

City Council Regular Meeting
Madison Heights, Michigan
April 10, 2023

A City Council Regular Meeting was held on Monday, April 10, 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
City Attorney Larry Sherman
City Clerk Cheryl Rottmann

Councilor Wright gave the invocation and the Pledge of Allegiance followed.

CM-23-82. Addition to the Agenda.

Motion made by Councilman Soltis, Seconded by Councilor Rohrbach, to add to the Agenda under Reports, Refer to Staff and City Attorney – Proposed Zoning Ordinance Text Amendment to Classify Regulated Uses Pertaining to Pawn Shops.

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

Motion carried.

PRESENTATIONS:

Proclamation for National Telecommunicator's Week.

City Manager Marsh read the Proclamation for National Telecommunicator's Week and on behalf of City Council, Mayor Grafstein presented the proclamation to Public Service Aide Grawlewski.

CM-23-83. Second Reading and Public Hearing - Rezoning PRZN 23-01
(Ordinance 2193) - 31010 John R Road - B-1 to B-2.

Motion by Mayor Pro Tem Bliss, Seconded by Councilor Rohrbach, to approve Ordinance No. 2193, Rezoning PRZN 23-01, 31010 John R Road from B-1 to B-2, on Second Reading, as follows:

ORDINANCE NO. 2193

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. THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. That the Zoning Map in connection with the Zoning Ordinance of the City of Madison Heights shall be amended so that the zoning on the following described property, to-wit:

T1N, R11E, SEC 1 PART OF SW 1/4 BEG AT PT DIST N 379.50 FT & N 89-53-00 E 43 FT FROM SW SEC COR, TH N 89-53-00 E 39.50 FT, TH S 33 FT, TH N 89-53-00 E 154.98 FT, TH S 286.64 FT, TH S 89-54-00 W 191.44 FT, TH N 45-00-00 W 4.30 FT, TH N 316.50 FT TO BEG

PIN 44-25-01-351-017. 31010 JOHN R ROAD

Shall be changed from B-1, LOCAL BUSINESS, to B-2, PLANNED BUSINESS

SECTION 2. All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. This ordinance shall take effect ten (10) days after its adoption and upon publication.

Mayor Grafstein opened the public hearing at 7:37 p.m.

Martha Covert spoke against the rezoning, stating that the store should be in another location, not this premiere corner in the City.

Seeing no one further wishing to comment, Mayor Grafstein closed the public hearing at 7:39 p.m.

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

Voting Nay: Councilman Fleming

Motion carried 6-1.

MEETING OPEN TO THE PUBLIC:

Deborah Van Slyke, resident, spoke in favor of repealing ordinances pertaining to parking a commercial vehicle on City property and those prohibiting home based businesses in the City.

Martha Covert, resident, thanked all those who came to the Memorial Day Parade Spaghetti Dinner Fundraiser. She noted her concern over the thrift store is just about location in the city; she is not opposed to it.

CM-23-84. Consent Agenda.

Motion made by Councilor Rohrbach, Seconded by Councilwoman Aaron, to approve the Consent Agenda as read.

Councilman Fleming requested the City Clerk Rottmann to read the Resolution for MI-MAUI Membership. City Clerk Rottmann read the resolution.

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

Motion carried.

CM-23-85. Environmental Sustainability Master Plan.

Motion made by Councilor Rohrbach, Seconded by Councilwoman Aaron, to approve Energy Sciences to complete an Environmental Sustainability Master Plan contingent upon the City being awarded funding for the EGLE Community Energy Management Program grant.

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

Motion carried.

CM-23-86. Resolution for MI-MAUI Membership.

Motion made by Councilor Rohrbach, Seconded by Councilwoman Aaron, to adopt the Michigan Municipal Association for Utility Issues (MI-MAUI) membership resolution as follows and authorize member dues not to exceed \$2,000:

Resolution

WHEREAS, the City of Madison Heights (“City”) strives to reduce energy use and expenditures in its operations and encourages and supports its residents, businesses and others to make similar efforts; and,

WHEREAS, implementation of many local government energy-saving efforts depends on the support and participation of regulated utilities; and,

WHEREAS, the infrastructure and operations of regulated utilities may also impact economic development, environmental quality, quality of life, uses of roadways and public easements and other issues of vital concern to local governments; and,

WHEREAS, the ability of regulatory agencies and regulated utilities to consider and serve the needs of municipal governments may be hindered by lack of organized priorities, agreed positions, consistent and expert representation among the hundreds of local governments within the state of Michigan; and,

