mayor Grafstein, Mayor Pro Tem Bliss, Councilman Fleming,
Councilman Mier, Councilor Wright

Absent: Councilor Rohrbach, Councilman Soltis

Motion carried.

PRESENTATIONS:

Priority Waste Presentation

Dan Venet, Representative from Priority Waste, was present. He stated that the acquisition of was a fast paced and there were some hiccups, and it is a learning process. He stated that he appreciates working with Sean and the City Manager on this transition. He noted that calls to Priority have been minimal. Mr. Venet continued that there will be a transition of the fleet over the next 90-120 days and the acquisition will give transparency to the service that was not previously available, including the use of cameras and GPS. There will be quicker resolutions and better education for residents. Priority Waste embraces change and is open to new ideas to do things differently so that we can make improvements in the industry. He stated that he appreciates being able to work with the community of Madison Heights.

In response to Councilor Wright, Mr. Venet provided the following telephone numbers for residents: 586-228-1200 and 855-927-8365. The call will be answered live, then put into que to address the specific question. Priority Waste is a two-way system with a personal aspect and using new technology. He stated that there is support staff for Madison Heights and the surrounding communities, but not specific for just Madison Heights. Councilor Wright recommended that Priority Waste have someone that can specifically address Madison Heights concerns, similar to how GFL had.

Mayor Pro Tem Bliss stated that while this is a great fresh start, he is a little upset about the lack of notice and being caught off guard about the change. He stated that there is a lot of history and expectations; there are lots of comments made via social media and it is important that Priority has someone that can address and resolve issues. Things that residents come to expect is the level of service. Mr. Venet assured Council that services will continue to be performed as they were prior. He continued by stating that part of Priority is that we back up what we say, we will hold up our end of the bargain; we also use technology for our mistakes, and it helps us address those issues. We will make mistakes, but it holds us accountable and allows us to be better.

In response to Councilor Wright, Mr. Venet committed to having a Priority Waste representative report to Council on regular basis.

Mayor Grafstein echoed the comments by Council, including those having a dedicated representative for the city; we would like to continue the personal touch. She requested that the city put the phone numbers on the website for the public.

CM-24-130. Special Approval PSP 24-03 - Wash Pointe Car Wash [Modifications to Vacuums] - 28245 John R Road.

City Manager Marsh reviewed Special Approval PSP 24-03, Wash Pointe Car Wash, located at 28245 John R Road, request for modifications to vacuums. This Special Approval was originally

heard on May 28, 2024, and postponed by Council to allow the applicant time to address concerns related to noise, trash control and dumpster location, and traffic circulation.

Mayor Grafstein re-opened the public hearing at 7:55 p.m.

Robert Stefani, attorney for petitioner, stated that they will comply with bringing the dumpster into compliance; the vacuums will only be run during the open car wash hours; the equipment will be inside and will be more aesthetically pleasing, and the look will be consistent with the look of other car washes in the area. He noted that they provided a noise study for the Council's consideration and the equipment will now be located inside. All the new car washes have this type of vacuum system, patrons prefer it, and as a fairness standard, they just want to be on the same playing field as the other car washes in the area. Wash Pointe was the first car wash in the community and have been good corporate citizens and a partner to the community.

Steve Gunn, applicant and owner, stated Wash Pointe has been part of the community for 20 years. He tries to always keep his business looking good, because that is a good business practice. He stated that he doesn't mind competition, he just wants to be able to compete at the same level as others. The proposal is a positive change and as a business, it must evolve with the industry, and this is the new modern way.

The following spoke in opposition of the Special Approval:

Kevin Trabucchi

The following spoke in support of the Special Approval:

Resident (name not given)

Toya Aaron

Erin Ferris

Sarah Hall

Resident (name not given)

Betty McEvoy

Martha Covert

Thomas Dunstan (via email).

Dan Beauprie, representative from Vacutech, stated that there is a filtration canister attached to the motor where the dirt will be filtrated, and it typically vents through the roof. There will also be energy savings and the unit that lowers the pressure until demands requires more. This is a single vacuum with eight parking space.

Having no one further wishing to speak, Mayor Grafstein closed the public hearing at 8:16 p.m.

Motion to APPROVE the modified Special Approval PSP 24-03, Wash Pointe Car Wash, located at 28245 John R Road, requesting modifications to vacuums, based on the following findings pertaining to the Special Approval Criteria of Section 10.201(4):

1. The applicant and property owner requests a modification to a previously approved Special Approval application for Wash Pointe Car Wash, located at 28245 John R Road. The applicant owns and operates the car wash and requests to increase the number of exterior vacuum spaces on-site. The property is zoned B-3, General Business.

