

City Council Regular Meeting
Madison Heights, Michigan
July 24, 2023

A City Council Regular Meeting was held on Monday, July 24, 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

OTHERS PRESENT

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

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

CM-23-185. Additions/Deletions.

Motion made by Mayor Pro Tem Bliss, Seconded by Councilor Rohrbach, to add to tonight's agenda the following:

Consent Agenda: Appointment of Harley Modarski to the Arts Board

Presentations: Presentation and Update from State Senator Stephanie Chang

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

Motion carried.

Presentation and Update from State Senator Stephanie Chang.

State Senator Stephanie Chang noted that she represents District 3 including Madison Heights and is your voice in Lansing. If anyone would like to contact her, she can be reached at 313-922-6949 or on her website at senatorstephaniechang.com. She is holding coffee hours on August 7th at 11 a.m. at the Hazel Park Cafe and invited the public to join her. She stated that the State Legislature passed the school and omnibus budgets, and they include historic investments and investments in infrastructure. The State continues to make progress through the budget and she is working hard to make sure the things Michiganders care about are included in the budget. Recent legislative changes include Proposal 2 implementation that will increase access to our democracy, and she is proud of her continued work on behalf of sexual assault victims. The legislature is also working to address climate change and there is a big package of bills to codify the governor's MiHealthy

Planet Plan that they will be working on this fall. She encouraged everyone to feel free to provide her any feedback and contact her anytime.

MEETING OPEN TO THE PUBLIC:

There where no members of the public wishing to speak.

CONSENT AGENDA:

CM-23-186. Approval of the Consent Agenda.

Motion made by Councilor Rohrbach, Seconded by Councilman Fleming, 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-23-187. Michigan Employees' Retirement System - Delegates and Alternates to Annual Meeting.

Motion made by Councilor Rohrbach, Seconded by Councilman Fleming, to appoint Melissa Marsh and Amy Mischak as Officer Delegate and Officer Alternate, respectively, and to certify the employee's election of Linda Harms and Madhu Rakshit as Employee Delegate and Employee Alternate to attend the Annual MERS Meeting on September 28-29 at the Detroit Marriott Renaissance Center, Detroit Michigan.

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

Motion carried.

CM-23-188. City Council Special Meeting Minutes of July 10, 2023.

Motion made by Councilor Rohrbach, Seconded by Councilman Fleming, to approve the City Council Special Meeting Minutes of July 10, 2023, as printed.

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

Motion carried.

CM-23-189. City Council Regular Meeting Minutes of July 10, 2023.

Motion made by Councilor Rohrbach, Seconded by Councilman Fleming, to approve the City Council Regular Meeting Minutes of July 10, 2023, as printed.

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

Motion carried.

CM-23-190. Appointment to the Arts Board.

Motion made by Councilor Rohrbach, Seconded by Councilman Fleming, to appoint Harley Mordarski to the Arts Board with a regular term to expire August 31, 2026.

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

Motion carried.

CM-23-191. MHDDA 11 Mile Road Streetscape Plan.

Motion made by Councilor Rohrbach, Seconded by Councilor Wright, to approve a budget amendment to increase Contractual Services 248-863-818-0000 by \$50,000 and approve a contract with Nowak Frau for the MHDDA 11 Mile Rd Streetscape Plan not to exceed \$100,000.

In response to Mayor Pro Tem Bliss's question, CED Director Tucker stated that while some fees are charged prior to receiving a deliverable, the first portion of the plan involves work from both our engineering firm and a planning firm to assess and analyze the area and engage in public input needed prior to creating a plan that makes sense for our existing businesses and connects the neighborhoods. They need to analyze existing infrastructure and see how that will work with any proposed new plan. The DDA will essentially be receiving a master level plan of 11 Mile and a focus area with conceptual engineering for a smaller area.

Councilor Rohrbach stated that the first two tasks are necessary to bring about the deliverables towards the end.

Mayor Pro Tem Bliss clarified that he doesn't disagree with the task but feels that the fee is high.

In response to Councilman Soltis, City Manager Marsh stated that this type of plan has not been done previously because the DDA did not have any means to do this, and at one point, the DDA almost went broke. It has only been since 2019 that the DDA has been able to save money. If we don't have a plan with estimated engineering, we can't submit for future funding opportunities. She stated that the DDA currently has \$300,000 and the first step is to develop a plan, then find funding. Secondly, the DDA must have funds to match potential grants so that these goals can be accomplished. She added that the first

proposal was \$150,000 and staff met with the contractor and refocused the scope and was able to reduce the cost to \$100,000.