WHEREAS, municipalities individually lack the staffing capacity, technical and legal knowledge and economic or political power to consistently and effectively monitor and influence proceedings of the MPSC and other regulatory bodies, or to influence the business policies and practices of regulated utilities; and,

WHEREAS, the Michigan Municipal Association for Utility Issues (MI-MAUI), a non-profit research and education organization, has formed to give municipalities a more powerful, consistent, informed and unified voice in regulatory and utility matters; and,

WHEREAS, membership in MI-MAUI is open to any local government in the State of Michigan, with membership fees determined according to each member's annual utility billings; and,

THEREFORE, be it resolved, that the City of Madison Heights is joining MI-MAUI at a 2023 membership cost not to exceed \$2,000; and,

Further, be it resolved that the City of Madison Heights appoints City Manager, Melissa Marsh to serve as its representative to MI-MAUI.

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

Motion carried.

CM-23-87. Regular City Council Meeting Minutes of March 27, 2023.

Motion made by Councilor Rohrbach, Seconded by Councilwoman Aaron, to approve the Regular City Council meeting minutes of March 27, 2023, as printed.

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

Motion carried.

CM-23-88. Direct Staff and Legal Counsel to Draft Revised List of Regulated Uses to Allow for Pawn Shop at 28731 Dequindre.

Motion by Councilman Soltis, Seconded by Mayor Pro Tem Bliss, to direct staff and Legal Counsel to draft a revised list of regulated uses to allow for a pawn shop at 28731 Dequindre.

Discussion followed on the motion. Councilman Soltis stated that he doesn't know what the difference is between a pawn shop and other types of uses such as smoke shops, witchcraft, motorcycle clubs, or marihuana companies and in his opinion, it is unnecessary to block this use and he would like to see changes to permit it.

Mayor Pro Tem Bliss clarified that the motion is to direct staff to report back at a future meeting. In his opinion, this is very similar to what we have discussed as it pertains to thrift shops and a pawn shop is a better business model than say a check cashing place. It can be a good business and he

doesn't have an issue with it. He stated that he would like to see the City not regulate zoning as done in the past and rather try to regulate by use and by what physical blueprint the Council wants to see.

Councilor Wright further clarified that the motion directs legal counsel to write a new draft ordinance. He stated that he personally has concerns with pawn shops, and sometimes their business can be ambiguous at best.

City Attorney Sherman stated that the reason why Goodwill had to come before Council is because of how the regulated uses are defined in the City's Zoning Ordinance. In addition to the sale of used goods, there are other regulated uses that are subject to stricter standards.

City Manager Marsh noted that the particular property in question is within 300 feet of the residential zoning district and that is what makes the property ineligible for this use.

Councilman Soltis stated that with the marihuana facilities, Council made accommodations when it did not comply with our initial regulations.

Councilor Wright expressed concern over the ability to buy guns at pawnshops and the proximity to the neighborhood. In response to Councilor Wright's question, City Attorney Sherman responded that operations of pawn shops are regulated by State law, not local government. Mr. Sherman continued by stating the question is whether Council wants staff and Legal Counsel to specifically address the issue of pawn shops or whether it would be more prudent to wait until the Zoning Ordinance rewrite is drafted and then look at the issue of pawn shops at that time.

Mayor Pro Tem Bliss stated that at every meeting, the Planning Commission flushes out issues for the Zoning Ordinance rewrite and this topic sounds like it may be an issue to be flushed out at the Planning Commission level. He stated that the discussion is of a larger scale, what do we want the approval process to be for pawn shops?

Councilman Soltis disagreed with Councilor's Wright's concern about the sale of guns at pawnshops.

Councilor Rohrbach stated that she would rather see the revision of the Zoning Ordinance be part of a holistic approach rather than done at an individual level. There is a lot more to be discussed on this type of change and she believes it should be part of the Planning Commission process.

Councilor Wright replied that based on the events at MSU, Nashville and other places, the sale and accessibility to guns is a reality for a lot of people. This is an instance where we can impact the availability of guns in the City.

Councilwoman Aaron stated she understands what her colleagues have stated, but Council must also not only look at pawn shops as a criminal enterprise. There are many legitimate uses for pawn shops.

City Manager Marsh asked for Council clarification. She stated that this particular parcel is not qualified to be a pawn shop because it abuts residential. Are we looking to change the approval process or what is permitted under the Zoning Ordinance?