2. The subject site is zoned B-3, General Business, which is intended to, “provide sites for more diversified business types and are often located so as to serve passer-by traffic.” The proposed modifications ARE consistent with the intent of the B-3 zoning district and ARE compatible with the principal uses permitted by-right in the B-3 zoning district.
3. The subject site is immediately adjacent to properties improved with, and zoned for, residential and commercial uses, and is located across the street from auto-oriented uses and commercial zoning. The proposed modifications ARE compatible with adjacent land uses.
4. The proposed modifications ARE consistent with the site’s “Commercial” future land use designation and ARE aligned with the goals and objectives stated in the 2021 Madison Heights Master Plan.
5. The proposed modifications ARE designed as to location, size, intensity, site layout, and periods of operation to eliminate any possible nuisances which might be noxious to the occupants of any nearby properties.
6. Based on the above findings, the proposed modifications DO generally satisfy the Special Approval review standards and criteria listed in Section 10.201(4).

The following conditions are part of the approval:

1. Provide a dumpster pad and screening enclosure (either masonry wall or landscaping, or combination) for the dumpster, in coordination with the Community and Economic Development Department. Alternatively, move the dumpster back to the originally approved dumpster pad/enclosure.
2. Vacuums shall be turned off no later than 8 p.m., consistent with the closure of the auto wash tunnel.
3. Motors and mechanical equipment for the outdoor vacuums shall be enclosed within the auto wash building. Details of such equipment shall be provided on the formal building plans, when submitted.
4. The sound from the outdoor vacuums shall not exceed 65 decibels.

Motion made by Mayor Pro Tem Bliss, seconded by Councilman Fleming.

In response to Mayor Pro Tem Bliss’ question, City Planner Lonnerstater stated the dumpster is currently non-conforming and must be brought into compliance or moved back to the approved location. Mayor Pro Tem Bliss requested that the decibel limit at the property line be amended to the same as outdoor entertainment.

In response to Mayor Pro Tem Bliss’ question, Mr. Gunn stated that they did not turn off vacuums at 8:00 p.m. as recently requested by Council because after they looked into doing so, it would have required an employee to turn off a breaker and didn't feel comfortable making this request of staff.

In response to Mayor Grafstein and Councilor Wright, Mr. Gunn stated that they will turn off the vacuums by using a timer as they do at their Roseville location, and this eliminates the possibility of error of being left on by a human.

Councilman Mier confirmed equipment will be on the inside of the building. He stated that the proposed noise level is acceptable; however illegal dumping in dumpster is a problem. In response to his inquiry, Mr. Gunn elaborated on their community service, noting they support Children's Foundation Entrepreneurs for Lids, sponsor little league, provide gift cards for distribution in the community, support fundraisers and schools. Community service is part of their business model.

Mayor Pro Tem Bliss noted that this will be a non-conforming use with new Zoning Ordinance; if the use were to cease, the use would become a non-conforming status.

Voting Yea: Mayor Grafstein, Mayor Pro Tem Bliss, Councilman Fleming,
Councilman Mier, Councilor Wright

Absent: Councilor Rohrbach, Councilman Soltis

Motion carried.

MEETING OPEN TO THE PUBLIC:

Patricia Szlag, resident, stated that every other week she had to call GFL about picking up compost. Currently it is still sitting on the curb. She is upset about this, and she would like to have a quality job by the trash contractor.

Martha Covert, resident, commented that she would put money into cameras at Rosie's Park rather than to pickleball courts. It is more important to be and feel safe. She would also like to see more progress on sensory and handicap playground equipment in the city. She is opposed to pickleball courts until these other issues are addressed.

Rachel Orbach, resident, noted that most of our parks don't have water fountains and they should have them. She is opposed to any decrease in the size of roads, such as Hazel Park has done. It may be prettier, but it slows down traffic.

Kevin Tabbuchi, resident, stated that if Wash Pointe does put its dumpster on the other side, it could be picked up via John R not the alley. He stated that the animal hospital is using the alley for overflow parking, and he is not sure what is allowed and would like to know. He spoke in support of vacating the alley.

City Clerk Rottmann read an email statement from resident Gregory Jones into the record pertaining to the Madison Heights Police.

City Clerk Rottmann read an email statement from resident Tony Black in support of the pickleball courts in the City.

CM-24-131. Consent Agenda.

Motion to approve the Consent Agenda as read.

Motion made by Mayor Pro Tem Bliss, Seconded by Councilman Mier.

Voting Yea: Mayor Grafstein, Mayor Pro Tem Bliss, Councilman Fleming,
Councilman Mier, Councilor Wright

Absent: Councilor Rohrbach, Councilman Soltis

Motion carried.

CM-24-132. Purchase of Radar Signs.

Motion to approve the purchase of 12 RadarSign TC-600 units from RadarSign, of Marietta, Georgia, for \$45,671.00 through the BuyBoard government purchasing cooperative.

Motion made by Mayor Pro Tem Bliss, Seconded by Councilman Mier.