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

Motion carried.

CM-23-192. Scheduled Replacement of Sweeper #402.

Motion by Mayor Pro Tem Bliss, Seconded by Councilor Wright, to award the purchase of one Bucher MaxPowa E35m sweeper as quoted to MTECH, of Cleveland, Ohio, in the total amount of \$297,000 inclusive of the trade-in.

Discussion followed on the cost of the equipment and previous street sweeper purchases, the number of sweepers owned by the City and number needed; the area covered by street sweeping, and the frequency.

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-23-193. Scheduled Replacement of Truck #415.

Motion made by Mayor Pro Tem Bliss, Seconded by Councilman Fleming, to award the purchase of one Ford F-550 chassis and Ampliroll swap-loader setup as quoted to MTECH, of Cleveland, Ohio, in the total amount of \$174,756.

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

Motion carried.

CM-23-194. Ordinance 2194, Interference with Police, First Reading - Postponed from June 12, 2023.

Motion made by Councilor Rohrbach, Seconded by Councilman Fleming, to approve Ordinance No. 2194, Interference with Police, on First Reading and schedule a Second Reading for August 14, 2023.

Mayor Pro Tem Bliss stated that the term resisting is too broad and he is also concerned with wording of duly appointed police power.

Assistant City Attorney Tim Burns stated that the proposed ordinance is consistent with State law and the City Attorney would like to keep the ordinance consistent with State law. He added that he has had two appeals on the concerns cited by Mayor Pro Tem

Bliss, and the City has won both appeals. He stated to change the ordinance to differ from State law would put the City in a weaker legal position. Currently we have standing, if we were to alter the ordinance, it could potentially create future difficulties. He added interfering with police is a felony in the State law and our ordinance treats it as a misdemeanor so that City has more flexibility when applying charges.

Councilor Wright stated that he understands that we are just looking at the inclusion of providing a false statement in the ordinance and looking to keep these matters local rather than moving it to county or state level. Assistant City Attorney Burns concurred that the only change made to the ordinance is the addition of providing false information. He continued that they have seen an ongoing pattern of people making intentionally false statements and we want to make sure that type of behavior can be held accountable for hindering police in their investigation process. The City is not looking to escalate more charges, we just need to have a means to hold people accountable.

Mayor Pro Tem Bliss stated that he understands that wording was there before, and he has a problem with the term resisting. He stated that when Council postponed this matter previously, the intent was to clarify the wording in the whole context of the ordinance. While he understands that was what previous Council agreed was acceptable, we have the ability to update it. We need to define what resist means and what it doesn't mean, and he does not agree that the ordinance can't be changed or improved.

Councilor Rohrbach stated that she would like to have the ordinance tabled for further advice and information from the City Attorney.

Assistant City Attorney Burns stated that the term resisting a police officer gives officers and prosecutors flexibility to make sure that matters can be handled on a case-by-case basis. The application of the ordinance would only be used when an officer is doing what they are supposed to be doing.

Councilman Soltis stated that to use the ordinance as it is written doesn't mean an officer is going to run wild. It is a question of do we trust our officers or not? Changing the wording will not make officers act differently.

Councilor Rohrbach stated that she disagrees, this isn't about trust or no trust, but rather can we do better.

Councilwoman Aaron suggested expanding the definition of resisting.

MOTION TO TABLE:

Motion made by Councilor Rohrbach, Seconded by Councilman Fleming, motion to table Ordinance 2194, Interference with Police, First Reading.

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

Voting Nay: Councilman Soltis

Motion carried 6-1.

COUNCIL COMMENTS:

Councilwoman Aaron stated that this past weekend she participated in a 5K and the purpose was to bring awareness to mental illness; the speakers were phenomenal on how to take self-care and steps to make sure that we are healthy. As women, we need to make sure that we are number one. She stated she says, first God, then me and then my son. If she is not well, she cannot be a good mom, good employee, or good public servant. This coming Friday, there will be a kids concert featuring Rick and Dayna. Trail Tunes is coming up, and next month the Library will be hosting a four-part financial workshop series in collaboration with the Michigan Schools and Government Credit Union.