Mayor Grafstein concurred with Councilor Rohrbach that this is a matter to be considered at the Planning Commission level and staff is already in the middle of rewriting the Zoning Ordinance.

Councilman Soltis stated that the purpose of the motion was to debate the topic and that was accomplished. He withdrew his motion. Mayor Pro Tem Bliss agreed to withdraw his support of the motion as well.

No formal action was taken.

CM-23-89. Budget Amendment - Fire Station #1 Kitchen Renovation with Subfloor.

Motion made by Mayor Pro Tem Bliss, Seconded by Councilman Fleming, to approve a budget amendment of \$42,839 to account 101-336-987-0000 for the Fire Station #1 kitchen renovation with subfloor.

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

Motion carried.

CM-23-90. Fire Station #1 Kitchen Renovation with Subfloor.

Motion made by Mayor Pro Tem Bliss, Seconded by Councilwoman Aaron, to award the contract for the Fire Station 1 Kitchen Renovation to Frank Rewold and Sons, for a total project cost not to exceed \$102,839.

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

Motion carried.

COUNCIL COMMENTS:

Councilwoman Aaron had no comments this evening.

Mayor Pro Tem Bliss noted he was wearing his Juneteenth shirt tonight and there are lots of great activities through the summer in the City. It begins with the Memorial Day Parade, followed by Juneteenth, Festival in the Park and Trail Tunes. For the first time, all events will be happening in the same year, so come out and enjoy each event. In addition, there will be lots of new activities at these events.

Councilor Wright agrees with Mayor Pro Tem Bliss, there are a lot of great events going on in the City. He thanked Councilman Soltis for bringing the debate to Council on pawn shops so that we can keep a dialogue open. He noted that the moments that happen for us to do something often pass fast, so make sure when we can acknowledge people that we can see them and hear them. Unfortunately, sometimes we miss these opportunities. He stated that it is okay not to be the same on every topic. He commented that we need to figure out something to do about guns. He gave kudos to his alma mater, Ferndale High School, who won the State Championship for basketball. Sometimes we don't agree on everything, but he encourages us all to love everyone.

City Attorney Sherman hopes everyone is having or has had a great holiday. He stated that his family supports every worthy cause that happens in the City and will continue to do so.

City Manager Marsh announced in 18 days, on May 4th at 5:30 p.m., the Library will be reopening with a soft opening along with the dedication of the Bob Corbett Youth Room.

City Clerk Rottmann had no comments this evening.

Councilor Rohrbach noted that the ECC had 14 applications for their Garden Grant program and on April 22nd, the recipients will be announced at the Run for the Health of It. The ECC will be giving away some trees so come out and enjoy the festivities at the Nature Center. On April 28th, the Native Plant Sale will be at City Hall. She expressed her opinion that the Library Grand Opening should have a Star Wars theme.

Councilman Fleming stated the Crime Commission is holding a Human Trafficking educational event on April 27th at City Hall. Common Ground, the Police Department and Crime Commission will be participating. In June, the Bike Rodeo will be held with bike helmet give aways and safety tips, On September 9th, the same day as Trail Tunes, there will be a Canine demonstration and they are hoping to work collaboratively with Trail Tunes. He stated that he was happy the Council approved MI-MAUI Resolution to join other cities to express our concerns with the failures of DTE.

Councilman Soltis stated that before Covid, the City use to go to Lansing for Older Michigianian Day with a contingent of seniors; now they are doing Older Michigianian Day virtually on May 17th from 11:00 a.m. to 12:30 p.m. The City may have a live stream at the Active Adult Center for those interested in participating.

Mayor Grafstein thanked everyone for speaking tonight. Because of construction, the Memorial Day parade route is altered. Tentatively the route is from Wilkinson Middle School to Madison High, in the downtown area. The Parade Committee is always looking for volunteers; please reach out to Andy McGilvery or Martha Kehoe if you are interested. Thank you to all the volunteers, not only City boards, but others as well such as Parade Committee and Citizens United. She stated that she appreciates the Human Trafficking event being brought to the City; human trafficking is not always what you think it is. She shared a story of her father and father-in-law and their patronage of thrift stores, noting that she recognizes that there are everyday things that can be purchased at pawn and thrift stores as well as she believes in reusing. All uses serve a purpose; we just need to be cognitive of what we are doing and do so in a safe and thoughtful way. The next City Council meeting is April 24th.

ADJOURNMENT

Having no further business, Mayor Grafstein adjourned the meeting at 8:41 p.m.

Roslyn Grafstein, Mayor

Cheryl E. Rottmann, City Clerk