Voting Yea: Mayor Grafstein, Mayor Pro Tem Bliss, Councilman Fleming,
Councilman Mier, Councilor Wright

Absent: Councilor Rohrbach, Councilman Soltis

Motion carried.

CM-24-133. Budgeted Replacement of Tire Machinery.

Motion to approve the purchase of a Coats 800Maxx70 tire changing machine and Coats 80016003D wheel balancer as quoted from O'Reilly Auto Parts through the Omnia Purchasing cooperative contract 05-42.

Motion made by Mayor Pro Tem Bliss, Seconded by Councilman Mier.

Voting Yea: Mayor Grafstein, Mayor Pro Tem Bliss, Councilman Fleming,
Councilman Mier, Councilor Wright

Absent: Councilor Rohrbach, Councilman Soltis

Motion carried.

CM-24-134. City Council Regular Meeting Minutes of June 24, 2024.

Motion to approve the City Council Regular Meeting Minutes of June 24, 2024, as printed.

Motion made by Mayor Pro Tem Bliss, Seconded by Councilman Mier.

Voting Yea: Mayor Grafstein, Mayor Pro Tem Bliss, Councilman Fleming,
Councilman Mier, Councilor Wright

Absent: Councilor Rohrbach, Councilman Soltis

Motion carried.

CM-24-135. Recommendation of Special Legal Counsel in the Matter of Williams v. City of Madison Heights, et al.

Motion to accept the recommendation by the MMRMA Special Legal Counsel in the matter of *Williams v. City of Madison Heights, et al.* as discussed in Closed Session.

Motion made by Councilor Wright, Seconded by Councilman Fleming.

Voting Yea: Mayor Grafstein, Mayor Pro Tem Bliss, Councilman Fleming,
Councilman Mier, Councilor Wright

Absent: Councilor Rohrbach, Councilman Soltis

Motion carried.

**CM-24-136. Oakland County Parks and Recreation Grant - Rosie's Park
Pickleball Courts.**

Motion to accept the \$75,000 grant from Oakland County Parks and Recreation for the creation of Pickleball Courts at Rosie's Park and authorize the City Manager to sign on behalf of the city.

Motion made by Councilor Wright, Seconded by Councilman Fleming.

Voting Yea: Mayor Grafstein, Mayor Pro Tem Bliss, Councilman Fleming,
Councilman Mier, Councilor Wright

Absent: Councilor Rohrbach, Councilman Soltis

Motion carried.

CM-24-137. Accelerated Tax Foreclosure Resolution, 2024-25.

Motion to approve the resolution for the Certification of Abandoned Property for Accelerated Forfeiture Act, 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 Councilor Wright, Seconded by Councilman Mier.

Voting Yea: Mayor Grafstein, Mayor Pro Tem Bliss, Councilman Fleming,
Councilman Mier, Councilor Wright

Absent: Councilor Rohrbach, Councilman Soltis

Motion carried.

CM-24-138. Resolution to Modify Medical Marihuana Facilities and Adult Use Marihuana Establishments ("Green Zone") Map.

Motion to incorporate the parcel at 1035 W. 12 Mile Road (Parcel ID 44-25-14-127-053) as an approved property within the City's "green zone" map by resolution, as follows:

A RESOLUTION TO MODIFY THE CITY'S PUBLISHED MAP OF ALLOWED MARIHUANA MEDICAL FACILITIES AND ADULT-USE MARIHUANA ESTABLISHMENTS ("GREEN ZONE")

WHEREAS, per Sections 7-310 and 7-410 of the City's Business Regulations and Licenses Ordinance contained within the Code of Ordinances, City Council may approve by resolution from time to time a published map of approved properties where marihuana medical facilities and adult-use marihuana establishments can be located, known as the "green zone." These are allowable uses in the M-1 or M-2 Industrial Districts, per the City's business regulation ordinances related to marihuana; and

WHEREAS, on June 10th, 2024, City Council approved the rezoning of 1035 W. 12 Mile Road (Parcel ID 44-25-14-127-053; "subject parcel") from B-3 (General Business) to M-1, (Light Industrial); and

WHEREAS, the property owner of the subject parcel is requesting the subject parcel now be included in the City's published "green zone" map of allowed properties for the placement of marihuana medical facilities and adult-use marihuana establishments so that the parcel may be combined with a neighboring parcel that is already located within said "green zone"; and

WHEREAS, both the subject parcel and the adjacent parcel must be within the approved "green zone" map prior to a parcel combination being approved.

NOW, THEREFORE, BE IT RESOLVED, that the City of Madison Heights City Council hereby incorporates the parcel at 1035 W. 12 Mile Road (Parcel ID 44-25-14-127-053) as an approved property within the City's "green zone" map, as shown in Exhibit 1

Motion made by Mayor Pro Tem Bliss, Seconded by Councilman Fleming.