Mayor Pro Tem Bliss stated that part of the challenge of what Council does is that decisions are not always black or white; understanding potential issues that could arise is part of our job. Clarify what resist means or doesn't mean to help bring clarity to Council. He stated that the Planning Commission is currently reviewing the Zoning Ordinance and it is a huge project and takes time. None of us want to look back and have something that we could have prevented occur in the future. He stated that it was an honor to speak and celebrate Gary McGillivray at the park renaming. Gary McGillivray has been serving the residents of Madison Heights longer than he has been alive. Dedicating the park to him will hopefully be inspiring the younger generation to be like Gary McGillivray; it was great to name the park after him and have him there in person.

Councilor Wright stated he also attended the dedication, and it was a great event. Gary McGillivray is still giving back to the community. He noted that even if after the Interference with Police Ordinance is reviewed, we may still move forward, and it is okay to check ourselves along the way and make sure we do things that are equitable and fair. He stated HREC Tour of Detroit on August 6th and there are two talks on Jewish culture and history in Detroit on August 2nd and August 26th. Please remember to be kind.

City Attorney Burns stated that City Attorney Larry Sherman was not in attendance this evening because he is expecting a new granddaughter this evening.

City Manager Marsh announce that At Your Service Awards and stated the City is looking for nominations. Anyone can make a nomination and they are due by August 25th. There are four categories: Business of the Year, Volunteer of the Year, Outstanding Neighbor, and the Madison Heights Spirit Award. You can email or fill out the form online, mail it in or submit it online.

City Clerk Rottmann stated that the semi-annual appointments to Boards and Commissions is coming up next month; if you are interested in serving you can find a list of vacancies on the City's website as well as an application.

Councilor Rohrbach noted that this past Saturday the City hosted the ADA Pride Month and Community Art Project and it was a great event. Those who attended painted a giant mural that will be finished and installed at the Library. This event celebrated artists with disabilities throughout the State and a display of their work is at the Library. All the artwork is for sale and will be on display for the rest of the month. She noted that ADA Pride Month celebrates anniversary of the passage of the American with Disabilities Act on July 26. She stated that she is excited about the renaming of McGillivray Park and that we can honor Gary McGillivray in this manner. She noted that the Parks and Rec Board and Environmental Citizens Committee both met recently. The Madison Heights Golf Outing is August 4th and proceeds go to fund Parks and

Recreation programming and services and helps to provide scholarships to those who want to participate in activities that may not be financially able to.

Councilman Fleming stated that he is very excited about the Streetscape Project on 11 Mile and looking forward to the changes that will be happening. He advised that another way to get assistance is by calling the United Way's 211 number. This is a great program and resource and is available 24 hours a day. He is holding office hours on Tuesdays from 10 a.m. to 2 p.m. at the Library. He stated that he is aware of an issue with animal licenses and Oakland County, and he will be looking into the matter further. There is an opening on the Crime Commission if you are interested, please apply.

Councilman Soltis thanked State Senator Chang for attending this evening. He noted that while the Legislature did adopt a State budget, it did not address the lack of funding for abuse and neglect of children or address the CPS being in disarray at the State level.

Mayor Grafstein noted that last week, Jack Huffman walked through the City raising funds for the Fallen Wounded Warriors and she thanked those that came out and supported the cause or made donations. She also thanked Madison Public Schools for allowing them to use their parking lot as well for the event. August 21st at 5:30 p.m. is the ribbon cutting for Fire Station No. 2. She thanked Council for supporting the DDA Streetscape project. We all have different ideas, but until we have a plan, we can't move forward, and she noted that she appreciates the work the DDA is doing. Councilwoman Aaron, thank you for making us aware of the financial planning workshops; the more we can teach our kids the better financially literate they will be as adults. She thanked Mayor Pro Tem Bliss for the insight on the Planning Commission changes and work that goes into these matters. She stated that the conversation about resisting arrest is because we want to make sure that it benefits our residents and supports our police as well. We all support our police, but we want to do it in a way that makes sense. It was an honor to be at McGillivray Park and great to see his family. Last weekend, the disability art program was fantastic; this is the first time this type of event was held in Michigan. Also, last weekend, Wilkinson had their first open air market. The next City Council meeting is August 14th.

ADJOURNMENT:

Having no further business, Mayor Grafstein adjourned the meeting at 8:44 p.m.

Roslyn Grafstein, Mayor

Cheryl E. Rottmann, City Clerk