Voting Yea: Mayor Grafstein, Mayor Pro Tem Bliss, Councilman Fleming, Councilman Mier, Councilor Wright

Absent: Councilor Rohrbach, Councilman Soltis

Motion carried.

CM-24-139. Scheduled Replacement of Loader #488.

Motion to approve the purchase of one Volvo L-30 GS Front-End Loader, with identified options from Alta Equipment of Burton, Michigan, through the MiDeal Cooperative Purchasing Contract for a total equipped cost of \$160,898.

Motion made by Councilor Wright, Seconded by Councilman Mier.

Voting Yea: Mayor Grafstein, Mayor Pro Tem Bliss, Councilman Fleming, Councilman Mier, Councilor Wright

Absent: Councilor Rohrbach, Councilman Soltis

Motion carried.

CM-24-140. Edison Park Parking Lot Paving.

Motion to concur with the recommendation of our city engineer and award the bid for the Edison Park Parking Lot paving project to DiLisio Contracting, of Clinton Township, for a total amount of \$112,331.

Motion made by Mayor Pro Tem Bliss, Seconded by Councilman Mier.

Voting Yea: Mayor Grafstein, Mayor Pro Tem Bliss, Councilman Fleming,
Councilman Mier, Councilor Wright

Absent: Councilor Rohrbach, Councilman Soltis

Motion carried.

CM-24-141. Parcel Redevelopment Program 2024 – Purchase.

Motion to approve the purchase of 27804 Groveland Street Parcel ID 25-13-302-005, for \$30,000 from Oakland County through the tax foreclosure process.

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

Voting Yea: Mayor Grafstein, Mayor Pro Tem Bliss, Councilman Fleming, Councilman Mier, Councilor Wright

Absent: Councilor Rohrbach, Councilman Soltis

Motion carried.

CM-24-142. Parcel Redevelopment Program 2024 – Contract.

Motion to award the Parcel Development Program to DMC Consultants Inc. and the subsequent sale of 27804 Groveland by approving the contract and authorizing the City Manager and City Clerk to sign on behalf of the City.

Motion made by Councilor Wright, Seconded by Councilman Mier.

Voting Yea: Mayor Grafstein, Mayor Pro Tem Bliss, Councilman Fleming,
Councilman Mier, Councilor Wright

Absent: Councilor Rohrbach, Councilman Soltis

Motion carried.

COUNCIL COMMENTS:

Councilman Meir stated that he hopes everyone had a nice 4th of July. He noted that he has comments on the Council's training budget and that he is a supporter of education; however, he will make his comments at a future meeting.

Mayor Pro Tem Bliss stated that during the pandemic, we allowed emailed comments and that helped to provide input to Council on the public record; however, we don't have a limit on the length of the emails as we do for those that appear and speak in person. He suggested that the Council adopt a formalized character limit for email submission so that we can set those expectations for our residents. He expressed thanks to State Representative Mike McFall for his work on legislation to regulate costs for concert tickets. His action was immediate, and the legislation is progressing through the Legislature. This shows what can happen when local government works with other levels of government together.

Councilor Wright commented that Representative McFall is doing fantastic work for the city, including helping to obtain a \$500,000 grant for the HVAC system for our Police Department. The Rev up the Heights is September 14th and DPS can show off some of its cool vehicles along with the Police and Fire departments. He encouraged everyone to get involved and noted that they are looking for competition sponsors. This should be a fun event for the community. He thanked Mr. Venet from Priority Waste for attending this evening and stated that he hopes to see him a couple of times a year. He expressed thanks to GFL's Doug Jones for his work on behalf of the community. The Festival in the Park was fantastic, thanks to DPS for all of their work on the event. He stated that Sergeant Gregory Hartunian was at the event, and Sergeant Hartunian expressed his support of having first responders recognized for their service. Councilor Wright wished Sergeant Hartunian a speedy recovery. The ADA Pride Event is July 13th at Civic Center Park; this is a fantastic event.

City Attorney Sherman had no comments this evening.

City Manager Marsh had no comments this evening.

Deputy City Manager/City Clerk Rottmann stated that the absentee ballots were mailed last Friday, so voters should have them in their mailboxes. If you would like a ballot mailed, please visit the city's website, the Secretary of State website, stop into the Clerk's office or call for an application. She reminded voters that this is a primary election and to only vote for one partisan section of the ballot and then the non-partisan portion.

Councilman Fleming had no comments this evening.

Mayor Grafstein requested staff research a moratorium on auto related businesses in the city. The next Council meeting is July 22nd.

ADJOURNMENT:

Having no further business, Mayor Grafstein adjourned the meeting at 9:33 p.m.

Roslyn Grafstein, Mayor

Cheryl E. Rottmann, City Clerk